U.S. LAWS, statutes, etc...

UNITED STATES STATUTES AT LARGE

CONTAINING THE

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

1991

AND

PROCLAMATIONS

VOLUME 105

IN THREE PARTS

PART 1

PUBLIC LAWS 102-1 THROUGH 102-150

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102-146	Designating October 1991 as "National Down Syndrome Awareness Month".	Oct. 28, 1991	972
102-147	Designating October 30, 1991 as "Refugee Day"	Oct. 28, 1991	974
102-148	To authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, Indiana.	Oct. 30, 1991	976
102-149	Designating the week beginning October 20, 1991, as "World Population Awareness Week".	Oct. 30, 1991	978
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102-151	To amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System.	Nov. 5, 1991	983
102-152	Veterans' Compensation Rate Amendments of 1991	Nov. 12, 1991	985
102-153	To designate the week beginning November 10, 1991, as "Hire a Veteran Week".	Nov. 12, 1991	989
102-154	Department of the Interior and Related Agencies Appropriations Act, 1992.	Nov. 13, 1991	990
102-155	To designate the weeks beginning December 1, 1991, and November 29, 1992, as "National Home Care Week".	Nov. 13, 1991	1038
102-156	To designate November 16, 1991, as "Dutch-American Heritage Day".	Nov. 13, 1991	1039

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102-158	Approving the extension of nondiscriminatory treatment with respect to the products of the People's Republic of Bulgaria.	Nov. 13, 1991	1041
102-159	Dropout Prevention Technical Correction Amendment of 1991.	Nov. 13, 1991	1042
102-160	To designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month".	Nov. 13, 1991	1043
102-161	Designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week".	Nov. 13, 1991	1045
102-162	Designating November 1991 as "National Red Ribbon Month".	Nov. 13, 1991	1047
102-163	Making further continuing appropriations for the fiscal year 1992, and for other purposes.	Nov. 15, 1991	1048
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102-176	To designate the week beginning November 24, 1991, and the week beginning November 22, 1992, each as "National Family Caregivers Week".	Dec. 2, 1991	1224
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102-180	Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991.	Dec. 2, 1991	1230
102-181	To provide for a 6-month extension of the Commission on the Bicentennial of the Constitution.	Dec. 3, 1991	1232
102-182	To provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary.	Dec. 4, 1991	1233
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102-197	Approving the extension of nondiscriminatory treatment with respect to the products of the Union of Soviet Socialist Republics.	Dec. 9, 1991	1622
102-198	To make certain technical corrections in the Judicial Improvements Act of 1990 and other provisions of law relating to the courts.	Dec. 9, 1991	1623
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102-200	To amend title 28, United States Code, to make changes in the composition of the Eastern and Western Districts of Virginia.	Dec. 10, 1991	1630
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102-202	To authorize additional appropriations for land acquisition at Monocacy National Battlefield, Maryland.	Dec. 10, 1991	1634
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102–216	To lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia and its environs.	Dec. 11, 1991	1666
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102–218	To amend title 38, United States Code, to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department.	Dec. 11, 1991	1671
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6352	Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics.	Oct. 9, 1991	2721
6353	Polish-American Heritage Month, 1991	Oct. 9, 1991	2722
6354	Columbus Day, 1991	Oct. 10, 1991	2723
6355	National Children's Day, 1991	Oct. 11, 1991	2725
6356	World Food Day, 1991 and 1992	Oct. 11, 1991	2726
6357	National Law Enforcement Memorial Dedication Day, 1991.	Oct. 15, 1991	2727
6358	Country Music Month, 1991	Oct. 15, 1991	2729
6359	Crime Prevention Month, 1991	Oct. 17, 1991	2730
6360	National Consumers Week, 1991	Oct. 18, 1991	2731
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6362	United Nations Day, 1991	Oct. 21, 1991	2733
6363	Community Center Month, 1991	Oct. 23, 1991	2735
6364	National Breast Cancer Awareness Month, 1991	Oct. 24, 1991	2736
6365	National Red Ribbon Week for a Drug-Free America, 1991.	Oct. 25, 1991	2737
6366	World Population Awareness Week, 1991	Oct. 25, 1991	2738
6367	Refugee Day, 1991	Oct. 28, 1991	2739
6368	National American Indian Heritage Month, 1991	Oct. 30, 1991	2741
6369	National Hospice Month, 1991 and 1992	Nov. 5, 1991	2742
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6371	National Women Veterans Recognition Week, 1991	Nov. 12, 1991	2744
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6373	Hire a Veteran Week, 1991	Nov. 12, 1991	2746
6374	National Red Ribbon Month, 1991	Nov. 13, 1991	2747
6375	Dutch-American Heritage Day, 1991	Nov. 14, 1991	2749
6376	National Philanthropy Day, 1991	Nov. 15, 1991	2750
6377	National Farm-City Week, 1991	Nov. 20, 1991	2751
6378	National Family Week, 1991 and 1992	Nov. 20, 1991	2752
6379	National Military Families Recognition Day, 1991	Nov. 22, 1991	2754
6380	Thanksgiving Day, 1991	Nov. 25, 1991	2755
6381	National Accessible Housing Month, 1991	Nov. 25, 1991	2756
6382	National Family Caregivers Week, 1991 and 1992	Nov. 25, 1991	2758
6383	National Adoption Week, 1991	Nov. 27, 1991	2759
6384	Geography Awareness Week, 1991 and 1992	Dec. 2, 1991	2760
6385	National Home Care Week, 1991 and 1992	Dec. 2, 1991	2761
6386	National Pearl Harbor Remembrance Day, 1991	Nov. 29, 1991	2762
6387	Federal Civilian Employees Remembrance Day, 1991	Dec. 3, 1991	2764
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6390	Human Rights Day, Bill of Rights Day, and Human Rights Week, 1991.	Dec. 9, 1991	2766
6391	Wright Brothers Day, 1991	Dec. 12, 1991	2768
6392	Bicentennial of the District of Columbia Month, 1991	Dec. 13, 1991	2769
6393	Year of Clean Water and Clean Water Month, 1992	Dec. 13, 1991	2771
6394	Year of Thanksgiving for the Blessings of Liberty, 1991	Dec. 16, 1991	2772
6395	Basketball Centennial Day, 1991	Dec. 17, 1991	2774
6396	National Law Enforcement Training Week, 1992	Dec. 20, 1991	2775
6397	National Sanctity of Human Life Day, 1992	Dec. 20, 1991	2776
6398	National Ellis Island Day, 1992	Dec. 23, 1991	2778

PUBLIC LAWS

ENACTED DURING THE

FIRST SESSION OF THE ONE HUNDRED SECOND CONGRESS

OF THE

UNITED STATES OF AMERICA

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

Public Law 102-1
102d Congress

Joint Resolution

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

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

50 USC 1541 note.

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

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

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

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

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

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

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

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

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

SECTION 1. SHORT TITLE.

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

President. 50 USC 1541 note.

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

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

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

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

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

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

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

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

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

President.
50 USC 1541 note.

SEC. 3. REPORTS TO CONGRESS.

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

Approved January 14, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 12, S.J. Res. 2 considered and passed Senate. H.J. Res. 77 considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Jan. 14, Presidential statement.

Public Law 102-2
102d Congress

An Act

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

Jan. 30, 1991
[H.R. 4]

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

Armed Forces.
Taxes.

SECTION 1. EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.

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

26 USC 7508.

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

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

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

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

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

(b) INTEREST ALLOWED ON OVERPAYMENTS.—

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

"(b) SPECIAL RULE FOR OVERPAYMENTS.—

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

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

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

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

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

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

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

26 USC 7508.

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

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

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

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

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

26 USC 7508 note.

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

Approved January 30, 1991.

LEGISLATIVE HISTORY—H.R. 4 (S. 251):

HOUSE REPORTS: No. 102-2 (Comm. on Ways and Means).
SENATE REPORTS: No. 102-2 accompanying S. 251 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 23, considered and passed House.
Jan. 24, considered and passed Senate.

○

Public Law 102-3
102d Congress

An Act

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

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

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

Veterans' Compensation Amendments of 1991.

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

38 USC 101 note.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Amendments of 1991".

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

SEC. 2. DISABILITY COMPENSATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 USC 314 note.

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

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(l) is amended—

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

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

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

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

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

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

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

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

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

Section 411 is amended—

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

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

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

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

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

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

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

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

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

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

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

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

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

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

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

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

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

38 USC 314 note.

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

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

Approved February 6, 1991.

LEGISLATIVE HISTORY—H.R. 3:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 22, 23, considered and passed House.
Jan. 24, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Feb. 6, Presidential remarks and statement.

○

Public Law 102-4
102d Congress

An Act

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

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

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

Agent Orange Act of 1991.
38 USC 101 note.

SECTION 1. SHORT TITLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regulations.

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

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

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

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

Regulations.

Federal Register, publication.

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

Regulations.

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

Effective date.

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

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

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

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

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

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

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

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES. 38 USC 316 note.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended— 38 USC 241 note.

(1) in clause (1), by striking out ", as such information on health risks becomes known";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting "(1)" after "PROGRAM.—"; and

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

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

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

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

SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM. 38 USC 316 note.

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

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

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other

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

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

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

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

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

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

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

38 USC 316 note.

SEC. 7. TISSUE ARCHIVING SYSTEM.

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

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

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

Privacy.

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

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

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

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

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

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

SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM. 38 USC 316 note.

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

(1) health hazards resulting from exposure to dioxin;

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

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

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

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

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

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

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

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

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

Academy considers appropriate regarding any studies reviewed under the agreement.

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

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

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

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

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

38 USC 316 note.

SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) AMENDMENTS TO SECTION 3.—Section 3 of such Public Law is amended by striking out "during service in the Armed Forces in the Republic of Vietnam to a herbicide containing dioxin or". 38 USC 354 note.

(c) AMENDMENTS TO SECTION 5.—Section 5 of such Public Law is amended as follows: 38 USC 354 note.

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

(2) Subsection (b) is amended—

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

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

(C) in paragraph (3)—

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

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

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

(d) AMENDMENTS TO SECTION 6.—Section 6 of such Public Law is amended as follows: 38 USC 354 note.

(1) Subsection (a) is amended—

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

(B) in paragraph (1)—

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

(ii) by striking out subparagraph (A);

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

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

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

(II) by striking out "dioxin or"; and

(C) in paragraph (2)—

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

(ii) by striking out "dioxin or".

(2) Subsection (d) is amended—

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

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

38 USC 354 note.

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

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

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

Federal Register, publication.

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

Approved February 6, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 29, considered and passed House.
Jan. 30, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Feb. 6, Presidential remarks and statement.

Public Law 102-5
102d Congress

Joint Resolution

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

Feb. 15, 1991
[H.J. Res. 30]

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas sport and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of such female athletes as Jackie Joyner-Kersee, Florence Griffith Joyner, Bonnie Blair, Janet Evans, the United States Women's Basketball Team and many others in the 1988 Olympic Games were a source of inspiration and pride so to all of us;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

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

Approved February 15, 1991.

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

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

Public Law 102-6
102d Congress

Joint Resolution

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved March 1, 1991.

LEGISLATIVE HISTORY—S.J. Res. 76:

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

Public Law 102-7
102d Congress

Joint Resolution

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

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

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

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

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

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

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

Approved March 5, 1991.

LEGISLATIVE HISTORY—S.J. Res. 51:

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

○

Public Law 102-8
102d Congress

Joint Resolution

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

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

Whereas Portuguese navigators paved the way for the discovery of the New World in the fifteenth century;
Whereas in the 1700's, the Portuguese Navy extended to American shipping protection against the Barbary Pirates;
Whereas on February 21, 1791, the United States Congress ratified President Washington's nomination of the first United States minister to Portugal, marking the formal establishment of United States-Portuguese relations;
Whereas Portugal was an important trading partner in the early years of the United States Republic;
Whereas Portugal and the United States are both maritime nations with strong seafaring traditions;
Whereas the fishing industry contributed to the immigration of many Portuguese to the United States, particularly to New England;
Whereas more than one million two hundred thousand Americans trace their roots to Portugal;
Whereas the United States Consulate in the Azores, established in 1808, is the oldest active United States consulate post in the world;
Whereas in 1911, the United States was the first major power to recognize the new Portuguese Republic;
Whereas during both world wars, Portugal assisted the allies by allowing the use of its air base in the Azores;
Whereas since the 1974 revolution in Portugal, the United States-Portuguese relationship has continued to grow stronger;
Whereas as an active member of the European Community, Portugal is an important trans-Atlantic partner;
Whereas Portugal is a valued ally in the North Atlantic Treaty Organization: Now, therefore, be it

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

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

(2) the Congress asserts continued friendship and cooperation between the peoples of the United States and Portugal; and

(3) the President is authorized and requested to issue a proclamation marking the bicentennial of United States-Portuguese diplomatic relations.

Approved March 8, 1991.

LEGISLATIVE HISTORY—S.J. Res. 55:

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

○

Public Law 102-9
102d Congress

Joint Resolution

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

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

Whereas 1991 marks the bicentennial of the end of the proud fourteen-year history of the Republic of Vermont;

Whereas the Republic of Vermont gave unstintingly to the cause of independence of the original thirteen colonies;

Whereas the Republic of Vermont became the State of Vermont on March 4, 1791, the first Republic to become a State and the fourteenth State to join the Union;

Whereas the State of Vermont has continued to contribute to the Union over the past two hundred years, first in agriculture, then in manufacturing, and always in education and political thought;

Whereas Vermont has been a leader in the preservation and use of its natural resources for the benefit of its own citizens, citizens of other States, and for generations of all citizens to come; and

Whereas on March 4, 1991, Vermont will begin its third century of statehood: Now, therefore, be it

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

Approved March 11, 1991.

LEGISLATIVE HISTORY—S.J. Res. 58:

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

○

Public Law 102-10
102d Congress

An Act

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

Mar. 12, 1991
[S. 379]

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act (Public Law 101-610).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 1241) is amended— 42 USC 12511.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"PART I—SERVE-AMERICA";

42 USC 12521. (2) in section 111(a)(2)(B)(i) (42 U.S.C. 12421(a)(2)(B)(i)), by striking out ", and that is representative of the community in which such services will be provided";

42 USC 12522. (3) in section 112 (42 U.S.C. 12422)—

(A) by inserting "the Virgin Islands," before "Guam" in subsection (a);

(B) by inserting "solely" after "activities" in subsection (c);

(C) by striking out "section 111(a)(2)" in subsection (c) and inserting in lieu thereof "paragraphs (2), (3), or (4) of section 111(a)"; and

(D) by inserting "and Indian Tribes" before "on a competetive basis" in subsection (e);

42 USC 12524. (4) in section 114 (42 U.S.C. 12424)—

(A) by striking out "Youth Service Corps and National Service" in subsection (c)(7); and

(B) by striking out "role" and inserting in lieu thereof "volunteer and";

42 USC 12527. (5) in section 117(b)(1) (42 U.S.C. 12427(b)(1)), by inserting "evaluations," after "insurance,"; and

42 USC 12531. (6) in section 118(d)(7) (42 U.S.C. 12428(d)(7))—

(A) by striking out "in the program"; and

(B) by striking out "project" and inserting in lieu thereof "program".

SEC. 5. AMERICAN CONSERVATION AND YOUTH SERVICE CORPS.

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

(1) in the subtitle heading by inserting "**Service**" before "**Corps**";

42 USC 12542. (2) in section 122(e) (42 U.S.C. 12442(e)), by inserting "service" after "youth";

42 USC 12543. (3) in section 123(c) (42 U.S.C. 12443(c))—

(A) by striking out "and" at the end of paragraph (13);

(B) by redesignating paragraph (14) as paragraph (15); and

(C) by inserting after paragraph (13) the following new paragraph:

"(14) a plan for ensuring that post-service education and training benefits are used solely for the purposes designated in this subtitle; and";

42 USC 12544. (4) in section 124 (42 U.S.C. 12444)—

(A) by striking out "human services" in subsection (a)(2) and inserting in lieu thereof "youth service"; and

(B) by striking out "services in any project" and all that follows through "projects" in subsection (c) and inserting in lieu thereof "any specific activity for more than a 6-month period. No participant shall remain enrolled in programs";

42 USC 12548. (5) in section 128(a)(3) (42 U.S.C. 12448(a)(3)), by striking out "project or service" and inserting in lieu thereof "activity";

42 USC 12553. (6) in section 133(d)(1) (42 U.S.C. 12453(a)(3)), by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsection (a)"; and

(7) by striking out section 136 (42 U.S.C. 12456). 42 USC 12556.

SEC. 6. NATIONAL AND COMMUNITY SERVICE.

(a) ELIGIBILITY.—Section 145(c) (42 U.S.C. 12475(c)) is amended— 42 USC 12575.
(1) by striking out "member" and inserting in lieu thereof "participant" in the matter preceding paragraph (1); and
(2) by striking out "membership" and inserting in lieu thereof "participation" in paragraph (2).

(b) POST-SERVICE BENEFITS.—Section 146(e)(2) (42 U.S.C. 12476(e)(2)) is amended by inserting "benefit" before "provided". 42 USC 12576.

SEC. 7. INNOVATIVE AND DEMONSTRATION PROGRAMS AND PROJECTS.

Section 157(c) (42 U.S.C. 12502(c)) is amended— 42 USC 12602.
(1) in paragraph (7)—
(A) by striking out "in the program"; and
(B) by striking out "project" and inserting in lieu thereof "program"; and
(2) in paragraph (8), by striking out "in a program".

SEC. 8. ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12531 et seq.) is amended—
(1) in section 178(b)(1)(B) (42 U.S.C. 12538(b)(1)(B)) by striking out "youth service corps" and inserting in lieu thereof "youth corps"; and 42 USC 12638.
(2) by inserting after section 185 (42 U.S.C. 12545) the following new section:

"SEC. 186. REGULATIONS. 42 USC 12645.

"Prior to the end of the 180-day period beginning on the date of enactment of the National and Community Service Act of 1990, the Commission shall issue final rules or regulations necessary to implement the provisions of this title.".

SEC. 9. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12551)— 42 USC 12651.
(1) in subsection (b)—
(A) by striking out "Senate," in paragraph (1)(A) and all that follows and inserting in lieu thereof the following: "Senate. To the maximum extent practicable, an effort should be made to appoint members—
"(i) who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints; and
"(ii) so that the Board shall be diverse according to race, ethnicity, age, gender, and political party membership."; and
(B) by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following new paragraph:
"(2) TERMS.—Each member of the Board shall serve for a term of 3 years, except that seven of the initial members of the Board shall serve for a term of 1 year and seven shall serve for a term of 2 years, as designated by the President.";
(2) in subsection (c)(7), by striking out "national service demonstration program" and inserting "program authorized by subtitle D"; and

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

SEC. 10. YOUTHBUILD.

42 USC 5091m.

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

Approved March 12, 1991.

LEGISLATIVE HISTORY—S. 379:

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

○

Public Law 102-11
102d Congress

Joint Resolution

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

Mar. 12, 1991
[S.J. Res. 84]

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

Approved March 12, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 5, considered and passed Senate.
Mar. 6, H.J. Res. 158 and S.J. Res. 184 considered and passed House.

Public Law 102-12
102d Congress

An Act

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

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

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

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

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

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

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

50 USC app. 530 note.

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

SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

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

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

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

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

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

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

50 USC app. 592.

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

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

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

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

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

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

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

"(2) A professional liability insurance carrier—

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

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

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

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

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

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

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

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

"(e) This section does not—

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

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

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

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

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

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

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

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

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

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

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

"(i) In this section:

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

"(2) The term 'profession' includes occupation.

"(3) The term 'professional' includes occupational.".

SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

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

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

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

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

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

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

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

"SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to reinstatement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service. 50 USC app. 593.

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

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

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

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990. 38 USC 2021 note.

SEC. 6. STAY OF JUDICIAL PROCEEDINGS. 50 USC app. 521 note.

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

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

(1) is on active duty; and

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

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

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

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

50 USC app. 518.

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

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

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

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

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

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

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

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

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

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

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

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

38 USC 2024 note.

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

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

Effective date. 38 USC 2024 note.

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

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

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

(1) Section 101 (50 U.S.C. App. 511) is amended—

(A) in paragraph (1), by inserting "the Air Force," after "the Marine Corps,"; and

(B) in paragraph (2), by striking out "shall include" and all that follows through "discharge" and inserting in lieu thereof "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release".

(2) Section 102 (50 U.S.C. App. 512) is amended by striking out ", including the Philippine Islands while under the sovereignty of the United States,".

(3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942".

(4) Section 105 (50 U.S.C. App. 515) is amended—

(A) by striking out "The Secretary of War and the Secretary of the Navy" and all that follows through "to insure" in the first sentence and inserting in lieu thereof "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure"; and

(B) by striking out "the Secretary of War and the Secretary of the Navy" in the second sentence and inserting in lieu thereof "the Secretary of Defense and the Secretary of Transportation".

(5) Section 106 (50 U.S.C. App. 516) is amended—

(A) by striking out "Selective Training and Service Act of 1940, as amended," and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)";

(B) by striking out "the Enlisted Reserve Corps" and inserting in lieu thereof "a reserve component of the Armed Forces"; and

(C) by striking out "he reports for such service" and inserting in lieu thereof "such member reports for military service or the date on which the order is revoked, whichever is earlier".

(6) Section 205 (50 U.S.C. App. 525) is amended by striking out "the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" and inserting in lieu thereof "October 6, 1942".

(7) Section 206 (50 U.S.C. App. 526) is amended—

(A) by striking out "per centum per annum" each place it appears and inserting in lieu thereof "percent per year"; and

(B) by striking out "prior to his entry" and all that follows through "bear interest" and inserting in lieu thereof "before that person's entry into that service shall, during any part of the period of military service, bear interest".

(8) Section 300 (50 U.S.C. App. 530) is amended—

(A) in subsection (c), as redesignated by section 2(b), by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,"; and

(B) in subsection (d), as redesignated by section 2(b), by striking out "Secretary of War," and all that follows

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Repeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) in paragraph (3)—

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

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

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

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

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

Approved March 18, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 29, considered and passed House.
Feb. 21, considered and passed Senate, amended, in lieu of S. 330.
Feb. 27, House concurred in Senate amendment.

○

Public Law 102-13
102d Congress

Joint Resolution

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

Mar. 18, 1991
[H.J. Res. 98]

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

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

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

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

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

Approved March 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 98:

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

○

Public Law 102-14
102d Congress

Joint Resolution

Mar. 20, 1991
[H.J. Res. 104]

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

Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos;

Whereas society is profoundly concerned with the recent weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society;

Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from our distinguished past to the generations of the future;

Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the world;

Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-ninth birthday falls on March 26, 1991;

Whereas in tribute to this great spiritual leader, "the rebbe", this, his ninetieth year will be seen as one of "education and giving", the year in which we turn to education and charity to return the world to the moral and ethical values contained in the Seven Noahide Laws; and

Whereas this will be reflected in an international scroll of honor signed by the President of the United States and other heads of state: Now, therefore, be it

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

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

Approved March 20, 1991.

LEGISLATIVE HISTORY—H.J. Res. 104:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 5, considered and passed House.
Mar. 7, considered and passed Senate.

○

Public Law 102-15
102d Congress

Joint Resolution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved March 21, 1991.

LEGISLATIVE HISTORY—H.J. Res. 133:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 5, considered and passed House.
Mar. 14, considered and passed Senate.

○

Public Law 102-16
102d Congress

An Act

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

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

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

SECTION 1. EXTENSION.

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

SEC. 2. EDUCATIONAL AND VOCATIONAL COUNSELING.

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

"§ 1797A. Educational and vocational counseling

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

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

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

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

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

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

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

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

Public information.

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

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

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

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

(A) by striking out section 1663; and

(B) in the table of sections of such chapter, by striking out

"1663. Educational and vocational counseling.".

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

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

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

"1797A. Educational and vocational counseling.".

SEC. 3. VOCATIONAL REHABILITATION.

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

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

(A) by inserting "(A)" before "Vocational";

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

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

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

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

(2) The amendments made by this subsection shall apply only to payments made on or after the date of the enactment of this Act. 38 USC 1504 note.

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

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

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

SEC. 5. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 7. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 USC 1631 note.

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

SEC. 8. COMMITTEE ON VETERANS' EMPLOYMENT.

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

"§ 2010. Advisory Committee on Veterans Employment and Training

Establishment.

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

"(2) The advisory committee shall—

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

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

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

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

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

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

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

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

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

"(1) The Secretary of Veterans Affairs.

"(2) The Secretary of Defense.

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

"(4) The Secretary of Education.

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

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

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

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

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

"(10) The Postmaster General.

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

"(12) Representatives of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"2010. Advisory Committee on Veterans Employment and Training.".

SEC. 9. VETERANS READJUSTMENT APPOINTMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(ii) December 31, 1993,

whichever is later.

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

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

"(ii) December 18, 1989.

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

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

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

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

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply only to appointments made after the date of the enactment of this Act. 38 USC 2014 note.

SEC. 10. TECHNICAL AMENDMENTS.

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

(1) Section 1411(a)(3) is amended—

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

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

"(A) continues on active duty;

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

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

(2) Section 1418(b)(4) is amended—

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

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

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

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

(5) Section 1685(a)(1) is amended—

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

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

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

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

(8) Section 2004 is amended—

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

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

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

(D) by striking out subsection (d).

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

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

Approved March 22, 1991.

LEGISLATIVE HISTORY—H.R. 180:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 5, considered and passed House.
Mar. 7, considered and passed Senate.

Public Law 102-17
102d Congress

Joint Resolution

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

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

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

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

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

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

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

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

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

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

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

Approved March 22, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 21, S.J. Res. 63 considered and passed Senate.
Mar. 5, H.J. Res. 167 considered and passed House.
Mar. 7, considered and passed Senate.

Public Law 102-18
102d Congress

An Act

Mar. 23, 1991
[S. 419]

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991".

TITLE I—RTC RESOLUTION PROCESS AND FUNDING

SEC. 101. THRIFT RESOLUTION FUNDING.

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

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

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

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

"(1) BORROWING.—"; and

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

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

SEC. 102. REPORTS.

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

(1) in paragraph (1)(A)—

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

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

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

(3) by adding at the end the following:

"(8) OPERATING PLANS.—

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

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

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

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

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

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

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

(b) FIRST REQUIRED PLAN.—The first plan described in section 21A(k)(8) of the Federal Home Loan Bank Act, as amended by subsection (a), is due not later than 30 days after the date of enactment of this Act. 12 USC 1441a note.

(c) TIMELINESS OF REPORTS.— 12 USC 1441a note.

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

(A) explain the causes of such delinquency; and

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

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

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

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

SEC. 103. STATUS OF EMPLOYEES.

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

"(q) STATUS OF EMPLOYEES.—

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

"(2) DEFINITION.—For purposes of this subsection, the term 'employee of the Corporation or of the Oversight Board' includes—

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

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

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

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

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

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

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

"(f) STATUS OF EMPLOYEES.—

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

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

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

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

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

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

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

SEC. 104. INCIDENTAL POWERS.

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

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

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

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

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

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

SEC. 105. CLARIFICATION OF REVIEW OF PRIOR CASES.

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

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

"(C) PROVISIONS APPLICABLE TO REVIEW OF PRIOR CASES.—

"(i) IN GENERAL.—The Corporation shall exercise"; and

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

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

TITLE II—RTC DISPOSITION OF AFFORDABLE HOUSING

SEC. 201. AMENDMENTS RELATING TO SCOPE OF PROGRAM.

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

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

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

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

SEC. 202. AMENDMENTS RELATING TO SALE PROCEDURES.

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

"(i) SALE PRICE.—The Corporation may sell eligible single family property to qualifying households, nonprofit organizations, and public agencies without regard to any minimum purchase price.".

SEC. 203. SCOPE OF APPLICATION.

12 USC 1441a note.

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

TITLE III—RTC MANAGEMENT REFORMS

SEC. 301. MANAGEMENT ENHANCEMENT GOALS.

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

"(r) MANAGEMENT ENHANCEMENT GOALS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reports.

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

TITLE IV—MINORITY CONTRACTING REPORT

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

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

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

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

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

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

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

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

Approved March 23, 1991.

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

HOUSE REPORTS: No. 102-27 (Comm. of Conference).
SENATE REPORTS: No. 102-13 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 26, 27, Mar. 5-7, considered and passed Senate.
Mar. 12, H.R. 1315 considered and rejected in House.
Mar. 13, S. 419 considered and passed House, amended.
Mar. 19, Senate agreed to conference report.
Mar. 21, House agreed to conference report.

Public Law 102-19
102d Congress

Joint Resolution

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

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

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

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

Approved March 25, 1991.

LEGISLATIVE HISTORY—S.J. Res. 59:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 21, considered and passed Senate.
Mar. 20, considered and passed House, amended.
Mar. 21, Senate concurred in House amendment.

○

Public Law 102-20
102d Congress

An Act

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

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Persian Gulf Conflict Emergency Supplemental Authorization Act, Fiscal Year 1991".

SEC. 2. SALARIES AND EXPENSES.

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

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

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

SEC. 4. SPECIAL PURPOSE PASSENGER MOTOR VEHICLES.

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

(1) in subsection (j) by striking "and";

(2) in subsection (k) by striking the period and inserting "; and"; and

(3) by adding after subsection (k) the following new subsection:

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

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

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

SEC. 6. BURDENSHARING.

The Congress—

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

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

Approved March 27, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 5, considered and passed House.
Mar. 13, considered and passed Senate.

Public Law 102-21
102d Congress

An Act

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

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

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

Emergency Supplemental Assistance for Israel Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Supplemental Assistance for Israel Act of 1991".

SEC. 2. EMERGENCY ASSISTANCE FOR ISRAEL.

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

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

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

Approved March 28, 1991.

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

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 6, considered and passed House.
Mar. 13, considered and passed Senate.

○

Public Law 102-22
102d Congress

An Act

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

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

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

Performance Management and Recognition System Amendments of 1991.
Government employees.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Performance Management and Recognition System Amendments of 1991".

SEC. 2. AMENDMENTS.

5 USC 5401 note.

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

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

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

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

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

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

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

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

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

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

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

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

5 USC 4302a note.

5 USC 5408 note.

SEC. 3. STUDY AND REPORT.

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

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

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

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

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

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

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

Approved March 28, 1991.

LEGISLATIVE HISTORY—H.R. 1316:

HOUSE REPORTS: No. 102-20 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 19, considered and passed House and Senate.

○

Public Law 102-23
102d Congress

Joint Resolution

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

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

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

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

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

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

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

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

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

Approved March 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 53:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 21, considered and passed Senate.
Mar. 20, considered and passed House.

○

Public Law 102-24
102d Congress

Joint Resolution

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

Entitled "National Day of Prayer and Thanksgiving".

Whereas the United States responded decisively to the crisis in the Middle East created by the invasion of Iraqi troops into Kuwait and the unlawful annexation of that sovereign state by Iraq;
Whereas a worldwide coalition was forged to preserve international order and stop Iraqi aggression;
Whereas President Bush pursued his strategy against Iraq with foresight and purpose from the moment Kuwait was invaded;
Whereas our military leaders planned their campaign on air, land and sea, with innovation and precision;
Whereas American troops have served bravely in the Middle East at great personal risk in the defense of freedom;
Whereas we have seen a stunning triumph of American leadership, military strength and technology;
Whereas the families of American military personnel stationed in the Middle East or held captive by the Iraqi government have faced great anxiety;
Whereas the families and friends of those who have fallen bear the greatest, most tragic loss of all;
Whereas Americans have traditionally recognized the importance and strength derived from prayer at such a difficult time;
Whereas our Nation has always trusted in a Providence which vindicates the oppressed and defends the right: Now, therefore, be it

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

Approved March 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 83:

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

Public Law 102-25
102d Congress

An Act

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

Apr. 6, 1991
[S. 725]

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

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

SECTION 1. SHORT TITLE

This Act may be cited as the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991".

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Sec. 391. Authorization of appropriations from Defense Cooperation Account.
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TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM

Sec. 401. Reports on United States costs in the Persian Gulf conflict and foreign contributions to offset such costs.
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Sec. 601. Child care assistance.
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Sec. 608. Withholding of payments to indirect-hire civilian personnel of nonpaying pledging nations.
Sec. 609. Relief from requirements for reductions in defense acquisition workforce during fiscal year 1991.

TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS

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

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

Sec. 801. Authorization of supplemental appropriations for operating expenses.
Sec. 802. Authorization of supplemental appropriations for environmental restoration and waste management.
Sec. 803. Applicability of recurring general provisions.
Sec. 804. Relocation of Rocky Flats Plant operations.

SEC. 3. DEFINITIONS

10 USC 101 note.

For the purposes of this Act:

(1) The term "Operation Desert Storm" means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield and Operation Desert Storm).

(2) The term "incremental costs associated with Operation Desert Storm" means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

(3) The term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

(4) The term "congressional defense committees" has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1498).

SEC. 4. CONSTRUCTION WITH PUBLIC LAW 101-510.

Any authorization of appropriations, or authorization of the transfer of authorizations of appropriations, made by this Act is in addition to the authorization of appropriations, or the authority to make transfers, provided in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

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

SEC. 101. FUNDS IN THE DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION OF APPROPRIATION.—During fiscal year 1991, there is authorized to be appropriated to the Department of Defense current and future balances in the Defense Cooperation Account established under section 2608 of title 10, United States Code.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall be available only for—

(1) transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for incremental costs associated with Operation Desert Storm; and

(2) replenishment of the working capital account created under section 102.

SEC. 102. PERSIAN GULF CONFLICT WORKING CAPITAL ACCOUNT

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury of the United States a working capital account for the Department of Defense to be known as the "Persian Gulf Conflict Working Capital Account".

(b) AUTHORIZATION OF APPROPRIATIONS.—During fiscal year 1991, there is authorized to be appropriated to the Persian Gulf Conflict Working Capital Account the sum of $15,000,000,000.

(c) USE OF FUNDS.—Funds appropriated pursuant to subsection (b) shall be available only for transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for the incremental costs associated with Operation Desert Storm. Such funds may be used for that purpose only to the extent that funds are not available in the Defense Cooperation Account for transfer for such incremental costs.

(d) REPLENISHMENT OF ACCOUNT.—Amounts transferred from the Persian Gulf Conflict Working Capital Account shall be replenished from funds available in the Defense Cooperation Account to the extent that funds are available in the Defense Cooperation Account. Whenever the balance in the working capital account is less than the amount appropriated to that account pursuant to this section, the Secretary shall transfer from the Defense Cooperation Account such funds as become available to the account to replenish the working capital account before making any transfer of such funds under sections 101 and 102.

(e) REVERSION OF BALANCE UPON TERMINATION OF ACCOUNT.—Any balance in the Persian Gulf Conflict Working Capital Account at the time of the termination of the account shall revert to the general fund of the Treasury.

SEC. 103. ADDITIONAL TRANSFER AUTHORITY

The amount of the transfer authority provided in section 1401 of Public Law 101-510 is hereby increased by the amount of such transfers as the Secretary of Defense makes pursuant to law (other than Public Law 101-511) to make adjustments among amounts provided in titles I and II of Public Law 101-511 due to incremental costs associated with Operation Desert Storm.

SEC. 104. ADMINISTRATION OF TRANSFERS

A transfer made under the authority of section 101 or 102 increases by the amount of the transfer the amount authorized for the account to which the transfer is made.

SEC. 105. NOTICE TO CONGRESS OF TRANSFERS

(a) NOTICE-AND-WAIT.—A transfer may not be made under section 101 or 102 until the seventh day after the congressional defense committees receive a report with respect to that transfer under subsection (b).

(b) CONTENT OF REPORT.—A report under subsection (a) shall include the following:

(1) A certification by the Secretary of Defense that the amount or amounts proposed to be transferred will be used only for incremental costs associated with Operation Desert Storm.

(2) A statement of each account to which the transfer is proposed to be made and the amount proposed to be transferred to such account.

(3) A description of the programs, projects, and activities for which funds proposed to be transferred are proposed to be used.

(4) In the case of a transfer from the working capital account established under section 102, an explanation of the reasons why funds are not available in the Defense Cooperation Account for such transfer.

SEC. 106. MONTHLY REPORTS ON TRANSFERS

Not later than seven days after the end of each month in fiscal years 1991 and 1992, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on the cumulative total amount of the transfers made under the authority of this title through the end of that month.

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

SEC. 201. AUTHORITY TO WAIVE END STRENGTH AND GRADE STRENGTH LAWS

(a) FISCAL YEAR 1991 END STRENGTH.—The Secretary of a military department may waive any end strength prescribed in section 401(a), 411, or 412(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) that applies to any of the armed forces under the jurisdiction of that Secretary. 10 USC 115 note, 261 note.

(b) GRADE STRENGTH LIMITATIONS.—The Secretary of a military department may suspend, for fiscal year 1991, the operation of any provision of section 517, 523, 524, 525, or 526 of title 10, United States Code, with respect to that military department. 10 USC 527 note.

SEC. 202. CERTIFICATION

The Secretary of a military department may exercise the authority provided in subsection (a) or (b) of section 201 only after the Secretary submits to the congressional defense committees a certification in writing that the exercise of that authority is necessary because of personnel actions associated with Operation Desert Storm. 10 USC 115 note, 261 note, 527 note.

SEC. 203. AUTHORIZATION FROM DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION.—In addition to authorizations under section 101, there is hereby authorized to be appropriated from the Defense Cooperation Account such sums as may be necessary for increases in military personnel costs for fiscal years 1991 through 1995 resulting from the exercise of the authorities provided in section 201. Such increases in costs are incremental costs associated with Operation Desert Storm.

(b) USE OF FUNDS.—Funds appropriated to the Persian Gulf Conflict Working Capital Account pursuant to section 102(b) may be used for the purposes described in subsection (a) to the extent provided in section 102(c).

(c) REPORTING.—Funds obligated for the purposes described in subsection (a) shall be included in the reports required by section 106.

SEC. 204. CONFORMING REPEAL

10 USC 115 note.

Section 1117 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1637) is repealed.

SEC. 205. RELATIONSHIP TO OTHER LAWS

10 USC 115 note, 261 note.

(a) RELATIONSHIP TO OTHER WAIVER AUTHORITIES.—The authority provided in section 201(a) is in addition to the waiver authority provided in sections 401(c) and 411(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) and the waiver authority provided in section 115(c)(1) of title 10, United States Code.

10 USC 527 note.

(b) RELATIONSHIP TO OTHER SUSPENSION AUTHORITY.—The authority provided in section 201(b) is in addition to the authority provided in section 527 of title 10, United States Code.

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

PART A—MILITARY COMPENSATION AND BENEFITS

37 USC 310 note.

SEC. 301. TEMPORARY INCREASE IN THE RATE OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER

(a) INCREASED RATE.—In lieu of the rate of special pay specified in section 310(a) of title 37, United States Code, the rate of special pay payable under that section shall be $150 for each month during the period described in subsection (b).

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

37 USC 427 note.

SEC. 302. TEMPORARY INCREASE IN FAMILY SEPARATION ALLOWANCE

(a) INCREASED RATE.—In lieu of the family separation allowance specified in section 427(b)(1) of title 37, United States Code, the family separation allowance payable under that section shall be $75 for each month during the period described in subsection (b).

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on January 15, 1991, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

SEC. 303. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES

37 USC 403a note.

(a) USE OF PRINCIPAL PLACE OF RESIDENCE.—For the purpose of determining the entitlement of a Reserve described in subsection (b) to a variable housing allowance under section 403a of title 37, United States Code, the Reserve shall be considered to be assigned to duty at the Reserve's principal place of residence, determined as prescribed by the Secretary of Defense.

(b) RESERVE DESCRIBED.—A Reserve referred to in subsection (a) is a member of a reserve component of the uniformed services who is serving on active duty under a call or order to active duty in connection with Operation Desert Storm and is assigned to duty away from the Reserve's principal place of residence, determined as prescribed by the Secretary.

SEC. 304. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS

37 USC 302 note.

(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

(e) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on November 5, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

37 USC 302 note.

SEC. 305. WAIVER OF BOARD CERTIFICATION REQUIREMENTS

(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of title 37, United States Code, before the end of the period established for the member in subsection (c) shall be paid special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title (whichever applies) for active duty performed after November 5, 1990, and before the date of that certification and recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a medical or dental officer or a nonphysician health care provider;

(2) has completed any required residency training; and

(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title during the duty assignment in connection with Operation Desert Storm.

(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

37 USC 316 note.

SEC. 306. FOREIGN LANGUAGE PROFICIENCY PAY

(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who obtains a certification of foreign language proficiency before the end of the period established for the member in subsection (c) shall be paid foreign language proficiency pay under section 316 of title 37, United States Code, for active duty performed after August 2, 1990, and before the date of that certification if the Secretary of Defense determines that the member was unable to schedule or complete that certification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member on active duty who, except for subsection (a)(2) of that section, was otherwise eligible for special pay under that section during the duty assignment in connection with Operation Desert Storm.

(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of certification of foreign language proficiency with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

10 USC 1478 note.

SEC. 307. TEMPORARY INCREASE IN AMOUNT OF DEATH GRATUITY

In lieu of the amount of the death gratuity specified in section 1478(a) of title 10, United States Code, the amount of the death

gratuity payable under that section shall be $6,000 for a death resulting from any injury or illness incurred during the Persian Gulf conflict or during the 180-day period beginning at the end of the Persian Gulf conflict.

SEC. 308. DEATH GRATUITY FOR PARTICIPANTS WHO DIED BEFORE THE DATE OF ENACTMENT

10 USC 1478 note.

(a) PAYMENT OF DEATH GRATUITY.—Subject to subsections (b) and (c), the Secretary of Defense shall pay a death gratuity to each SGLI beneficiary of each deceased member of the uniformed services who died after August 1, 1990, and before the date of the enactment of this Act, and whose death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf, as prescribed in regulations set forth by the Secretary of Defense.

(b) AMOUNT AND DISTRIBUTION OF GRATUITY.—The amount of the death gratuity payable to an SGLI beneficiary in the case of a deceased member of the uniformed services under this section shall be equal to the Servicemen's Group Life Insurance paid or payable to such beneficiary under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(c) APPLICATION FOR GRATUITY REQUIRED.—A death gratuity shall be payable to an SGLI beneficiary under this section upon receipt of a written application therefor by the Secretary of Defense within one year after the date of the enactment of this Act.

(d) REGULATIONS.—The Secretary shall prescribe in regulations the form of the application for benefits under this section and any procedures and requirements that the Secretary considers necessary to carry out this section.

(e) DEFINITIONS.—In this section:

(1) The term "SGLI beneficiary", with respect to a deceased member of the uniformed services, means a person to whom Servicemen's Group Life Insurance is paid or payable under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(2) The term "Secretary concerned" has the meaning given that term in section 101(25) of title 38, United States Code.

SEC. 309. TREATMENT OF ACCRUED LEAVE OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY

(a) SURVIVORS ELIGIBLE FOR PAYMENT FOR ALL ACCRUED LEAVE OF MEMBER.—In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty during the Persian Gulf conflict, the limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section shall not apply with respect to a payment made pursuant to subsection (d) of that section for leave accrued during fiscal year 1990 or 1991.

37 USC 501 note.

(b) TECHNICAL AMENDMENT.—Section 1115(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1636) is amended by striking out "section 501(b)(3) of title 37, United States Code, does not apply" and inserting in lieu thereof "subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section does not apply".

37 USC 501 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as of November 5, 1990.

37 USC 501 note.

SEC. 310. REMOVAL OF LIMITATION ON THE ACCRUAL OF SAVINGS OF MEMBERS IN A MISSING STATUS

(a) ADDITION OF PERSIAN GULF CONFLICT.—Subsection (b) of section 1035 of title 10, United States Code, is amended—

(1) by inserting before the period in the second sentence the following: "or during the Persian Gulf conflict"; and

(2) in the last sentence, by striking out "the date designated" and all that follows through the period and inserting in lieu thereof the following: "May 7, 1975, and the Persian Gulf conflict begins on January 16, 1991, and ends on the date thereafter prescribed by Presidential proclamation or by law.".

(b) MISSING STATUS DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(f) In this section, the term 'missing status' has the meaning given such term in section 551(2) of title 37.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out ", as defined in section 551(2) of title 37,"; and

(2) in subsection (e), by striking out "(as defined in section 551(2) of title 37)".

37 USC 403 note.

SEC. 310A. BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS WITHOUT DEPENDENTS

(a) IN GENERAL.—A member of a reserve component of the uniformed services without dependents who is called or ordered to active duty in connection with Operation Desert Storm shall be entitled to a basic allowance for quarters under section 403 of title 37, United States Code, if, because of the call or order, the member is unable to continue to occupy a residence—

(1) which is maintained as the primary residence of the member at the time of the call or order; and

(2) which is owned by the member or for which the member is responsible for rental payments.

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 2, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

PART B—MILITARY PERSONNEL POLICIES AND PROGRAMS

10 USC 688 note.

SEC. 311. GRADE OF RECALLED RETIRED MEMBERS

(a) IN GENERAL.—A retired member of the Armed Forces ordered to active duty under section 688 of title 10, United States Code, in connection with Operation Desert Storm who had previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty under that section in the highest grade in which the member had so served satisfactorily.

(b) GRADE UPON RELEASE FROM ACTIVE DUTY.—(1) For the purposes of section 688(b) of title 10, United States Code, a member of the Armed Forces ordered to active duty in a grade that is higher than the member's retired grade pursuant to subsection (a) shall be deemed to have been promoted to such higher grade while on such active duty.

(2) A retired member described in subsection (a) who, upon being released from the tour of active duty covered by that subsection, has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade higher than the member's retired grade, is entitled, upon that release from active duty, to placement on the retired list in that grade.

(c) EFFECTIVE DATE.—This section shall apply with respect to retired members ordered to active duty on or after August 2, 1990.

SEC. 312. TEMPORARY CHAMPUS PROVISIONS REGARDING DEDUCTIBLES AND COPAYMENT REQUIREMENTS

Health insurance. Health care provider. 10 USC 1079 note.

(a) DELAY IN THE INCREASE OF ANNUAL DEDUCTIBLES UNDER CHAMPUS.—The annual deductibles specified in subsection (b) of section 1079 of title 10, United States Code (as in effect on November 4, 1990), shall apply until October 1, 1991, in the case of health care provided under that section to the dependents of a member of the uniformed services who serves or served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(b) WAIVER OF COPAYMENT REQUIREMENTS.—(1) Any civilian health care provider furnishing health care pursuant to a plan contracted for under the authority of section 1079 or 1086 of title 10, United States Code, may waive, in whole or in part, any requirement for payment under subsection (b) of that section by a patient described in paragraph (2) for health care furnished the patient by such health care provider during the Persian Gulf conflict.

(2) A patient referred to in paragraph (1) is a dependent of a member of the uniformed services who serves on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(3) If a health care provider waives a payment for health care under paragraph (1), the health care provider shall certify to the Secretary of Defense that the amount charged the Federal Government for such health care was not increased above the amount that the health care provider would have charged the Federal Government for such health care had the payment not been waived. The Secretary of Defense may require a health care provider to provide information to the Secretary to show the compliance of the health care provider with this paragraph.

SEC. 313. TRANSITIONAL HEALTH CARE

10 USC 1076 note.

(a) HEALTH CARE PROVIDED.—A member of the Armed Forces described in subsection (b), and the dependents of the member, shall be entitled to receive health care described in subsection (c) upon the release of the member from active duty in connection with Operation Desert Storm until the earlier of—

(1) 30 days after the date of the release of the member from active duty; or

(2) the date on which the member and the dependents of the member are covered by a health plan sponsored by an employer.

(b) ELIGIBLE MEMBER DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a member of a reserve component of the Armed Forces and is called or ordered to active duty under chapter 39 of title 10, United States Code, in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) HEALTH CARE DESCRIBED.—The health care referred to in subsection (a) is—

(1) medical and dental care under section 1076 of title 10, United States Code, in the same manner as a dependent described in subsection (a)(2) of that section; and

(2) health benefits contracted under the authority of section 1079(a) of that title and subject to the same rates and conditions as apply to persons covered under that section.

(d) DEPENDENT DEFINED.—For purposes of this section, the term "dependent" has the meaning given that term in section 1072(2) of title 10, United States Code.

SEC. 314. EXTENSION OF CERTAIN PERSIAN GULF CONFLICT PROVISIONS

Title XI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1634 et seq.) is amended as follows:

(1) The following sections are amended by striking out "Operation Desert Shield" each place it appears and inserting in lieu thereof "the Persian Gulf conflict": sections 1111(b)(1), 1114, and 1115.

37 USC 403a note; 10 USC 1035 note; 37 USC 501 note.

(2) Section 1111 is further amended—

(A) by striking out "for fiscal year 1990 and during fiscal year 1991" in subsection (b)(1);

(B) by inserting "or for fiscal year 1992" in subsection (b)(2) after "fiscal year 1991"; and

(C) by striking out subsection (c).

(3) Sections 1114(a) and 1115(a) are amended by striking out "during fiscal year 1990 or 1991".

SEC. 315. STUDY OF DEPARTMENT OF DEFENSE POLICIES RELATING TO DEPLOYMENT OF MILITARY SERVICEMEMBERS WITH DEPENDENTS OR SERVICEMEMBERS FROM FAMILIES WITH MORE THAN ONE SERVICEMEMBER

(a) STUDY.—The Secretary of Defense shall carry out a study of the policies of the Department of Defense relating—

(1) to activation of units and members of reserve components for active duty (other than for training); and

(2) to deployments overseas of members of the Armed Forces (whether from active or reserve components),

as those policies affect the family responsibilities and interests of members of the Armed Forces who have minor children or who are from families with more than one member in the Armed Forces.

(b) MATTERS TO BE CONSIDERED.—The study under subsection (a) shall examine the family policies of the military departments for consistency among the Armed Forces and shall consider whether these policies adequately address the needs of reserve component personnel. The study shall also assess the responsiveness of current policies to the needs of the all-volunteer Force as it is presently constituted, as reflected by its demographic profile.

(c) REPORT.—Not later than March 31, 1992, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under subsection (a). The report shall include an

analysis of the effect of deployments made as part of military operations during the Persian Gulf conflict on members of the Armed Forces referred to in that subsection, including the following (which shall be shown separately by service and for active-component and reserve-component personnel):

(1) The number of single parent military personnel who were deployed and the number of children of those parents.

(2) The number of members of the Armed Forces married to another member of the Armed Forces who were both deployed and the number of children of those members.

(3) The number of members of the Armed Forces deployed (or given orders to deploy) who requested exceptions to existing policies respecting family members, categorized by the reasons given for the requests and the dispositions of the requests.

(4) A description of any differences in any of the military departments in policies applicable to active component members and reserve component members and any problems that arose from those differences.

(5) A statement of the incidence of use of military family assistance programs by persons other than parents who provided care for dependent children while parents in the Armed Forces were deployed.

(6) A discussion of the effectiveness of military family assistance programs during the Persian Gulf conflict.

(7) A discussion of the applicability of existing policies with respect to members of the Armed Forces who have dependents other than minor children, including dependent parents and dependent disabled adult children.

(8) A discussion of proposed and actual changes by the Department of Defense in family assistance programs and assignment policies.

SEC. 316. ADJUSTMENT IN THE EFFECTIVE DATE OF CHANGES IN MENTAL HEALTH BENEFITS AS A RESULT OF OPERATION DESERT STORM

(a) IN GENERAL.—(1) Section 703(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1582) is amended by striking out "February 15, 1991" and inserting in lieu thereof "October 1, 1991". 10 USC 1079 note.

(2) Section 8044 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1884) is amended (A) in the matter preceding the first proviso, by striking out "this Act" and inserting in lieu thereof "any Act appropriating funds to the Department of Defense for fiscal year 1992 and", and (B) in the fifth proviso, by striking out "February 15, 1991" and inserting in lieu thereof "October 1, 1991".

(b) TRANSITION PROVISION.—Effective as of February 15, 1991, subsections (a)(6) and (i) of section 1079 of title 10, United States Code, as those subsections were in effect on February 14, 1991, are revived.

(c) FUNDS.—Of the amount authorized to be appropriated by section 391, $36,000,000 shall be available for increased costs by reason of the amendments made by this section.

SEC. 317. SENSE OF THE HOUSE OF REPRESENTATIVES ON SEPARATION OF CERTAIN MEMBERS FROM THEIR INFANT CHILDREN

It is the Sense of the House of Representatives that—

(1) The armed services shall strive to devise and implement a uniform policy with respect to the deployment of mothers of newborn children.

(2) Such policy should provide that to the maximum extent possible, mothers of new born children under the age of 6 months shall not be:

(A) deployed in the case of a mother on active duty; or

(B) activated, if activation requires separating the mother and child, or deployed in the case of a mother serving in a reserve component.

Persian Gulf War Veterans' Benefits Act of 1991.
38 USC 101 note.

PART C—VETERANS BENEFITS AND PROGRAMS

SEC. 331. SHORT TITLE

This part may be cited as the "Persian Gulf War Veterans' Benefits Act of 1991".

SEC. 332. INCLUSION OF PERSIAN GULF WAR WITHIN DEFINITION OF "PERIOD OF WAR" FOR PURPOSES OF VETERANS BENEFITS

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (11), by inserting "the Persian Gulf War," after "the Vietnam era,"; and

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

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 333. PENSION ELIGIBILITY FOR PERSIAN GULF WAR VETERANS AND SURVIVING SPOUSES OF PERSIAN GULF WAR VETERANS

(a) Section 501 of title 38, United States Code, is amended by inserting "the Persian Gulf War," in paragraph (4) after "the Vietnam era,".

(b) Section 541(f)(1) of such title is amended—

(1) by striking out "or" before (D); and

(2) by inserting before the semicolon at the end ", or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War".

(c) CONFORMING AMENDMENTS.—(1) The heading above section 541 of such title is amended to read as follows:

"OTHER PERIODS OF WAR".

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the heading between the items relating to section 537 and 541 and inserting in lieu thereof the following:

"Other Periods of War".

SEC. 334. HEALTH BENEFITS

(a) PERIOD OF SERVICE FOR DENTAL BENEFITS.—Section 612(b) of title 38, United States Code, is amended by inserting "or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days" after "180 days" in paragraphs (1)(B)(ii) and (2).

(b) PRESUMPTION RELATING TO PSYCHOSIS.—Section 602 of such title is amended—

(1) by striking out "or the Vietnam era" and inserting in lieu thereof "the Vietnam era, or the Persian Gulf War";

(2) by striking out "or" after "Korean conflict," the second place it appears; and

(3) by inserting "or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War," after "Vietnam era veteran,".

(c) COVERAGE OF CERTAIN PRESCRIPTION DRUG BENEFITS.—Section 612(h) of such title is amended in the first sentence by striking out "the Mexican border period" and all that follows through "Vietnam era" and inserting in lieu thereof "a period of war".

(d) READJUSTMENT COUNSELING.—Section 612A(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

"(B) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

SEC. 335. REPORTS BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS CONCERNING SERVICES TO TREAT POST-TRAUMATIC STRESS DISORDER

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress two reports containing, with respect to their respective Departments, the following:

(1) An assessment of the need for rehabilitative services for members of the Armed Forces participating in the Operation Desert Storm who experience post-traumatic stress disorder.

(2) A description of the available programs and resources to meet those needs.

(3) The specific plans of that Secretary for treatment of members experiencing post-traumatic stress disorder, particularly with respect to any specific needs of members of reserve components.

(4) An assessment of needs for additional resources necessary in order to carry out such plans.

(5) A description of plans to coordinate treatment services for post-traumatic stress disorder with the other Department.

(b) TIMES FOR SUBMISSION OF REPORTS.—The first report by each of the Secretaries shall be submitted not later than 90 days after the date of the enactment of this Act, and the second report by each of the Secretaries shall be submitted a year later.

SEC. 336. LIFE INSURANCE BENEFITS

(a) SERVICEMEN'S GROUP LIFE INSURANCE.—Section 767 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000"; and

(2) in subsection (d)—

(A) by striking out "January 1, 1986" each place it appears and inserting in lieu thereof "May 1, 1991"; and

(B) by striking out "$50,000" and inserting in lieu thereof "$100,000".

(b) VETERANS' GROUP LIFE INSURANCE.—Section 777(a) of such title is amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

38 USC 767 note.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply with respect to deaths on or after the date of the enactment of this Act.

SEC. 337. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and (c)" and inserting in lieu thereof ", (c), (d), (e), and (f)";

(2) in subsection (b), by striking out "In" and inserting in lieu thereof "Except as provided in subsections (c), (d), (e), and (f), in"; and

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

"(f)(1) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subsection (a)(1) or (b)(1) of this section shall be $350 and $275, respectively.

"(2) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under paragraph (1) of this subsection and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(3) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under this subsection for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).".

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—(1) Section 2131(b) of title 10, United States Code, is amended—

(A) by striking out "(b) Except as provided in" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2) and";

(B) by redesignating paragraphs (1), (2), (3), and (4), as subparagraphs (A), (B), (C), and (D), respectively; and

(C) and by adding at the end the following new paragraph:

"(2)(A) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1) shall be $170, $128, and $85, respectively.

"(B) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable

under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under subparagraph (A) of this paragraph and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(C) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under this paragraph for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).".

(2) Section 2131(f)(2) of such title is amended by striking out "$140" and inserting in lieu thereof "amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned".

(3) Section 2131(g)(3) of such title is amended by striking out "$140" and inserting in lieu thereof "amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned".

SEC. 338. MEMBERSHIP ON EDUCATIONAL BENEFITS ADVISORY COMMITTEE FOR PERSIAN GULF WAR VETERAN

Section 1792(a) of title 38, United States Code, is amended by striking out "and the post-Vietnam era" in the second sentence and inserting in lieu thereof "the post-Vietnam era, and the Persian Gulf War".

SEC. 339. IMPROVED REEMPLOYMENT RIGHTS FOR DISABLED VETERANS

(a) IN GENERAL.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2027. Qualification for employment position

"(a) For the purposes of this chapter, a person shall be considered qualified to perform the duties of an employment position if such person, with or without reasonable accommodation, can perform the essential functions of the position.

"(b) For the purposes of subsection (a) of this section, an employer shall be required to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer.

"(c) For purposes of subsections (a) and (b) of this section—

"(1) the term 'employer' means—

"(A) until July 26, 1994, a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person; and

"(B) on and after July 26, 1994, a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person;

except that such term does not include the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

"(2) the terms 'reasonable accommodation' and 'undue hardship' have the meanings given such terms in paragraphs (9) and (10), respectively, of section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 (9) and (10)).

"(d) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990.".

(b) TECHNICAL AMENDMENT.—The table of sections of such chapter is amended by adding at the end the following:

"2027. Qualification for employment position.".

38 USC 2027 note.

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

SEC. 340. REQUALIFICATION OF FORMER EMPLOYEES

(a) IN GENERAL.—Section 2021(a) of title 38, United States Code, is amended—

(1) in clause (A), by inserting "or able to become requalified with reasonable efforts by the employer" after "perform the duties of such position" each place it appears; and

(2) in clause (B), by inserting "or able to become requalified with reasonable efforts by the employer" after "perform the duties of such position" each place it appears.

38 USC 2021 note.

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

SEC. 341. ELIGIBILITY FOR HOUSING BENEFITS

Section 1802(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Each veteran who served on active duty for 90 days or more at any time during the Persian Gulf War, other than a veteran ineligible for benefits under this title by reason of section 3103A(b) of this title.".

PART D—FEDERAL EMPLOYEE BENEFITS

5 USC 6361 note.

SEC. 361. LEAVE BANK FOR FEDERAL CIVILIAN EMPLOYEES IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR

(a) CIVIL SERVICE EMPLOYEES.—The Office of Personnel Management shall establish a leave bank program under which—

(1) an employee in any executive agency may (during a period specified by the Office of Personnel Management) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Office of Personnel Management;

(2) the total annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed

Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, and who return to civilian employment with their agencies; and

(3) such Persian Gulf concflict participants who have returned to civilian employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

(b) DEFINITIONS.—For purposes of subsection (a), the term "employee" means an employee as defined in section 6361(1) of title 5, United States Code.

(c) DEADLINE FOR REGULATIONS.—Within 30 days after the date of the enactment of this Act, the Office of Personnel Management shall prescribe regulations necessary for the administration of subsection (a).

(d) DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROFESSIONALS.—The Secretary of Veterans Affairs shall establish a program similar to that established under subsection (a) for the benefit of health-care professionals covered under section 4108(e) of title 38, United States Code. Such program shall be as similar and practicable to the program established under subsection (a).

PART E—HIGHER EDUCATION ASSISTANCE

Persian Gulf Conflict Higher Education Assistance Act. 20 USC 1070 note.

SEC. 371. SHORT TITLE

This part may be cited as the "Persian Gulf Conflict Higher Education Assistance Act".

SEC. 372. OPERATION DESERT STORM WAIVER AUTHORITY

(a) PURPOSE.—It is the purpose of this section to ensure that—

(1) the men and women serving on active duty in connection with Operation Desert Storm who are borrowers of Stafford Loans or Perkins Loans are not placed in a worse position financially in relation to those loans because of such service;

(2) the administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) (hereafter in this section referred to as the "Act") who are engaged in such military service are minimized to the extent possible without impairing the integrity of the student loan programs, in order to ease the burden on such borrowers, and to avoid inadvertent, technical defaults; and

(3) the future eligibility of such an individual for Pell Grants is not reduced by the amount of such assistance awarded for a period of instruction that such individual was unable to complete, or for which the individual did not receive academic credit, because the individual was called up for such service.

(b) WAIVER REQUIREMENT.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education shall waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Act that the Secretary deems necessary to achieve the purposes stated in subsection (a), including—

(1) the length of, and eligibility requirements for, the military deferments authorized under sections 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), and 464(c)(2)(A)(ii) of the Act, in order to enable the borrower of a Stafford Loan or a Perkins Loan who is or was

serving on active duty in connection with Operation Desert Storm to obtain a military deferment, under which interest shall accrue and shall, if otherwise payable by the Secretary of Education, be paid by the Secretary of Education, for the duration of such service;

(2) administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are or were engaged in such military service;

(3) the number of years for which individuals who are engaged in such military service may be eligible for Pell Grants under subpart 1 of part A of title IV of the Act;

(4) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a period of deferment under section 427(a)(2)(C)(ii) or 428(b)(1)(M)(ii) of the Act;

(5) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a single period of deferment under section 427(a)(2)(C)(i) or 428(b)(1)(M)(i) of the Act subsequent to such service; and

(6) the modification of the terms "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Act for such individual (and the determination of such need for the individual's spouse and dependents, if applicable), to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such individual and such individual's family.

Federal Register, publication.

(c) NOTICE OF WAIVER.—Notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section. Such notice shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions. The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(d) DEFINITIONS.—For purposes of this part—

(1) individuals serving on active duty in connection with Operation Desert Storm include—

(A) any Reserve of the Armed Forces called to active duty under section 672(a), 672(g), 673, 673(b), 674, or 688 of title 10, United States Code, for service in connection with Operation Desert Storm, regardless of the location at which such active duty service is performed; and

(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of the Armed Forces on active duty in connection with Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned; and

(2) the term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code, except that such

term does not include active duty for training or attendance at a service school.

SEC. 373. TUITION REFUNDS OR CREDITS

(a) SENSE OF CONGRESS.—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member of the Armed Forces on active duty in connection with Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because such individual was called up for such service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(b) ENCOURAGEMENT AND REPORT.—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information the Secretary receives regarding any institutions that are not providing such refunds or credits.

SEC. 374. ELIGIBILITY OF STUDENT BORROWERS

Section 731 of the Public Health Service Act (42 U.S.C. 294d) is amended—

(1) in subsection (a)(2)(C)—

(A) by striking "or" at the end of clause (vi); and

(B) by striking "and any such period" and all that follows through "clause (B) above;" in clause (vii) and inserting the following: "and (viii) in addition to all other deferments for which the borrower is eligible under clauses (i) through (vii) during which the borrower is a member of the Armed Forces on active duty during the Persian Gulf conflict, and any period described in clauses (i) through (viii) shall not be included in determining the 25-year period described in subparagraph (B);"; and

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

"(f) As used in this section:

"(1) The term 'active duty' has the meaning given such term in section 101(18) of title 37, United States Code, except that such term does not include active duty for training.

"(2) The term 'Persian Gulf conflict' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 375. TERMINATION OF SECTIONS 372 AND 373

The provisions of sections 372 and 373 shall cease to be effective on September 30, 1997.

SEC. 376. COORDINATION WITH OTHER LAW

If the Higher Education Technical Amendments of 1991 is enacted, the provisions of sections 4, 5, and 6 of that Act shall supersede sections 372, 373, and 375.

PART F—PROGRAMS FOR FARMERS AND RANCHERS

7 USC 1421 note.

SEC. 381. DEFINITIONS

As used in this part:

(1) ACTIVATED RESERVIST.—The term "activated reservist" means a member of a reserve component of the Armed Forces who served or is serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(d), 672(g), 673, 673b, 674, 675, or 678 of title 10, United States Code.

(2) FARMER PROGRAM LOAN.—The term "farmer program loan" has the same meaning given such term in section 343(a)(10) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(10)).

(3) RESERVE COMPONENT OF THE ARMED FORCES.—The term "reserve component of the Armed Forces" means a reserve component named in section 261(a) of title 10, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) OTHER TERMS.—

(A) AGRICULTURAL ACT OF 1949.—The terms "crop acreage base", "producer", "program crop", and any other terms used in this title have the same meanings specifically given such terms in the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(B) TITLE 10.—The term "active duty" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 382. BASE PROTECTION

The Secretary shall, with respect to a producer on a farm who is an activated reservist during a crop year, provide for the protection of the producer's crop acreage base for any program crop on the farm to the extent necessary to provide fair and equitable treatment for the producer.

Crop insurance.

SEC. 383. WAIVER OF MINIMUM PLANTING REQUIREMENT

The producers on a farm shall be eligible for payments for a crop of rice or upland cotton under sections 101B(c)(1)(D)(i) and 103B(c)(1)(D)(i) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(D)(i) and 1444-2(c)(1)(D)(i), without regard to the minimum planting requirement established in sections 101B(c)(1)(D)(ii) and 103B(c)(1)(D)(ii) of such Act, if—

(1) one or more of the producers on the farm is an activated reservist during any portion of the crop year; and

(2) the producers on the farm satisfy all other requirements determined appropriate by the Secretary for the payments.

SEC. 384. CONSERVATION REQUIREMENTS

(a) TEMPORARY WAIVER AUTHORITY.—The Secretary may provide for a temporary waiver or modification of the application of subtitles A through E of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) with respect to producers on a farm who are activated reservists if—

(1) the temporary waiver or modification is only for the period during which the producer is an activated reservist;

(2) the Secretary determines that the temporary waiver or modification is necessary to prevent undue hardship caused as a result of the producer's service on active duty during the Persian Gulf Conflict or to provide equitable treatment for the activated reservist; and

(3) the temporary waiver or modification will not significantly detract from the purposes and objectives of subtitles A through E of title XII of the Food Security Act of 1985.

(b) REPORT.—The Secretary shall, not later than March 31, 1992, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate regarding the temporary waivers and modifications granted under subsection (a). Such report shall include—

(1) a summary of the types of waivers and modifications granted under subsection (a);

(2) a summary of the number and the geographical breakdown of the waivers and modifications granted under subsection (a); and

(3) an assessment of the effect of the waivers and modifications granted under subsection (a) on the ability of the programs established under subtitles A through E of title XII of the Food Security Act of 1985 to accomplish the purposes and objectives of such subtitles.

SEC. 385. FARM CREDIT PROVISIONS

Loan programs.

(a) IN GENERAL.—The Secretary shall establish a program to provide relief to any borrower of a farmer program loan if the borrower is an activated reservist.

(b) BORROWER RELIEF.—The Secretary shall modify the terms and conditions of farmer program loans (including loans in which any participant in the loan is an activated reservist) made or insured under the Consolidated Farm and Rural Development Act, or purchased under section 309B of such Act (7 U.S.C. 1926b), to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of such reservist and to assist keeping the farm or ranch of an activated reservist borrower in operation for such period of time as the Secretary determines is fair and equitable.

(c) LOAN MODIFICATIONS.—The Secretary may modify farmer program loans, including delinquent loans, by deferring scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

(d) NOTICE.—The Secretary shall develop a program to notify any person that has an interest in, or is operating, a farm or ranch of an activated reservist who is a farmer program loan borrower of the borrower relief provisions of this section.

SEC. 386. PROGRAM ADMINISTRATION PROVISIONS

(a) SIGN-UP PROCEDURES.—The Secretary may provide for procedures by which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), the Food Security Act of 1985 (Public Law 99-198), the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624), the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et

seq.), or any other Act concerning the operation of the activated reservist's farming or ranching operation.

(b) REQUIREMENTS.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under such procedures if—

(1) The Secretary determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

(2) the Secretary has reason to believe that the representation of the spouse or close relative is in accordance with the wishes of the activated reservist.

Regulations.

SEC. 387. ADMINISTRATION

The Secretary shall issue such regulations, and take such other actions, as are necessary to carry out this part. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this part by the Secretary.

Food stamps.

SEC. 388. OUTREACH PROJECTS

(a) The Secretary shall conduct a sufficient number of outreach projects to inform appropriate households, of which a member is a member of the Armed Forces serving on active duty (other than for training) that they might be eligible for participation in the Food Stamp Program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(b) The Secretary shall—

(1) in designing and carrying out projects under subsection (a), consult with the Secretary of Defense, appropriate State agencies, and appropriate military family support groups; and

(2) ensure that the projects under subsection (a) begin no later than July 1, 1991, and end July 1, 1992.

Reports.

(c) The Secretary shall submit a report, by September 1, 1992, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of each method used under subsection (a) to inform households of food stamp eligibility.

PART G—BUDGET TREATMENT

SEC. 391. AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION.—In addition to the authorizations of appropriations in titles I and II, there is hereby authorized to be appropriated from the Defense Cooperation Account the sum of $655,000,000, to be available only for the payment of title III benefits for fiscal years 1991 through 1995, except that none of the amount appropriated pursuant to such authorization shall be available for (1) payment of Montgomery GI bill rate increases for fiscal years after fiscal year 1993, or (2) for costs under the amendments made by section 334. Of the amount appropriated pursuant to such authorization, $255,000,000 is available only for the costs of benefits under part C of this title, and no more than such amount may be available from such account for those costs.

(b) LONG-TERM COSTS.—The amount of funds in the Defense Cooperation Account on October 1, 1992 (other than funds appropriated pursuant to authorizations in other provisions of this Act), is hereby authorized to be appropriated from that account for costs of

title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) accruing after fiscal year 1995.

(c) INCREMENTAL COSTS.—The costs of title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) for fiscal years 1991 through 1995 and the costs of Montgomery GI bill rate increases for fiscal years 1992 and 1993 are incremental costs associated with Operation Desert Storm.

SEC. 392. BENEFITS CONTINGENT UPON APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

(a) IN GENERAL.—No person is entitled to, or eligible for, any title III benefit that is payable during fiscal years 1991 through 1995 unless an appropriations Act appropriates funds for such benefit from the Defense Cooperation Account for transfer to applicable appropriations. The preceding sentence does not apply with respect to Montgomery GI bill rate increases or to benefits under section 334.

(b) VETERANS BENEFITS.—No person is entitled to, or eligible for, payment of Montgomery GI bill rate increases during fiscal year 1992 or fiscal year 1993 unless an appropriations Act appropriates funds for the payment of such rate increases from the Defense Cooperation Account for transfer to applicable appropriations.

SEC. 393. DEFINITION; CONSTRUCTION OF SECTIONS 391 AND 392

(a) DEFINITION.—For purposes of this title, the term "Montgomery GI bill rate increases" means increases provided by section 337 with respect to fiscal years 1992 and 1993 in the monthly rates of educational assistance benefits in effect on the day before the date of the enactment of this Act under chapter 106 of title 10, United States Code, and under chapter 30 of title 38, United States Code.

(b) CONSTRUCTION.—For purposes of sections 391 and 392—

(1) a title III benefit is (A) any new payment or benefit provided by this title, or (B) any increase provided by this title in payments amounts or benefits previously provided by law; and

(2) a reference to provisions of this title shall be considered to include reference to provisions of law added by amendments made by this title.

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

10 USC 113 note.

SEC. 401. REPORTS ON UNITED STATES COSTS IN THE PERSIAN GULF CONFLICT AND FOREIGN CONTRIBUTIONS TO OFFSET SUCH COSTS

(a) REPORTS REQUIRED.—The Director of the Office of Management and Budget shall prepare, in accordance with this section, periodic reports on the incremental costs associated with Operation Desert Storm and on the amounts of contributions made to the United States by foreign countries to offset those costs. The Director shall prepare the reports in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and other appropriate Government officials.

(b) COSTS OF OPERATION DESERT STORM.—

(1) PERIOD COSTS AND CUMULATIVE COSTS.—Each report prepared under subsection (a) shall specify—

(A) the incremental costs associated with Operation Desert Storm that were incurred during the period covered by the report; and

(B) the cumulative total of such costs, by fiscal year, from August 1, 1990, to the end of the period covered by the report.

(2) NONRECURRING COSTS AND COSTS OFFSET.—In specifying the incremental costs associated with Operation Desert Storm that were incurred during the period covered by a report and the total of such costs, the Director shall separately identify those costs that—

(A) are nonrecurring costs;

(B) are offset by in-kind contributions; or

(C) are offset (or proposed to be offset) by the realignment, reprogramming, or transfer of funds appropriated for activities unrelated to the Persian Gulf conflict.

(c) SPECIFIC COST AREAS.—Each report prepared under subsection (a) on the incremental costs associated with Operation Desert Storm shall specify an allocation of the total amount of such costs among the military departments, the Defense Agencies of the Department of Defense, and the Office of the Secretary of Defense, by category, including the following categories:

(1) AIRLIFT.—Airlift costs related to the transportation by air of personnel, equipment, and supplies.

(2) SEALIFT.—Sealift costs related to the transportation by sea of personnel, equipment, and supplies.

(3) PERSONNEL.—Personnel costs, including pay and allowances of members of the reserve components of the Armed Forces called or ordered to active duty and increased pay and allowances of members of the regular components of the Armed Forces incurred because of deployment in connection with Operation Desert Storm.

(4) PERSONNEL SUPPORT.—Personnel support costs, including subsistence, uniforms, and medical costs.

(5) OPERATING SUPPORT.—Operating support costs, including equipment support costs, costs associated with increased operational tempo, spare parts, stock fund purchases, communications, and equipment maintenance.

(6) FUEL.—Fuel costs.

(7) PROCUREMENT.—Procurement costs, including ammunition, weapon systems improvements and upgrades, and equipment purchases.

(8) MILITARY CONSTRUCTION.—Military construction costs.

(d) CONTRIBUTIONS TO THE UNITED STATES.—

(1) AMOUNT OF CONTRIBUTIONS.—Each report prepared under subsection (a) shall specify the amount of contributions made to the United States by each foreign country that is making contributions to defray the cost to the United States of Operation Desert Storm. The amount of each country's contribution during the period covered by each report, as well as the cumulative total of such contributions made before the date of the report, shall be indicated as follows:

(A) Cash payments pledged.

(B) Cash payments received.

(C) Description and value of in-kind contributions pledged.

(D) Description and value of in-kind contributions received.

(2) PLEDGE PERIOD AND USE RESTRICTIONS.—In specifying the amount of each contribution pledged, the Director shall indicate—

(A) the time period, if any, for which that contribution applies; and

(B) any restrictions on the use of that contribution.

(e) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report required by subsection (a) shall be submitted to the Congress not later than 14 days after the date of the enactment of this Act and shall cover the period beginning on August 1, 1990, and ending on December 31, 1990.

(2) SECOND REPORT.—The second report shall be submitted to the Congress not later than 21 days after the date of the enactment of this Act and shall cover—

(A) January and February 1991, with respect to information required under subsections (b) and (c); and

(B) January, February, and March 1991, with respect to information required under subsection (d).

(3) SUBSEQUENT MONTHLY REPORTS.—A report shall be submitted to Congress not later than the 15th day of each month after April 1991 and shall cover—

(A) the month before the preceding month, in the case of information required under subsections (b) and (c); and

(B) the preceding month, in the case of information required under subsection (d).

(4) FINAL REPORT.—The final report shall be submitted not later than November 15, 1992, and shall include—

(A) the information required under subsections (b) and (c) relating to the month of September 1992; and

(B) a summary of all information that was included in reports submitted under this section.

SEC. 402. REPORTS ON FOREIGN CONTRIBUTIONS IN RESPONSE TO THE PERSIAN GULF CRISIS

(a) REPORTS REQUIRED.—The Secretary of State and the Secretary of the Treasury shall jointly prepare periodic reports on the contributions made by foreign countries as part of the international response to the Persian Gulf crisis. The Secretaries shall prepare the reports in consultation with the Secretary of Defense and other appropriate Federal Government officials.

(b) INFORMATION TO BE PROVIDED.—Each report required by this section shall include the following information for each foreign country making contributions as part of the international response to the Persian Gulf crisis:

(1) PARTICIPATION IN THE INTERNATIONAL MILITARY COALITION.—In the case of each foreign country whose armed forces are participating in the international military coalition confronting Iraq, a description of the forces committed in terms of personnel, units, and equipment deployed, and any information available regarding the aggregate amount of the incremental costs associated with such country's participation.

(2) CONTRIBUTIONS TO THOSE COUNTRIES SIGNIFICANTLY AFFECTED BY THE PERSIAN GULF CRISIS.—Any information available on—

(A) any additional special assistance (financial, in-kind, or host-country support) pledged as a contribution to each of those countries significantly affected by the Persian Gulf crisis; and

(B) the value and a description of the types of such assistance received by each such country.

The information provided pursuant to this paragraph shall include information on such assistance as reported to the Gulf Crisis Financial Coordination Group.

(3) CONTRIBUTIONS TO OTHER MILITARY FORCES.—The value and nature of any assistance (financial, in-kind, or host-country support) made to each foreign country referred to in paragraph (1), other than the United States, to defray costs of military operations conducted by the armed forces of such foreign country in connection with Operation Desert Storm.

(4) CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—Any information available on the value and nature of contributions pledged—

(A) to any United Nations organization,

(B) to the International Committee of the Red Cross, and

(C) to the extent the Secretary of State considers appropriate, to other international or nongovernmental organizations,

for the purpose of dealing with consequences of the Persian Gulf crisis (including contributions for such purposes as furnishing humanitarian assistance for displaced persons or furnishing assistance for responding to oil spills), and the value and nature of such contributions received by each such organization.

(5) OTHER FORMS OF CONTRIBUTIONS.—A description of international agreements entered into by the United States as a result of the Persian Gulf crisis, and a description of prepositioning rights, base or other military facilities access rights, or air transit rights granted to the United States as a result of the Persian Gulf crisis.

(6) CONTRIBUTIONS TO OTHER FOREIGN COUNTRIES.—Any information available on the types of any additional assistance (financial, in-kind, or host-country support) pledged and received as a contribution to other foreign countries as a result of the Persian Gulf crisis.

(7) CUMULATIVE TOTALS.—Each report submitted pursuant to subsection (c) shall include cumulative totals for, and any information available on the aggregate value of, the contributions that have been pledged, and the contributions that have been paid or otherwise delivered, by each foreign country as of the end of the calendar quarter covered by that report.

(c) SUBMISSION OF REPORTS.—

(1) TIME FOR SUBMISSION, PERIOD COVERED.—(A) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on August 1, 1990, and ending on December 31, 1990.

(B) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered

during the period beginning on January 1, 1991, and ending on March 31, 1991.

(C) Subsequent reports prepared pursuant to subsection (a) shall be submitted to the Congress not later than the 15th day after the end of each calendar quarter in 1991 with respect to the contributions pledged and the contributions paid or otherwise delivered during that calendar quarter.

(D) A final report shall be submitted to the Congress not later than November 15, 1992, and shall contain a summary of all information relating to the contributions pledged and the contributions paid or otherwise delivered that was included in reports submitted under this paragraph.

(d) DEFINITIONS.—In this section:

(1) The term "countries significantly affected by the Persian Gulf crisis" means Egypt, Jordan, Turkey, and Israel, and any other country whose economy the President determines is significantly affected by the Persian Gulf crisis.

(2) The term "Persian Gulf crisis" means the military conflict, the United Nations Security Council embargo against Iraq, and other consequences associated with Iraq's invasion and occupation of Kuwait and its failure to comply with the resolutions of the Security Council.

(3) The term "Gulf Crisis Financial Coordination Group" means the organization established by the President on September 25, 1990 for coordinating economic assistance in response to the Persian Gulf crisis.

SEC. 403. FORM OF REPORTS

The reports required to be submitted to the Congress pursuant to this title shall be submitted in unclassified form to the extent practicable, with a classified annex if necessary.

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

SEC. 501. DEPARTMENT OF DEFENSE REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

(a) REPORT REQUIRED.—Not later than January 15, 1992, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of the hostilities in the Persian Gulf theater of operations. The Secretary shall submit to such committees a preliminary report on the conduct of those hostilities not later than July 1, 1991. The report (including the preliminary report) shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the Commander in Chief, United States Central Command.

(b) DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters:

(1) The military objectives of the multinational coalition.

(2) The military strategy of the multinational coalition to achieve those military objectives and how the military strategy contributed to the achievement of those objectives.

(3) The deployment of United States forces and the transportation of supplies to the theater of operations, including an

assessment of airlift, sealift, afloat prepositioning ships, and Maritime Prepositioning Squadron ships.

(4) The conduct of military operations.

(5) The use of special operations forces, including operational and intelligence uses classified under special access procedures.

(6) The employment and performance of United States military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations; and

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations.

(7) The scope of logistics support, including support from other nations, with particular emphasis on medical support provided in the theater of operations.

(8) The acquisition policy actions taken to support the forces in the theater of operations.

(9) The personnel management actions taken to support the forces in the theater of operations.

(10) The role of women in the theater of operations.

(11) The effectiveness of reserve component forces, including a discussion of each of the following matters:

(A) The readiness and activation of such forces.

(B) The decisionmaking process regarding both activation of reserve component forces and deployment of those forces to the theater of operations.

(C) The post-activation training received by such forces.

(D) The integration of forces and equipment of reserve component forces into the active component forces.

(E) The use and performance of the reserve component forces in operations in the theater of operations.

(F) The use and performance of such forces at duty stations outside the theater of operations.

(12) The role of the law of armed conflict in the planning and execution of military operations by United States forces and the other coalition forces and the effects on operations of Iraqi compliance or noncompliance with the law of armed conflict, including a discussion regarding each of the following matters:

(A) Taking of hostages.

(B) Treatment of civilians in occupied territory.

(C) Collateral damage and civilian casualties.

(D) Treatment of prisoners of war.

(E) Repatriation of prisoners of war.

(F) Use of ruses and acts of perfidy.

(G) War crimes.

(H) Environmental terrorism.

(I) Conduct of neutral nations.

(13) The actions taken by the coalition forces in anticipation of, and in response to, Iraqi acts of environmental terrorism.

(14) The contributions of United States and coalition intelligence and counterintelligence systems and personnel, including contributions regarding bomb damage assessments and particularly including United States tactical intelligence and related activities (TIARA) programs.

(15) Command, control, communications, and operational security of the coalition forces as a whole, and command, control, communications, and operational security of the United States forces.

(16) The rules of engagement for the coalition forces.

(17) The actions taken to reduce the casualties among coalition forces caused by the fire of such forces.

(18) The role of supporting combatant commands and Defense Agencies of the Department of Defense.

(19) The policies and procedures relating to the media, including the use of media pools.

(20) The assignment of roles and missions to the United States forces and other coalition forces and the performance of those forces in carrying out their assigned roles and missions.

(21) The preparedness, including doctrine and training, of the United States forces.

(22) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.

(23) The problems posed by Iraqi possession and use of equipment produced in the United States and other coalition nations.

(24) The use of deception by Iraqi forces and by coalition forces.

(25) The military criteria used to determine when to progress from one phase of military operations to another phase of military operations, including transition from air superiority operations to operations focused on degrading Iraqi forces, transition to large-scale ground offensive operations, and transition to cessation of hostilities.

(26) The effects on the conduct of United States military operations resulting from the implementation of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(c) CASUALTY STATISTICS.—The report (and the preliminary report, to the extent feasible) shall also contain (1) the number of military and civilian casualties sustained by coalition nations, and (2) estimates of such casualties sustained by Iraq and by nations not directly participating in the hostilities in the Persian Gulf area during the Persian Gulf Conflict.

(d) CLASSIFICATION OF REPORTS.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

TITLE VI—GENERAL PROVISIONS

SEC. 601. CHILD CARE ASSISTANCE

10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the Persian Gulf conflict in order to ensure that the children of such families obtain needed child care services. The assistance authorized by this section should be directed primarily toward providing needed child care services for children of such personnel who are serving in the Persian Gulf area or who have been otherwise deployed, assigned, or ordered to active duty in connection with Operation Desert Storm.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account

for fiscal year 1991 under section 101(a), $20,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs associated with Operation Desert Storm.

(c) SUPPLEMENTATION OF OTHER PUBLIC FUNDS.—Funds appropriated pursuant to subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of child care programs for members of the Armed Forces.

10 USC 113 note.

SEC. 602. FAMILY EDUCATION AND SUPPORT SERVICES

(a) IN GENERAL.—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of Operation Desert Storm.

(b) TYPES OF ASSISTANCE.—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, or other forms of financial assistance to appropriate private or public entities.

(c) GEOGRAPHIC AREAS ASSISTED.—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed, or have been deployed, in connection with Operation Desert Storm; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to section 672(a), 672(d), 673, 673b, or 688 of title 10, United States Code, are being deployed, or have been deployed, in connection with Operation Desert Storm.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) EDUCATIONAL ASSISTANCE.—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed in connection with, or are casualties of, Operation Desert Storm.

(2) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(3) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (1) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) FAMILY SUPPORT ASSISTANCE.—Family support assistance authorized by this section may be used for the following purposes:

(1) Family crisis intervention.

(2) Family counseling.

(3) Family support groups.

(4) Expenses for volunteer activities.

(5) Respite care.
(6) Housing protection and advocacy.
(7) Food assistance.
(8) Employment assistance.
(9) Child care.
(10) Benefits eligibility determination services.
(11) Transportation assistance.
(12) Adult day care for dependent elderly and disabled adults.
(13) Temporary housing assistance for immediate family members visiting soldiers wounded during Operation Desert Storm and receiving medical treatment at military hospitals and facilities in the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a), $30,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs of Operation Desert Storm.

SEC. 603. LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA

(a) CONVEYANCE AUTHORIZED.—Not later than one year after the date of the enactment of this Act, subject to subsections (b) through (g), the Secretary of the Army shall convey, without consideration, to Caroline County, Virginia, or the Commonwealth of Virginia (hereinafter in this section referred to as the "Commonwealth"), as appropriate, all right, title, and interest of the United States in and to a parcel of land located at Fort A.P. Hill, Virginia, and consisting of approximately 150 acres.

(b) IDENTIFICATION OF PROPERTY.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary shall, after consultation with appropriate representatives of Caroline County, Virginia, and the Commonwealth, identify the exact size and location of the parcel of land to be conveyed pursuant to this section. The Secretary shall, to the maximum extent practicable, identify a parcel of land that—

(A) has soil and topographical conditions suitable for the construction of a low- to mid-rise institutional correctional facility, including recreation, parking, and other necessary support facilities; and

(B) is situated within reasonably close proximity to an existing sewer system.

(2) The cost of any new or expanded sewer system or utilities shall not be the responsibility of the Department of Defense or Caroline County.

(c) CONVEYANCE OF PROPERTY.—(1) Except as provided in paragraph (2), the parcel of land conveyed pursuant to this section shall be conveyed to the Commonwealth and shall be subject to the conditions and limitations on its use as provided in Chapter 3, Article 3.1 of Title 53.1, Code of Virginia.

(2) The Secretary shall convey the parcel of land to Caroline County, Virginia, instead of the Commonwealth, if, within one year after the date of the enactment of this Act, the Secretary receives the written agreement of the participating political subdivisions of the Commonwealth named in paragraph (3) to take, under the laws of the Commonwealth, the following actions:

(A) Establish a governmental entity to construct and operate on such parcel of land a regional correctional facility.

(B) Ensure that such governmental entity constructs and operates such facility.

(3)(A) In order for the agreement referred to in paragraph (2) to be effective for the purposes of such paragraph, it shall be agreed to by Caroline County, Virginia, and at least three of the following political subdivisions of the Commonwealth:

(i) Arlington County.

(ii) Fairfax County.

(iii) Prince William County.

(iv) Stafford County.

(v) The City of Alexandria.

(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph to participate in the written agreement referred to in paragraph (2).

(d) USE OF PROPERTY; REVERSION.—(1)(A) A conveyance of land to Caroline County, Virginia, pursuant to this section shall be subject to the conditions that—

(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than 24 months after the date of the enactment of this Act;

(ii) such construction be completed and the operation of such facility commence not later than five years after such date; and

(iii) such parcel of land be used only for the construction and operation of such facility.

(B) If the parcel of land conveyed pursuant to this section is conveyed to Caroline County, Virginia, and the entity established pursuant to the agreement referred to in subsection (c)(2) fails to construct and operate a regional correctional facility in accordance with the conditions set out in subparagraph (A), all right, title, and interest in and to such parcel of land (together with the improvements thereon) shall revert to the United States.

(C) In the event of a reversion under subparagraph (B), the Secretary shall promptly convey all right, title, and interest of the United States in the parcel of land referred to in such subparagraph to the Commonwealth, subject to the applicable provisions of paragraph (2) and subsections (e) through (g).

(2)(A) A conveyance of a parcel of land to the Commonwealth pursuant to this section, shall be subject to the conditions that—

(i) an entity be established under the laws of the Commonwealth for the construction and operation of a regional correctional facility on such parcel of land;

(ii) construction of such facility on such parcel of land be completed and the operation of such facility commence not later than seven years after the date of the enactment of this Act;

(iii) such parcel of land be used only for the purpose of construction and operation of such facility;

(iv) Arlington County, Fairfax County, the City of Alexandria, Prince William County, Stafford County, and Caroline County, Virginia, be offered the opportunity for participation in such entity; and

(v) no fee be charged by the Commonwealth for the conveyance to, lease by, or use of such parcel of land by such entity.

(B) If the parcel of land to be conveyed pursuant to this section is conveyed to the Commonwealth and the conditions referred to in subparagraph (A) are not complied with (as determined by the

Secretary), all right, title, and interest in and to such land (together with the improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) PROHIBITION ON HOUSING CERTAIN PRISONERS.—Except when agreed to in writing by an appropriate representative of Caroline County, Virginia, the regional correctional facility constructed and operated in accordance with this section—

(1) shall have a maximum capacity of not more than 2,400 inmates; and

(2) may not be used to house Federal prisoners or prisoners convicted by, sentenced by, or awaiting trial in the courts of the District of Columbia.

(f) TIME LIMITATION.—The period of any litigation relating to the conveyance or improvement of land under this section shall not be included in a determination of the period for conveyance or improvement, or for the reverter of or right of re-entry onto such land.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary, in his sole discretion, shall determine appropriate to protect the interests of the United States.

(h) REPEAL.—Section 2839 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1801) is repealed.

SEC. 604. GRASSROOTS EFFORTS TO SUPPORT OUR TROOPS

(a) FINDINGS.—The Congress finds the following:

(1) Over 400,000 American servicemen and women risked their lives in defending the interests and principles of the United States in the Persian Gulf region.

(2) These American servicemen and women performed with remarkable success against Iraq and its military-industrial complex.

(3) All Americans should take great pride in the manner in which our brave servicemen and women represented our Nation in the Persian Gulf region.

(4) All Americans eagerly await the safe return of our courageous sons and daughters who served in the Persian Gulf region.

(b) GRASSROOTS SUPPORT.—The Congress—

(1) supports and endorses national, State, and local grassroots efforts to support our servicemen and women who participated in Operation Desert Storm and their families here at home;

(2) encourages Federal agencies (in accordance with applicable law), State and local governments, and private businesses and industry to organize task forces intended to provide support for the families of servicemen and women deployed in the Persian Gulf region and to organize celebrations for the servicemen and women upon their arrival home; and

(3) encourages those grassroots government, business, and industry efforts to include Vietnam Veteran organizations in all activities conducted for the benefit of the troops returning home from Operation Desert Storm.

Reports.
5 USC app. 101.

SEC. 605. EXTENSION OF TIME FOR FILING FOR PERSONS SERVING IN COMBAT ZONE

2 USC 701.

(a) IN GENERAL.—Section 101(g) of the Ethics in Government Act of 1978 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

"(i) the last day of the individual's service in such area during such designated period; or

"(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

"(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.".

5 USC app. 101 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reports required to be filed after January 17, 1991.

SEC. 606. SENSE OF CONGRESS CONCERNING BUSINESSES SEEKING TO PARTICIPATE IN THE REBUILDING OF KUWAIT

(a) FINDINGS.—The Congress finds as follows:

(1) The Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait and have restored the independence of that nation.

(2) During the occupation of Kuwait by Iraq, much damage was done to the infrastructure, environment, and industrial capacity of Kuwait, and rebuilding of Kuwait is desperately needed.

(3) The principal test of a nation's commitment to the liberation of Kuwait in the Persian Gulf conflict was its willingness to provide military forces for the liberation of Kuwait.

(4) United States firms, including small and minority-owned businesses, have expressed a significant interest in participating in the rebuilding of Kuwait.

(5) Small and minority-owned businesses face inherent difficulties in competing in foreign markets and in obtaining a share of contracts from foreign governments, particularly those contracts that are performed in distant parts of the world.

(b) SENSE OF CONGRESS CONCERNING SOURCE SELECTION FOR KUWAIT CONTRACTS.—It is the sense of Congress that the Army Corps of Engineers and other Federal agencies should award contracts for the rebuilding of Kuwait, and, in recommending business firms to the Government of Kuwait for the award by it of such contracts, should encourage the Government of Kuwait to award such contracts, in accordance with the following priority:

(1) First, to United States firms, including small and minority-owned businesses, that are committed to employing United States workers under the contract.

(2) Second, to other United States firms.

(3) Then, to firms from allied nations that committed military forces to the liberation of Kuwait during the Persian Gulf conflict.

(c) SENSE OF CONGRESS CONCERNING SELECTION OF SUBCONTRACTORS FOR KUWAIT CONTRACTS.—It is the sense of Congress that, when making recommendations to any contractor awarded a contract referred to in subsection (b) concerning the selection of firms for subcontracts under such contract, the Army Corps of Engineers shall encourage the contractor to select a firm or firms for the subcontract in accordance with the priority set out in subsection (b).

(d) SENSE OF CONGRESS CONCERNING EMPLOYEES UNDER KUWAIT REBUILDING CONTRACTS.—It is the sense of Congress that any United States firm that receives a contract pertaining to the rebuilding of Kuwait—

(1) should employ United States citizens to carry out the contract; and

(2) should provide a preference to veterans of the Armed Forces in hiring for work on the contract.

(e) SENSE OF CONGRESS CONCERNING SMALL AND MINORITY-OWNED BUSINESS PARTICIPATION IN KUWAIT REBUILDING CONTRACTS.—It is the sense of Congress that—

(1) the President, acting through the appropriate Government agencies (including particularly the agencies that will be engaged in source selections or source recommendations as described in subsection (b)), should take steps to provide assistance to United States small and minority-owned businesses seeking to be awarded contracts as part of the rebuilding of Kuwait;

(2) the Administrator of the Small Business Administration and other appropriate Federal officials should conduct a public information campaign to advise small and minority-owned business firms with respect to contracts for the rebuilding of Kuwait; and

(3) United States firms that are awarded contracts pertaining to the rebuilding of Kuwait should, to the maximum extent practicable, seek to award subcontracts for such contracts to United States small and minority-owned business firms.

(f) PROGRESS REPORTS.—(1) The President shall submit to Congress a report every four months with respect to contracting for the rebuilding of Kuwait. Each such report shall show, as of the submission of the report, the country of origin of all business firms awarded Kuwait rebuilding contracts by the Corps of Engineers and other Federal agencies and the country of origin of all business firms awarded subcontracts under such contracts and the other information specified in paragraphs (2) and (3). President. Reports.

(2) The President shall include in each such report the same information (to the extent reasonably available) with regard to all business firms awarded Kuwait rebuilding contracts by the Government of Kuwait and all business firms that are subcontractors under those contracts. The President shall request the Government of Kuwait to provide to the United States, on an ongoing basis, information with respect to the country of origin of business firms to which it awards rebuilding contracts, the country of origin of firms awarded subcontracts under those contracts, and the information with respect to those contracts and subcontracts described in paragraph (3).

(3)(A) Information in reports under paragraph (1) shall be shown by the number of firms from each such country and by the dollar

value of contracts and subcontracts awarded to firms from each such country.

(B) Each such report shall also show (to the extent reasonably available) the number and percentage of contractors that are small businesses, and the number and percentage that are minority-owned businesses, among the total number of contracts awarded to United States. Each such report shall also show (to the extent reasonably available), with respect to each contract awarded to a United States firm, the number and percentage of persons employed (or expected to be employed) under the contract who are United States citizens, the number and percentage of all persons so employed (or expected to be so employed) who are United States citizens and are veterans, and the number of subcontractors under the contract that are small businesses and the number that are minority-owned businesses.

(4) The first report under paragraph (1) shall be submitted not later than two months after the date of the enactment of this Act. The last such report shall be submitted 36 months after the first report.

Saddam Hussein.

SEC. 607. SENSE OF CONGRESS REGARDING USE OF UNITED STATES FUNDS FOR REBUILDING IRAQ

It is the sense of Congress that none of the funds appropriated or otherwise made available by any provision of law may be obligated or expended, directly or indirectly, for the purpose of rebuilding Iraq while Saddam Hussein remains in power in Iraq.

10 USC 113 note.

SEC. 608. WITHHOLDING OF PAYMENTS TO INDIRECT-HIRE CIVILIAN PERSONNEL OF NONPAYING PLEDGING NATIONS

(a) GENERAL RULE.—Effective as of the end of the six-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Department of Defense in that nation.

(b) NONPAYING PLEDGING NATION DEFINED.—For purposes of this section, the term "nonpaying pledging nation" means a foreign nation that has pledged to the United States that it will make contributions to assist the United States in defraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

(c) RELEASE OF WITHHELD AMOUNTS.—When a nation affected by subsection (a) has paid to the United States the full amount pledged, the Secretary of Defense shall release the amounts withheld from payment pursuant to subsection (a).

(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) upon certification to Congress that the waiver is required in the national security interests of the United States.

SEC. 609. RELIEF FROM REQUIREMENTS FOR REDUCTIONS IN DEFENSE ACQUISITION WORKFORCE DURING FISCAL YEAR 1991

(a) The Secretary of Defense, in allocating to various installations and facilities the defense acquisition workforce reductions required for fiscal year 1991, should use the considerable flexibility concerning the manner in which those reductions are to be made that was provided to the Secretary by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104

Stat. 1621) in order to respond properly and efficiently to the influx of work expected to come into the defense acquisition system resulting from Operation Desert Storm.

(b) The Secretary should allocate those reductions for fiscal year 1991 in a manner that ensures that any Department of Defense installation or facility that will experience a significant increase in workload during fiscal year 1991 (compared to its workload during fiscal year 1990) as a direct result of activities undertaken in support of Operation Desert Storm is not required to make defense acquisition workforce reductions during fiscal year 1991 that would adversely affect the ability of that installation or facility to perform its mission.

(c) For purposes of this section, the term "defense acquisition workforce reductions" means the reductions in the defense acquisition workforce required by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621).

TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS

SEC. 701. AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) CLARIFICATION OF WAIVER AUTHORITY.—Section 2331(c)(1) of title 10, United States Code, as added by section 834(a) of Public Law 101-510 (104 Stat. 1613), is amended—

(1) by striking out "on a case-by-case basis";

(2) by striking out "considers necessary the use of master agreements" and inserting in lieu thereof "considers the use of master agreements necessary"; and

(3) by striking out "of this section" before the period at the end.

(b) CLARIFICATION OF TRUTH-IN-NEGOTIATION ACT AMENDMENTS.—Section 2306a(a)(1) of title 10, United States Code, as amended by section 803(a) of Public Law 101-510 (104 Stat. 1589), is amended—

(1) in subparagraph (B), by striking out "$500,000" and all that follows through "$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to that contract";

(2) in subparagraph (C)(i), by striking out "$500,000" and all that follows through "$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract"; and

(3) in subparagraph (D), by striking out "$500,000" and all that follows through "$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract".

(c) CLARIFICATION OF IR&D AMENDMENTS.—Section 2372(d)(2)(B) of title 10, United States Code, as added by section 824(a)(1) of Public Law 101-510 (104 Stat. 1603), is amended by striking out "or" after "subsection (b)" and inserting in lieu thereof ", including".

(d) DEFINITION OF SMALL PURCHASE THRESHOLD.—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended by adding at the end the following new paragraph:

"(7) The term 'small purchase threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(2) Section 2304 is amended—

(A) in subsection (g)—

(i) by striking out "chapter" in paragraph (2) and inserting in lieu thereof "subsection"; and

(ii) by striking out paragraph (5), as added by section 806(b)(3) of Public Law 101-510; and

(B) in subsection (j)(3)(A), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold".

(3) Section 2306(e)(2)(A) is amended by striking out "the small purchase amount under section 2304(g) of this title" and inserting in lieu thereof "the small purchase threshold".

(4) Section 2307(d)(3) is amended by striking out "contracts for amounts less than the maximum amount for small purchases specified in section 2304(g)(2) of this title" and inserting in lieu thereof "any contract for an amount not in excess of the amount of the small purchase threshold".

(5) Section 2326(g)(1)(B) is amended by striking out "of less than $25,000" and inserting in lieu thereof "in an amount not in excess of the amount of the small purchase threshold".

(6) Section 2397(a)(1) is amended—

(A) by striking out "awarded"; and

(B) by striking out "involves at least $25,000" and inserting in lieu thereof "is in an amount in excess of the small purchase threshold (as defined in section 2302(7) of this title), as in effect at the time that contract is awarded".

(e) TABLES OF CHAPTERS AND SECTIONS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 83 the following new item:

"85. Procurement Management Personnel ..... 1621".

(2) The items relating to chapter 108 in the tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, are amended to read as follows:

"108. Department of Defense Schools ..... 2161".

(3) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 687, as added by section 559(a)(2) of Public Law 101-510 (104 Stat. 1571), to appear after the item relating to section 689 and redesignating that item so as to relate to section 690.

(4) The item relating to section 1584 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"1584. Employment of non-citizens.".

(5) The table of sections at the beginning of chapter 139 is amended by inserting a period at the end of the item relating to section 2366.

(6) The item relating to section 2706 in the table of sections at the beginning of chapter 160 is amended to read as follows:

"2706. Annual reports to Congress.".

(7) The item relating to section 6082 in the table of sections at the beginning of chapter 557 is amended to read as follows:

"6082. Rations.".

(8)(A) The headings of sections 1053 and 1594 are amended by striking out "mandatory".

(B) The item relating to section 1053 in the table of sections at the beginning of chapter 53, and the item relating to section 1594 in the table of sections at the beginning of chapter 81, are amended by striking out "mandatory".

(f) CROSS-REFERENCE CORRECTIONS.—Title 10, United States Code, is amended as follows:

(1) Section 2318(c) is amended by striking out "section 21" and inserting in lieu thereof "section 23".

(2) Section 2344(c) is amended by striking out "chapter" and inserting in lieu thereof "subchapter".

(3) Paragraph (5) of section 2432(c), as added by section 1407(c) of Public Law 101-510 (104 Stat. 1681), is amended by striking out "section 2432(a)" and all that follows through "subsection (a)(2)," and inserting in lieu thereof "subsection (a)".

(4) Section 2503(3) is amended by striking out "as defined in section 4(4) of the Office of Federal Procurement Policy Act" and inserting in lieu thereof "issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))".

(5) Section 4343 is amended by striking out "clauses (2)-(9)" and inserting in lieu thereof "clauses (2) through (8)".

(6) Section 2132(d) is amended by striking out "section 115(b)(1)(A)(ii)" and inserting in lieu thereof "section 115(a)(1)(B)".

(7) Section 2414(b) is amended by striking out "section 2411(a)(1)(D)" and inserting in lieu thereof "section 2411(1)(D)".

(8) Section 2306a(e)(1)(A)(i) is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(g) U.S.C. REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 2368(a) is amended by inserting "(42 U.S.C. 6683)" before the period at the end.

(2) Sections 2394a(c)(2) and 2857(c)(2) are amended by inserting "(42 U.S.C. 8254(a))" after "section 544(a) of the National Energy Conservation Policy Act".

(3) Section 2508(a)(2) is amended by inserting "(42 U.S.C. 6681 et seq.)" before the period at the end.

(h) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1595(c) is amended by striking out "after the end of the 90-day period beginning on the date of the enactment of this section" and inserting in lieu thereof "after February 27, 1990".

(2) Section 2903(d)(2) is amended by striking out "two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "on November 5, 1992".

(i) DEFINITIONS.—Title 10, United States Code, is amended as follows:

(1) Section 645 is amended—

(A) by inserting "The term" in paragraphs (1), (2), and (3) after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each of such paragraphs so that the initial letter of such word is lower case.

(2) Section 2196, as added by section 247(a) of Public Law 101-510 (104 Stat. 1523), is amended by inserting "the term" after "In this chapter,".

(j) OTHER AMENDMENTS.—

(1) Section 1721(c) of title 10, United States Code, as added by section 1202 of the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510), is amended by striking out "Activities,' dated" in the last sentence and inserting in lieu thereof "Activities', dated".

(2)(A) Subsection (f) of section 2307 of title 10, United States Code, as added by section 836(a) of Public Law 101-510 (104 Stat. 1615), is redesignated as subsection (e).

10 USC 2307 note.

(B) Section 836(c) of Public Law 101-510 (104 Stat. 1616) is amended to read as follows:

"(c) EFFECTIVE DATE.—The provisions of section 2307 of title 10, United States Code, that are added by the amendments made by subsections (a) and (b) shall apply with respect to contracts entered into on or after May 6, 1991.".

(3) Section 2391(b)(3) of title 10, United States Code, as added by section 4102(b)(3) of Public Law 101-510 (104 Stat. 1851), is amended—

(A) by striking out "publicly-announced" and inserting in lieu thereof "publicly announced"; and

(B) by inserting a comma after "only if the reduction".

(4) Section 2409a(c) of title 10, United States Code, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended—

(A) by aligning that part of paragraph (5) preceding subparagraph (A) so as to be indented two ems;

(B) by aligning subparagraphs (A), (B), and (C) of paragraph (5) so as to be indented four ems; and

(C) by aligning paragraph (6) so as to be indented two ems.

(5) Section 2411(1)(D) of title 10, United States Code, is amended by striking out "for-profit and nonprofit" and inserting in lieu thereof "for profit purposes or nonprofit".

(6) Sections 3446 and 8446 of title 10, United States Code, are amended by striking out "as" before "provided by law".

(7) Section 6223(b) of title 10, United States Code, is amended by striking out "MARINE CORPS BANDS" and inserting in lieu thereof "THE UNITED STATES MARINE CORPS BAND".

(8) Section 1095(a)(1) of title 10, United States Code, is amended by inserting "a" before "covered beneficiary".

(9) Section 2822(b) of title 10, United States Code, is amended by realigning paragraph (4) so as to be indented two ems.

(10) Section 2704(f) of title 10, United States Code, is amended by striking out "Agency of Toxic" and inserting in lieu thereof "Agency for Toxic".

(k) EFFECTIVE DATE CLARIFICATION.—

(1) Section 2409 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) EFFECTIVE DATE.—This section shall not be in effect during the period when section 2409a of this title is in effect.".

(2) Section 2409a of such title, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended by adding at the end the following new subsection:

"(f) EXPIRATION OF SECTION.—This section shall cease to be in effect on November 5, 1994.".

(3) Section 837(b) of Public Law 101-510 (104 Stat. 1619) is amended by striking out the second sentence. 10 USC 2409a note.

SEC. 702. AMENDMENTS TO TITLE 37, UNITED STATES CODE

(a) TABLES OF SECTIONS.—Title 37, United States Code, is amended as follows:

(1) The item relating to section 301d in the table of sections at the beginning of chapter 5 is amended by striking out "Retention" and inserting in lieu thereof "Multiyear retention".

(2)(A) The heading of section 302c is amended to read as follows:

"§ 302c. Special pay: psychologists and nonphysician health care providers".

(B) The heading of section 302e is amended to read as follows:

"§ 302e. Special pay: nurse anesthetists".

(b) STYLISTIC AMENDMENTS.—Title 37, United States Code, is amended—

(1) by striking out "of this section" each place it appears (other than as provided in subsection (c));

(2) by striking out "of this subsection" each place it appears (other than in sections 305a(d)(3), 431(a), and 501(f));

(3) by striking out "of this paragraph" each place it appears (other than in section 301(c)(2)(B)); and

(4) by striking out "of this subparagraph" in section 558(c)(3)(A)(i).

(c) EXCEPTIONS.—Subsection (b)(1) does not apply to the following provisions of title 37, United States Code:

(1) Section 204(d).
(2) Section 302(g).
(3) Section 302b(g).
(4) Section 305a(d)(2).
(5) Section 308e(b)(3).
(6) Section 312(e).
(7) Section 312a(e).
(8) Section 312b(c).
(9) Section 312c(d).
(10) Section 314(a)(2).
(11) Section 314(a)(3).
(12) Section 401.
(13) Section 402(e)(1), the first place "of this section" appears.
(14) Section 403(j)(1).
(15) Section 403(k).
(16) Section 403a(c)(4).
(17) Section 403a(e)(1).
(18) Section 404a(b), the second place "of this section" appears.
(19) Section 405a(a).
(20) Section 406(h), the third place "of this section" appears.

(21) Section 406(m).
(22) Section 407(e).
(23) Section 411c(a).
(24) Section 552(d).
(25) Section 907(c), the first place "of this section" appears.
(26) Section 1011(b).

SEC. 703. AMENDMENTS TO TITLE 32, UNITED STATES CODE

Section 112(c)(2) of title 32, United States Code, is amended by striking out "in consultation with—" and all that follows and inserting in lieu thereof "in consultation with the Director of National Drug Control Policy.".

SEC. 704. AMENDMENTS TO PUBLIC LAW 101-510

(a) GENERAL AMENDMENTS.—The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(1) Section 217(d)(1) (104 Stat. 1511) is amended by striking out "amounts of" and all that follows through "applicable" and inserting in lieu thereof "amounts of authorizations provided for the Department of Defense in this Act, subject to applicable".

22 USC 1928 note.

(2) Section 406(b) (104 Stat. 1546) is amended by striking out "Such section" and inserting in lieu thereof "Such subsection".

(3) Section 559 (104 Stat. 1571) is amended—

10 USC 690.

(A) in subsection (a), by striking out "inserting after section 686" and inserting in lieu thereof "adding at the end";

10 USC 687, 690.

(B) by redesignating as section 690 the new section to be added to title 10, United States Code, by the amendment made by subsection (a); and

10 USC 690 note.

(C) in subsection (b), by striking out "Section 687" and inserting in lieu thereof "Section 690".

10 USC 2306a note.

(4) Section 803(a)(2) (104 Stat. 1590) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) contracts entered into after December 5, 1990;

"(B) subcontracts under contracts covered by subparagraph (A); and

"(C) modifications or changes to such contracts and subcontracts.".

42 USC 6686.

(5) Section 822(g) (104 Stat. 1600) is amended—

(A) in paragraph (1)—

(i) by striking out "available for the Department of Defense" and inserting in lieu thereof "appropriated pursuant to this Act"; and

(ii) by striking out "in the first fiscal year in which the Institute begins operations"; and

(B) in paragraph (2), by striking out "for each fiscal year after the fiscal year referred to in paragraph (1)".

10 USC 2301 note.

(6) Section 832 (104 Stat. 1612) is amended by inserting "of subsection (a)" in paragraph (2) after "by adding at the end".

10 USC 3074 note.

(7) Section 903(b)(1) (104 Stat. 1620) is amended by striking out "all forces" and all that follows through "Army Reserve Command" and inserting in lieu thereof "to the Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combat-

ant command for special operations forces established pursuant to section 167 of title 10, United States Code".

(8) Section 1407(d) (104 Stat. 1681) is amended by striking out "section 2342" and inserting in lieu thereof "section 2432". 10 USC 2432 note.

(9) Section 1451(b)(2) (104 Stat. 1693) is amended by inserting "of subchapter II" after "at the beginning". 10 USC prec. 2350a.

(b) ACQUISITION WORKFORCE ACT AMENDMENTS.—The Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) is amended as follows:

(1) Section 1202(a) (104 Stat. 1638) is amended by striking out "the following new section" and inserting in lieu thereof "the following new chapter". 10 USC prec. 1701.

(2) Section 1208 (104 Stat. 1665) is amended— 10 USC 1701 note.

(A) in subsection (a)(1), by striking out "this Act" and inserting in lieu thereof "this title";

(B) in subsection (b)(1)—

(i) by striking out "this title" and inserting in lieu thereof "title 10, United States Code (as added by section 1202)"; and

(ii) by striking out "this chapter" and inserting in lieu thereof "chapter 87 of such title (as added by section 1202)"; and

(C) in subsection (b)(2)—

(i) by striking out "this chapter" the first place it appears and inserting in lieu thereof "chapter 87 of title 10, United States Code (as added by section 1202),"; and

(ii) by striking out "this chapter" the second place it appears and inserting in lieu thereof "such chapter".

(3) Section 1209 (104 Stat. 1666) is amended—

(A) in subsection (a)— 10 USC 1705 note.

(i) by striking out "Effective during the three-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "Before November 6, 1993"; and

(ii) by striking out the comma after "section 1202)";

(B) in subsection (b), by inserting a comma after "(as added by section 1202)"; 10 USC 1721 note.

(C) in subsection (f), by striking out the comma after "shall include" in the last sentence; and 10 USC 1733 note.

(D) in subsection (i), by inserting a comma after "section 1732(c)(1) of such title". 10 USC 1724 note.

(c) MENTOR-PROTEGE PROGRAM.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607) is amended— 10 USC 2301 note.

(1) in subsection (c)(2)—

(A) by striking out "Disadvantaged small business concerns" and inserting in lieu thereof "A disadvantaged small business concern";

(B) by striking out "one or more mentor firms" and inserting in lieu thereof "a mentor firm";

(C) by striking out "or firms"; and

(D) by inserting after the first sentence the following new sentence: "A disadvantaged small business concern may not be a party to more than one agreement to receive such assistance at any time.";

(2) in subsection (e)(3), by striking out "mentor firm or"; and

(3) in subsection (k)—

(A) by striking out "673(d)" and inserting in lieu thereof "637(d)"; and

(B) by striking out the period at the end of the second sentence and inserting in lieu thereof "and shall prescribe procedures by which mentor firms may terminate participation in the program.".

(d) DOE AMENDMENTS.—Section 3165 of Public Law 101-510 (104 Stat. 1841) is amended— 42 USC 7381b.

(1) in subsection (a), by redesignating subparagraphs (J), (K), (L), and (M) as paragraphs (10), (11), (12), and (13), respectively; and

(2) in subsection (b), by inserting "such" in the second sentence before "education activities".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). 10 USC 690 note.

SEC. 705. OTHER TECHNICAL AMENDMENTS

(a) CONTINUED APPLICABILITY OF CERTAIN PROVISION.—The subsection added by the amendment made by paragraph (2) of section 814(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1498) is hereby reinstated as originally enacted, effective as of January 1, 1991. Effective date. 18 USC 207.

(b) MISSING PARAGRAPH DESIGNATION.—Effective as of November 29, 1989, section 703(f) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1470) is amended by inserting "(1)" before "In the case of". Effective date. 37 USC 302 note.

(c) TITLE 38.—(1) Section 1418A(a)(1) of title 38, United States Code, as added by section 561(a) of Public Law 101-510, is amended by striking out "section 1142 of title 10" and inserting in lieu thereof "section 1141 of title 10".

(2) Section 1404(b)(2) of Public Law 101-189 (103 Stat. 1586) is amended by striking out "of subchapter I or II" in the matter in quotation marks and inserting in lieu thereof "subchapter I or II of". 38 USC 3101.

(d) CROSS-REFERENCE CORRECTIONS.—(1) Section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is amended by striking out "section 1105 of the National Defense Authorization Act of fiscal year 1987" and inserting in lieu thereof "section 2350a(i)(3) of title 10, United States Code".

(2) Section 65(d) of such Act (22 U.S.C. 2796d(d)) is amended by striking out "section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (22 U.S.C. 2767a)" and inserting in lieu thereof "section 2350a(i)(3) of title 10, United States Code".

(e) SECTION 1207.—Subparagraph (A) of section 1207(a)(1) of Public Law 99-661 (10 U.S.C. 2301 note), as amended and redesignated by sections 811 and 832(1)(B) of Public Law 101-510 (104 Stat. 1596, 1612), is amended by inserting a close parenthesis after "637(d)".

(f) PUBLIC LAW 85-804.—(1) Effective as of November 6, 1990, the first section of Public Law 85-804 (50 U.S.C. 1431) is amended by inserting "and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees" before the period at the end of the third sentence. Effective date.

(2) Such section is further amended in the fourth sentence—

(A) by inserting "at the end of a Congress" after "sine die"; and

(B) by inserting ", or because of an adjournment sine die other than at the end of a Congress," after "to a day certain".

(g) CAPITALIZATION CORRECTION.—Paragraph (2) of section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended by striking out "Naval" and inserting in lieu thereof "naval".

(h) EXPENDITURES FOR UNIFORMED SERVICES TREATMENT FACILITIES.—Section 1252(f) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(f)), is amended by inserting "by the Secretary of Defense" after "expenditures".

(i) ADDITIONAL CROSS REFERENCE CORRECTION.—Section 27(p)(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by striking out "has the same meaning as" and all that follows through the end and inserting in lieu thereof the following: "has the meaning given such term by section 109(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.).".

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

SEC. 801. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR OPERATING EXPENSES

There is hereby authorized to be appropriated for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) for weapons activities production and surveillance, $283,000,000.

SEC. 802. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

There is hereby authorized to be appropriated for fiscal year 1991 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses:

(A) For environmental restoration, $100,000,000.

(B) For waste operations, $74,300,000.

(C) For waste research and development, $30,000,000.

(2) For plant projects:

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $30,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $19,500,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $17,600,000.

Project Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,700,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $14,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $10,000,000.

Project 77-13-f, waste isolation pilot project, Delaware Basin, southeast New Mexico, $16,900,000.

SEC. 803. APPLICABILITY OF RECURRING GENERAL PROVISIONS

The provisions contained in part B of title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1829) shall apply with respect to the authorizations provided in this title in the same manner as such provisions apply with respect to the authorizations provided in title XXXI of such Act.

Colorado.

SEC. 804. RELOCATION OF ROCKY FLATS PLANT OPERATIONS

(a) RELOCATION PROGRAM.—From funds authorized and appropriated for production and surveillance for fiscal year 1991, the Secretary of Energy shall develop a program to relocate, within 10 years after the date of the enactment of this Act, operations performed at the Rocky Flats Plant in Golden, Colorado, to a replacement facility (or facilities) on a site (or sites) where public health and safety can be assured.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the program developed under subsection (a), a plan to implement such program, and the activities to be undertaken during fiscal year 1991 pursuant to the plan.

Approved April 6, 1991.

LEGISLATIVE HISTORY—S. 725 (H.R. 1175):

HOUSE REPORTS: No. 102-16, Pt. 1, accompanying H.R. 1175 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 13, H.R. 1175 considered and passed House.

Mar. 19, considered and passed Senate, amended.

Mar. 21, S. 725 considered and passed Senate and House.

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

Apr. 6, Presidential statement.

Public Law 102-26
102d Congress

An Act

To resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

Apr. 9, 1991
[H.R. 1285]

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

Higher Education Technical Amendments of 1991.
Colleges and universities.
20 USC 1001 note.

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments of 1991".

(b) REFERENCES.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. ABILITY TO BENEFIT.

(a) DEFINITION OF ELIGIBLE INSTITUTION.—

(1) STAFFORD LOANS.—Section 435(c)(1) of the Act (20 U.S.C. 1085(c)(1)) is amended by striking out "and who have the ability to benefit (as determined by the institution under section 481(d)) from the training offered by such institution" and inserting in lieu thereof "or who are beyond the age of compulsory school attendance in the State in which the institution is located".

(2) DEFINITION OF PROPRIETARY INSTITUTION OF HIGHER EDUCATION.—Section 481(b) of the Act (20 U.S.C. 1088 (b)) is amended—

(A) by striking out "and who have the ability to benefit (as determined by the institution under section 484(d)) from the training offered by the institution"; and

(B) by striking out the last sentence thereof.

(3) DEFINITION OF POSTSECONDARY VOCATIONAL INSTITUTION.—Section 481(c) of the Act (20 U.S.C. 1088(c)) is amended by striking out "and who have the ability to benefit (as determined by the institution under section 484(d)) from the training offered by the institution".

(4) DEFINITION FOR INSTITUTIONAL AID PROGRAMS.—Section 1201(a) of the Act (20 U.S.C. 1141(a)) is amended by striking "and who meets the requirements of section 484(d) of this Act" in the third sentence.

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(d) of the Act (20 U.S.C. 1091(d)) is amended to read as follows:

"(d) TESTING OF STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 2, and 3 of part A and parts B, C, D and E of this title, the student shall pass an independently administered examination approved by the Secretary.".

(c) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL LOANS.—Section 428A(a)(1) of the Act is amended by striking the last sentence thereof and inserting "No

20 USC 1078-1.

student shall be eligible to borrow funds under this section until such student has obtained a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate.".

20 USC 1091.

(2) STUDENT ELIGIBILITY.—Section 484(a)(1) of the Act is amended by inserting before the semicolon at the end thereof the following: ", and not be enrolled in an elementary or secondary school".

20 USC 1094.

(3) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a)(11) of the Act is amended by striking "which admits" and all that follows through "484(d)),", and inserting "whose students receive financial assistance pursuant to section 484(d),".

(d) EFFECTIVE DATE.—

20 USC 1078-1 note.

(1) IN GENERAL.—The amendments made by this section shall apply to any grant, loan, or work assistance to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1991.

20 USC 1088 and note, 1091.

(2) ELIMINATION OF CONFLICTING PROVISIONS.—(A) Section 3005 of the Omnibus Budget Reconciliation Act of 1990 is repealed. Sections 484(d) and 481(b) of the Act shall be applied as if such section 3005 had not been enacted.

(B) The last proviso of the paragraph under the heading "STUDENT FINANCIAL ASSISTANCE" of title III of Public Law 101-517 (104 Stat. 2213) is repealed.

SEC. 3. ELIMINATION OF STATUTE OF LIMITATIONS FOR STUDENT LOAN COLLECTIONS.

(a) AMENDMENT.—Section 484A(a) of the Act (20 U.S.C. 1091a(a)) is amended to read as follows:

"(a) IN GENERAL.—(1) It is the purpose of this subsection to ensure that obligations to repay loans and grant overpayments are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) Notwithstanding any other provision of statute, regulation, or administrative limitation, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action initiated or taken by—

"(A) an institution that receives funds under this title that is seeking to collect a refund due from a student on a grant made, or work assistance awarded, under this title;

"(B) a guaranty agency that has an agreement with the Secretary under section 428(c) that is seeking the repayment of the amount due from a borrower on a loan made under part B of this title after such guaranty agency reimburses the previous holder of the loan for its loss on account of the default of the borrower;

"(C) an institution that has an agreement with the Secretary pursuant to section 453 or 463(a) that is seeking the repayment of the amount due from a borrower on a loan made under part D or E of this title after the default of the borrower on such loan; or

"(D) the Secretary, the Attorney General, or the administrative head of another Federal agency, as the case may be, for payment of a refund due from a student on a grant made under this title, or for the repayment of the amount due from a

borrower on a loan made under this title that has been assigned to the Secretary under this title.".

(b) CONFORMING AMENDMENT.—Section 16041 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) is amended— 20 USC 1071 note.

(1) by striking out subsection (e);

(2) in subsection (f), by striking out "The amendment made by section 16034" and inserting in lieu thereof "The amendments made by sections 16033 and 16034"; and

(3) by redesignating subsection (f) as subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if enacted by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272), and shall apply to any actions pending on or after the date of enactment of the Higher Education Technical Amendments of 1991 that are brought before November 15, 1992. 20 USC 1091a note.

SEC. 4. OPERATION DESERT SHIELD/DESERT STORM WAIVER AUTHORITY. Armed Forces. 20 USC 1070 note.

(a) PURPOSE.—It is the purpose of this section to ensure that—

(1) the men and women serving on active duty in connection with Operation Desert Shield or Operation Desert Storm who are borrowers of Stafford Loans or Perkins Loans are not placed in a worse position financially in relation to those loans because of such service;

(2) the administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are engaged in such military service are minimized to the extent possible without impairing the integrity of the student loan programs, in order to ease the burden on such borrowers, and to avoid inadvertent, technical defaults; and

(3) the future eligibility of such an individual for Pell Grants is not reduced by the amount of such assistance awarded for a period of instruction that such individual was unable to complete, or for which the individual did not receive academic credit, because he or she was called up for such service.

(b) WAIVER REQUIREMENT.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education shall waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Act that the Secretary deems necessary to achieve the purposes stated in subsection (a), including—

(1) the length of, and eligibility requirements for, the military deferments authorized under sections 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), and 464(c)(2)(A)(ii) of the Act, in order to enable the borrower of a Stafford Loan or a Perkins Loan who is or was serving on active duty in connection with Operation Desert Shield or Operation Desert Storm to obtain a military deferment, under which interest shall accrue and shall, if otherwise payable by the Secretary, be paid by the Secretary of Education, for the duration of such service;

(2) administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are or were engaged in such military service;

(3) the number of years for which individuals who are engaged in such military service may be eligible for Pell Grants under subpart 1 of part A of title IV of the Act;

(4) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a period of deferment under section 427(a)(2)(C)(ii) or 428(b)(1)(M)(ii) of the Act;

(5) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a single period of deferment under section 427(a)(2)(C)(i) or 428(b)(1)(M)(i) of the Act subsequent to such service; and

(6) the modification of the terms "annual adjusted family income" and "available income," as used in the determination of need for student financial assistance under title IV of the Act for such individual (and the determination of such need for his or her spouse and dependents, if applicable), to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such individual and his or her family.

Federal Register, publication.

(c) NOTICE OF WAIVER.—Notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section. Such notice shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions. The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(d) DEFINITIONS.—For purposes of this Act—

(1) Individuals "serving on active duty in connection with Operation Desert Shield or Operation Desert Storm" shall include—

(A) any Reserve of an Armed Force called to active duty under section 672(a), 672(g), 673, 673b, 674, or 688 of title 10, United States Code, for service in connection with Operation Desert Shield or Operation Desert Storm, regardless of the location at which such active duty service is performed; and

(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of an Armed Force on active duty in connection with Operation Desert Shield or Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(2) The term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

20 USC 1070 note.

SEC. 5. TUITION REFUNDS OR CREDITS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member or Reserve of an Armed Force on active duty service in connection with Operation Desert Shield or Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such

service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(b) ENCOURAGEMENT AND REPORT.—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information he receives regarding any institutions that are not providing such refunds or credits.

SEC. 6. TERMINATION OF AUTHORITY.

20 USC 1070 note.

The provisions of sections 4 and 5 shall cease to be effective on September 30, 1997.

SEC. 7. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by inserting at the end thereof the following new section 373:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

20 USC 1211b.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

"(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the memberships of which include commercial drivers.

"(d) REFERRAL PROGRAM.—Grantees shall refer to appropriate adult education programs as authorized under this Act individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Driver Safety Act of 1986.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'approved apprentice training programs' has the meaning given such term in the National Apprenticeship Act of 1937.

"(2) The term 'eligible commercial driver' means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of fiscal years 1991, 1992, and 1993.".

Michigan.

SEC. 8. ADMINISTRATIVE TREATMENT.

The Secretary of Education shall treat the University of Detroit Mercy of Detroit, Michigan, as an eligible institution under part A of title III of the Act for purposes of section 356 of the Act for fiscal year 1991.

SEC. 9. LOAN CERTIFICATION BY ELIGIBLE INSTITUTIONS.

20 USC 1078.

Section 428(a)(2)(F) of the Act is amended to read as follows:

"(F) Except as provided in subparagraph (D), an eligible institution may refuse to certify a statement which permits a student to receive a loan under this part or to certify a loan amount that is less than the student's determination of need (as determined under part F of this title), if the reason for such action is documented and provided in written form to each student so affected.".

SEC. 10. STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY TECHNICAL AMENDMENTS.

20 USC 1092.

(a) GRADUATION RATES.—Section 485(a)(1)(L) of the Act is amended by inserting "undergraduate" after "full-time".

(b) CALCULATION OF RATES.—Section 485(a)(3) of the Act is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

(c) USE OF COMPARABLE DATA.—Section 485(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection.".

(d) SCHEDULE FOR DISCLOSURE.—Section 485(f)(1) of the Act is amended—

(1) in the matter preceding subparagraph (A), by striking "September 1, 1991," and inserting "August 1, 1991,";

(2) in subparagraph (F)—

(A) by striking "school year" and inserting "calendar year"; and

(B) by striking "school years" and inserting "calendar years".

(e) EFFECTIVE DATE.—Section 104(b) of the Student Right-to-Know and Campus Security Act is amended to read as follows:

20 USC 1092 note.

"(b) EFFECTIVE DATE.—The report to the Secretary of Education required by the amendments made by this section shall be due on July 1, 1993, and annually thereafter, and shall cover the one-year period ending on June 30 of the preceding year.".

SEC. 11. SIMPLIFIED NEEDS ANALYSIS.

Section 479(a) of the Act is amended by adding before the period at the end thereof the following: ", or who file an income tax return pursuant to the tax code of the Commonwealth of Puerto Rico or who are not required to file pursuant to that tax code". 20 USC 1087ss.

Approved April 9, 1991.

LEGISLATIVE HISTORY—H.R. 1285:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 19, considered and passed House.
Mar. 21, considered and passed Senate.

Public Law 102-27
102d Congress

An Act

Apr. 10, 1991
[H.R. 1281]

Making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991.
Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

All funds provided under this title are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER I

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Desert Storm, $4,633,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Desert Storm, $3,103,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $39,700,000.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the diplomatic and consular service" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $9,300,000, to remain available until expended.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $5,800,000, of which $1,400,000 is to be derived by transfer from unobligated balances in "Radio Construction" subject to the Department of Defense waiving reimbursement for transportation, personnel, and related costs for establishing a temporary medium-wave broadcast facility for the Voice of America in Bahrain.

CHAPTER II

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $3,565,000, to remain available until expended.

CHAPTER III

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the Agency for International Development" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $6,000,000 to remain available until September 30, 1991, which shall be made available only for the costs of evacuating United States Government employees and Personal Services Contractors, their dependents, and for subsistence allowance payments.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $850,000,000, to provide for additional costs resulting from the conflict in the Persian Gulf, of which $650,000,000 shall be made available only for Israel, and of which $200,000,000 may be obligated and expended notwithstanding section 10 of Public Law 91-672 only for the Republic of Turkey: *Provided,* That such sums shall be made

available on a grant basis as cash transfers and shall remain available for obligation until September 30, 1991: *Provided further,* That such sums may be used by Israel and the Republic of Turkey for incremental costs associated with the conflict in the Persian Gulf, notwithstanding section 531(e) of the Foreign Assistance Act of 1961.

CHAPTER IV

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For an additional amount for "Capitol Police Board, Salaries", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $6,239,000, of which $3,143,000 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $3,096,000 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate.

GENERAL EXPENSES

For an additional amount for "Capitol Police Board, General expenses", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $1,081,000, to be disbursed by the Clerk of the House.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $74,000.

CHAPTER V

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

The fiscal year 1991 obligation limitation on nonadministrative and capital programs, as set forth in Public Law 101-516, is increased by $60,000,000 to meet the unexpectedly high traffic from disruptions in world markets caused by the Middle East crisis.

CHAPTER VI

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $2,028,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $1,825,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $4,906,000.

CHAPTER VII

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to provide for unbudgeted medical expenses resulting from Operation Desert Shield/Operation Desert Storm, $25,000,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to provide for unbudgeted Veterans Benefits Administration costs associated with Operation Desert Shield/Operation Desert Storm, $12,000,000.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Section 634 of the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991, Public Law 101-506, is hereby repealed. 104 Stat. 1349.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $1,000,000, to be derived by transfer from Periodic Censuses and Programs.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $24,000,000 are rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,500,000, to remain available until expended.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,400,000, to remain available until expended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $3,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE—GENERAL PROVISION

Notwithstanding any other provision of law, of the funds appropriated to Department of Commerce, Bureau of the Census, "Periodic censuses and programs" in Public Law 101-515, $750,000 shall be available to provide the Federated States of Micronesia technical assistance and training for census taking and other data collection efforts: *Provided,* That such assistance shall include but not be limited to statistical training in planning and data collection, processing and analysis, equipment and supplies, long-term training, and subsistence expenses for trainees.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(BY TRANSFER)

For an additional amount for "Salaries and expenses, General Legal Activities", $5,180,000, of which $2,000,000 shall remain available until expended and of which $3,180,000 is to be derived by transfer from Federal Prison System, Salaries and Expenses.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Attorneys", $1,903,000, to be derived by transfer from Salaries and Expenses, General Legal Activities.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Marshals Service", $1,025,000, to be derived by transfer from Federal Prison System, Salaries and Expenses.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", $9,203,000.

DEPARTMENT OF JUSTICE—GENERAL PROVISIONS

SEC. 101. Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101-515, and after reserving the amounts authorized in subparagraph (D) above, any unobligated balances remaining in the Fund on September 30, 1991, and on September 30, 1992, shall be available to the Attorney General, without fiscal year limitation, to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of the Department of Justice.".

28 USC 1821 note.

SEC. 102. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1991 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States Code: *Provided*, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89-5916, Richard Demarest, Petitioner v. James Manspeaker et al. on January 8, 1991.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Funds made available under this heading in Public Law 101-515 shall be available to procure special purpose motor vehicles without regard to any price limitation established by law.

INTERNATIONAL COMMISSIONS

INTERNATIONAL FISHERIES COMMISSIONS

For an additional amount for "International fisheries commissions", $100,000, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

THE JUDICIARY

SUPREME COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $54,000.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $51,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $36,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $68,730,000, of which $750,000, to remain available until September 30, 1992, shall be transferred to the National Commission on Judicial Discipline and Removal, and of which $48,520,000 shall remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $5,600,000, to remain available until expended.

COURT SECURITY

For an additional amount for "Court security", $530,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,450,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,633,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

READY RESERVE FORCE

For an additional amount for "Ready reserve force", $20,000,000, to remain available until expended.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", as authorized by 22 U.S.C. 2877, $8,000,000 to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,630,000, to remain available until expended.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation", $1,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,600,000, to remain available until expended. In addition, any offsetting receipts deposited into the general fund of the Treasury under section 6(b) of the Securities Act of 1933 between October 1, 1990, and the November 5, 1990, enactment date of Public Law 101-515 shall be recorded as an offsetting collection and be available for obligation and expenditure by the Securities and Exchange Commission in accordance with the provisions governing the obligation and expenditure of offsetting collections under the above heading in Public Law 101-515.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $1,500,000, to be derived by transfer from the Disaster Loan Fund.

SMALL BUSINESS ADMINISTRATION—GENERAL PROVISION

Notwithstanding any other provision of law, the Administrator of the Small Business Administration shall not withhold disaster assistance under section 7 of the Small Business Act to nurseries or greenhouses which suffered damage as a result of disasters (as defined in the Small Business Act) that occurred between October 1, 1990 and March 1, 1991.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $56,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $62,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $32,000,000.

GENERAL PROVISIONS

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed $2,000,000 shall be available only for an off-island leave program: *Provided,* That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: *Provided further,* That funds appropriated for the off-island leave program shall remain available until expended.

SEC. 202. Of the funds appropriated for fiscal year 1991 for the account "Aircraft Procurement, Navy", the amount of $987,936,000 provided for the F-14 remanufactured program shall be obligated for the twelve F-14 aircraft not later than thirty days after the enactment of this Act.

SEC. 203. None of the funds available to the Department of Defense may be used for advance procurement of material and other efforts associated with the industrial availability of the U.S.S. Kennedy other than the service life extension program for the U.S.S. Kennedy at the Philadelphia Naval Shipyard.

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100-463) for fiscal year 1989, $200,000,000 shall be made available to the Department of the Navy and shall be obligated not later than sixty days from the enactment of this Act for the V-22 Osprey tilt rotor aircraft program: *Provided,* That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V-22 Osprey tilt rotor program.

(TRANSFER OF FUNDS)

SEC. 205. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided further,* That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

AOE combat support ship program, $237,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991";

AOE combat support ship program, $77,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993";

AOE combat support ship program, $79,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994";

AOE combat support ship program, $81,000,000.

SEC. 206. Section 8126 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1907), is amended by inserting after "September 30, 1990", the following: ", unless the Secretary of Defense submits a report by May 31, 1991 to the Committees on Appropriations of the House and Senate indicating what additional positions he intends to fill above those positions assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as of September 30, 1990".

Reports.

SEC. 207. Of the amount appropriated in title II of Public Law 101-165 (103 Stat. 1118) to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, the amount of $500,000 shall be used to provide such services for the 1991 Special Olympics to be held in the State of Minnesota in July, 1991, and shall remain available for obligation for such purposes until September 30, 1991.

SEC. 208. The Secretary of Defense shall transfer $8,000,000 from the appropriation "Research, Development, Test and Evaluation, Defense Agencies" appropriated in title IV of the Department of Defense Appropriations Act, 1990 (Public Law 101-165) for the Center for Commerce and Industrial Expansion to appropriations available to the Department of Education which shall be obligated by that Department as a grant for the Center for Commerce and Industrial Expansion as authorized in section 4 of Public Law 101-600: *Provided,* That such funds shall remain available until expended.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential public safety, health and other municipal services in the face of a severe financial crisis, $100,000,000, to remain available until expended: *Provided,* That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government immediately upon certification by the Mayor of the District of Columbia to the Committees on Appropriations of the Senate and House of Representatives that spending reductions and revenue enhancements in amounts not less than $216,000,000 in the aggregate are being implemented and all approvals by the Council of the District of Columbia, as required by law, have been secured: *Provided further,* That these funds shall be transferred to the District of Columbia government no later than May 1, 1991.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, for the initiation of preconstruction engineering and design for the Los Angeles-Long Beach Harbors, California, project may be used for completion of the feasibility study for that project: *Provided,* That within funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, not less than $5,800,000 shall be available only for the Passaic River Mainstem, New Jersey, project.

CONSTRUCTION, GENERAL

Using funds appropriated for "Construction, general" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work during fiscal year 1991 which would be terminated solely for policy reasons as a result of the proposed phaseout of the sections 103, 107, 111, and 208 Continuing Authorities Programs: *Provided,* That, from within funds appropriated to "General investigations" by the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary shall make $300,000 available to implement the provisions of the "Coastal Wetlands Planning, Protection and Restoration Act" (Public Law 101-646).

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for "Construction program" to meet the emergency needs for areas stricken by drought, $25,000,000, to remain available until expended.

Of the amount appropriated under this heading in the Energy and Water Development Appropriations Act, 1991 (Public Law 101-514), up to $11,930,000 shall be available for Buffalo Bill Dam Modification, Wyoming, as proposed in the United States Department of the Interior Budget Justifications, fiscal year 1991, for the Bureau of Reclamation.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Atomic energy defense activities", $623,000,000, to remain available until expended.

COMMUNITY IMPACT ASSISTANCE

Of the funds provided to the Department of Energy for fiscal year 1991, not more than $10,000,000 shall be made available to the State of Colorado for community impact assistance payments to the cities of Broomfield, Westminster, Thornton, and Northglenn, Colorado.

INDEPENDENT AGENCIES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $39,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $39,000.

CHAPTER V

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $150,000,000, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under title III of the Social Security Act, as amended (42 U.S.C. 502–504): *Provided,* That all funds provided under this head are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

In the appropriations language under this heading in the Department of Labor Appropriations Act, 1991, delete the word "contractual" and the words "for legal and financial services".

DEPARTMENTAL MANAGEMENT

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

In addition to the amounts which are available for the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of sections 2001–10 and 2021–26, title 38, of the United States Code, not to exceed $4,000,000 may be derived from that account for unbudgeted costs associated with Operation Desert Shield/Operation Desert Storm for carrying out the Transition Assistance Program under section 1144 of title 10, United States Code.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PROGRAM OPERATIONS

For an additional amount for "Program operations" for a targeted initiative to combat infant mortality, $25,000,000: *Provided,* That funds appropriated by the Department of Health and Human Services Appropriations Act, 1991, for rural health outreach grants, may not be used to provide forward or multiyear funding: *Provided further,* That none of the funds available for ongoing activities within community health centers or maternal and child health block grant programs under Public Law 101-517 shall be reprogrammed, redirected or reallocated for any other purposes.

VACCINE INJURY COMPENSATION

For an additional amount for "Vaccine Injury Compensation" for payment of claims incurred before October 1, 1988, $17,000,000 to remain available until expended; and for an additional amount for program operations associated with the Vaccine Injury Compensation Program, $1,000,000 to be derived by transfer from the Vaccine Compensation Trust Fund and to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

For an additional amount for the "Supplemental Security Income Program", $232,000,000, for payment to the Social Security trust funds for administrative expenses, to remain available until September 30, 1993.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", $232,000,000 from any one or all of the Social Security trust funds as authorized by section 201(g)(1) of the Social Security Act, to remain available until September 30, 1993.

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amounts provided under this heading in the Department of Health and Human Services Appropriations Act, 1991, for cash and medical assistance may be used to provide grants to private nonprofit agencies for private sector resettlement activities, as authorized by law.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

Funds appropriated in Public Law 101-517 for grants to tribally controlled postsecondary vocational institutions shall become available for obligation on April 1, 1991, and such funds shall be awarded no later than June 1, 1991: *Provided,* That the requirements of the Paperwork Reduction Act of 1980 and section 431 of the General

Education Provisions Act are waived with regard to grants made with fiscal year 1991 appropriated funds under title III, part H of the Carl D. Perkins Vocational and Applied Technology Act.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

104 Stat. 2215.

In the appropriations language under this heading in the Department of Education Appropriations Act, 1991, delete the words "if authorized," and the words "if such a grant is specifically authorized in law" and insert after "Standards" the following: ": *Provided,* That funding for the National Board for Professional Teaching Standards shall be expended under the terms, conditions, and limitations provided for in part G of title IV of H.R. 5932 as passed the House of Representatives on October 26, 1990".

CHAPTER VI

LEGISLATIVE BRANCH

SENATE

ADMINISTRATIVE PROVISIONS

Section 3(f)(3) under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (Public Law 93-371; 2 U.S.C. 59(e)), as amended by Public Law 94-32, is amended by striking subparagraph (B) and inserting the following:

"(B) Either of the following inscriptions shall be clearly visible on three sides of such mobile office in letters not less than three inches high:

" 'UNITED STATES GOVERNMENT VEHICLE

" 'FOR OFFICIAL USE ONLY';

"OR

" 'MOBILE OFFICE OF SENATOR _____

" 'FOR OFFICIAL USE ONLY' ".

2 USC 31a-2b.

(a) Upon the written request of the Majority or Minority Leader of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings "Salaries, Officers and Employees" and "Offices of the Majority and Minority Leaders", such amount as either Leader shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Leaders of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such leader shall be paid from the amount transferred pursuant to subsection (a) by such leader and upon vouchers approved by such leader.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b).

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Corinne L. Conte, widow of Silvio O. Conte, late a Representative from the State of Massachusetts, $125,100. Corinne L. Conte.

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1991, and to incur incidental expenses in connection with such use.

LIBRARY OF CONGRESS

ADMINISTRATIVE PROVISION

Previously obligated funds appropriated to the account "Library of Congress, Books for the blind and physically handicapped, Salaries and expenses" in Legislative Branch Appropriations Acts for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101-510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated, in amounts as follows: Effective date.

From amounts appropriated for fiscal year 1978 in Public Law 95-94, $223,000.

From amounts appropriated for fiscal year 1980 in Public Law 96-86, $393,000.

From amounts appropriated for fiscal year 1981 in Public Law 96-536, $4,905,426.

From amounts appropriated for fiscal year 1982 in Public Law 97-51, $1,960,000.

From amounts appropriated for fiscal year 1985 in Public Law 98-367, $2,226,243.

From amounts appropriated for fiscal year 1989 in Public Law 100-458, $1,391,280.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(DISAPPROVAL OF DEFERRALS)

Effective April 16, 1991, in order to provide for urgently needed military construction and family housing, the Congress disapproves Effective date.

the deferrals relating to the Department of Defense as set forth in the messages from the Comptroller General transmitted to the Congress on June 28, 1990 (H. Doc. 101-210), and February 5, 1991 (H. Doc. 102-40): *Provided,* That this section may not apply to projects at installations recommended for closure by the Secretary of Defense pursuant to title XXIX of Public Law 101-510: *Provided further,* That the budget authority subject to the deferrals disapproved herein shall be made available for obligation effective April 16, 1991.

Missouri.

LAND CONVEYANCE

(a) CONVEYANCE.—Subject to the conditions set forth in paragraph (b), the Secretary of the Army shall convey, at no cost, to the Missouri Housing Development Commission all right, title, and interest in the United States in and to the land known as the U.S. Army Charles Melvin Price Support Center Wherry Housing Annex in Pine Lawn, Missouri, comprising approximately 13.2 acres and all improvements thereon.

(b) CONDITION.—The conveyance provided for in paragraph (a) may be made only on condition that the Missouri Housing Development Commission agrees to operate and maintain the property and to use it for low-income and transitional housing for the homeless. The property shall revert to the Army if the Commission ceases to use the property for the described purpose.

(c) DEADLINE FOR CONVEYANCE.—The conveyance under paragraph (a) shall be made no later than ninety days after the date of enactment of this section.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Of the $62,867,000 provided in Public Law 101-506 for grants to States and other eligible recipients under the Cooperative State Research Service Buildings and Facilities account, $93,000 is transferred to the Special Research Grants program of the Cooperative State Research Service for the University of Maine to purchase necessary scientific instrumentation to assist in carrying out agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i).

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and expenses", not to exceed $13,000,000, to be derived from the Agricultural Quarantine Inspection User Fee Account, to be available to carry out inspection, quarantine, and regulatory activities.

Of the amount previously made available under this account for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions, up to $1,000,000 shall be used to carry out, in coordination with the Maine Department of Agriculture, an

inspection, quarantine, eradication, and control program in the State of Maine concerning the necrotic strain of potato virus Y (PVY-N).

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $8,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $46,900,000.

COMMODITY CREDIT CORPORATION

For disaster payments as authorized by the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note), as amended, $1,400,000: *Provided,* That such payments shall be available only for damages attributable to Hurricane Hugo and consistent with section 104(a)(5) of such Act.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Of the loan funds previously made available under title V of the Housing Act of 1949, up to $35,000,000 shall be made available for section 502(g), Deferred Mortgage Demonstration.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for making benefit payments to individuals under the Food Stamp Act, for unanticipated costs incurred for the current fiscal year, $200,000,000, and in addition up to $1,300,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided,* That funds provided herein shall remain available until September 30, 1992.

PUBLIC LAW 480

Title I of the Public Law 480 program allowed for the repayment of loans for the sale of agricultural commodities in foreign or local currencies until December 31, 1971. Since that time, until the law was changed in the 1985 farm bill, all sales have been on dollar credit terms. In view of the present financial situation, it is impossible for many countries to repay their loans in dollars. Therefore, the President may use the authority in section 411 and section 604 of the Agricultural Trade Development and Assistance Act of 1954 to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa.

7 USC 1736e note.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", $14,500,000.

FEDERAL HIGHWAY ADMINISTRATION

TRADE ENHANCEMENT DEMONSTRATION PROJECT

Funds made available under this head for fiscal year 1991 shall remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of additional obligations incurred carrying out the provisions of 23 U.S.C. 408, to remain available until expended, $4,980,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act or any other Appropriations Act for fiscal year 1991 shall be available for the planning or execution of programs the total obligations for which are in excess of $19,980,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408.

FEDERAL RAILROAD ADMINISTRATION

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

Funds made available under this head for fiscal year 1991 shall remain available until expended.

CHAPTER X

GENERAL SERVICES ADMINISTRATION

Reports.

Notwithstanding any other provision of this or any other Act, none of the funds made available to the General Services Administration may be obligated or expended for the award of a final contract for site acquisition or construction of the Naval Systems Commands headquarters project without (1) a written report that the new Solicitation for Offers for the project is in the best interests of the United States, and (2) advance approval in writing of the House Committee on Public Works and Transportation, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

Of the funds provided under this heading in the Executive Office Appropriations Act, 1991, Public Law 101-509, $330,000 shall remain available until expended for the rehabilitation of the Official Residence of the Vice President.

CHAPTER XI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $712,584,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $250,000,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this head in prior years for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, $275,815,000 are rescinded.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

For an additional amount for "Assistance for the renewal of expiring section 8 subsidy contracts", $155,815,000, to remain available until expended: *Provided,* That of the $7,734,985,400 provided for use in connection with section 8 expiring contracts in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507), is increased by the foregoing appropriation to $7,890,800,400, of which $4,234,500,400 shall be for existing certificates, $671,300,000 shall be for housing vouchers, and $2,985,000,000 shall be for loan management and other project-based section 8 contracts.

CONGREGATE SERVICES

Funds appropriated under this head in Public Law 101-507 (104 Stat. 1362) and all unobligated balances of prior year appropriations under such head, shall be made available for the revised Congregate Housing Services program under section 802 of the Cranston-Gonzalez National Affordable Housing Act and shall remain available

until expended: *Provided,* That any entity that receives assistance under a contract under the Congregate Housing Services Act of 1978 that expires in fiscal year 1991, and is otherwise eligible for assistance under such section 802, shall continue to receive assistance under such section 802: *Provided further,* That each such entity shall be provided such assistance for a 1-year term notwithstanding section 802(b)(2), and the dollar amount of such assistance to such entity shall not be less than the dollar amount of assistance that would be indicated by the rate at which such assistance was made available to such entity in the contract that expires in fiscal year 1991: *Provided further,* That notwithstanding the last sentence of section 802(g), the Secretary of Housing and Urban Development shall expedite the processing of such entity's application for continued assistance so that funding of the entity will continue without hiatus.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for operation of low-income housing projects", $75,000,000, to remain available until September 30, 1992: *Provided,* That these funds shall be used by the Secretary for fiscal year 1991 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

RENTAL REHABILITATION GRANTS

Effective date.

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the unexpended balances of the Rental rehabilitation grants program (account symbols 86/0182 and 86/0164), and any amounts recaptured under account symbol 86/0182 for such program, shall be added to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Of the amount made available under this head in Public Law 101-507, $500,000 shall be made available for the National Commission on Manufactured Housing as authorized by section 943 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625).

ADMINISTRATIVE PROVISIONS

SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)) is amended by striking "20 persons with disabilities" and inserting "24 persons with disabilities (or such higher number of persons as permitted under criteria that the Secretary shall prescribe)".

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)), as amended by Public Law 101-507 (104 Stat. 1369) is further amended by striking "or City of West Hollywood, California" and by inserting at the end thereof, the following new sentence:

California.

"This subsection shall also not apply to requirements relating to

rents imposed on a structure by the City of West Hollywood, California.". Section 17(f) as amended by the immediate foregoing amendment shall apply retroactively to any structure assisted with section 17 rental rehabilitation funds in the City of West Hollywood, California. 42 USC 1437o note.

Section 837(c) of the Cranston-Gonzalez National Affordable Housing Act is amended by adding at the end thereof the following: "Any such amounts that shall not have been obligated by March 20, 1991, shall be made available in accordance with the terms of the appropriation under the head 'Supplemental Assistance for Facilities to Assist the Homeless' in Public Law 101-507 (104 Stat. 1351, 1364).". 42 USC 11403h note.

All previously obligated funds appropriated to the Department of Housing and Urban Development under the respective heads "Community development grants" and "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101-510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

In addition to any other rescission provided for in this Act, of the funds made available under the head "Annual contributions for assisted housing" in the Department of Housing and Urban Development in prior years, an additional $23,000,000 are rescinded: *Provided,* That $20,000,000 of such amount shall be from amounts for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, and $3,000,000 of such amount shall be from amounts for section 8 voucher assistance for tenants affected by public housing relocation activities.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1991 is amended to delete the period at the end of the section and insert in lieu thereof the following: *Provided further,* That for the purposes of this section, funds appropriated in this Act may be used to initiate a multiyear contract for the Medium Range Recovery Helicopter (HH-60J) program. 104 Stat. 2184.

SEC. 303. Notwithstanding any other provision of law, no funds shall be expended by the Secretary of Labor to implement or administer the regulations published at 54 Federal Register 4234-44 (January 27, 1989) to be codified at 1.7(d), 5.2(n)(4), 5.5(a)(1)(ii)(A) and 5.5(a)(4)(iv) of title 29 of the Code of Federal Regulations or to implement or administer any other regulation that would have the same or similar effect. No funds shall be expended by the Secretary of Labor to implement or administer revisions to part 29 of title 29 of the Code of Federal Regulations published at 55 Federal Register 34868-34876 (August 24, 1990) to the extent such revisions affect apprenticeship programs in the construction industry.

SEC. 304. (a) The Congress finds that—

(1) United States and coalition armed forces devoted enormous human and financial resources to the successful effort to

free Kuwait from illegal Iraqi occupations, enforce United Nations resolutions, and preserve the territorial integrity of the Gulf States;

(2) Americans take great pride in the troops who won this historic victory and honor those who gave their lives to liberate Kuwait and turn back aggression;

(3) major trading nations of the world will benefit substantially and directly from the coalition victory in this strategic area;

(4) six nations have pledged $53,500,000,000 in contributions to help meet the costs of the coalition effort;

(5) some nations have been slow to honor those commitments for 1990; and

(6) the 1991 commitments are agreed to be due on March 31, 1991.

(b) Having appropriated significant supplemental funding for the United States Armed Forces in the Gulf region in a time of recession and budget deficits, it is the sense of the Congress that—

(1) these pledges of financial support from the allied nations are appreciated;

(2) nations that have made such pledges are urged to comply with them at the earliest possible time, with substantial compliance or an agreed upon payment schedule no later than April 15, 1991;

(3) these commitments shall be fulfilled; and

(4) if these commitments are not met the Congress may consider appropriate action.

Lawrence Welk.

SEC. 305. Notwithstanding any provision of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, none of the funds appropriated or otherwise made available by that Act or by any other Act may be used for the restoration of the birthplace of Lawrence Welk.

25 USC 2001 note.

SEC. 306. (a) Section 5502(a) of title V, part E of Public Law 100-297, is amended to read as follows:

President. Indians.

"(a) the President shall call and conduct a White House Conference on Indian Education (hereinafter in this part referred to as the 'Conference') which shall be held not earlier than a date which shall be 9 months after the date of the initial meeting of the Advisory Committee established pursuant to section 5506 of this part and not later than 12 months after the date of said meeting."

25 USC 2001 note.

(b) Section 5506(b) of title V, part E of Public Law 100-297, is amended by adding the following new sentence: "The Advisory Committee shall be consulted on, and shall advise the Task Force and the Congress on, all aspects of the Conference and actions which are necessary for the conduct of the Conference.".

SEC. 307. Notwithstanding any other provision of law, no funds shall be expended by the Administrator of the Environmental Protection Agency to enforce the March 18, 1991, deadline contained in the regulations published in the Federal Register on November 16, 1990, (40 CFR, parts 122, 123, 124), pertaining to group applications for stormwater discharges, until such deadline is extended to September 30, 1991.

22 USC 262*l*.

SEC. 308. Section 533(c)(3)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended by—

(1) striking "industrial" and inserting in lieu thereof "commercial"; and

(2) inserting "unless an environmental assessment:

"(i) identifies potential impacts on biological diversity;

"(ii) demonstrates that all timber extraction will be conducted according to an environmentally sound management system which maintains the ecological functions of the natural forest and minimizes impacts on biological diversity; and

"(iii) demonstrates that the activity will contribute to reducing deforestation"

before the period at the end thereof.

SEC. 309. PERSIAN GULF ENVIRONMENTAL TECHNICAL ASSISTANCE.

(a) INTERNATIONAL FRAMEWORK.—Congress strongly encourages the President to seek the establishment of an international framework agreement to—

(1) provide for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region of effects of the recent war; and

(2) provide for the payment, by the host country, of appropriate Federal agencies utilized to establish or implement this agreement.

(b) REPORTS.—

(1) Within 60 days of enactment of this Act, the President shall submit to the Committees on Appropriations of the Senate and House of Representatives an unclassified report identifying the actions taken to implement these provisions and any costs and payments, and President.

(2) by March 1, 1992, and subject to the receipt of payment by the Environmental Protection Agency under subsection (a)(2), the Administrator of the Environmental Protection Agency, in consultation with appropriate agencies, shall submit to Congress an unclassified report providing a comprehensive evaluation of environmental effects of the Persian Gulf conflict identified pursuant to this provision.

SEC. 310. CHILD CARE BLOCK GRANT TECHNICAL AMENDMENT.

Section 658J of the Child Care and Development Block Grant Act of 1990 is amended by striking out "expended" and inserting in lieu thereof "obligated". 42 USC 9858h.

SEC. 311. SYRIA.

(a) It is the sense of the Congress that—

(1) The successful conclusion of the war in the Persian Gulf provides an opportunity to begin building a lasting peace in the Middle East;

(2) A crucial element of peace in this unstable region is the willingness of Arab states to negotiate with Israel, recognizing her right to live in peace;

(3) The United States should continue to urge Arab states to negotiate peace with the State of Israel;

(4) One of those Arab states, Syria, continues to undermine goodwill and peace in the region by depriving the 4,000 Jews living in Syria of the right to emigrate;

(5) Syrian Jews continue to live in a climate of fear and insecurity, still denied fundamental civil and human rights;

(6) A Jew living in Syria, in order to travel, must leave a large sum of money and members of his immediate family as insurance for his return;

(7) Jews suspected of having traveled "illegally" or even of planning to do so have been arrested, interrogated, and subjected to lengthy imprisonment;

Hafez Assad.

(8) Syrian President Hafez Assad continues to deny the basic right of free emigration, a violation of the Universal Declaration of Human Rights, to which Syria is a signatory.

(b) The Congress—

(1) condemns the Government of Syria for continuing to deny the basic human right of free emigration;

(2) calls upon the Government of Syria—

(A) to allow all Syrian Jews to emigrate freely,

(B) to release from prison Jews suspected of having travelled "illegally" or of planning to do so;

(3) urges the Administration to continue to make known to Syrian authorities the importance of respecting the human rights of the Jewish community, especially the right to emigrate, in determining future policy toward Syria.

Loans.

SEC. 312. REAL ESTATE SETTLEMENT PROCEDURES.

(a) Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(j) TRANSITION.—

"(1) ORIGINATOR LIABILITY.—A person who makes a federally related mortgage loan shall not be liable to a borrower because of a failure of such person to comply with subsection (a) with respect to an application for a loan made by the borrower before the regulations referred to in paragraph (3) take effect.

"(2) SERVICER LIABILITY.—A servicer of a federally related mortgage loan shall not be liable to a borrower because of a failure of the servicer to perform any duty under subsection (b), (c), (d), or (e) that arises before the regulations referred to in paragraph (3) take effect.

"(3) REGULATIONS AND EFFECTIVE DATE.—The Secretary shall, by regulations that shall take effect not later than April 20, 1991, establish any requirements necessary to carry out this section. Such regulations shall include the model disclosure statement required under subsection (a)(2).".

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. INTERNATIONAL AFFAIRS.

(a) The appropriation "Foreign Military Financing Program" as contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is amended by striking out "$4,663,420,800" and inserting in lieu thereof "$4,259,920,800".

104 Stat. 1997.

2 USC 904 note.

(b) Upon the enactment of this Act, the order issued by the President on November 9, 1990, pursuant to sections 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or

released and shall be available to the same extent and for the same purpose as if the order had not been issued.

SEC. 402. MILITARY CONSTRUCTION.

In Public Law 101-519, the Military Construction Appropriations Act, 1991, sections 131 and 132 are hereby repealed. 50 USC 1701 note; 18 USC 2331 *et seq.*

SEC. 403. GENERAL SERVICES ADMINISTRATION.

In Public Law 101-509, the Treasury, Postal Service, and General Government Appropriations Act, 1991, under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction" at the end of the listing for the District of Columbia add the following project: 104 Stat. 1404.

"General Services Administration, Southeast Federal Center, Headquarters, $148,500,000: *Provided,* That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works", and under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction, Virginia, Northern Virginia Naval Systems Commands" strike "$273,000,000" and insert in lieu thereof "$240,000,000: *Provided,* That $10,000,000 in additional funds may be obligated upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further,* That no more than $250,000,000 shall be available for acquisition, through direct purchase and construction of 1,000,000 square feet of occupiable space: *Provided further,* That acquisition of an additional 1,000,000 square feet either through direct purchase, construction, or lease, shall only be permitted upon the advance approval of a prospectus by the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works".

SEC. 404. REPEAL; RESTORATION OF OBLIGATION AUTHORITY.

(a) Section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1991, is repealed. 23 USC 104 note.

(b) The Secretary of Transportation shall restore any reductions in obligation authority made under section 329 prior to its repeal. 23 USC 104 note.

TITLE V—CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses necessary for the benefits provided in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, for fiscal year 1991 through fiscal year 1995, not to exceed $655,000,000 appropriated, to be derived by transfer only by the Secretary of Defense, with the approval of the Director of the Office of Management and Budget, from current and future balances in the Defense Cooperation Account to the following accounts in chapters I and II of this title in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for the payment of special death gratuities for service members participating in the Servicemen's Group Life Insurance program, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $15,000,000;
Military personnel, Navy, $4,000,000;
Military personnel, Marine Corps, $4,000,000;
Military personnel, Air Force, $2,000,000.

For an additional amount for the payment of death gratuities, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $2,000,000;
Military personnel, Navy, $1,360,000;
Military personnel, Marine Corps, $570,000;
Military personnel, Air Force, $1,070,000.

For an additional amount for the payment of a temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $101,000,000;
Military personnel, Navy, $24,000,000;
Military personnel, Marine Corps, $29,000,000;
Military personnel, Air Force, $19,000,000.

For an additional amount for the payment of special pay for health professionals recalled to active duty or involuntarily retained on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $7,900,000;
Military personnel, Navy, $400,000;
Military personnel, Air Force, $1,700,000.

For an additional amount for the payment of increased amounts attributable to the removal of the sixty-day limitation on the amount of leave that may be paid to survivors of military members who die on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $580,000;
Military personnel, Navy, $140,000;
Military personnel, Marine Corps, $160,000;
Military personnel, Air Force, $100,000.

For an additional amount for the payment to retired members of the Armed Forces recalled to active duty during a war or national emergency at the highest grade previously held and to allow these members to retire in the highest grade held, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $50,000;
Military personnel, Navy, $14,000;
Military personnel, Marine Corps, $17,000;
Military personnel, Air Force, $10,000.

For an additional amount for the payment of the basic allowance for quarters to military reservists without dependents, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $22,100,000;
Military personnel, Navy, $3,200,000;
Military personnel, Marine Corps, $5,500,000;
Military personnel, Air Force, $5,200,000.

For an additional amount for the payment of family separation allowances, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $20,000,000;
Military personnel, Navy, $16,900,000;
Military personnel, Marine Corps, $5,900,000;
Military personnel, Air Force, $8,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for the payment of increased costs of the Civilian Health and Medical Program of the Uniformed Services, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,400,000;
Operation and maintenance, Navy, $17,700,000;
Operation and maintenance, Air Force, $14,900,000.

For an additional amount to provide transitional health care coverage upon deactivation for reservists on active duty during the Persian Gulf Conflict, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,900,000;
Operation and maintenance, Navy, $6,370,000;
Operation and maintenance, Air Force, $2,730,000.

DEPARTMENT OF EDUCATION

GUARANTEED STUDENT LOANS

(TRANSFER OF FUNDS)

For an additional amount for "Guaranteed student loans", for fiscal year 1991, $3,106,000; for fiscal year 1992, $5,932,562; for fiscal year 1993, $2,262,250; for fiscal year 1994, $506,250; for fiscal year 1995, $506,250 as authorized in section 372: *Provided,* That if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

STUDENT FINANCIAL ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance", for fiscal year 1991, $1,290,000; for fiscal year 1992, $3,165,000; for fiscal year 1993, $3,165,000; for fiscal year 1994, $3,165,000; for fiscal year 1995, $3,165,000 as authorized in section 372: *Provided,* That if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

(TRANSFER OF FUNDS)

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", for the following amounts and fiscal years specified: fiscal year 1991, $200,000; fiscal year 1992, $600,000; fiscal year 1993, $700,000; fiscal year 1994, $700,000; fiscal year 1995, $700,000, to remain available until expended.

VETERANS EDUCATION BENEFITS

For an additional amount for purposes of funding chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, for fiscal years 1991 through 1995, $655,000,000, less the total of the amounts appropriated for fiscal year 1991 through 1995 in the preceding paragraphs of this title.

CHAPTER III

For an additional amount for emergency expenses not otherwise provided for in this Act, $50,000,000 of which $30,000,000 may be available for Family Education and Support Services as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and of which $20,000,000 may be available for Child Care Assistance as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits

Act of 1991: *Provided,* That the Secretary of Defense may transfer these sums as necessary to the appropriate operation and maintenance appropriations to be merged with and made available for the same purposes and the same time period as the appropriations to which transferred: *Provided further,* That this transfer authority shall be in addition to any other transfer authority contained in this Act.

GENERAL PROVISION

SEC. 501. (a) The authority provided in this title to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for fiscal year 1991 through fiscal year 1995.

(b) Amounts transferred from the Defense Cooperation Account shall be merged with and be available for the same purposes as the appropriations to which transferred.

(c) The Secretary of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives before making any transfer from the Defense Cooperation Account. No transfer may be made until the seventh day after such committees receive the notification required by this subsection to be submitted for such transfer.

SEC. 502. PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN.

(a) PROHIBITION.—Except as otherwise provided in this section, none of the funds appropriated or otherwise made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, may be obligated or expended for assistance for Jordan.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) assistance for refugees; or

(2) assistance to finance the training or studies outside Jordan of students whose course of study or training program began before the date of enactment of this Act.

(c) WAIVER.—The prohibition contained in subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East.

(d) DEFINITIONS.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(e) REPEALS.—(1) The ninth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is hereby repealed. 104 Stat. 1990.

(2) The tenth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is hereby repealed. 102 Stat. 1206.

(3) Any provision of law not repealed by this subsection that earmarks economic or military assistance for Jordan shall have no force or effect upon the date of enactment of this Act.

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991".

Approved April 10, 1991.

LEGISLATIVE HISTORY—H.R. 1281:

HOUSE REPORTS: Nos. 102-9 (Comm. on Appropriations) and 102-29 (Comm. of Conference).
SENATE REPORTS: No. 102-24 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 7, considered and passed House.
Mar. 19, 20, considered and passed Senate, amended.
Mar. 21, House disagreed to Senate, amendments.
Mar. 22, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in House amendments.

Public Law 102-28
102d Congress

An Act

Making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes.

Apr. 10, 1991
[H.R. 1282]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991.
Armed Forces.
Arms and munitions.
Persian Gulf.

PERSIAN GULF REGIONAL DEFENSE FUND

(INCLUDING TRANSFER OF FUNDS)

For incremental costs of the Department of Defense and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), $15,000,000,000 is appropriated to the Persian Gulf Regional Defense Fund, which is hereby established in the Treasury of the United States, and in addition such sums as necessary are appropriated from current and future balances in the Defense Cooperation Account, to be available only for transfer in a total amount not to exceed $42,625,822,000 to the following chapters and accounts in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,863,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $797,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $983,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,278,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $15,082,750,000, of which $350,000 shall be available only for the 1991 Memorial Day Celebration.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $2,758,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,205,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $3,701,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and Maintenance, Defense Agencies", $203,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $16,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $55,000,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", $7,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $663,500,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", $26,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", $509,600,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", $62,300,000.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", $25,200,000.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", $815,600,000.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", $34,800,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $127,450,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $59,600,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile procurement, Air Force", $645,500,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $422,800,000.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", $15,400,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $30,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,000,000.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

For an additional amount for "Army Stock Fund", $214,000,000.

AIR FORCE STOCK FUND

For an additional amount for "Air Force Stock Fund", $57,000,000.

COMBAT COSTS OF OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to finance the estimated partial costs of combat and other related costs of Operation Desert Shield/Desert Storm in the following additional amounts: for Operation and maintenance, $6,000,000,000; for Procurement, $1,872,700,000, to remain available for obligation until September 30, 1993: *Provided,* That the Secretary of Defense shall not make any transfer from the Persian Gulf Regional Defense Fund or from the Defense Cooperation Account for combat costs until the seventh day after notifying the Committees on Appropriations and Armed Services of the Senate and House of Representatives of any such transfer.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) In administering the Persian Gulf Regional Defense Fund, the Secretary of Defense shall use the corpus of the Fund only to the extent that amounts from the Defense Cooperation Account established under section 2608 of title 10, United States Code, are not currently available.

(b) If the balance of the corpus of the Persian Gulf Regional Defense Fund is less than $15,000,000,000, the Secretary shall transfer amounts from the Defense Cooperation Account to the Persian Gulf Regional Defense Fund, to the extent that amounts are available in that Account, to restore the balance in the corpus of the Fund to $15,000,000,000.

(c) For purposes of this section, the term "corpus of the Fund" means the amount of $15,000,000,000 appropriated by this Act to the Persian Gulf Regional Defense Fund from the general fund of the Treasury, as such amount is restored from time to time by transfers from the Defense Cooperation Account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. (a) The authority provided in this Act to transfer funds from the Persian Gulf Regional Defense Fund and from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(b) Amounts transferred from the Persian Gulf Regional Defense Fund and from the Defense Cooperation Account shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) Amounts appropriated to the Persian Gulf Regional Defense Fund shall remain available until transferred.

(d)(1) Upon payment of all incremental costs associated with the purpose for which the Persian Gulf Regional Defense Fund is established, the Fund shall be terminated.

(2) If the balance in the Fund at the time of the termination is $15,000,000,000 or less, the balance shall revert to the general fund of the Treasury.

(TRANSFER OF FUNDS)

SEC. 103. (a) For the purpose of adjusting amounts appropriated to the Department of Defense for fiscal year 1991 to reflect changes in expenses due to the order to active duty (other than for training) of members of the National Guard and Reserves in connection with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), the Secretary of Defense may during fiscal year 1991 transfer not to exceed $446,000,000 among the fiscal year 1991 Military Personnel appropriation accounts of the Department of Defense.

(b) Amounts transferred under subsection (a) shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) A transfer of funds under subsection (a) is subject to regular congressional reprogramming notification requirements.

(d) The transfer authority in subsection (a) is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

SEC. 104. None of the funds appropriated to the Persian Gulf Regional Defense Fund shall be used for fuel price increases.

SEC. 105. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) medical provider may voluntarily waive the patient co-payment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided,* That the government's share of medical services is not increased during the specified time period. 10 USC 1079 note.

SEC. 106. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling of the Uniformed Services Treatment Facility account. New York.

SEC. 107. (a) All equipment, supplies, and other materials (including construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East

for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall, to the maximum extent practicable, be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government under the provisions of subsection (e); or

(2) has negligible value; or

(3) is to remain under the control of United States forces in the region; or

(4) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(5) has been expended, depleted, or rendered unusable; or

(6) has been formally notified to Congress prior to March 20, 1991, under the Arms Export Control Act.

(d) The President should attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) Except as deemed essential by the Commander-in-Chief of the United States Central Command for the conduct of the war in the Persian Gulf prior to a permanent cease-fire, no equipment, supply, or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East except as provided through the regular notification procedures of the Committees on Appropriations, the Committees on Armed Services, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

President.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(4).

President. Reports.

(g) The President shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition, and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and nonlethal instruments of war and their supporting elements, components and subcomponents.

President. Reports.

SEC. 108. (a) Not later than sixty days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeploy-

ment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specification of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the government of any country in the Middle East.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

SEC. 109. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and that has not fulfilled its commitment.

SEC. 110. The establishment of the Persian Gulf Regional Defense Fund by this Act and the establishment of a working capital account pursuant to title I of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 shall be treated for all purposes as establishment of the same account in the Treasury.

CHAPTER II

MILITARY CONSTRUCTION

(TRANSFER OF FUNDS)

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $35,000,000, to remain available for obligation until September 30, 1994.

CHAPTER III

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $18,922,000.

This Act may be cited as the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991".

Approved April 10, 1991.

LEGISLATIVE HISTORY—H.R. 1282:

HOUSE REPORTS: Nos. 102-10 (Comm. on Appropriations) and 102-30 (Comm. of Conference).
SENATE REPORTS: No. 102-23 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 7, considered and passed House.
Mar. 19, considered and passed Senate, amended.
Mar. 22, House agreed to conference report; receded and concurred in certain Senate amendments; in others with amendments. Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Apr. 10, Presidential statement.

Public Law 102-29
102d Congress

Joint Resolution

To provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

Apr. 18, 1991
[H.J. Res. 222]

Whereas the labor disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees represented by certain labor organizations threaten essential transportation services of the United States;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the President, pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 12714 of May 3, 1990, created Presidential Emergency Board No. 219 to investigate the disputes and report findings;

Whereas the recommendations of Presidential Emergency Board No. 219 issued on January 15, 1991, have formed the basis for tentative agreements between some, but not all, of the parties to the disputes;

Whereas the recommendations of Presidential Emergency Board No. 219 issued on January 15, 1991, have not resulted in a settlement of all the disputes;

Whereas all the procedures provided under the Railway Labor Act, and further procedures agreed to by the parties, have been exhausted and have not resulted in settlement of all the disputes;

Whereas it is desirable to resolve such disputes in a manner which encourages solutions reached through collective bargaining;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential transportation services;

Whereas the Congress finds that emergency measures are essential to national security and continuity of transportation services by such railroads; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

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

SECTION 1. CONDITIONS DURING RESOLUTION OF DISPUTES.

The following conditions shall apply to the disputes referred to in Executive Order No. 12714 of May 3, 1990, between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and the employees of such railroads represented by the labor organizations which are party to such disputes:

(1) The parties to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes

arose as such conditions existed before 12:01 a.m. on April 17, 1991, except as otherwise provided in this joint resolution.

(2) The final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order No. 12714 of May 3, 1990, so that no change shall be made before the expiration of the period described in section 3(e) of this joint resolution by such parties, in the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on April 17, 1991.

(3) Except as provided in sections 3 and 4 of this joint resolution, the report and recommendations of Presidential Emergency Board No. 219 shall be binding on the parties upon the expiration of the period described in section 3(e) of this joint resolution, and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

SEC. 2. APPOINTMENT OF SPECIAL BOARD.

President.

The President shall promptly appoint a 3-member Special Board. One member of the Special Board shall be an individual who was a member of Presidential Emergency Board No. 219. The remaining 2 members shall be appointed by the President from a list of arbitrators compiled by the National Mediation Board. No member appointed to such Special Board shall be pecuniarily or otherwise interested in any organization of employees or any railroad. The compensation of the members of the Special Board shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of the Special Board appointed under this subsection as if such Special Board were a board created under such section 10.

SEC. 3. RESOLUTION OF ISSUES IN DISAGREEMENT.

(a) REQUESTS FOR CLARIFICATION OR INTERPRETATION OF AMBIGUITIES.—Within 5 days after the Special Board is appointed under section 2, any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the Special Board to clarify or interpret any ambiguities in the recommendations of Presidential Emergency Board No. 219.

(b) CLARIFICATION AND INTERPRETATION REPORT.—Within 15 days after the Special Board is appointed under section 2, the Special Board shall issue a report addressing requests made under subsection (a).

(c) REQUESTS FOR MODIFICATION.—Within 10 days after the Special Board issues its report under subsection (b), any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the Special Board to modify any specific recommendation of Presidential Emergency Board No. 219 with respect to any issue on which the parties remain in disagreement. Issues on which Presidential Emergency Board No. 219 made no specific recommendation shall not be subject to consideration by the Special Board.

(d) PROCEDURE AND DETERMINATION.—The Special Board shall conduct such proceedings as it considers necessary to review requests made under subsection (c). In making a determination under this subsection, the Special Board shall accord a presumption of validity to the recommendations of Presidential Emergency Board

No. 219. The party requesting a modification of a particular Presidential Emergency Board recommendation shall bear the burden of persuasion with respect to the modification of such recommendation. In order to overcome such presumption of validity, the party requesting a modification must show that the Presidential Emergency Board recommendation is demonstrably inequitable or was based on a material error or material misunderstanding. No later than 30 days after the 10-day period described in subsection (c), the Special Board shall complete its review and issue a final determination on all requests made under subsection (c), modifying in whole or in part the recommendation of Presidential Emergency Board No. 219 as to which the request was made, or denying such request.

(e) EFFECT OF DETERMINATION.—Upon the expiration of 10 days after the issuance of the determination of the Special Board under subsection (d), such determination shall be binding on the parties and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(f) CLARIFICATION OF DETERMINATION.—In the event of disagreement as to the meaning of any part or all of the determination by the Special Board under subsection (d), or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may, by December 31, 1991, apply to the Special Board for clarification of its determination, whereupon the Special Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Special Board, be made with or without a further hearing.

(g) PRECLUSION OF JUDICIAL REVIEW.—There shall be no judicial review of any report or determination of the Special Board under this section.

SEC. 4. MUTUAL AGREEMENTS PRESERVED.

Nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

Approved April 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 222:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 17, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Apr. 18, Presidential statement.

Public Law 102-30
102d Congress

Joint Resolution

Apr. 18, 1991
[H.J. Res. 134]

To designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week".

Whereas April 18, 1991, and May 7, 1992 mark the forty-third and forty-fourth anniversaries of the founding of the State of Israel;

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

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

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

Approved April 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 134:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 11, considered and passed House and Senate.

Public Law 102-31
102d Congress
Joint Resolution

To designate the week of April 15 through 21, 1991, as "National Education First Week".

Apr. 18, 1991
[H.J. Res. 197]

Whereas the economic success and democratic vitality of the United States in the coming millenium depends principally on the Nation's ability to provide a world class education from kindergarten through 12th grade;

Whereas all people of the United States have the right to a fulfilling, free, and safe elementary and secondary education that will enable them to be productive, skilled, and literate citizens;

Whereas the United States today faces an unprecedented education crisis in which students fail to graduate from high school at a rate of 3,000 students a day (or more than 1,000,000 students a year) for the general population, and 46 percent for Black and Hispanic students;

Whereas 26,000,000 people in the United States are functionally illiterate, and only 40 percent of the Nation's students are able to solve math problems requiring 2 or more steps;

Whereas international competitors are outpacing the United States in preparing their students for the 21st century, as evidenced by data indicating that a Japanese student spends 30 percent more time in school than a student in the United States and that Japan has a literacy rate of almost 98 percent;

Whereas the education crisis of the United States places great strains on the Nation's economic, social, and political fabric, as evidenced by data indicating that 80 percent of prisoners are high school dropouts, 77 percent of college graduates (but only 37 percent of individuals with not more than an 8th grade education) voted in the 1988 presidential election, and only 3 percent of the Nation's high school graduates can interpret distinctions among employee benefits plans;

Whereas the Nation's education crisis has reached such damaging proportions that only a coordinated, long-term effort by all sectors of the United States, including business, government, media, labor, and educators, can adequately address the challenge;

Whereas the media, including the television networks, the motion picture studios, and the cable television networks, are powerful tools to influence and arouse the public to a better understanding of the scope and severity of the education crisis, as well as to potential grassroots and legislative solutions to the crisis;

Whereas the commitment of the television networks to promote Education First Week represents the single greatest commitment of broadcast resources in the history of the television medium to address a national problem;

Whereas Education First Week presents a unique opportunity to mobilize national and local political and public awareness through the media and is a significant step in confronting the Nation's education crisis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 15 through 21, 1991, is designated as "National Education First Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Approved April 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 197:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 11, considered and passed House and Senate.

Public Law 102-32
102d Congress

An Act

To authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public.

Apr. 23, 1991
[S. 534]

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

SECTION 1. FINDINGS.

31 USC 5111 note.

The Congress finds that—

(1) General H. Norman Schwarzkopf, Commander-in-Chief, United States Central Command, has valiantly directed United States and coalition armed forces in Operation Desert Storm, culminating in the successful liberation of the nation of Kuwait pursuant to United Nations resolutions;

(2) the United States and coalition forces under the command of General Schwarzkopf quickly, decisively, and completely defeated the fourth largest ground army in the world, while minimizing coalition casualties and collateral civilian damage;

(3) the United States and coalition forces under the command of General Schwarzkopf achieved the correct and justified objectives established by the President and the heads of State and governments of coalition forces;

(4) the victory of United States and coalition forces successfully liberated the people of Kuwait, leading to greater stability and order in the region;

(5) the logistics train established to support Operation Desert Storm was fundamental to the success of the coalition effort; and

(6) General Schwarzkopf, together with his able staff and subordinate commanders, has led the men and women of the Armed Forces of the United States in an achievement unparalleled in United States military history.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

31 USC 5111 note.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General H. Norman Schwarzkopf a gold medal of appropriate design in recognition of his exemplary performance as a military leader in coordinating the planning, strategy, and execution of the United States combat action and his invaluable contributions to the United States and to the liberation of Kuwait as Commander-in-Chief, United States Central Command.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

31 USC 5111 note.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

31 USC 5111 note.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

31 USC 5111 note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

Approved April 23, 1991.

LEGISLATIVE HISTORY—S. 534:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 21, considered and passed Senate.
Apr. 11, considered and passed House.

Public Law 102-33
102d Congress

An Act

To authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

Apr. 23, 1991
[S. 565]

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

SECTION 1. FINDINGS.

31 USC 5111 note.

The Congress finds that:

(1) General Colin L. Powell, the Chairman of the Joint Chiefs, the principal military adviser to the President, the National Security Council, and the Secretary of Defense has displayed an extraordinary degree of leadership, competence and professionalism fulfilling his statutory responsibilities throughout Operation Desert Shield and Operation Desert Storm.

(2) The leadership, competence and professionalism of General Powell and his subordinates, officers and noncommissioned officers, have instilled great confidence and pride in the Armed Forces of the United States which contributed significantly to the successful prosecution of the Persian Gulf War.

(3) General Powell and his subordinates brilliantly planned and coordinated at the national level the highly rapid and successful mobilization and deployment of more than one-half million men and women of the Armed Forces of the United States to the Persian Gulf region.

(4) General Powell's leadership and foresight were directly responsible for insuring that sufficient military forces and logistics were committed to the foregoing operations in a timely manner to bring about a swift and decisive military victory with casualties and loss of life at levels so low as to be unprecedented in the annals of military operations by any nation.

(5) The superb coordination among allied forces and the unique and exceptional command arrangements which produced the highly effective chain of command within the allied coalition is directly attributed to the military competence, and extraordinary leadership of General Powell.

(6) As the principal military advisor to the President of the United States, the National Security Council, and the Secretary of Defense, General Powell's clear and farsighted assessments, judgments and recommendations were invaluable and instrumental in the timely and decisive military actions directed by the President which resulted in Iraqi compliance with all United Nations resolutions related to the Iraqi invasion and occupation of Kuwait.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

31 USC 5111 note.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General Colin L. Powell a gold medal of appropriate design in recognition of his exemplary

performance as a military leader and advisor to the President in planning and coordinating the military response of the United States to the Iraqi invasion of Kuwait and the ultimate retreat and defeat of Iraqi forces and Iraqi acceptance of all United Nations Resolutions relating to Kuwait.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

31 USC 5111 note.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

31 USC 5111 note.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

31 USC 5111 note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

Approved April 23, 1991.

LEGISLATIVE HISTORY—S. 565:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 21, considered and passed Senate.
Apr. 11, considered and passed House.

Public Law 102-34
102d Congress

Joint Resolution

To designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

Apr. 23, 1991
[S.J. Res. 119]

Whereas the world faces an international environmental crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 22, 1991 is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Approved April 23, 1991.

LEGISLATIVE HISTORY—S.J. Res. 119:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 11, considered and passed Senate.
Apr. 17, considered and passed House.

Public Law 102-35
102d Congress

Joint Resolution

Designating the Week of April 21-27, 1991, as "National Crime Victims' Rights Week".

Apr. 24, 1991
[S.J. Res. 16]

Whereas thirty-five million individuals in the United States are victimized by crime each year, with six million falling prey to violence;

Whereas the Department of Justice estimates that five out of six individuals will be the victim or intended victim of crime during their lifetimes;

Whereas many victims suffer severe psychological, physical, and emotional hardships as a result of victimizations;

Whereas the Nation must commit its collective energies to improving the criminal justice and social services response to victims; and

Whereas, as a Nation committed to justice and liberty for all, efforts must be continued to remove the inequities victims face and to protect and restore individual rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21 through April 27, 1991, is designated as "National Crime Victims' Rights Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved April 24, 1991.

LEGISLATIVE HISTORY—S.J. Res. 16:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 9, considered and passed Senate.
Apr. 17, considered and passed House.

Public Law 102-36
102d Congress

Joint Resolution

Apr. 26, 1991
[H.J. Res. 218]

To designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 21, 1991, and the week beginning April 19, 1992, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

Approved April 26, 1991.

LEGISLATIVE HISTORY—H.J. Res. 218 (S.J. Res. 86):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 17, considered and passed House.
Apr. 18, H.J. Res. 218 and S.J. Res. 86 considered and passed Senate.

Public Law 102-37
102d Congress

Joint Resolution

To authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day".

Apr. 26, 1991
[S.J. Res. 64]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1991, as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

Approved April 26, 1991.

LEGISLATIVE HISTORY—S.J. Res. 64:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 26, considered and passed Senate.
Apr. 17, considered and passed House.

Public Law 102-38
102d Congress

Joint Resolution

May 3, 1991
[S.J. Res. 98]

To express appreciation for the benefit brought to the Nation by Amtrak during its twenty years of existence.

Whereas May 1, 1991, will mark the twentieth anniversary of the commencement of intercity rail passenger service by the National Railroad Passenger Corporation, better known as Amtrak;

Whereas Amtrak has dramatically improved both the quality and the economics of rail passenger service in the past twenty years and provides a marketable and highly desired national transportation service, with over two hundred and twenty trains each day operating over twenty-four thousand track miles through forty-four States;

Whereas Amtrak carries passengers more miles and longer distances than carried by all the passenger railroads in 1970 prior to the establishment of Amtrak, provides transportation to nearly twenty-two million intercity and eighteen million commuter passengers each year, and serves as a vital national transportation link to rural America, which increasingly is losing other modes of public transportation;

Whereas Amtrak employs nearly twenty-four thousand railroad employees, who cumulatively earn over $1,000,000,000 in annual taxable income, and procures over $350,000,000 in goods and services from domestic companies across the country;

Whereas the country is witnessing a remarkable resurgence in support for a national rail passenger system, reflected by trains that frequently are sold out far in advance of departure and by increasing demands across the country for additional Amtrak service;

Whereas Amtrak is now covering over 80 percent of its operating costs without Federal support compared to just 50 percent in 1981, and is committed to covering 100 percent of its operating costs by the year 2000;

Whereas rail passenger service increasingly is recognized as a critical element of a balanced national transportation system and as an energy efficient, environmentally benign alternative to growing highway and airport congestion;

Whereas Congress has repeatedly been required to preserve funding for a national rail passenger system in the face of proposals to eliminate Federal assistance for Amtrak, and is proud of the success Amtrak has achieved in providing increasingly better service at less cost to the Federal taxpayer; and

Whereas Amtrak has a critical role to play in the future of the Nation's surface transportation system, as the operator of both conventional and high-speed rail systems, new systems based on magnetic levitation, and contract commuter rail systems: Now, therefore, be it

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

of Amtrak had the important effect of preserving a national rail passenger system and of providing Americans with an energy efficient, environmentally preferable transportation alternative, and that the need for a balanced national transportation system in this country dictates that Federal and State transportation planners consider the many advantages of improved rail passenger service as they look to addressing national and regional transportation concerns.

Approved May 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 98:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 23, considered and passed Senate.
Apr. 24, considered and passed House.

Public Law 102-39
102d Congress

Joint Resolution

May 3, 1991
[S.J. Res. 102]

Designating the second week in May 1991 as "National Tourism Week".

Whereas travel and tourism is the third largest retail industry and the second largest private employer in the United States, generating nearly six million jobs and indirectly employing another two million six hundred and forty thousand Americans;

Whereas total travel expenditures in the United States amount to more than $350,000,000,000 annually, or about 6.5 percent of the gross national product;

Whereas tourism is an essential American export, as thirty-eight million seven hundred thousand foreign travelers spend approximately $44,000,000,000 annually in the United States;

Whereas development and promotion of tourism have brought new industries, jobs and economic revitalization to cities and regions across the United States;

Whereas tourism contributes substantially to personal growth, education, appreciation of intercultural differences, and the enhancement of international understanding and good will; and

Whereas the abundant natural and manmade attractions of the United States and the hospitality of the American people establish the United States as the preeminent destination for both foreign and domestic travelers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning the first Sunday in May 1991 is designated as "National Tourism Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

Approved May 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 102:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 17, considered and passed Senate.
Apr. 24, considered and passed House.

Public Law 102-40
102d Congress

An Act

To amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

May 7, 1991
[H.R. 598]

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

Department of Veterans Affairs Health-Care Personnel Act of 1991.
Government employees.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Health-Care Personnel Act of 1991".

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

38 USC 201 note.

SEC. 2. RENAMING OF VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION.

(a) RENAMING.—The establishment in the Department of Veterans Affairs known as the Veterans Health Services and Research Administration is hereby redesignated as the Veterans Health Administration.

(b) REFERENCES.—Any reference to the Veterans Health Services and Research Administration (or to the Department of Medicine and Surgery of the Veterans' Administration) in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Veterans Health Administration.

TITLE I—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991.

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991".

38 USC 101 note.

SEC. 102. REVISION AND REORGANIZATION OF SPECIAL PAY STATUTE.

Part V is amended by inserting after chapter 73 the following new chapter:

"CHAPTER 74—VETERANS HEALTH ADMINISTRATION—PERSONNEL

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"7431. Special pay: authority.
"7432. Special pay: written agreements.
"7433. Special pay: full-time physicians.
"7434. Special pay: part-time physicians.

"7435. Special pay: full-time dentists.
"7436. Special pay: part-time dentists.
"7437. Special pay: general provisions.
"7438. Special pay: coordination with other benefits laws.
"7439. Periodic review of pay of physicians and dentists; quadrennial report.
"7440. Annual report.

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§ 7431. Special pay: authority

Regulations.

"(a) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Administration, the Secretary shall provide special pay under this subchapter. Such special pay shall be provided under regulations that the Secretary shall prescribe to carry out this subchapter. Before prescribing regulations under this subchapter, the Secretary shall receive the recommendations of the Chief Medical Director with respect to those regulations.

"(b) Special pay may be paid to a physician or dentist under this subchapter only upon the execution of, and for the duration of, a written agreement entered into by the physician or dentist in accordance with section 7432 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of such obligated service, except that, at the discretion of the Secretary and upon the recommendation of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during those three years.

"(d)(1) The Secretary may determine categories of positions applicable to either physicians or dentists, or both, in the Veterans Health Administration as to which there is no significant recruitment and retention problem. While any such determination is in effect, the Secretary may not enter into an agreement under this subchapter with a physician or dentist serving in a position covered by the determination. Before making a determination under this paragraph, the Secretary shall receive the recommendations of the Chief Medical Director with respect to the determination.

"(2) Not later than one year after making any such determination with respect to a category of positions, and each year thereafter that such determination remains in effect, the Secretary shall make a redetermination.

"(3) Any determination under this subsection shall be in accordance with regulations prescribed to carry out this subchapter.

"(e) If the Chief Medical Director determines that payment of special pay to a physician or dentist who is employed on a less than half-time basis is the most cost-effective way available for providing needed medical or dental specialist services at a Department facility, the Chief Medical Director may authorize the payment of special pay for factors other than for full-time status to that physician or dentist at a rate computed on the basis of the proportion that the part-time employment of the physician or dentist bears to full-time employment.

"(f) Special pay may not be paid under this section to a physician or dentist who—

"(1) is employed on less than a quarter-time basis or on an intermittent basis;

"(2) occupies an internship or residency training position; or

"(3) is a reemployed annuitant.

"(g)(1) In the case of a physician or dentist who is employed in a position that is covered by a determination by the Secretary under subsection (d)(1) that the Administration does not have a significant recruitment or retention problem with respect to a particular category of positions and who on the day before the effective date of this subchapter was receiving special pay under an agreement entered into under section 4118 of this title (as in effect before such date), the Secretary may pay to that physician or dentist, in addition to basic pay, retention pay under this subsection.

"(2) The annual rate of such retention pay for any individual may not exceed the rate which, when added to the rate of basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under such section 4118.

"(3) Such retention pay shall be treated for all purposes as special pay paid under subchapter III of chapter 74 of this title.

"(4) Retention pay under this subsection shall be paid under such regulations as the Secretary may prescribe.

"§ 7432. Special pay: written agreements

"(a) An agreement entered into by a physician or dentist under this subchapter shall cover a period of one year of service in the Veterans Health Administration unless the physician or dentist agrees to an agreement for a longer period of service, not to exceed four years, as specified in the agreement. A physician or dentist who has previously entered into such an agreement is eligible to enter into a subsequent agreement unless the physician or dentist has failed to refund to the United States any amount which the physician or dentist is obligated to refund under any such previous agreement.

"(b)(1) An agreement under this subchapter shall provide that, if the physician or dentist entering into the agreement voluntarily, or because of misconduct, fails to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement), the physician or dentist shall refund an amount of special pay received under the agreement for that year equal to—

"(A) in the case of a failure during the first year of service under the agreement, 100 percent of the amount received for that year;

"(B) in the case of a failure during the second year of service under the agreement, 75 percent of the amount received for that year;

"(C) in the case of a failure during the third year of service under the agreement, 50 percent of the amount received for that year; and

"(D) in the case of a failure during the fourth year of service under the agreement, 25 percent of the amount received for that year.

"(2) The Secretary may waive (in whole or in part) the requirement for a refund under paragraph (1) in any case if the Secretary determines (in accordance with regulations prescribed under section 7431(a) of this title) that the failure to complete such period of service is the result of circumstances beyond the control of the physician or dentist.

"(3) Any such agreement shall specify the terms under which the Department and the physician or dentist may elect to terminate the agreement.

"(c)(1) If a proposed agreement under this subchapter will provide a total annual amount of special pay to be provided to a physician or dentist who has previously entered into an agreement under this subchapter (or under section 4118 of this title as in effect before the effective date of the Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) that will exceed the previous annual amount of special pay provided for the physician or dentist by more than 50 percent (other than in the case of a physician or dentist employed in an executive position in the Central Office of the Department), or that will be less than the previous annual amount of special pay provided for the physician or dentist by more than 25 percent, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 60 days after the date on which the physician or dentist entered into the proposed agreement.

"(2) For purposes of paragraph (1), the previous annual amount of special pay provided for a physician or dentist is the total annual amount of special pay provided, or to be provided, to the physician or dentist for the most recent year covered by an agreement entered into by the physician or dentist under this subchapter or under section 4118 of this title. In the case of an agreement entered into under section 4118 of this title, incentive pay shall be treated as special pay for purposes of this paragraph.

"(3) The Secretary shall adjust special pay as necessary for purposes of this subsection to reflect appropriately any change in the status of a physician or dentist (A) from full-time status to part-time status, (B) from part-time status to full-time status, or (C) from one proportion of time spent as a Department employee under part-time status employment to a different proportion.

"(d)(1) If a proposed agreement under this subchapter (other than an agreement in the case of the Chief Medical Director) will provide a total annual amount of special pay to be provided to a physician or dentist which, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5, the proposed agreement shall be promptly submitted for approval to the Secretary through the Chief Medical Director. The agreement shall take effect at the end of the 60-day period beginning on the date on which the physician or dentist entered into the proposed agreement if it is neither approved nor disapproved within that 60-day period. If the agreement is approved within that period, the agreement shall take effect as of the date of the approval. A proposed agreement may be disapproved under this paragraph only if it is determined that the amounts of special pay proposed to be paid are not necessary to recruit or retain the physician or dentist.

Effective date.

"(2) A proposed agreement under this subchapter with the Chief Medical Director may provide for payment of special pay for which the Chief Medical Director is eligible under this subchapter (other than that specified in section 7433(b)(4)(B) of this title) only to the extent specifically approved by the Secretary.

"(3) The Secretary shall include in the annual report required by section 7440 of this title—

"(A) a statement of the number of agreements entered into during the period covered by the report under which the total amount of special pay to be provided, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5;

"(B) a statement of the number of proposed agreements which during the period covered by the report were disapproved under this subsection; and

"(C) a detailed explanation of the basis for disapproval of each such proposed agreement which was disapproved under this subsection.

"(4) This subsection does not apply to any proposed agreement entered into after September 30, 1994.

"§ 7433. Special pay: full-time physicians

"(a) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time physicians are as follows:

"(1) For full-time status, $9,000.

"(2)(A) For length of service as a physician within the Veterans Health Administration—

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years	$4,000	$ 6,000
4 years but less than 8 years	6,000	12,000
8 years but less than 12 years	12,000	18,000
12 years or more	12,000	25,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a medical specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an annual rate of not more than $40,000.

"(B) For service by a physician who serves only a portion of a year in a medical specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Mini-mum	Maxi-mum
Service Chief (or in a comparable position as determined by the Secretary).	$4,500	$15,000
Chief of Staff or in an Executive Grade	14,500	25,000
Director Grade	0	25,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
"Deputy Service Director	$20,000
"Service Director	25,000
"Deputy Assistant Chief Medical Director	27,500
"Assistant Chief Medical Director	30,000
"Associate Deputy Chief Medical Director	35,000
"Deputy Chief Medical Director	40,000
"Chief Medical Director	45,000

"(C) For service by a physician who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, $2,000, and for subspecialty certification or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an annual rate of not more than $17,000.

"(7)(A) For service by a physician with exceptional qualifications within a specialty, an annual rate of not more than $15,000.

"(B) Special pay under this paragraph may be paid to a physician only if the payment of such pay to that physician is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that physician under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a physician with the same length of service, specialty, and position as the physician concerned.

"§ 7434. Special pay: part-time physicians

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for physicians employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7433 of this title.

"(b) The annual rate of special pay paid to a physician employed on a part-time basis shall bear the same ratio to the annual rate that the physician would be paid under section 7433 (other than for full-time status) if the physician were employed on a full-time basis as the amount of part-time employment by the physician bears to full-time employment, except that such ratio may not exceed 3/4.

"§ 7435. Special pay: full-time dentists

"(a) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time dentists are as follows:

"(1) For full-time status, $3,500.

"(2)(A) For length of service as a dentist within the Veterans Health Administration—

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years	$1,000	$2,000
4 years but less than 8 years	2,000	3,000
8 years but less than 12 years	3,000	3,500
12 years or more	3,000	4,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a dental specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an annual rate of not more than $20,000.

"(B) For service by a dentist who serves only a portion of a year in a dental specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Minimum	Maximum
Service Director	$1,000	$9,000
Deputy Service Director	1,000	8,000
Chief of Staff or in an Executive Grade	1,000	8,000
Director Grade	0	8,000
Service Chief (or in a comparable position as determined by the Secretary).	1,000	5,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
Assistant Chief Medical Director (or in a comparable position as determined by the Secretary).	$10,000
Deputy Assistant Chief Medical Director	10,000

"(C) For service by a dentist who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty or first board certification, $2,000 and for subspecialty or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an annual rate not more than $5,000.

"(7)(A) For service by a dentist with exceptional qualifications within a specialty, an annual rate of not more than $5,000.

"(B) Special pay under this paragraph may be paid to a dentist only if the payment of such pay to that dentist is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that dentist under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a dentist with the same length of service, specialty, and position as the dentist concerned.

"§ 7436. Special pay: part-time dentists

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for dentists employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7435 of this title.

"(b) The annual rate of special pay paid to a dentist employed on a part-time basis shall bear the same ratio to the annual rate that the dentist would be paid under section 7435 of this title (other than for full-time status) if the dentist were employed on a full-time basis as the amount of part-time employment by the dentist bears to full-time employment, except that such ratio may not exceed 3/4.

"§ 7437. Special pay: general provisions

"(a) A physician who is provided special pay for service in an executive position under paragraph (4)(B) of section 7433(b) of this title may not also be provided scarce specialty special pay under paragraph (3) of that section. A dentist who is provided special pay for service in an executive position under paragraph (4) of section 7435(b) of this title for service as a Service Director, Deputy Service Director, Deputy Assistant Chief Medical Director, or Assistant Chief Medical Director may not also be provided scarce specialty special pay under paragraph (3) of that section.

Regulations.

"(b) The following determinations under this subchapter shall be made under regulations prescribed under section 7431 of this title:

"(1) A determination that there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

"(2) A determination of the rate of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of rates.

"(3) A determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

"(c) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility may only be made upon the request of the director of that facility.

"(d) A physician or dentist may not be provided scarce specialty pay under section 7433(b), 7434(b), 7435(b), or 7436(b) of this title (whichever is applicable) on the basis of the needs of a specific medical facility unless the Secretary also determines that geographic location pay under that section is insufficient to meet the needs of that facility for qualified physicians or dentists, as the case may be.

"(e)(1) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a full-time basis in the Veterans Health Administration;

"(B) was employed as a physician or dentist on a full-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary, full-time, and length of service.

"(2) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a part-time basis in the Veterans Health Administration;

"(B) was employed as a physician or dentist on a part-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary and length of service.

"(f) Any amount of special pay payable under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

"(g) Except as otherwise expressly provided by law, special pay may not be provided to a physician or dentist in the Veterans Health Administration for any factor not specified in section 7433, 7434, 7435, or 7436, as applicable, of this title.

"(h) In no case may the total amount of compensation paid to a physician or dentist under this title in any year exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"§ 7438. Special pay: coordination with other benefits laws

"(a) Special pay paid under this subchapter shall be in addition to any other pay and allowances to which a physician or dentist is entitled.

"(b)(1) A physician or dentist who has no section 4118 service and has completed not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84 of title 5, as appropriate.

"(2) A physician or dentist who has section 4118 service and has completed a total of not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 as follows:

"(A) In an amount equal to the amount that would have been so considered under section 4118 of this title on the day before the effective date of this section based on the rates of special pay the physician or dentist was entitled to receive under that section on the day before such effective date.

"(B) With respect to any amount of special pay received under this subchapter in excess of the amount such physician or dentist was entitled to receive under section 4118 of this title on the day before the effective date of this section, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after the effective date of this section.

"(3) All special pay paid under this subchapter shall be included in average pay (as defined in sections 8331(4) or 8401(3) of title 5, as appropriate) for purposes of computing benefits paid under section 8337, 8341 (d) or (e), 8442(b), 8443, or 8451 of such title.

"(4) Special pay paid under section 4118 of this title, as in effect before the effective date of this section, to a physician or dentist who has section 4118 service shall be credited to the physician or dentist for the same purposes and in the same manner and to the same extent that such special pay was credited to the physician or dentist before such effective date.

"(5) For purposes of this subsection:

"(A) The term 'physician or dentist who has no section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has no previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(B) The term 'physician or dentist who has section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(C) Service in any predecessor entity of the Veterans Health Administration shall be considered to be service in the Veterans Health Administration.

"(c) Compensation paid as special pay under this subchapter or under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the Department of

Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"§ 7439. Periodic review of pay of physicians and dentists; quadrennial report

"(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing quality care for eligible veterans, it is the policy of Congress to ensure that the levels of total pay for physicians and dentists of the Veterans Health Administration are fixed at levels reasonably comparable—

"(1) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government; and

"(2) with the income of non-Federal physicians and dentists for the performance of services as physicians and dentists.

"(b)(1) To assist the Congress and the President in carrying out the policy stated in subsection (a), the Secretary shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Veterans Health Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

"(B) obtain measures of income from the employment or practice of physicians and dentists outside the Administration, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for physicians and dentists of the Administration.

"(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1994, and once every four years thereafter, recommending appropriate rates of special pay to carry out the policy set forth in subsection (a) with respect to the pay of physicians and dentists in the Veterans Health Administration. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

"(A) the Department is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists in the Administration because the incomes and other employee benefits, to the extent that those benefits are reasonably quantifiable, of physicians and dentists outside the Administration who perform comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) and other employee benefits, to the extent that those benefits are reasonably quantifiable, available to those physicians and dentists employed by the Administration; or

"(B) other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

"(c) The President shall include in the budget transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) recommendations with respect to the exact rates of special pay for physicians and

President.

dentists under this subchapter and the cost of those rates compared with the cost of the special pay rates in effect under this subchapter at the time the budget is transmitted.

"§ 7440. Annual report

"The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the use of the authorities provided in this subchapter. The report shall be submitted each year as part of the budget justification documents submitted by the Secretary in support of the budget of the President submitted pursuant to section 1105 of title 31 that year. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this subchapter (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this subchapter) during the preceding fiscal year and the fiscal year during which the report is submitted.

"(2) The plans for the use of the authorities provided in this subchapter for the next fiscal year.

"(3) A description of the amounts of special pay paid during the preceding fiscal year, shown by category of pay.

"(4) A list of those geographic areas, and those scarce specialties, for which special pay was paid during the preceding fiscal year, those for which special pay is being paid during the current fiscal year, and those for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among those three lists.

"(5) The number of physicians and dentists (A) who left employment with the Veterans Health Administration during the preceding year, (B) who changed from full-time status to part-time status, (C) who changed from part-time status to full-time status, as well as (D) a summary of the reasons therefor.

"(6) By specialty, the number of positions created and the number of positions abolished during the preceding fiscal year and a summary of the reasons for such actions.

"(7) The number of unfilled physician and dentist positions in each specialty in the Veterans Health Administration, the average and maximum lengths of time that such positions have been unfilled, and a summary of the reasons that such positions remain unfilled and, in the case of any specialty not designated as a scarce specialty for purposes of special pay under this subchapter, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated.".

SEC. 103. OTHER COMPENSATION BENEFITS.

(a) IN GENERAL.—Subchapter I of chapter 74 (as added by section 401(b)(2)) is amended by adding at the end the following sections:

"§ 7410. Additional pay authorities

"The Secretary may authorize the Chief Medical Director to pay advance payments, recruitment or relocation bonuses, and retention allowances to the personnel described in paragraph (1) of section 7401 of this title, or interview expenses to candidates for appointment as such personnel, in the same manner, and subject to the same limitations, as in the case of the authority provided under sections 5524a, 5706b, 5753, and 5754 of title 5.

"§ 7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses

"The Secretary shall reimburse any full-time board-certified physician or dentist appointed under section 7401(1) of this title for expenses incurred, up to $1,000 per year, for continuing professional education.".

(2) The table of sections at the beginning of chapter 74 (as amended by section 401(b)(1)(A)) is amended by inserting after the item relating to section 7409 the following:

"7410. Additional pay authorities.
"7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses.".

(b) EFFECTIVE DATE.—Section 7411 of title 38, United States Code, as added by subsection (a), shall apply with respect to expenses incurred for continuing professional education that is pursued after September 30, 1991. 38 USC 7411 note.

SEC. 104. EFFECTIVE DATE AND TRANSITION. 38 USC 7431 note.

(a) EFFECTIVE DATE.—Subchapter III of chapter 74 of title 38, United States Code, as added by section 102, shall take effect on the first day of the first pay period beginning after the earlier of—

(1) July 1, 1991; or

(2) the end of the 90-day period beginning on the date of the enactment of this Act.

(b) TRANSITIONS PROVISIONS.—(1) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (a), the Secretary of Veterans Affairs and the physician or dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, to take effect as of that effective date.

(2) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a), an extension or renewal of that agreement may not extend beyond that effective date.

(3) In the case of a physician or dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a) who is eligible for an agreement under section 4118 of title 38, United States Code, any such agreement may not extend beyond that effective date.

(c) SAVINGS PROVISION.—Except as provided in subsection (b)(1), any agreement entered into under section 4118 of title 38, United States Code, before the effective date specified in subsection (a) shall remain in effect in accordance with its terms and shall be treated for all purposes in accordance with such section as in effect on the day before such effective date.

(d) PROHIBITION OF RETROACTIVE AGREEMENTS.—An agreement entered into under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, may not provide special pay

with respect to a period before the effective date specified in subsection (a).

Department of Veterans Affairs Labor Relations Improvement Act of 1991.
38 USC 101 note.

TITLE II—LABOR-MANAGEMENT RELATIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Labor Relations Improvement Act of 1991".

SEC. 202. COLLECTIVE BARGAINING FOR TITLE 38 EMPLOYEES.

Chapter 74, as added by section 102, is amended by inserting before subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"§ 7421. Personnel administration: in general

Regulations.

"(a) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this chapter in positions in the Veterans Health Administration listed in subsection (b).

"(b) Subsection (a) refers to the following positions:

"(1) Physicians.
"(2) Dentists.
"(3) Podiatrists.
"(4) Optometrists.
"(5) Registered nurses.
"(6) Physician assistants.
"(7) Expanded-duty dental auxiliaries.

"§ 7422. Collective bargaining

"(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 7421 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).

"(b) Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in section 7421(b) of this title may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

"(c) For purposes of this section, the term 'professional conduct or competence' means any of the following:

"(1) Direct patient care.
"(2) Clinical competence.

"(d) An issue of whether a matter or question concerns or arises out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency.

"(e) A petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in section 7421(b) of this title or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.

"§ 7423. Personnel administration: full-time employees

"(a) The hours of employment in carrying out responsibilities under this title of any employee who is appointed in the Administration under any provision of this chapter on a full-time basis in a position listed in section 7421(b) of this title (other than an intern or resident appointed pursuant to section 7406 of this title) and who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title shall consist of not less than 80 hours in a biweekly pay period (as that term is used in section 5504 of title 5).

"(b) A person covered by subsection (a) may not do any of the following:

"(1) Assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the person, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed 180 calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed 180 calendar days each.

"(2) Teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with such person's responsibilities under this title.

"(3) Accept payment under any insurance or assistance program established under title XVIII or XIX of the Social Security Act or under chapter 55 of title 10 for professional services rendered by such person while carrying out such person's responsibilities under this title.

"(4) Accept from any source, with respect to any travel performed by such person in the course of carrying out such person's responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5.

"(5) Request or permit any individual or organization to pay, on such person's behalf for insurance insuring such person against malpractice claims arising in the course of carrying out such person's responsibilities under this title or for such person's dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of such person's remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title.

"(6) Perform, in the course of carrying out such person's responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for such person's personal benefit, or both.

"(c) In the case of any fund or account described in subsection (b)(6) that was established before September 1, 1973—

Colleges and universities. Records.

"(1) the affiliated institution shall submit semiannually an accounting to the Secretary and to the Comptroller General of the United States with respect to such fund or account and shall maintain such fund or account subject to full public disclosure and audit by the Secretary and the Comptroller General for a period of three years or for such longer period as the Secretary shall prescribe, and

"(2) no person in a position specified in paragraph (1)(B) may receive any cash from amounts deposited in such fund or account derived from services performed before that date.

"(d) As used in this section:

"(1) The term 'affiliated institution' means a medical school or other institution of higher learning with which the Secretary has a contract or agreement as referred to in section 7313 of this title for the training or education of health personnel.

"(2) The term 'remuneration' means the receipt of any amount of monetary benefit from any non-Department source in payment for carrying out any professional responsibilities.".

SEC. 203. ADVERSE PERSONNEL ACTIONS.

(a) REFORM OF DISCIPLINARY PROCEDURES FOR SECTION 7401(1) EMPLOYEES.—Chapter 74, as added by section 102 and amended by section 202, is further amended by adding at the end the following:

"SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

"§ 7461. Adverse actions: section 7401(1) employees

"(a) Whenever the Chief Medical Director (or an official designated by the Chief Medical Director) brings charges based on conduct or performance against a section 7401(1) employee and as a result of those charges an adverse personnel action is taken against the employee, the employee shall have the right to appeal the action.

"(b)(1) If the case involves or includes a question of professional conduct or competence in which a major adverse action was taken, such an appeal shall be made to a Disciplinary Appeals Board under section 7462 of this title.

"(2) In any other case, such an appeal shall be made—

"(A) through Department grievance procedures under section 7463 of this title, in any case that involves or includes a question of professional conduct or competence in which a major adverse action was not taken or in any case of an employee who is not covered by a collective bargaining agreement under chapter 71 of title 5; or

"(B) through grievance procedures provided through collective bargaining under chapter 71 of title 5 or through Department grievance procedures under section 7463 of this title, as the employee elects, in the case of an employee covered by a collective bargaining agreement under chapter 71 of title 5 that does not involve or include a question of professional conduct or competence.

"(c) For purposes of this subchapter—

"(1) Section 7401(1) employees are employees of the Department employed on a full-time basis under a permanent appoint-

ment in a position listed in section 7401(1) of this title (other than interns and residents appointed pursuant to section 7406 of this title).

"(2) A major adverse action is an adverse action which includes any of the following:

"(A) Suspension.

"(B) Transfer.

"(C) Reduction in grade.

"(D) Reduction in basic pay.

"(E) Discharge.

"(3) A question of professional conduct or competence is a question involving any of the following:

"(A) Direct patient care.

"(B) Clinical competence.

"(d) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency.

"(e) Whenever the Secretary proposes to prescribe regulations under this subchapter, the Secretary shall publish the proposed regulations in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect. Federal Register, publication.

"§ 7462. Major adverse actions involving professional conduct or competence

"(a)(1) Disciplinary Appeals Boards appointed under section 7464 of this title shall have exclusive jurisdiction to review any case—

"(A) which arises out of (or which includes) a question of professional conduct or competence of a section 7401(1) employee; and

"(B) in which a major adverse action was taken.

"(2) The board shall include in its record of decision in any mixed case a statement of the board's exclusive jurisdiction under this subsection and the basis for such exclusive jurisdiction.

"(3) For purposes of paragraph (2), a mixed case is a case that includes both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence.

"(b)(1) In any case in which charges are brought against a section 7401(1) employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to the following:

"(A) At least 30 days advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge, except that the requirement for notification in advance may be waived if there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned.

"(B) A reasonable time, but not less than seven days, to present an answer orally and in writing to the Chief Medical Director or other deciding official, who shall be an official

higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer.

"(2) In any case described in paragraph (1), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"(3)(A) If a proposed adverse action covered by this section is not withdrawn, the deciding official shall render a decision in writing within 21 days of receipt by the deciding official of the employee's answer. The decision shall include a statement of the specific reasons for the decision with respect to each charge. If a major adverse action is imposed, the decision shall state whether any of the charges sustained arose out of a question of professional conduct or competence. If any of the charges are sustained, the notice of the decision to the employee shall include notice of the employee's rights of appeal.

"(B) Notwithstanding the 21-day period specified in subparagraph (A), a proposed adverse action may be held in abeyance if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. Any such abeyance of a proposed action may not extend for more than one year.

"(4)(A) The Secretary may require that any answer and submission under paragraph (1)(B) be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

"(B) The Secretary shall require that any appeal to a Disciplinary Appeals Board from a decision to impose a major adverse action shall be received within 30 days after the date of service of the written decision on the employee.

"(c)(1) When a Disciplinary Appeals Board convenes to consider an appeal in a case under this section, the board, before proceeding to consider the merits of the appeal, shall determine whether the case is properly before it.

"(2) Upon hearing such an appeal, the board shall, with respect to each charge appealed to the board, sustain the charge, dismiss the charge, or sustain the charge in part and dismiss the charge in part. If the deciding official is sustained (in whole or in part) with respect to any such charge, the board shall—

"(A) approve the action as imposed;

"(B) approve the action with modification, reduction, or exception; or

"(C) reverse the action.

"(3) A board shall afford an employee appealing an adverse action under this section an opportunity for an oral hearing. If such a hearing is held, the board shall provide the employee with a transcript of the hearing.

"(4) The board shall render a decision in any case within 45 days of completion of the hearing, if there is a hearing, and in any event no later than 120 days after the appeal commenced.

"(d)(1) After resolving any question as to whether a matter involves professional conduct or competence, the Secretary shall cause to be executed the decision of the Disciplinary Appeals Board in a timely manner and in any event in not more than 90 days after the decision of the Board is received by the Secretary. Pursuant to the board's decision, the Secretary may order reinstatement, award back pay, and provide such other remedies as the board found

appropriate relating directly to the proposed action, including expungement of records relating to the action.

"(2) If the Secretary finds a decision of the board to be clearly contrary to the evidence or unlawful, the Secretary may—

"(A) reverse the decision of the board, or

"(B) vacate the decision of the board and remand the matter to the Board for further consideration.

"(3) If the Secretary finds the decision of the board (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges, the Secretary may mitigate the adverse action imposed.

"(4) The Secretary's execution of a board's decision shall be the final administrative action in the case.

"(e) The Secretary may designate an employee of the Department to represent management in any case before a Disciplinary Appeals Board.

"(f)(1) A section 7401(1) employee adversely affected by a final order or decision of a Disciplinary Appeals Board (as reviewed by the Secretary) may obtain judicial review of the order or decision.

"(2) In any case in which judicial review is sought under this subsection, the court shall review the record and hold unlawful and set aside any agency action, finding, or conclusion found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) obtained without procedures required by law, rule, or regulation having been followed; or

"(C) unsupported by substantial evidence.

"§ 7463. Other adverse actions

"(a) The Secretary shall prescribe by regulation procedures for the consideration of grievances of section 7401(1) employees arising from adverse personnel actions in which each action taken either— Regulations.

"(1) is not a major adverse action; or

"(2) does not arise out of a question of professional conduct or competence.

Disciplinary Appeals Boards shall not have jurisdiction to review such matters, other than as part of a mixed case (as defined in section 7462(a)(3) of this title).

"(b) In the case of an employee who is a member of a collective bargaining unit under chapter 71 of title 5, the employee may seek review of an adverse action described in subsection (a) either under the grievance procedures provided through regulations prescribed under subsection (a) or through grievance procedures determined through collective bargaining, but not under both. The employee shall elect which grievance procedure to follow. Any such election may not be revoked.

"(c)(1) In any case in which charges are brought against a section 7401(1) employee which could result in a major adverse action and which do not involve professional conduct or competence, the employee is entitled to the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 7462(b)(1) of this title.

"(2) In any other case in which charges are brought against a section 7401(1) employee, the employee is entitled to—

"(A) an advance written notice stating the specific reason for the proposed action, and

"(B) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

"(d) Grievance procedures prescribed under subsection (a) shall include the following:

"(1) A right to formal review by an impartial examiner within the Department of Veterans Affairs, who, in the case of an adverse action arising from a question of professional conduct or competence, shall be selected from the panel designated under section 7464 of this title.

"(2) A right to a prompt report of the findings and recommendations by the impartial examiner.

"(3) A right to a prompt review of the examiner's findings and recommendations by an official of a higher level than the official who decided upon the action. That official may accept, modify, or reject the examiner's recommendations.

"(e) In any review of an adverse action under the grievance procedures prescribed under subsection (a), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"§ 7464. Disciplinary Appeals Boards

"(a) The Secretary shall from time to time appoint boards to hear appeals of major adverse actions described in section 7462 of this title. Such boards shall be known as Disciplinary Appeals Boards. Each board shall consist of three employees of the Department, each of whom shall be of the same grade as, or be senior in grade to, the employee who is appealing an adverse action. At least two of the members of each board shall be employed in the same category of position as the employee who is appealing the adverse action. Members of a board shall be appointed from individuals on the panel established under subsection (d).

"(b)(1) In appointing a board for any case, the Secretary shall designate one of the members to be chairman and one of the members to be secretary of the board, each of whom shall have authority to administer oaths.

Regulations. Records.

"(2) Appointment of boards, and the proceedings of such boards, shall be carried out under regulations prescribed by the Secretary. A verbatim record shall be maintained of board hearings.

"(c)(1) Notwithstanding sections 5701 and 7332 of this title, the chairman of a board, upon request of an employee whose case is under consideration by the board (or a representative of that employee) may, in connection with the considerations of the board, review records or information covered by those sections and may authorize the disclosure of such records or information to that employee (or representative) to the extent the board considers appropriate for purposes of the proceedings of the board in that case.

"(2) In any such case the board chairman may direct that measures be taken to protect the personal privacy of individuals whose records are involved. Any person who uses or discloses a record or information covered by this subsection for any purpose other than in connection with the proceedings of the board shall be fined not more than $5,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

Penalties.

"(d)(1) The Secretary shall provide for the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. Those employees shall constitute the panel

from which board members in a case are appointed. The Secretary shall provide (without charge) a list of the names of employees on the panel to any person requesting such list.

"(2) The Secretary shall announce periodically, and not less often than annually, that the roster of employees on the panel is available as described in paragraph (1). Such announcement shall be made at Department medical facilities and through publication in the Federal Register. Notice of a name being on the list must be provided at least 30 days before the individual selected may serve on a Board or as a grievance examiner. Employees, employee organizations, and other interested parties may submit comments to the Secretary concerning the suitability for service on the panel of any employee whose name is on the list.

Federal Register, publication.

"(3) The Secretary shall provide training in the functions and duties of Disciplinary Appeals Boards and grievance procedures under section 7463 of this title for employees selected to be on the panel.".

Training programs.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 74, as added by section 102, is amended—

(1) by inserting before the item relating to subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"7421. Personnel administration: in general.
"7422. Collective bargaining.
"7423. Personnel administration: full-time employees."; and

(2) by adding at the end the following:

"SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

"7461. Adverse actions: section 7401(1) employees.
"7462. Major adverse actions involving professional conduct or competence.
"7463. Other adverse actions.
"7464. Disciplinary Appeals Boards.".

SEC. 204. DEADLINE FOR REGULATIONS.

38 USC 7461 note.

The Secretary of Veterans Affairs shall prescribe regulations under subchapter V of chapter 74 of title 38, United States Code (as added by section 203), not later than 180 days after the date of the enactment of this Act. Such regulations shall be published in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

Federal Register, publication.

SEC. 205. PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS.

38 USC 7421 note.

(a) EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act shall not be affected by the amendments made by this Act and shall continue in effect in accordance with the terms of such determination or regulation.

(b) PENDING CASES.—With respect to cases pending on the date of the enactment of this Act, or those cases which are brought before the establishment of either an administrative grievance procedure

pursuant to section 7463 of title 38, United States Code (as added by the amendments made by this title), or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act had not been enacted.

TITLE III—MISCELLANEOUS

SEC. 301. AMENDMENTS TO PROVISIONS ENACTED BY THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990.

38 USC 7451 note.

(a) SAVINGS PROVISION.—Physician assistants and expanded-function dental auxiliaries shall continue to be paid after August 14, 1990, according to the Nurse Schedule in section 4107(b) of title 38, United States Code, as in effect on August 14, 1990, until the effective date of a determination by the Secretary to convert those occupations to "covered positions" and pay them pursuant to section 7451 of such title, as redesignated by section 401(c).

(b) CHIEF MEDICAL DIRECTOR AUTHORITY.—Section 4141(d) is amended—

(1) in paragraph (1)(B), by inserting "or the Chief Medical Director, with respect to covered Regional and Central Office employees in that grade," before "determines";

(2) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D) and by inserting "or Chief Medical Director" in that subparagraph after "facility"; and

(B) by inserting after subparagraph (B) the following:

Regulations.

"(C) The Chief Medical Director shall prescribe regulations providing for the adjustment of the rates of basic pay for Regional and Central Office employees in covered positions in order to assure that those rates are sufficient and competitive."; and

(3) in paragraph (4), by inserting ", or the Chief Medical Director with respect to Regional and Central Office employees," in the first sentence after "facility" the first place it appears.

(c) INCLUSION OF CERTAIN TITLE 5 EMPLOYEES.—Section 4141(a)(3) is amended by inserting "or chapter 53 of title 5" before the period at the end.

(d) TECHNICAL AMENDMENT.—Section 4142(a)(3) is amended by striking out "appointed" and inserting in lieu thereof "paid".

38 USC 4141 note.

(e) EFFECTIVE DATE.—Section 104(a)(2) of Public Law 101-366 is amended by inserting "the first day of the first pay period beginning after" before "April 1, 1991".

SEC. 302. EXTENSION OF ANNUAL REPORT ON FURNISHING NONSERVICE-CONNECTED HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (38 U.S.C. 610 note) is amended by striking out "each of" and all that follows through "1989" and inserting in lieu thereof "each fiscal year through fiscal year 1991".

SEC. 303. ADMINISTRATIVE REORGANIZATION AUTHORITY.

Section 210(b)(2) is amended—

(1) in subparagraph (A), by striking out the second and third sentences and inserting in lieu thereof the following: "No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous

session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) An administrative reorganization described in this subparagraph is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

"(i) by 15 percent or more; or

"(ii) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.";

(3) in subparagraph (C)—

(A) by inserting "administrative" before "reorganization" the first place it appears;

(B) by striking out "the reorganization" after "applies to" and inserting in lieu thereof "an administrative reorganization";

(C) by striking out "more than 25 but less than 100 employees" and inserting in lieu thereof "30 or more employees"; and

(D) by striking out "in such unit—" and all that follows and inserting in lieu thereof "in such unit by 50 percent or more."; and

(4) in subparagraph (D)—

(A) by adding at the end of clause (i) the following new sentence: "Such term does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.";

(B) by striking out clause (ii); and

(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 304. TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES.

(a) EXCLUSION OF STATE HOMES.—Section 3203(f)(1)(B) is amended by inserting before the period at the end the following: ", other than a facility that is a State home with respect to which the Secretary makes per diem payments for nursing home care pursuant to section 641(a) of this title".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the amendment made by section 8003(a) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-874). 38 USC 5503 note.

SEC. 305. TECHNICAL AMENDMENTS.

(a) SECTION 3202.—Section 3202(d) is amended by striking out "an inmate" and inserting in lieu thereof "a patient".

(b) SUBCHAPTER HEADING.—(1) The heading of subchapter II of chapter 85 is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

(2) The item relating to such subchapter heading in the table of sections at the beginning of such chapter is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

TITLE IV—REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

SEC. 401. FURTHER REVISION AND REORGANIZATION OF CHAPTER 73.

(a) IN GENERAL.—Chapter 73 is amended as follows:

(1) The heading of such chapter is amended to read as follows:

"CHAPTER 73—VETERANS HEALTH ADMINISTRATION—ORGANIZATION AND FUNCTIONS".

(2) Such chapter is amended—

(A) by striking out subchapter V; and

(B) by redesignating subchapter VI as subchapter IV.

38 USC 4151, 4152.

38 USC prec. 4161.

(3) Such chapter is further amended by striking out the table of sections and subchapters I and II and inserting in lieu thereof the following:

38 USC 4101-4124.

"SUBCHAPTER I—ORGANIZATION

"Sec.
"7301. Functions of Veterans Health Administration: in general.
"7302. Functions of Veterans Health Administration: health-care personnel education and training programs.
"7303. Functions of Veterans Health Administration: research programs.
"7304. Regulations.
"7305. Divisions of Veterans Health Administration.
"7306. Office of the Chief Medical Director.

"SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

"7311. Quality assurance.
"7312. Special medical advisory group.
"7313. Advisory committees: affiliated institutions.
"7314. Geriatric research, education, and clinical centers.
"7315. Geriatrics and Gerontology Advisory Committee.
"7316. Malpractice and negligence suits: defense by United States.
"7317. Hazardous research projects: indemnification of contractors.

"SUBCHAPTER III—PATIENT RIGHTS

"7331. Informed consent.
"7332. Confidentiality of certain medical records.
"7333. Nondiscrimination against alcohol and drug abusers and persons infected with human immunodeficiency virus.
"7334. Regulations.

"SUBCHAPTER IV—RESEARCH CORPORATIONS

"7361. Authority to establish; status.
"7362. Purpose of corporations.
"7363. Board of directors; executive director.
"7364. General powers.
"7365. Applicable State law.
"7366. Accountability and oversight.
"7367. Report to Congress.
"7368. Expiration of authority.

"SUBCHAPTER I—ORGANIZATION

"§ 7301. Functions of Veterans Health Administration: in general

"(a) There is in the Department of Veterans Affairs a Veterans Health Administration. The Chief Medical Director is the head of the Administration.

"(b) The primary function of the Administration is to provide a complete medical and hospital service for the medical care and treatment of veterans, as provided in this title and in regulations prescribed by the Secretary pursuant to this title.

"§ 7302. Functions of Veterans Health Administration: health-care personnel education and training programs

"(a) In order to carry out more effectively the primary function of the Veterans Health Administration and in order to assist in providing an adequate supply of health personnel to the Nation, the Secretary—

"(1) to the extent feasible without interfering with the medical care and treatment of veterans, shall develop and carry out a program of education and training of health personnel; and

"(2) shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as—

"(A) physician assistants;

"(B) expanded-function dental auxiliaries; and

"(C) other medical technicians.

"(b) In carrying out subsection (a)(1), the Secretary shall include in the program of education and training under that subsection the developing and evaluating of new health careers, interdisciplinary approaches, and career advancement opportunities.

"(c) In carrying out subsection (a)(2), the Secretary shall include in the program of recruitment, training, and employment under that subsection measures to advise all qualified veterans with military occupation specialties referred to in that subsection, and all members of the armed forces about to be discharged or released from active duty who have such military occupation specialties, of employment opportunities with the Administration.

"(d) The Secretary shall carry out subsection (a) in cooperation with the following institutions and organizations:

"(1) Schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions.

"(2) Other institutions of higher learning.

"(3) Medical centers.

"(4) Academic health centers.

"(5) Hospitals.

"(6) Such other public or nonprofit agencies, institutions, or organizations as the Secretary considers appropriate.

"§ 7303. Functions of Veterans Health Administration: research programs

Diseases.
Handicapped.

"(a)(1) In order to carry out more effectively the primary function of the Administration and in order to contribute to the Nation's knowledge about disease and disability, the Secretary shall carry

out a program of medical research in connection with the provision of medical care and treatment to veterans.

"(2) Such program of medical research shall include biomedical research, mental illness research, prosthetic and other rehabilitative research, and health-care-services research.

"(3) Such program shall stress—

"(A) research into spinal-cord injuries and other diseases that lead to paralysis of the lower extremities; and

"(B) research into injuries and illnesses particularly related to service.

"(4) In carrying out such research program, the Secretary shall act in cooperation with the entities described in section 7302(d) of this title.

"(b) Prosthetic research shall include research and testing in the field of prosthetic, orthotic, and orthopedic appliances and sensory devices. In order that the unique investigative material and research data in the possession of the Government may result in the improvement of such appliances and devices for all disabled persons, the Secretary (through the Chief Medical Director) shall make the results of such research available to any person, and shall consult and cooperate with the Secretary of Health and Human Services and the Secretary of Education, in connection with programs carried out under section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers).

Public information.

"(c) Funds appropriated to carry out this section shall remain available until expended.

"§ 7304. Regulations

"(a) Unless specifically otherwise provided, the Chief Medical Director shall prescribe all regulations necessary to the administration of the Veterans Health Administration, including regulations relating to—

"(1) travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and

"(2) the custody, use, and preservation of the records, papers, and property of the Administration.

"(b) Regulations prescribed by the Chief Medical Director are subject to the approval of the Secretary.

"§ 7305. Divisions of Veterans Health Administration

"The Veterans Health Administration shall include the following:

"(1) The Office of the Chief Medical Director.

"(2) A Medical Service.

"(3) A Dental Service.

"(4) A Podiatric Service.

"(5) An Optometric Service.

"(6) A Nursing Service.

"(7) Such other professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

"§ 7306. Office of the Chief Medical Director

"(a) The Office of the Chief Medical Director shall consist of the following:

"(1) The Deputy Chief Medical Director, who shall be the principal assistant of the Chief Medical Director and who shall be a qualified doctor of medicine.

"(2) The Associate Deputy Chief Medical Director, who shall be an assistant to the Chief Medical Director and the Deputy Chief Medical Director and who shall be a qualified doctor of medicine.

"(3) Not to exceed eight Assistant Chief Medical Directors.

"(4) Such Medical Directors as may be appointed to suit the needs of the Department, who shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine.

"(5) A Director of Nursing Service, who shall be a qualified registered nurse and who shall be responsible to the Chief Medical Director for the operation of the Nursing Service.

"(6) A Director of Pharmacy Service, a Director of Dietetic Service, a Director of Podiatric Service, and a Director of Optometric Service, who shall be responsible to the Chief Medical Director for the operation of their respective Services.

"(7) Such other personnel as may be authorized by this chapter.

"(b) Of the Assistant Chief Medical Directors appointed under subsection (a)(3)—

"(1) not more than two may be persons qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicines;

"(2) one shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service; and

"(3) one shall be a qualified physician trained in, or having suitable extensive experience in, geriatrics who shall be responsible to the Chief Medical Director for evaluating all research, educational, and clinical health-care programs carried out in the Administration in the field of geriatrics and who shall serve as the principal advisor to the Chief Medical Director with respect to such programs.

"(c) Appointments under subsection (a) shall be made by the Secretary. In the case of appointments under paragraphs (1), (2), (3), and (4) of that subsection, such appointments shall be made upon the recommendation of the Chief Medical Director.

"(d) Except as provided in subsection (e)—

"(1) any appointment under this section shall be for a period of four years, with reappointment permissible for successive like periods,

"(2) any such appointment or reappointment may be extended by the Secretary for a period not in excess of three years, and

"(3) any person so appointed or reappointed or whose appointment or reappointment is extended shall be subject to removal by the Secretary for cause.

"(e)(1) The Secretary may designate a member of the Chaplain Service of the Department as Director, Chaplain Service, for a period of two years, subject to removal by the Secretary for cause. Redesignation under this subsection may be made for successive like periods or for any period not exceeding two years.

"(2) A person designated as Director, Chaplain Service, shall at the end of such person's period of service as Director revert to the position, grade, and status which such person held immediately

before being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position.

"SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

"§ 7311. Quality assurance

"(a) The Secretary shall—

"(1) establish and conduct a comprehensive program to monitor and evaluate the quality of health care furnished by the Veterans Health Administration (hereinafter in this section referred to as the 'quality-assurance program'); and

"(2) delineate the responsibilities of the Chief Medical Director with respect to the quality-assurance program, including the duties prescribed in this section.

"(b)(1) As part of the quality-assurance program, the Chief Medical Director shall periodically evaluate—

"(A) whether there are significant deviations in mortality and morbidity rates for surgical procedures performed by the Administration from prevailing national mortality and morbidity standards for similar procedures; and

"(B) if there are such deviations, whether they indicate deficiencies in the quality of health care provided by the Administration.

"(2) The evaluation under paragraph (1)(A) shall be made using the information compiled under subsection (c)(1). The evaluation under paragraph (1)(B) shall be made taking into account the factors described in subsection (c)(2)(B).

"(3) If, based upon an evaluation under paragraph (1)(A), the Chief Medical Director determines that there is a deviation referred to in that paragraph, the Chief Medical Director shall explain the deviation in the report submitted under subsection (f).

"(c)(1) The Chief Medical Director shall—

"(A) determine the prevailing national mortality and morbidity standards for each type of surgical procedure performed by the Administration; and

Records.

"(B) collect data and other information on mortality and morbidity rates in the Administration for each type of surgical procedure performed by the Administration and (with respect to each such procedure) compile the data and other information so collected—

"(i) for each medical facility of the Department, in the case of cardiac surgery, heart transplant, and renal transplant programs; and

"(ii) in the aggregate, for each other type of surgical procedure.

"(2) The Chief Medical Director shall—

"(A) compare the mortality and morbidity rates compiled under paragraph (1)(B) with the national mortality and morbidity standards determined under paragraph (1)(A); and

"(B) analyze any deviation between such rates and such standards in terms of the following:

"(i) The characteristics of the respective patient populations.

"(ii) The level of risk for the procedure involved, based on—

"(I) patient age;

"(II) the type and severity of the disease;

"(III) the effect of any complicating diseases; and

"(IV) the degree of difficulty of the procedure.

"(iii) Any other factor that the Chief Medical Director considers appropriate.

"(d) Based on the information compiled and the comparisons, analyses, evaluations, and explanations made under subsections (b) and (c), the Chief Medical Director, in the report under subsection (f), shall make such recommendations with respect to quality assurance as the Chief Medical Director considers appropriate.

"(e)(1) The Secretary shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Administration to carry out its responsibilities under this section.

"(2) The Inspector General of the Department shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Inspector General to monitor the quality-assurance program.

"(f)(1) Not later than February 1, 1991, the Chief Medical Director shall submit to the Secretary a report on the experience through the end of the preceding fiscal year under the quality-assurance program carried out under this section. Reports.

"(2) Such report shall include—

"(A) the data and other information compiled and the comparisons, analyses, and evaluations made under subsections (b) and (c) with respect to the period covered by the report; and

"(B) recommendations under subsection (d).

"(g)(1) Not later than 60 days after receiving such report, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comment concerning the report that the Secretary considers appropriate.

"(2) A report submitted under paragraph (1) shall not be considered to be a record or document as described in section 5705(a) of this title.

"§ 7312. Special medical advisory group

"(a) The Secretary shall establish an advisory committee to be known as the special medical advisory group. The advisory group shall advise the Secretary, through the Chief Medical Director, and the Chief Medical Director directly, relative to the care and treatment of disabled veterans and other matters pertinent to the Administration.

"(b) Members of the special medical advisory group shall be appointed by the Secretary upon the recommendation of the Chief Medical Director. The special medical advisory group shall be composed of—

"(1) members of the medical, dental, podiatric, optometric, and allied scientific professions;

"(2) other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Administration; and

"(3) a disabled veteran.

"(c) The special medical advisory group shall meet on a regular basis as prescribed by the Secretary. The number, terms of service, pay, and allowances of members of the advisory group shall be prescribed in accordance with existing law and regulations.

Reports.

"(d) Not later than February 1 of each year, the special medical advisory group shall submit to the Secretary and the Congress a report on the advisory groups activities during the preceding fiscal year.

Colleges and universities.
Health facilities.
Nonprofit organizations.

"§ 7313. Advisory committees: affiliated institutions

"(a) In each case where the Secretary has a contract or agreement with any school, institution of higher learning, medical center, hospital, or other public or nonprofit agency, institution, or organization for the training or education of health personnel, the Secretary shall establish an advisory committee to advise the Secretary and the Chief Medical Director with respect to policy matters arising in connection with, and the operation of, the program with respect to which it was appointed. Such a committee may be a dean's committee, a medical advisory committee, or the like.

"(b) Any such advisory committee may be established on an institution-wide, multi-disciplinary basis or on a regional basis whenever establishment on such a basis is found to be feasible.

"(c) Members of each such advisory committee shall be appointed by the Secretary and shall include personnel of the Department (including appropriate representation from the full-time staff) and of the entity with which the Secretary has entered into the contract or agreement. The number of members, and terms of members, of each advisory committee shall be prescribed by the Secretary.

"(d) The Secretary shall require that the Chief of the Nursing Service (or the designee of the Chief) at each Department health-care facility be included in the membership of each policymaking committee at that facility. Such committees include: (1) committees relating to matters such as budget, education, position management, clinical executive issues, planning, and resource allocation, and (2) the dean's committee or other advisory committee established under subsection (a).

"§ 7314. Geriatric research, education, and clinical centers

"(a) The Secretary, upon the recommendation of the Chief Medical Director and pursuant to the provisions of this section, shall designate not more than 25 Department health-care facilities as the locations for centers of geriatric research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this section.

"(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Chief Medical Director, shall—

"(1) designate each Department health-care facility that as of August 26, 1980, was operating a geriatric research, education, and clinical center unless (on the recommendation of the Chief Medical Director) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 (Public Law

96–330; 94 Stat. 1048) or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

"(2) assure appropriate geographic distribution of such facilities.

"(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Chief Medical Director) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school which provides education and training in geriatrics and with which such facility is affiliated under which residents receive education and training in geriatrics through regular rotation through such center and through nursing home, extended care, or domiciliary units of such facility so as to provide such residents with training in the diagnosis and treatment of chronic diseases of older individuals, including cardiopulmonary conditions, senile dementia, and neurological disorders.

"(2) An arrangement under which nursing or allied health personnel receive training and education in geriatrics through regular rotation through nursing home, extended care, or domiciliary units of such facility.

"(3) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(4) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

"(5) The capability to conduct effectively evaluations of the activities of such center.

"(d) Before providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of geriatric research, education, and clinical activities.

"(e) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Chief Medical Director shall allocate to such centers from other funds appropriated generally for the Department medical care account and medical and prosthetics research account, as appropriate, such amounts as the Chief Medical Director determines appropriate. Appropriation authorization.

"(f) Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in geriatrics and gerontology.

"§ 7315. Geriatrics and Gerontology Advisory Committee

"(a) The Secretary shall establish in the Administration a Geriatrics and Gerontology Advisory Committee (hereinafter in this section referred to as the 'Committee'). The membership of the

Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to aging and at least one representative of a national veterans service organization. The Secretary, upon the recommendation of the Chief Medical Director, shall invite representatives of other appropriate departments and agencies of the United States to participate in the activities of the Committee and shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

"(b) The Committee shall—

"(1) advise the Chief Medical Director on all matters pertaining to geriatrics and gerontology;

"(2) assess, through an evaluation process (including a site visit conducted not later than three years after the date of the establishment of each new center and not later than two years after the date of the last evaluation of those centers in operation on August 26, 1980), the ability of each center established under section 7314 of this title to achieve its established purposes and the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96-330; 94 Stat. 1048);

"(3) assess the capability of the Department to provide high quality geriatric services, extended services, and other health-care services to eligible older veterans, taking into consideration the likely demand for such services from such veterans;

"(4) assess the current and projected needs of eligible older veterans for geriatric services, extended-care services, and other health-care services from the Department and its activities and plans designed to meet such needs; and

"(5) perform such additional functions as the Secretary or Chief Medical Director may direct.

Reports.

"(c)(1) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports as the Committee considers appropriate with respect to its findings and conclusions under subsection (b). Such reports shall include the following:

"(A) Descriptions of the operations of the centers of geriatric research, education, and clinical activities established pursuant to section 7314 of this title.

"(B) Assessments of the quality of the operations of such centers.

"(C) An assessment of the extent to which the Department, through the operation of such centers and other health-care facilities and programs, is meeting the needs of eligible older veterans for geriatric services, extended-care services, and other health-care services.

"(D) Assessments of and recommendations for correcting any deficiencies in the operations of such centers.

"(E) Recommendations for such other geriatric services, extended-care services, and other health-care services as may be needed to meet the needs of older veterans.

"(2) Not later than 90 days after receipt of a report submitted under paragraph (1), the Secretary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.

"§ 7316. Malpractice and negligence suits: defense by United States

"(a)(1) The remedy—

"(A) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a medical care employee of the Administration in furnishing medical care or treatment while in the exercise of that employee's duties in or for the Administration shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the medical care employee (or employee's estate) whose act or omission gave rise to such claim.

"(2) For purposes of paragraph (1), the term 'medical care employee of the Administration' means a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (such as medical and dental technicians, nursing assistants, and therapists), or other supporting personnel.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's employment in or for the Administration at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of such person's office or employment, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) The Secretary may, to the extent the Secretary considers appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as

described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of such person's duties in or for the Administration, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury.

"(f) The exception provided in section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) in furnishing medical care or treatment (including medical care or treatment furnished in the course of a clinical study or investigation) while in the exercise of such person's duties in or for the Administration.

"§ 7317. Hazardous research projects: indemnification of contractors

"(a)(1) With the approval of the Secretary, any contract or research authorized by section 7303 of this title, the performance of which involves a risk of an unusually hazardous nature, may provide that the United States will indemnify the contractor as provided in paragraph (2), but only to the extent that the liability, loss, or damage concerned arises out of the direct performance of the contract and to the extent not covered by the financial protection required under subsection (e).

"(2) Indemnity under paragraph (1) is indemnity against either or both of the following:

"(A) Liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal workers' injury compensation laws to employees of the contractor employed at the site of and in connection with the contract for which indemnification is granted, for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

"(B) Loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

"(b) A contract that provides for indemnification in accordance with subsection (a) must also provide for—

"(1) notice to the United States of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

"(2) control of or assistance in the defense by the United States, at its election, of any such suit or claim for which indemnification is provided hereunder.

"(c) A payment may not be made under subsection (a) unless the Secretary certifies that the amount is just and reasonable.

"(d) Upon approval by the Secretary, payments under subsection (a) may be made from—

"(1) funds obligated for the performance of the contract concerned;

"(2) funds available for research or development or both, and not otherwise obligated; or

"(3) funds appropriated for those payments.

"(e) Each contractor which is a party to an indemnification agreement under subsection (a) shall have and maintain financial protec-

tion of such type and in such amounts as the Secretary shall require to cover liability to third persons and loss of or damage to the contractor's property. The amount of financial protection required shall be the maximum amount of insurance available from private sources, except that the Secretary may establish a lesser amount, taking into consideration the cost and terms of private insurance. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures.

"(f) In administering the provisions of this section, the Secretary may use the facilities and services of private insurance organizations and may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this section may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), upon a showing by the Secretary that advertising is not reasonably practicable, and advance payments may be made under any such contract.

"(g) The authority to indemnify contractors under this section does not create any rights in third persons which would not otherwise exist by law.

"(h) Funds appropriated to carry out this section shall remain available until expended.

"(i) In this section, the term 'contractor' includes subcontractors of any tier under a contract containing an indemnification provision pursuant to subsection (a).".

(4) Such chapter is further amended—

(A) by redesignating sections 4131, 4132, 4133, and 4134 as sections 7331, 7332, 7333, and 7334, respectively; and

(B) by redesignating sections 4161, 4162, 4163, 4164, 4165, 4166, 4167, and 4168 as sections 7361, 7362, 7363, 7364, 7365, 7366, 7367, and 7368, respectively.

(b) ENACTMENT OF OTHER PROVISIONS OF OLD CHAPTER 73 IN NEW CHAPTER 74.—Chapter 74, as added by section 102 and amended by section 202, is amended as follows:

(1) The table of sections (as added by section 102 and amended by section 203(b)) is amended—

(A) by inserting at the beginning the following:

"SUBCHAPTER I—APPOINTMENTS

"Sec.
"7401. Appointments in Veterans Health Administration.
"7402. Qualifications of appointees.
"7403. Period of appointments; promotions.
"7404. Grades and pay scales.
"7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments.
"7406. Residencies and internships.
"7407. Administrative provisions for section 7405 and 7406 appointments.
"7408. Appointment of additional employees.
"7409. Contracts for scarce medical specialist services.";

(B) by inserting after the item relating to section 7423 (as added by section 203(b)(1)) the following:

"7424. Travel expenses of certain employees.
"7425. Employees: laws not applicable.
"7426. Retirement rights.";

(C) by inserting after the item relating to section 7440 (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"7451. Nurses and other health-care personnel: competitive pay.
"7452. Nurses and other health-care personnel: administration of pay.
"7453. Nurses: additional pay.
"7454. Physician assistants and other health care professionals: additional pay.
"7455. Increases in rates of basic pay.
"7456. Nurses: special rules for weekend duty.
"7457. On-call pay.
"7458. Recruitment and retention bonus pay."; and

(D) by adding at the end the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

"7471. Designation of Regional Medical Education Centers.
"7472. Supervision and staffing of Centers.
"7473. Personnel eligible for training.
"7474. Consultation.".

(2) Such chapter is further amended by inserting before subchapter II (as added by section 202) the following:

"SUBCHAPTER I—APPOINTMENTS

"§ 7401. Appointments in Veterans Health Administration

"There may be appointed by the Secretary such personnel as the Secretary may find necessary for the medical care of veterans (in addition to those in the Office of the Chief Medical Director appointed under section 7306 of this title), as follows:

"(1) Physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries.

"(2) Psychologists (other than those described in paragraph (3)), dietitians, and other scientific and professional personnel, such as microbiologists, chemists, biostatisticians, and medical and dental technologists.

"(3) Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"§ 7402. Qualifications of appointees

"(a) To be eligible for appointment to the positions in the Administration covered by subsection (b), a person must have the applicable qualifications set forth in that subsection.

"(b)(1) PHYSICIAN.—To be eligible to be appointed to a physician position, a person must—

"(A) hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Secretary,

"(B) have completed an internship satisfactory to the Secretary, and

"(C) be licensed to practice medicine, surgery, or osteopathy in a State.

"(2) DENTIST.—To be eligible to be appointed to a dentist position, a person must—

"(A) hold the degree of doctor of dental surgery or dental medicine from a college or university approved by the Secretary, and

"(B) be licensed to practice dentistry in a State.

"(3) NURSE.—To be eligible to be appointed to a nurse position, a person must—

"(A) have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, and

"(B) be registered as a graduate nurse in a State.

"(4) DIRECTOR OF A HOSPITAL, DOMICILIARY, CENTER, OR OUTPATIENT CLINIC.—To be eligible to be appointed to a director position, a person must have such business and administrative experience and qualifications as the Secretary shall prescribe.

"(5) PODIATRIST.—To be eligible to be appointed to a podiatrist position, a person must—

"(A) hold the degree of doctor of podiatric medicine, or its equivalent, from a school of podiatric medicine approved by the Secretary, and

"(B) be licensed to practice podiatry in a State.

"(6) OPTOMETRIST.—To be eligible to be appointed to an optometrist position, a person must—

"(A) hold the degree of doctor of optometry, or its equivalent, from a school of optometry approved by the Secretary, and

"(B) be licensed to practice optometry in a State.

"(7) PHARMACIST.—To be eligible to be appointed to a pharmacist position, a person must—

"(A) hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy, approved by the Secretary, and

"(B) be registered as a pharmacist in a State.

"(8) PSYCHOLOGIST.—To be eligible to be appointed to a psychologist position, a person must—

"(A) hold a doctoral degree in psychology from a college or university approved by the Secretary,

"(B) have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Secretary, and

"(C) be licensed or certified as a psychologist in a State, except that the Secretary may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that that psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.

"(9) OTHER HEALTH-CARE POSITIONS.—To be appointed as a physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position, a person must have such medical, dental, scientific, or technical qualifications as the Secretary shall prescribe.

"(c) Except as provided in section 7407(a) of this title, a person may not be appointed in the Administration to a position listed in section 7401(1) of this title unless the person is a citizen of the United States.

"(d) A person may not be appointed under section 7401(1) of this title to serve in the Administration in any direct patient-care capac-

ity unless the Chief Medical Director determines that the person possesses such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable the person to carry out the person's health-care responsibilities satisfactorily. Any determination by the Chief Medical Director under this subsection shall be in accordance with regulations which the Secretary shall prescribe.

Regulations.

"(e) A person may not serve as Chief of Staff of a Department health-care facility if the person is not serving on a full-time basis.

Regulations.

"§ 7403. Period of appointments; promotions

"(a)(1) Appointments under this chapter of health-care professionals to whom this section applies may be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Secretary, without regard to civil-service requirements.

"(2) This section applies to the following persons appointed under this chapter:

"(A) Physicians.
"(B) Dentists.
"(C) Podiatrists.
"(D) Optometrists.
"(E) Nurses.
"(F) Physician assistants.
"(G) Expanded-function dental auxiliaries.

"(b)(1) Appointments described in subsection (a) shall be for a probationary period of two years.

Records.

"(2) The record of each person serving under such an appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Secretary. If such a board finds that such person is not fully qualified and satisfactory, such person shall be separated from the service.

"(c) Promotions of persons to whom this section applies shall be made only after examination given in accordance with regulations prescribed by the Secretary. Advancement within grade may be made in increments of the minimum rate of basic pay of the grade in accordance with regulations prescribed by the Secretary.

"(d) In determining eligibility for reinstatement in the Federal civil service of persons appointed to positions in the Administration under this chapter who at the time of appointment have a civil-service status, and whose employment in the Administration is terminated, the period of service performed in the Administration shall be included in computing the period of service under applicable civil-service rules and regulations.

"(e) In accordance with regulations prescribed by the Secretary, the grade and annual rate of basic pay of a person to whom this section applies whose level of assignment is changed from a level of assignment in which the grade level is based on both the nature of the assignment and personal qualifications may be adjusted to the grade and annual rate of basic pay otherwise appropriate.

"(f)(1) Upon the recommendation of the Chief Medical Director, the Secretary may—

"(A) use the authority in subsection (a) to establish the qualifications for and (subject to paragraph (2)) to appoint individuals to positions listed in section 7401(3) of this title; and

"(B) use the authority provided in subsection (c) for the promotion and advancement of Department employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

"(3) Notwithstanding any other provision of this title or other law, all matters relating to adverse actions, disciplinary actions, and grievance procedures involving individuals appointed to such positions (including similar actions and procedures involving an employee in a probationary status) shall be resolved under the provisions of title 5 as though such individuals had been appointed under that title.

"(g)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) has successfully completed a clinical education program affiliated with the Department.

"(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

"§ 7404. Grades and pay scales

"(a) The annual rates or ranges of rates of basic pay for positions provided in section 7306 of this title shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law.

"(b)(1) The grades for positions provided for in paragraph (1) of section 7401 of this title shall be as follows. The annual ranges of rates of basic pay for those grades shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade.
"Executive grade.
"Chief grade.
"Senior grade.
"Intermediate grade.
"Full grade.
"Associate grade.

"NURSE SCHEDULE

"Director grade.
"Senior grade.
"Intermediate grade.
"Entry grade.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade.

"Senior grade.
"Intermediate grade.
"Full grade.
"Associate grade.

"(2) A person may not hold the director grade in the Physician and Dentist Schedule unless the person is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). A person may not hold the executive grade in that Schedule unless the person holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

"(c) Notwithstanding the provisions of section 7425(a) of this title, a person appointed under section 7306 of this title who is not eligible for special pay under subchapter III shall be deemed to be a career appointee for the purposes of sections 4507 and 5384 of title 5.

"(d) Except as provided under subchapter III and in section 7457 of this title, pay may not be paid at a rate in excess of the rate of basic pay for an appropriate level authorized by section 5315 or 5316 of title 5 for positions in the Executive Schedule, as follows:

"(1) Level IV for the Deputy Chief Medical Director.

"(2) Level V for all other positions for which such basic pay is paid under this section.

"§ 7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments

"(a) The Secretary, upon the recommendation of the Chief Medical Director, may employ, without regard to civil service or classification laws, rules, or regulations, personnel as follows:

"(1) On a temporary full-time basis, part-time basis, or without compensation basis, persons in the following positions:

"(A) Positions listed in section 7401(1) of this title.

"(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"(C) Dietitians, social workers, and librarians.

"(D) Other professional, clerical, technical, and unskilled personnel (including interns, residents, trainees, and students in medical support programs).

"(2) On a fee basis, persons in the following positions:

"(A) Positions listed in section 7401(1) of this title.

"(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"(C) Other professional and technical personnel.

"(b) Personnel employed under subsection (a)—

"(1) shall be in addition to personnel described in section 7306, paragraphs (1) and (3) of section 7401, and section 7408 of this title; and

"(2) shall be paid such rates of pay as the Secretary may prescribe.

"(c)(1) Temporary full-time appointments under this section of persons in positions listed in section 7401(1) of this title may be for a period in excess of 90 days only if the Chief Medical Director finds that circumstances render it impracticable to obtain the necessary services through appointments under that section.

"(2) Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, or who have successfully

completed a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, and who are pending registration or licensure in a State, or certification by a national board recognized by the Secretary, shall not exceed two years.

"(3) Temporary full-time appointments of other personnel may not be for a period in excess of one year except as authorized in subsection (f).

"(d) A part-time appointment may not be for a period of more than one year, except for appointments of persons specified in subsection (a)(1)(A) and interns, residents, and other trainees in medical support programs and except as authorized in subsection (f).

"(e) A student who has a temporary appointment under this section and who is pursuing a full course of nursing in a recognized school of nursing approved by the Secretary, or who is pursuing a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, may be reappointed for a period not to exceed the duration of the student's academic program.

"(f) During any period during which the Secretary is exercising the authority provided in subsections (a) and (f)(1) of section 7403 of this title in connection with the appointment, under paragraph (3) of section 7401 of this title, of personnel in a category of personnel described in such paragraph—

"(1) the Secretary may make temporary full-time appointments of personnel in such category for periods exceeding 90 days if the Chief Medical Director finds that circumstances render it impractical to obtain the necessary services through appointments under paragraph (3) of section 7401 of this title; and

"(2) part-time appointments of personnel in such category may be for periods of more than one year.

"§ 7406. Residencies and internships

"(a)(1) The Secretary may establish residencies and internships. The Secretary may appoint qualified persons to such positions without regard to civil service or classification laws, rules, or regulations.

"(2) For the purposes of this section:

"(A) The term 'internship' includes the equivalency of an internship as determined in accordance with regulations which the Secretary shall prescribe. Regulations.

"(B) The term 'intern' means a person serving an internship.

"(b) The Secretary may prescribe the conditions of employment of persons appointed under this section, including necessary training, and the customary amount and terms of pay for such positions during the period of such employment and training. The amount and terms of such pay may be established retroactively based on changes in such customary amount and terms.

"(c)(1) In order to carry out more efficiently the provisions of subsection (a)(1), the Secretary may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Department in the training of interns or residents to provide, by the designation of one such

institution to serve as a central administrative agency, for the central administration—

"(A) of stipend payments;

"(B) provision of fringe benefits; and

"(C) maintenance of records for such interns and residents.

"(2) The Secretary may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Department hospital of—

"(A) stipends fixed by the Secretary pursuant to paragraph (1);

"(B) hospitalization, medical care, and life insurance and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Department hospital;

"(C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1986, where applicable; and

"(D) an amount to cover a pro rata share of the cost of expense of such central administrative agency.

"(3)(A) Any amounts paid by the Secretary to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim such recipient might have to any payment of stipends or employee benefits to which such recipient may be entitled under this title or title 5.

"(B) Notwithstanding subparagraph (A), any period of service of any such intern or resident in a Department hospital shall be deemed creditable service for the purposes of section 8332 of title 5.

"(4) The agreement with such central administrative agency may further provide that the designated central administrative agency shall—

"(A) make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes;

"(B) maintain all records pertinent to such deductions and make proper deposits of such deductions; and

"(C) maintain all records pertinent to the leave accrued by such intern and resident for the period during which such recipient serves in a participating hospital, including a Department hospital.

"(5) Leave described in paragraph (4)(C) may be pooled, and the intern or resident may be afforded leave by the hospital in which such person is serving at the time the leave is to be used to the extent of such person's total accumulated leave, whether or not earned at the hospital in which such person is serving at the time the leave is to be afforded.

"§ 7407. Administrative provisions for section 7405 and 7406 appointments

"(a) When the Chief Medical Director determines that it is not possible to recruit qualified citizens for the necessary services, appointments under sections 7405 and 7406 of this title may be made without regard to the citizenship requirements of section 7402(c) of

this title or of any other law prohibiting the employment of, or payment of compensation to, a person who is not a citizen of the United States.

"(b)(1) Subject to paragraph (2), the Chief Medical Director may waive for the purpose of the appointment of an individual under section 7405 or 7406 of this title the requirements set forth in section 7402(b) of this title—

"(A) that a physician, dentist, psychologist, optometrist, registered nurse, practical or vocational nurse, or physical therapist be licensed or certified, as appropriate;

"(B) that the licensure or certification of such an individual be in a State; and

"(C) that a psychologist have completed an internship.

"(2) The waivers authorized in paragraph (1) may be granted—

"(A) in the case of clauses (A) and (C) of such paragraph, if the individual (i) will be employed to conduct research or serve in an academic position, and (ii) will have no responsibility for furnishing direct patient care services; and

"(B) in the case of clause (B) of such paragraph, if the individual will be employed to serve in a country other than the United States and the individual's licensure or registration is in the country in which the individual is to serve.

"(c) The program of training prescribed by the Secretary in order to qualify a person for the position of full-time physician assistant or expanded-function dental auxiliary shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Secretary may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week.

"(d) A person may not be appointed under section 7405 or 7406 of this title to an occupational category described in section 7401(1) of this title or in section 7406 of this title unless the person meets the requirements established in section 7402(d) of this title and regulations prescribed under that section.

"(e) In accordance with the provisions of section 7425(b) of this title, the provisions of chapter 34 of title 5 pertaining to part-time career employment shall not apply to part-time appointments under sections 7405 and 7406 of this title.

"§ 7408. Appointment of additional employees

"(a) There shall be appointed by the Secretary under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 7306 and paragraphs (1) and (3) of section 7401 of this title and those specified in sections 7405 and 7406 of this title, as may be necessary to carry out the provisions of this chapter.

"(b) The Secretary, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Department, may appoint the individual to a position in the Administration providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.

"§ 7409. Contracts for scarce medical specialist services

"(a) The Secretary may enter into contracts with institutions and persons described in subsection (b) to provide scarce medical special-

ist services at Department facilities. Such services may include the services of physicians, dentists, podiatrists, optometrists, nurses, physician assistants, expanded-function dental auxiliaries, technicians, and other medical support personnel.

"(b) Institutions and persons with whom the Secretary may enter into contracts under subsection (a) are the following:

"(1) Schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing.

"(2) Clinics.

"(3) Any other group or individual capable of furnishing such scarce medical specialist services.".

(3) Subchapter II of such chapter (as added by section 202) is amended—

(A) by adding at the end of section 7423 the following new subsection:

"(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals in positions listed in section 7401(1) of this title. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

"(2) To the maximum extent feasible—

"(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

"(B) any leave bank program established pursuant to paragraph (1) shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

"(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1), and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

"(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) to participate in the leave transfer program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

"(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) shall be subject to such requirements and conditions as may be prescribed in such agreement.

"(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4).''; and

(B) by adding at the end the following new sections:

"§ 7424. Travel expenses of certain employees

"(a) The Secretary may pay the expenses (other than membership fees) of persons described in sections 7306 and 7401(1) of this title (including persons in positions described in section 7401(1) of this title who are appointed on a temporary full-time basis or a part-time

basis under section 7405 of this title) who are detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related science.

"(b)(1) The Secretary may prescribe regulations establishing conditions under which officers and employees of the Administration who are nationally recognized principal investigators in medical research may be permitted to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel and such reasonable subsistence expenses as are approved by the Secretary pursuant to such regulations—

"(A) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department; or

"(B) in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Department.

"(2) Any such payment may be retained by such officers and employees to cover the cost of such expenses or shall be deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.

"§ 7425. Employees: laws not applicable

"(a) Physicians, dentists, nurses, and other health-care professionals employed by the Administration and appointed under section 7306, 7401(1), 7405, or 7406 of this chapter are not subject to the following provisions of law:

"(1) Section 413 of the Civil Service Reform Act of 1978.
"(2) Subchapter II of chapter 31 of title 5.
"(3) Subchapter VIII of chapter 33 of title 5.
"(4) Subchapter V of chapter 35 of title 5.
"(5) Subchapter II of chapter 43 of title 5.
"(6) Section 4507 of title 5.
"(7) Subchapter VIII of chapter 53 of title 5.
"(8) Subchapter V of chapter 75 of title 5.

"(b) Notwithstanding any other provision of law, no provision of title 5 or any other law pertaining to the civil service system which is inconsistent with any provision of section 7306 of this title or this chapter shall be considered to supersede, override, or otherwise modify such provision of that section or this chapter except to the extent that such provision of title 5 or of such other law specifically provides, by specific reference to a provision of this chapter, or such provision to be superseded, overridden, or otherwise modified.

"§ 7426. Retirement rights

"(a) Except as provided in subsection (b), persons appointed to the Administration shall be subject to the provisions of and entitled to benefits under subchapter III of chapter 83 of title 5 or subchapter II of chapter 84 of title 5, whichever is applicable.

"(b)(1) In computing the annuity under subchapter III of chapter 83, or subchapter II of chapter 84, of title 5 of an individual who retires under such subchapter (other than under section 8337 or 8451 of such title) after December 31, 1981, and who served at any time on a less-than-full-time basis in a position in the Administration to which such individual was appointed under subchapter I—

"(A) for the purpose of determining such individual's average pay, as defined by section 8331(4) or 8401(3) of title 5, whichever

is applicable, the annual rate of basic pay for full-time service shall be deemed to be such individual's rate of basic pay; and

"(B) the amount of such individual's annuity as computed under section 8339 or 8415 of title 5 (before application of any reduction required by subsection (i) of section 8339) shall be multiplied by the fraction equal to the ratio that that individual's total full-time equivalent service bears to that individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable.

"(2) For the purposes of paragraph (1)(B), an individual's full-time equivalent service is the individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable, except that any period of service of such individual served on a less-than-full-time basis shall be prorated based on the fraction such service bears to full-time service. For the purposes of the preceding sentence, full-time service shall be considered to be 80 hours of service per biweekly pay period.

"(3) A survivor annuity computed under section 8341, or subchapter IV of chapter 84, of title 5 based on the service of an individual described in paragraph (1) shall be computed based upon such individual's annuity as determined in accordance with such paragraph.

"(c) The Secretary may authorize an exception to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5 if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions, and registered nurse positions, which otherwise cannot be readily met. The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

Termination date.

(4) Chapter 74 is further amended by inserting after subchapter III (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"§ 7453. Nurses: additional pay

"(a) In addition to the rate of basic pay provided for nurses, a nurse shall receive additional pay as provided by this section.

"(b) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional pay for each hour of service on such tour at a rate equal to 10 percent of the nurse's hourly rate of basic pay if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of service performed between those hours.

"(c) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay for each hour of service on such tour at a rate equal to 25 percent of such nurse's hourly rate of basic pay.

"(d) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive for each hour of such service the nurse's hourly rate of basic pay, plus additional pay at a

rate equal to such hourly rate of basic pay, for that holiday service, including overtime service. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(e)(1) A nurse performing officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service. The overtime rates shall be one and one-half times such nurse's hourly rate of basic pay.

"(2) For the purposes of this subsection, overtime must be of at least 15 minutes duration in a day to be creditable for overtime pay.

"(3) Compensatory time off in lieu of pay for service performed under the provisions of this subsection shall not be permitted, except as voluntarily requested in writing by the nurse in question.

"(4) Any excess service performed under this subsection on a day when service was not scheduled for such nurse, or for which such nurse is required to return to the nurse's place of employment, shall be deemed to be a minimum of two hours in duration.

"(5) For the purposes of this subsection, the period of a nurse's officially ordered or approved travel away from such nurse's duty station may not be considered to be hours of service unless—

"(A) such travel occurs during such nurse's tour of duty; or

"(B) such travel—

"(i) involves the performance of services while traveling,

"(ii) is incident to travel that involves the performance of services while traveling,

"(iii) is carried out under arduous conditions as determined by the Secretary, or

"(iv) results from an event which could not be scheduled or controlled administratively.

"(f) For the purpose of computing the additional pay provided by subsections (b), (c), (d), or (e), a nurse's hourly rate of basic pay shall be derived by dividing such nurse's annual rate of basic pay by 2,080.

"(g) When a nurse is entitled to two or more forms of additional pay under subsections (b), (c), (d), or (e) for the same period of service, the amounts of such additional pay shall be computed separately on the basis of such nurse's hourly rate of basic pay, except that no overtime pay as provided in subsection (e) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under subsection (d) for such service.

"(h) A nurse who is officially scheduled to be on call outside such nurse's regular hours or on a holiday designated by Federal statute or Executive order shall be paid for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 percent of the hourly rate for excess service as provided in subsection (e).

"(i) Any additional pay paid pursuant to this section shall not be considered as basic pay for the purposes of the following provisions of title 5 (and any other provision of law relating to benefits based on basic pay):

"(1) Subchapter VI of chapter 55.

"(2) Section 5595.

"(3) Chapters 81, 83, 84, and 87 of title 5.

"(j)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may increase the rates of additional

pay authorized under subsections (b) through (h) if the Secretary determines that it is necessary to do so in order to obtain or retain the services of nurses.

"(2) An increase under paragraph (1) in rates of additional pay—

"(A) may be made at any specific Department health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Department health-care facility (based upon a reasonably representative sampling of such non-Federal facilities); and

"(B) may be made on a nationwide, local, or other geographic basis if the Secretary finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

"§ 7454. Physician assistants and other health care professionals: additional pay

"(a) Physician assistants and expanded-function dental auxiliaries shall be entitled to additional pay on the same basis as provided for nurses in section 7453 of this title.

"(b) When the Secretary determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, or occupational therapists, the Secretary may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in section 7453 of this title.

Regulations.

"(c) The Secretary shall prescribe by regulation standards for compensation and payment under this section.

"§ 7455. Increases in rates of basic pay

"(a)(1) Subject to subsections (b), (c), and (d), when the Secretary determines it to be necessary in order to obtain or retain the services of persons described in paragraph (2), the Secretary may increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations. Any increase in such rates of basic pay—

"(A) may be made on a nationwide basis, local basis, or other geographic basis; and

"(B) may be made—

"(i) for one or more of the grades listed in the schedules in subsection (b)(1) of section 7404 of this title;

"(ii) for one or more of the health personnel fields within such grades; or

"(iii) for one or more of the grades of the General Schedule under section 5332 of title 5.

"(2) Paragraph (1) applies to the following:

"(A) Individuals employed in positions listed in paragraphs (1) and (3) of section 7401 of this title.

"(B) Health-care personnel who—

"(i) are employed in the Administration (other than administrative, clerical, and physical plant maintenance and protective services employees);

"(ii) are paid under the General Schedule pursuant to section 5332 of title 5;

"(iii) are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services; and

"(iv) would not otherwise be available to provide medical care and treatment for veterans.

"(C) Employees who are Department police officers providing services under section 218 of this title.

"(b) Increases in rates of basic pay may be made under subsection (a) only in order—

"(1) to provide pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of personnel at non-Federal facilities in the same labor market;

"(2) to achieve adequate staffing at particular facilities; or

"(3) to recruit personnel with specialized skills, especially those with skills which are especially difficult or demanding.

"(c) The amount of any increase under subsection (a) in the maximum rate for any grade may not (except in the case of nurse anesthetists and licensed physical therapists) exceed the amount by which the maximum for such grade (under applicable provisions of law other than this subsection) exceeds the minimum for such grade (under applicable provisions of law other than this subsection), and the maximum rate as so increased may not exceed the rate paid for individuals serving as Assistant Chief Medical Director.

"(d)(1) In the exercise of the authority provided in subsection (a) with respect to personnel described in subparagraph (B) or (C) of paragraph (2) of that subsection to increase the rates of basic pay for any category of personnel not appointed under subchapter I, the Secretary shall, not less than 45 days before the effective date of a proposed increase, notify the President of the Secretary's intention to provide such an increase. President.

"(2) Such a proposed increase shall not take effect if, before the effective date of the proposed increase, the President disapproves such increase and provides the appropriate committees of the Congress with a written statement of the President's reasons for such disapproval.

"(3) If, before that effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.

"§ 7456. Nurses: special rules for weekend duty

"(a) Subject to subsection (b), if the Secretary determines it to be necessary in order to obtain or retain the services of nurses at any Department health-care facility, the Secretary may provide, in the case of nurses appointed under this chapter and employed at such facility, that such nurses who work two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 40-hour basic workweek.

"(b)(1) Basic and additional pay for a nurse who is considered under subsection (a) to have worked a full 40-hour basic workweek shall be subject to paragraphs (2) and (3).

"(2) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 12-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse's annual rate of basic pay by 1,248.

"(3)(A) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled two 12-hour tours of duty is entitled to overtime pay under section 7453(e) of this title, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

"(B) Except as provided in subparagraph (C), a nurse to whom this subsection is applicable is not entitled to additional pay under section 7453 of this title, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

"(C) If the Secretary determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse's regularly scheduled two 12-hour tours of duty may be paid overtime pay under section 7453(e) of this title, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of 40 hours during an administrative workweek.

"(c) A nurse described in subsection (b)(1) who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

Regulations.

"(d) The Secretary shall prescribe regulations for the implementation of this section.

"§ 7457. On-call pay

"(a) The Secretary may pay an employee to whom this section applies pay at the rate provided in section 7453(h) of this title except for such time as the employee may be called back to work.

"(b) This section applies to an employee who meets each of the following criteria:

"(1) The employee is employed in a position listed in paragraph (3) of section 7401 of this title or meets the criteria specified in clauses (i), (ii), and (iii) of section 7455(a)(2)(B) of this title.

"(2) The employee is employed in a work unit for which on-call premium pay is authorized.

"(3) The employee is officially scheduled to be on call outside such employee's regular hours or on a holiday designated by Federal statute or Executive order.

"(c) An employee who is eligible for on-call pay under subsection (a) and who was receiving standby premium pay pursuant to section 5545 of title 5 on May 20, 1988, shall, as long as such employee is employed in the same position and work unit and remains eligible for such standby pay, receive pay for any period of on-call duty at the rate equal to the greater of—

"(1) the rate of pay which such employee would receive if being paid the rate of standby pay pursuant to such section that such individual would be entitled to receive if such individual were not scheduled to be on call instead, or

"(2) the rate of pay which such employee is entitled to receive including on-call premium pay described in subsection (a).".

(5) Such chapter is further amended by adding after subchapter V (as added by section 203(a)) the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

"§ 7471. Designation of Regional Medical Education Centers

"(a) In carrying out the Secretary's functions under section 7302 of this title with regard to the training of health personnel, the Secretary shall implement a program under which the Secretary shall designate as Regional Medical Education Centers such Department hospitals as the Secretary determines appropriate to carry out the provisions of this subchapter.

"(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as 'Center') designated under subsection (a) shall provide continuing medical and related education programs for personnel eligible for training under this subchapter. Such programs shall include the following:

"(1) The teaching of newly developed medical skills and the use of newly developed medical technologies and equipment.

"(2) Advanced clinical instruction.

"(3) The opportunity for conducting clinical investigations.

"(4) Clinical demonstrations in the use of new types of health personnel and in the better use of the skills of existing health personnel.

"(5) Routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§ 7472. Supervision and staffing of Centers

"(a) Centers shall be operated under the supervision of the Chief Medical Director and shall be staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

"(b) As a means of providing appropriate recognition to persons in the career service of the Administration who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as the Chief Medical Director considers appropriate assign such persons to serve as visiting instructors at Centers.

"(c) Whenever the Chief Medical Director considers it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director may contract for the services of highly qualified medical and health personnel from outside the Department to serve as instructors at such Centers.

"§ 7473. Personnel eligible for training

"(a) The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Administration.

"(b) To the extent that facilities are available medical and health personnel from outside the Administration may, on a reimbursable basis, be provided training in the Centers. Such reimbursement may include reciprocal training of personnel of the Administration pro-

vided under sharing arrangements entered into by the Chief Medical Director and the heads of the entities providing such reciprocal training. Any amounts received by the United States as reimbursement under this subsection shall be credited to the applicable Department medical appropriation account.

"§ 7474. Consultation

"The Chief Medical Director shall carry out this subchapter after consultation with the special medical advisory group established pursuant to section 7312(a) of this title.".

(c) TRANSFERS OF CHAPTER 73 SECTIONS TO NEW CHAPTER 74.—(1)(A) Sections 4141 and 4142, as amended by section 301, are redesignated as sections 7451 and 7452, respectively, and are transferred to subchapter IV of chapter 74, as added by subsection (b), and inserted before section 7453.

(B) The heading for subchapter IV of chapter 73, as added by section 102(b) of Public Law 101-366, is repealed.

(2) Section 7451, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out "clauses (1) and (3) of section 4104" in paragraph (2)(B) and inserting in lieu thereof "paragraphs (1) and (3) of section 7401";

(ii) by striking out "section 4107" in paragraph (3) and inserting in lieu thereof "section 7404";

(iii) by striking out "section 4142" in paragraph (4) and inserting in lieu thereof "section 7452";

(B) by striking out "section 4104(1)" and "section "4107(b)" in subsection (b) and inserting in lieu thereof "section 7401(1)" and "section 7404(b)", respectively; and

(C) by striking out "section 4142(b)(2)" in subsection (g)(8) and inserting in lieu thereof "section 7452(b)(2)".

(3) Section 7452, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out "section 4141(a)" in paragraph (1) and inserting in lieu thereof "section 7451(a)"; and

(ii) by striking out "section 4141(c)(1)" in paragraph (2) and inserting in lieu thereof "section 7451(c)(1)";

(B) by striking out "section 4141(g)" in subsection (b)(2) and inserting in lieu thereof "section 7451(g)";

(C) by striking out "section 4104(1)" in subsections (c)(1) and (e) and inserting in lieu thereof "section 7401(1)"; and

(D) by striking out "section 4141" in subsection (f) and inserting in lieu thereof "section 7451".

(4) Section 4120 of such title, as in effect on the day before the date of the enactment of this Act, is redesignated as section 7458, transferred to the end of subchapter IV of chapter 74 of that title, as added by subsection (b), and amended by striking out "section 4118 of this title" in subsection (f) and inserting in lieu thereof "subchapter III".

SEC. 402. REDESIGNATION OF SECTIONS OF CHAPTERS 51 THROUGH 85.

(a) TRANSFER OF CHAPTER 75.—Chapter 75 is transferred to the end of part V and is redesignated as chapter 78.

(b) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.—(1) Each section contained in any of chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78 (as redesignated by subsection (a)), 81, 83, and 85 is redesignated so that the first two digits of the section number of

that section are the same as the chapter number of the chapter containing that section.

(2) Chapter 82 is amended—

(A) by redesignating section 5070 as section 8201;

(B) by redesignating sections 5071, 5072, 5073, and 5074 as sections 8211, 8212, 8213, and 8214, respectively;

(C) by redesignating sections 5081, 5082, and 5083 as sections 8221, 8222, and 8223, respectively;

(D) by redesignating sections 5091, 5092, and 5093 as sections 8231, 8232, and 8233, respectively; and

(E) by redesignating section 5096 as section 8241.

(c) TABLES OF SECTIONS AND CHAPTERS.—(1) The tables of sections at the beginning of the chapters referred to in subsection (b) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts IV, V, and VI are revised so as to conform the section references in those tables to the redesignations made by subsection (b).

(d) CROSS-REFERENCES.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by section 401(a)(4) or by subsection (b) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 403. CONFORMING AMENDMENTS.

(a) SUBCHAPTERS OF CHAPTER 73.—Subchapter III and subchapter IV (as redesignated by section 401(a)(2)) of chapter 73 are amended—

(1) by striking out "Administrator" and "Administrator's" each place they appear and inserting in lieu thereof "Secretary" and "Secretary's", respectively; and

(2) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department";

(3) by striking out "section 4101(c)(1)" in section 7362 and inserting in lieu thereof "section 7303(a)";

(4) by striking out "of this section" and "of this subsection" each place they appear (other than in subsections (d), (e), and (g) of section 7332 and in section 7333(b)); and

(5) by striking out "of this paragraph" in section 7332(f)(2)(B).

(b) REFERENCES TO CHAPTER 73 PROVISIONS.—

(1) Section 1904(a) is amended by striking out "section 4101" and inserting in lieu thereof "section 7303".

(2) Section 5705(a) (as redesignated by section 402(b)) is amended by striking out "section 4152(b)" and inserting in lieu thereof "section 7311(g)".

(3) Section 7604(1)(B) (as redesignated by section 402(b)) is amended by striking out "section 4105" and inserting in lieu thereof "section 7402".

(4) Section 7612(b) (as redesignated by section 402(b)) is amended—

(A) in paragraph (2)—

(i) by striking out "section 4104" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 7401"; and

(ii) by striking out "section 4104(3)" in subparagraph (B) and inserting in lieu thereof "section 7401(3)"; and

(B) in paragraph (3), by striking out "section 4107(g)(1)(B) of this title" and inserting in lieu thereof "subsection (a)(1) of section 7455 of this title for personnel described in subsection (a)(2)(B) of such section".

(5) Section 7616(b)(4) (as redesignated by section 402(b)) is amended by striking out "section 4108(c)(1)" and inserting in lieu thereof "section 7423(d)(1)".

(6) Section 8201(f) (as redesignated by section 402(b)) is amended by striking out "section 4101(b)" and inserting in lieu thereof "section 7302".

(7) Section 8241 (as redesignated by section 402(b)) is amended by striking out "section 4101(b)" and inserting in lieu thereof "section 7302".

(c) REFERENCES IN TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5102(c) is amended—

(A) in paragraph (14), by striking out "section 4202 of title 38" and inserting in lieu thereof "section 7802 of title 38"; and

(B) in paragraph (16), by striking out "section 4114" and inserting in lieu thereof "sections 7405 and 7406".

(2) Section 6123 is amended—

(A) in subsection (a)(1), by striking out "section 4107(e)(5)" and inserting in lieu thereof "section 7453(e)"; and

(B) in subsection (c)(2)—

(i) by striking out "section 4107(e)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 7453(b)"; and

(ii) by striking out "subsection (e)(2) of such section 4107" in subparagraph (B) and inserting in lieu thereof "subsection (b) of such section 7453".

(3) Section 6128(a) is amended by striking out "section 4107(e)(5)" and inserting in lieu thereof "section 7453(e)".

(e) PART V HEADING.—

(1) The heading of part V is amended to read as follows:

"PART V—BOARDS, ADMINISTRATIONS, AND SERVICES".

(2) The item relating to part V in the table of parts before part I is amended to read as follows:

"V. Boards, Administrations, and Services ..... 7101".

(f) TABLES OF CHAPTERS.—

(1) The table of chapters before part I is amended—

(A) by striking out the heading for part V and inserting in lieu thereof the following:

"PART V—BOARDS, ADMINISTRATIONS, AND SERVICES";

(B) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

"73. Veterans Health Administration—Organization and Functions 7301
"74. Veterans Health Administration—Personnel ..... 7401";

and

(C) by inserting after the item relating to chapter 76 the following new item:

"78. Veterans' Canteen Service ..... 7801".

(2) The table of chapters at the beginning of part V is amended—

(A) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

"73. Veterans Health Administration—Organization and Functions 7301
"74. Veterans Health Administration—Personnel ..... 7401";

and

(B) by adding at the end the following new item:

"78. Veterans' Canteen Service ..... 7801".

Approved May 7, 1991.

LEGISLATIVE HISTORY—H.R. 598 (S. 675):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 30, considered and passed House.
Apr. 17, considered and passed Senate, amended, in lieu of S. 675.
Apr. 23, House concurred in Senate amendment.

Public Law 102-41
102d Congress

Joint Resolution

May 8, 1991
[H.J. Res. 214]

Recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

Whereas the purpose of the United States space program is to promote the peaceful exploration of space for the benefit of mankind;

Whereas the United States space program, including the Mercury, Gemini, and Apollo missions and the Space Shuttle program, have made the United States the scientific and technological leader in aeronautical and space activities;

Whereas several citizens of the United States have exhibited the ultimate level of bravery by giving their lives in furtherance of the United States space program;

Whereas the Astronauts Memorial Foundation, the citizens of the State of Florida, and others have raised funds for the establishment of a memorial to honor the astronauts of the United States space program who die in the line of duty and have established a trust fund for the memorial's perpetual care;

Whereas construction of such memorial is expected to be completed by May 1991; and

Whereas it is appropriate to recognize the national importance of such memorial: Now, therefore, be it

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

16 USC 431 note.

(1) the memorial known as the Astronauts Memorial, located at the John F. Kennedy Space Center in Brevard County, Florida, is recognized as the national memorial to astronauts who die in the line of duty; and

(2) the National Aeronautics and Space Administration shall continue to have administrative jurisdiction for the care and management of the memorial and over the grounds on which the memorial is located.

Approved May 8, 1991.

LEGISLATIVE HISTORY—H.J. Res. 214:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 30, considered and passed House.
May 6, considered and passed Senate.

Public Law 102-42
102d Congress

Joint Resolution

To designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month".

May 14, 1991
[H.J. Res. 173]

Whereas, on May 7, 1843, the 1st Japanese immigrants came to the United States and, on May 10, 1869, Golden Spike Day, the 1st transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

Whereas, in 1979, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

Whereas more than 6.9 million people in the United States can trace their roots to Asia and the islands of the Pacific; and

Whereas Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, and education in the United States: Now, therefore, be it

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

(1) May 1991 and May 1992 are each designated as "Asian/Pacific American Heritage Month";

(2) the President is authorized and requested to issue a proclamation for each such month calling on the people of the United States to observe such month with appropriate ceremonies and activities; and

(3) the chief executive officer of each State and locality is requested to issue a proclamation for each such month calling on the people of the State or locality to observe such month with appropriate programs, ceremonies and activities.

Approved May 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 173:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 24, considered and passed House.
Apr. 25, considered and passed Senate.

Public Law 102-43
102d Congress

Joint Resolution

May 14, 1991
[H.J. Res. 194]

Designating May 12, 1991, as "Infant Mortality Awareness Day".

Whereas in 1988 the infant mortality rate in the United States decreased from 10.1 to 10 infant deaths per 1,000 live births, while the United States international ranking in infant mortality improved from 22nd to 21st;

Whereas, although our Nation has made progress against infant mortality, more than 38,000 babies will die in 1991 before their first birthday;

Whereas in 1991 approximately 375,000 babies will be born exposed to drugs, and an estimated 100,000 of those babies will be born addicted to crack cocaine;

Whereas hospital costs for a drug exposed infant can be four times that of an infant with no indication of drug exposure; and

Whereas in 1991 approximately 2,000 babies will be infected by the Human Immunodeficiency Virus (AIDS), and between 1989 and 1990 there has been a 24 percent increase in overall pediatric AIDS cases compared to a 15 percent increase among adult AIDS cases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the level of infant mortality is still too high and designates May 12, 1991, as "Infant Mortality Awareness Day", and the President is authorized and requested to issue a proclamation encouraging the people of the United States to work toward the birth of healthy babies.

Approved May 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 194:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 2, considered and passed House.
May 7, considered and passed Senate.

Public Law 102-44
102d Congress

Joint Resolution

Designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week".

May 15, 1991
[H.J. Res. 109]

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment are developed;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the States;

Whereas the designation of Emergency Medical Services Week will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the weeks beginning May 12, 1991, and May 10, 1992, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the

United States to observe such week with appropriate ceremonies and activities.

Approved May 15, 1991.

LEGISLATIVE HISTORY—H.J. Res. 109:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 2, considered and passed House.
May 9, considered and passed Senate.

Public Law 102-45
102d Congress

An Act

To authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict.

May 17, 1991
[H.R. 2122]

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

Emergency Supplemental Persian Gulf Refugee Assistance Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Supplemental Persian Gulf Refugee Assistance Act of 1991".

SEC. 2. EMERGENCY ASSISTANCE FOR REFUGEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated as supplemental appropriations for fiscal year 1991 for emergency humanitarian assistance for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict, and to reimburse appropriations accounts from which such assistance was provided before the date of the enactment of this Act—

(1) up to $150,000,000 for "International Disaster Assistance" under chapter 9 of part I of the Foreign Assistance Act of 1961; and

(2) up to $200,000,000 for "Migration and Refugee Assistance" for the Department of State.

(b) EMERGENCY MIGRATION AND REFUGEE ASSISTANCE.—For purposes of section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, the limitation on appropriations for the "United States Emergency Refugee and Migration Assistance Fund" for fiscal year 1991 shall be deemed to be $75,000,000.

(c) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated as supplemental appropriations for fiscal year 1991 for peacekeeping activities in the Persian Gulf region and to reimburse accounts for which such activities have been funded before the date of enactment of this Act up to $50,000,000 for "Contributions to International Peacekeeping Activities" for the Department of State.

(d) OTHER AUTHORITIES.—

(1) INTERNATIONAL DISASTER ASSISTANCE.—Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

(2) SPECIAL AUTHORITY.—The value of any defense articles, defense services, and military education and training authorized to be drawndown by the President on April 19, 1991, under the authority of section 506(a)(2)(B) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

(3) AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 (PUBLIC LAW 480).—Notwithstanding subsections (b) and (c) of section 412 of the Agricultural Trade Development and Assistance Act of 1954 or any other provision of law, funds made available for any title of such Act by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, may be used for purposes of title II of the Agricultural Trade Development and Assistance Act of 1954.

(d) WAIVER OF COUNTRY SPECIFIC RESTRICTIONS.—Assistance may be provided under this section notwithstanding any provision of law which restricts assistance to particular countries.

(e) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under this section are authorized to remain available until expended.

(f) SOURCES OF FUNDS.—Notwithstanding any other provision of law, amounts authorized to be appropriated under this section are authorized to be appropriated from the Defense Cooperation Account of the United States Treasury, the Persian Gulf Regional Defense Fund of the United States Treasury, or the General Fund of the Treasury.

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

Approved May 17, 1991.

LEGISLATIVE HISTORY—H.R. 2122:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 30, considered and passed House.
May 9, considered and passed Senate.

Public Law 102-46
102d Congress

An Act

To correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

May 17, 1991
[S. 258]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(17)(E) of the Federal Power Act, as amended, is further amended by striking ", and which would otherwise not qualify as a small power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)".

16 USC 796.

Approved May 17, 1991.

LEGISLATIVE HISTORY—S. 258:

SENATE REPORTS: No. 102-11 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 11, considered and passed Senate.
Apr. 30, considered and passed House.

Public Law 102-47
102d Congress

Joint Resolution

May 20, 1991
[H.J. Res. 154]

Designating the month of May 1991, as "National Foster Care Month".

Whereas today there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their homes and family lives to foster children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Foster Care Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

Approved May 20, 1991.

LEGISLATIVE HISTORY—H.J. Res. 154:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 24, considered and passed House.
May 8, considered and passed Senate.

Public Law 102-48
102d Congress

Joint Resolution

Designating May 22, 1991, as "National Desert Storm Reservists Day".

May 21, 1991
[S.J. Res. 134]

Whereas Operation Desert Shield/Desert Storm was the first Presidential call-up of members of the reserve components of the United States Armed Forces in over two decades;
Whereas the Secretary of Defense authorized the call to active duty of 360,000 members of the Ready Reserve;
Whereas in excess of 223,000 of the members of the Ready Reserve were actually ordered to active duty and 106,000 served in the Kuwait Theater of Operations of Desert Shield/Desert Storm;
Whereas tens of thousands of additional members of the Ready Reserve have volunteered or have been called to active duty to serve at bases in the United States and other parts of the world;
Whereas on January 16, 1991, the date Operation Desert Storm commenced, over 188,000 personnel and 375,000 short tons of equipment had been airlifted by the Air Force Reserve to Saudi Arabia;
Whereas members of the Army Reserve promptly addressed urgent water-purification, supply distribution, and other support needs;
Whereas members of the Navy Reserve supported air operations with C-9 aircraft and performed important medical, logistics support, intelligence and cargo handling missions;
Whereas members of the Coast Guard Reserve provided port security and supervised and controlled the loading of explosives and other hazardous materials;
Whereas members of the Air National Guard in conjunction with the Air Force Reserve flew 42 percent of the strategic airlift missions and 33 percent of the aerial refueling missions;
Whereas members of the Army National Guard made important contributions by providing military police and movement control assistance;
Whereas on January 13, 1991, a total of 146,106 Selected Reservists had been called to active duty;
Whereas on February 28, 1991, the date combat operations in Operation Desert Storm ceased, a total of 222,614 members of the Ready Reserve had been called to active duty, including 202,337 Selected Reservists and 20,277 members of the Individual Ready Reserve; and
Whereas members of the reserve components of the United States Armed Forces performed in an exemplary fashion during Operation Desert Shield/Desert Storm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 22, 1991, the Wednesday of "Armed Forces Week", is designated as "National Desert Storm Reservists Day" to commemorate the accomplishments of the men and women of the reserve components of the United States Armed Forces who proudly served the United States during Operation Desert Storm, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

Approved May 21, 1991.

LEGISLATIVE HISTORY—S.J. Res. 134:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 14, considered and passed Senate.
May 15, considered and passed House.

Public Law 102-49
102d Congress

Joint Resolution

To designate the month of May 1991, as "National Huntington's Disease Awareness Month".

May 22, 1991
[S.J. Res. 127]

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depression, kidney cancer and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Huntington's Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

Approved May 22, 1991.

LEGISLATIVE HISTORY—S.J. Res. 127:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 8, considered and passed Senate.
May 15, considered and passed House.

Public Law 102-50
102d Congress

An Act

May 24, 1991
[S. 248]

To amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes.

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

Niobrara Scenic River Designation Act of 1991. Natural resources. 16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Niobrara Scenic River Designation Act of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"( ) NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

"(B) The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river.

"After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section.

"( ) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river.".

SEC. 3. STUDY OF 6-MILE SEGMENT.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following at the end:

"( ) NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek.".

16 USC 1274 note.

(b) WATER RESOURCES PROJECT.—If, within 5 years after the date of enactment of this Act, funds are not authorized and appropriated for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-

year period the 6-mile segment shall be designated as a component of the National Wild and Scenic Rivers System by operation of law, to be administered by the Secretary of the Interior in accordance with sections 4 and 5 of this Act and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271–1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.

Federal Register, publication.

SEC. 4. LIMITATIONS ON CERTAIN ACQUISITION.

16 USC 1274 note.

(a) LIMITATIONS.—In the case of the 40-mile and 30-mile segments of the Niobrara River described in the amendment to the Wild and Scenic Rivers Act made by section 2 of this Act, the Secretary of the Interior shall not, without the consent of the owner, acquire for purposes of such segment land or interests in land in more than 5 percent of the area within the boundaries of such segments, and the Secretary shall not acquire, without the consent of the owner, fee ownership of more than 2 percent of such area. The limitations on land acquisition contained in this subsection shall be in addition to, and not in lieu of, the limitations on acquisition contained in section 6 of the Wild and Scenic Rivers Act.

(b) FINDING; EXCEPTION.—The 5 percent limitation and the 2 percent limitation contained in subsection (a) of this section shall not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that State or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

SEC. 5. NIOBRARA SCENIC RIVER ADVISORY COMMISSION.

16 USC 1274 note.

(a) ESTABLISHMENT.—There is hereby established the Niobrara Scenic River Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior (hereinafter referred to as the "Secretary") on matters pertaining to the development of a management plan, and the management and operation of the 40-mile and 30-mile segments of the Niobrara River designated by section 2 of this Act which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

(b) MEMBERSHIP.—The Commission shall consist of 11 members appointed by the Secretary—

(1) 3 of whom shall be owners of farm or ranch property within the upper portion of the designated river corridor between the Borman Bridge and the Meadville;

(2) 3 of whom shall be owners of farm or ranch property within the lower portion of the designated river corridor between the Meadville Bridge and the bridge on Highway 137;

(3) 1 of whom shall be a canoe outfitter who operates within the river corridors;

(4) 1 of whom shall be chosen from a list submitted by the Governor of Nebraska;

(5) 2 of whom shall be representatives of the affected county governments or natural resources districts; and

(6) 1 of whom shall be a representative of a conservation organization who shall have knowledge and experience in river conservation.

(c) TERMS.—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) CHAIRPERSON; VACANCIES.—The Secretary shall designate 1 of the members of the Commission, who is a permanent resident of Brown, Cherry, Keya Paha, or Rock Counties, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) TERMINATION.—The Commission shall cease to exist 10 years from the date of enactment of this Act.

16 USC 1274 note.

SEC. 6. MISSOURI RIVER PROVISIONS.

(a) ADMINISTRATION.—The administration of the Missouri River segment designated in section 2 of this Act shall be in consultation with a recreational river advisory group to be established by the Secretary. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) BRIDGES.—The designation of the Missouri River segment by the amendment made by section 2 of this Act shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) EROSION CONTROL.—Within the Missouri River segment designated by the amendment made by section 2 of this Act, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

16 USC 1274 note.

SEC. 7. NATIONAL RECREATION AREA STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this Act and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, including the location and estimated costs of such facilities.

(b) SUBMISSION OF REPORT.—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 8. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

16 USC 1a-5 note.

(a) IN GENERAL.—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) AREA TO BE STUDIED.—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP-80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) RESOURCES.—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the National Park System.

(d) STUDY REGARDING MANAGEMENT.—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the Nature Conservancy, and the Nebraska Game and Parks Commission.

(e) SUBMISSION OF REPORT.—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

16 USC 1274 note.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

Approved May 24, 1991.

LEGISLATIVE HISTORY—S. 248:

HOUSE REPORTS: No. 102-51, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-19 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 17, considered and passed Senate.
May 14, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
May 24, Presidential statement.

Public Law 102-51
102d Congress

Joint Resolution

Designating the week beginning May 13, 1991, as "National Senior Nutrition Week".

May 29, 1991
[H.J. Res. 141]

Whereas in fiscal year 1991 over 145,000,000 meals will be served in congregate settings to approximately 2,700,000 Americans age 60 and over, meeting the needs of both good nutrition and fellowship;
Whereas in fiscal year 1991 over 115,000,000 home-delivered meals will also be served to approximately 728,000 Americans age 60 and over;
Whereas the dedication of staff and volunteers in helping older people receive hot nutritious meals each day ensures the continued well-being and independence of so many older Americans;
Whereas community-based congregate and home-delivered meal programs make possible the joint use of public and private funds and resources to serve older people; and
Whereas since 1963 the month of May has been designated as "Older Americans Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 13, 1991, is designated as "National Senior Nutrition Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

Approved May 29, 1991.

LEGISLATIVE HISTORY—H.J. Res. 141:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 2, considered and passed House.
May 17, considered and passed Senate.

Public Law 102-52
102d Congress

An Act

June 6, 1991
[H.R. 2127]

To amend the Rehabilitation Act of 1973 to extend the programs of such Act, and for other purposes.

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

Rehabilitation Act Amendments of 1991.
Handicapped.
29 USC 701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rehabilitation Act Amendments of 1991".

SEC. 2. VOCATIONAL REHABILITATION SERVICES.

(a) STATE ALLOTMENTS FOR BASIC VOCATIONAL REHABILITATION SERVICES.—

(1) IN GENERAL.—Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended—

(A) in subparagraph (A), in the first sentence—

(i) by striking "is authorized" and inserting "are authorized";

(ii) by striking "and" after "1990,"; and

(iii) by inserting before the period the following: ", and 1992";

(B) in subparagraph (B), in the first sentence, by striking "1991" and inserting "1992"; and

(C) in subparagraph (C)—

(i) by striking "and" after "1990,"; and

(ii) by inserting before the period the following: ", and $1,875,512,100 for fiscal year 1992".

(2) AUTOMATIC EXTENSION OF PROGRAM FOR 1 YEAR.—Section 100(d)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 720(d)(1)(B)) is amended by striking "1991" each place such term appears and inserting "1992".

(b) STATE ALLOTMENTS FOR INNOVATION AND EXPANSION.—

(1) IN GENERAL.—Section 100(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(2)) is amended—

(A) by striking "and" after "1990,"; and

(B) by inserting ", and 1992" before the period.

(2) PAYMENTS.—Section 121(b) of the Rehabilitation Act of 1973 (29 U.S.C. 741(b)) is amended in the first sentence by striking "1991" and inserting "1992".

(c) CLIENT ASSISTANCE PROGRAM.—Section 112(i) of the Rehabilitation Act of 1973 (29 U.S.C. 732(i)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting after "1991," the following: "and such sums as may be necessary for fiscal year 1992,".

SEC. 3. RESEARCH AND TRAINING.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking "1991" and inserting "1992"; and

(2) in paragraph (2)—

(A)(i) by striking "and" after "1990," the first place such term appears; and

(ii) by inserting after "1991" the first place such term appears the following: ", and such sums as may be necessary for fiscal year 1992"; and

(B)(i) by striking "and" after "1990," the second place such term appears; and

(ii) by inserting after "1991" the second place such term appears the following: ", and such sums as may be necessary for fiscal year 1992".

SEC. 4. SUPPLEMENTARY SERVICES AND FACILITIES.

(a) CONSTRUCTION OF REHABILITATION FACILITIES.—Section 301(a) of the Rehabilitation Act of 1973 (29 U.S.C. 771(a)) is amended in the first sentence—

(1) by striking "and" after "1990,"; and

(2) by inserting ", and 1992" before the period.

(b) VOCATIONAL TRAINING SERVICES.—Section 302(a) of the Rehabilitation Act of 1973 (29 U.S.C. 772(a)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting ", and 1992" before the period.

(c) TRAINING.—Section 304(f) of the Rehabilitation Act of 1973 (29 U.S.C. 774(f)) is amended in the first sentence—

(1) by striking "and" after "1990,";

(2) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992"; and

(3) by striking " the fiscal year" each place such term appears and inserting "fiscal year".

(d) COMPREHENSIVE REHABILITATION CENTERS.—Section 305(g) of the Rehabilitation Act of 1973 (29 U.S.C. 775(g)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting ", and 1992" before the period.

(e) SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES.—

(1) IN GENERAL.—Section 310(a) of the Rehabilitation Act of 1973 (29 U.S.C. 777(a)) is amended—

(A) by striking "and" after "1990,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992".

(2) CERTAIN SPECIAL DEMONSTRATION PROGRAMS.—

(A) Section 311(d)(4) of the Rehabilitation Act of 1973 (29 U.S.C. 777a(d)(4)) is amended—

(i) by striking "and" after "1990,";

(ii) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992"; and

(iii) by striking "the fiscal year" each place such term appears and inserting "fiscal year".

(B) Section 311(e)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 777a(e)(5)) is amended—

(i) by striking "and" after "1990,"; and

(ii) by inserting after "1991" the following: ", and such sums as may be necessary for fiscal year 1992".

(3) SPECIAL RECREATIONAL PROGRAMS.—Section 316(b) of the Rehabilitation Act of 1973 (29 U.S.C. 777f(b)) is amended—

(A) by striking "and" after "1990,"; and

(B) by inserting after "1991" the following: ", and such sums as may be necessary for fiscal year 1992".

SEC. 5. NATIONAL COUNCIL ON DISABILITY.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting ", and 1992" before the period.

SEC. 6. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(i) of the Rehabilitation Act of 1973 (29 U.S.C. 792(i)) is amended by striking "such sums" and all that follows and inserting the following: "such sums as may be necessary for each of the fiscal years 1987 through 1992, but in no event shall the amount appropriated for any one fiscal year exceed $3,000,000.".

SEC. 7. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS.

(a) COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS.—Section 617 of the Rehabilitation Act of 1973 (29 U.S.C. 795f) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting ", and 1992" before the period.

(b) PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES.—Section 623 of the Rehabilitation Act of 1973 (29 U.S.C. 795i) is amended—

(1)(A) by striking "and" after "1990," the first place such term appears; and

(B) by inserting after "1991," the first place such term appears the following: "and such sums as may be necessary for fiscal year 1992,"; and

(2)(A) by striking "and" after "1990," the second place such term appears; and

(B) by inserting ", and 1992" before the period.

(c) SUPPORTED EMPLOYMENT SERVICES.—Section 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795q) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992".

SEC. 8. COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING.

(a) COMPREHENSIVE SERVICES.—Section 741(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(a)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992".

(b) CENTERS FOR INDEPENDENT LIVING.—Section 741(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(b)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992".

(c) INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS.—Section 741(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(c)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992".

(d) GENERAL PROVISIONS.—Section 741(d)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(d)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting ", and 1992" before the period.

SEC. 9. EXTENSION OF PROGRAMS OF CERTAIN OTHER ACTS.

(a) HELEN KELLER NATIONAL CENTER ACT.—Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1991" and inserting "1992".

(b) PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.—The first section of the joint resolution approved July 11, 1949 (63 Stat. 409; chapter 302), is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting after "1991," the following: "and 1992,".

SEC. 10. DIFFERENTIAL FUNDING.

Intergovernmental relations.

Section 675 of the Individuals With Disabilities Education Act (20 U.S.C. 1475) is amended by adding at the end the following new subsection:

"(e) DIFFERENTIAL FUNDING FOR FOURTH OR FIFTH YEAR.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, a State shall be eligible for a grant under section 673 for fiscal years 1990, 1991, or 1992 if—

"(A) the State satisfies the eligibility criteria described in subsection (b)(1) pertaining to the State's third or fourth year of participation under this part; and

"(B) the Governor, on behalf of the State, submits, by a date that the Secretary may establish for each such year, a request for extended participation, including—

"(i) information demonstrating to the Secretary's satisfaction that the State is experiencing significant hardships in meeting the requirements of this section for the fourth or fifth year of participation; and

"(ii) a plan, including timelines, for meeting the eligibility criteria described in subsections (b)(1) and (c) for the fourth, fifth, or succeeding years of participation.

"(2) APPROVAL OF REQUEST.—

"(A) FIRST YEAR.—The Secretary shall approve a State's request for a first year of extended participation under this subsection if the State meets the requirements of paragraph (1).

"(B) SECOND YEAR.—The Secretary shall approve a State's request for a second year of extended participation under this subsection if the State—

"(i) meets the requirements of paragraph (1); and

"(ii) demonstrates to the Secretary's satisfaction that the State has made reasonable progress in implementing the plan described in paragraph (1)(B)(ii).

"(3) DURATION.—The Secretary may not approve more than two requests from the same State for extended participation under this subsection.

"(4) PAYMENT.—

"(A) FISCAL YEAR 1990.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1990 shall

receive a payment under this part in an amount equal to such State's payment under this part for fiscal year 1989.

"(B) FISCAL YEAR 1991 OR 1992.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment for such fiscal years in an amount equal to the payment such State would have received under this part for fiscal year 1990 if such State had met the criteria for the fourth year of participation described in subsection (b)(1).

"(C) MINIMUM.—Beginning in fiscal year 1991, the payment under this part to each of the 50 States, the District of Columbia, and Puerto Rico shall not be less than $500,000.

"(5) REALLOTMENT.—

"(A) FISCAL YEAR 1990.—The amount by which the allotment computed under section 684 for any State for fiscal year 1990 exceeds the amount that such State may be allotted under paragraph (4)(A) of this subsection (and, notwithstanding section 684(d), any fiscal year 1990 funds allotted to any State that such State elects not to receive) shall be reallotted, notwithstanding the percentage limitations set forth in sections 684 (a) and (b), among those States satisfying the eligibility criteria of subsection (b)(1) for the fourth year of participation that have submitted an application by a date that the Secretary may establish in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

"(B) FISCAL YEAR 1991 OR 1992.—The amount by which a State's allotment computed under section 684 for any State for fiscal years 1991 or 1992 exceeds the amount that such State may be allotted for such fiscal year under paragraph (4)(B) of this subsection shall be reallotted, notwithstanding the percentage limitations set forth in section 684 (a) and (b)—

"(i) first, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that have submitted applications by a date that the Secretary may establish for each such year in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no such State, by operation of this clause, shall receive an increase of more than 100 percent over the amount such State would have otherwise received under section 684 for the previous fiscal year;

"(ii) second, if funds remain, among those States that have—

"(I) satisfied the eligibility criteria of subsection (b)(1) for the fourth year of participation;

"(II) qualified for extended participation under this subsection; and

"(III) not received a reallotment payment under clause (i),

in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no State, by operation of this clause, shall receive a reallotment payment that is larger than the payment such State would otherwise have received under section 684 for such year; and

"(iii) third, if funds remain, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that did not receive a reallotment payment under clause (ii) in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

"(6) DEFINITIONS.—For the purpose of this subsection, the term 'State' means—

"(A) each of the 50 States, the District of Columbia, and Puerto Rico;

"(B) each of the jurisdictions listed in section 684(a); and

"(C) the Department of the Interior.".

Approved June 6, 1991.

LEGISLATIVE HISTORY—H.R. 2127:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 20, considered and passed House.
May 21, considered and passed Senate.

Public Law 102-53
102d Congress

An Act

June 10, 1991
[H.R. 831]

To designate the Owens Finance Station of the United States Postal Service in Cleveland, Ohio, as the "Jesse Owens Building of the United States Postal Service".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 5600 Woodland Avenue, Cleveland, Ohio, known as the Owens Finance Station is designated as the "Jesse Owens Building of the United States Postal Service". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the Jesse Owens Building of the United States Postal Service.

Approved June 10, 1991.

LEGISLATIVE HISTORY—H.R. 831:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 19, considered and passed House.
May 23, considered and passed Senate.

Public Law 102-54
102d Congress

An Act

To amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes.

June 13, 1991
[H.R. 232]

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

SECTION 1. NOTIFICATION REQUIREMENT.

Section 1832(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

SEC. 2. PROPERTY MANAGEMENT.

(a) VENDEE LOANS.—Section 1833(a) of title 38, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) After September 30, 1990, the percentage limitations described in paragraph (1) of this subsection shall have no effect.

"(3) The Secretary may, beginning on October 1, 1990, sell any note evidencing a loan referred to in paragraph (1)—

"(A) with recourse; or

"(B) without recourse, but only if the amount received is equal to an amount which is not less than the unpaid balance of such loan.".

(b) REPEAL OF TERMINATION DATE.—Section 1833(a) of such title is amended—

(1) by striking out paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6).

SEC. 3. EXTENSIONS OF PROVISIONS RELATING TO DEFAULT PROCEDURES AND APPRAISALS.

(a) DEFAULT PROCEDURES.—Section 1832(c)(11) of title 38, United States Code, is amended by striking out "October 1, 1991" and inserting in lieu thereof "December 31, 1992".

(b) APPRAISALS.—Section 1831(f)(3) of such title is amended by striking out "October 1, 1990" and inserting in lieu thereof "December 31, 1992".

(c) REPORT RELATING TO APPRAISAL REVIEW.—Section 1831(f) of such title is further amended by adding at the end the following new paragraphs:

"(4) Not later than April 30 of each year following a year in which the Secretary authorizes lenders to determine reasonable value of property under this subsection, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report relating to the exercise of that authority during the year in which the authority was exercised.

"(5) A report submitted pursuant to paragraph (4) of this subsection shall include, for the period covered by each report—

"(A) the number and value of loans made by lenders exercising the authority of this subsection;

"(B) the number and value of such loans reviewed by the appraisal-review monitors referred to in paragraph (2) of this subsection;

"(C) the number and value of loans made under this subsection of which the Secretary received notification of default;

"(D) the amount of guaranty paid by the Secretary to such lenders by reason of defaults on loans as to which reasonable value was determined under this subsection; and

"(E) such recommendations as the Secretary considers appropriate to improve the exercise of the authority provided for in this subsection and to protect the interests of the United States.".

SEC. 4. ADMINISTRATION.

(a) CERTIFICATION.—Section 1820 of title 38, United States Code, is amended by adding at the end the following:

"(g) The Secretary shall, at the request of the Secretary of Housing and Urban Development and without reimbursement, certify to such Secretary whether an applicant for assistance under any law administered by the Department of Housing and Urban Development is a veteran.".

(b) APPLICATION REQUIREMENTS.—Section 1803 of such title is amended by adding at the end the following:

"(f) The application for or obtaining of a loan made, insured, or guaranteed under this chapter shall not be subject to reporting requirements applicable to requests for, or receipts of, Federal contracts, grants, loans, loan guarantees, loan insurance, or cooperative agreements except to the extent that such requirements are provided for in, or by the Secretary pursuant to, this title.".

SEC. 5. WAIVER OF INDEBTEDNESS.

38 USC 5302.

Section 3102 of title 38, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: "The Secretary shall include in the notification to the payee a statement of the right of the payee to submit an application for a waiver under this subsection and a description of the procedures for submitting the application."; and

(2) in subsection (b)—

(A) by striking out "101 and 1801" and inserting in lieu thereof, "101, 1801, and 1802(a)(2)(C)(ii) of this title"; and

(B) by adding at the end the following: "An application for relief under this subsection must be made within one year after the date on which the veteran receives notice by certified mail from the Secretary of the indebtedness. The Secretary shall include in the notification a statement of the right of the veteran to submit an application for a waiver under this subsection and a description of the procedures for submitting the application.".

SEC. 6. ENTITLEMENT AMOUNT.

Section 1803(a)(1)(A)(i) of title 38, United States Code, is amended—

(1) in subclause (III)—

(A) by inserting "except as provided in subclause (IV) of this clause," after "(III)"; and

(B) by striking out "but not more than $144,000,"; and

(2) in subclause (IV), by striking out "or (6)" and inserting in lieu thereof "(6), or (8)".

SEC. 7. DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING. 38 USC 618 note.

(a) DEMONSTRATION PROGRAM.—During fiscal years 1992 through 1994, the Secretary of Veterans Affairs may carry out a compensated work therapy and therapeutic transitional housing demonstration program. The demonstration program shall have two components, as follows:

(1) A component, under subsection (c), which provides for direct operation of therapeutic transitional housing in conjunction with the furnishing of compensated work therapy.

(2) A component, under subsection (d), which provides for the contracting with nonprofit corporations to furnish compensated work therapy in conjunction with the operation of the therapeutic transitional housing.

(b) ELIGIBLE VETERANS.—The veterans for whom therapeutic transitional housing may be provided under this section are veterans—

(1) who are furnishing services to the Department of Veterans Affairs under subsection (a) of section 618 of title 38, United States Code; or

(2) who are furnished therapeutic work pursuant to subsection (b) of that section.

(c) AUTHORITY TO OPERATE RESIDENCES AS THERAPEUTIC TRANSITIONAL HOUSING.—Under the demonstration program, the Secretary, in connection with the conduct of compensated work therapy programs, may operate residences as therapeutic transitional housing solely for veterans described in subsection (b) of this section. The Secretary may operate no more than 50 residences as therapeutic transitional housing under this subsection.

(d) CONTRACT AUTHORITY.—(1) Under the demonstration program, the Secretary may contract with nonprofit corporations to conduct compensated work therapy programs under the demonstration program.

(2) The Secretary may enter into a contract with a nonprofit corporation under the demonstration program only if the corporation provides assurances satisfactory to the Secretary that it will operate therapeutic transitional housing for eligible veterans in conjunction with an existing compensated work therapy program at a medical center. The contract may remain in effect only as long as the corporation operates the therapeutic transitional housing for eligible veterans in connection with the demonstration program.

(3) A contract with a nonprofit corporation under this subsection may provide for the Secretary to furnish the corporation (with or without consideration) in-kind services, including—

(A) technical and clinical advice;

(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as therapeutic transitional housing under the contract and for possible later sale as a private residence; and

(C) minor maintenance of and minor repairs to such property.

(e) PROCUREMENT PROCEDURES.—The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of

transitional housing and to protect the interests of the United States.

(f) CONDITIONS.—A residence may be operated as transitional housing for veterans described in subsection (b) under the following conditions:

(1) Only veterans described in such subsection and a house manager may reside in the residence.

(2) Each resident, other than the house manager, shall pay rent for the period of residence in such housing.

(3) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

(4) The residence shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

(g) HOUSE MANAGERS.—The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for house managers in addition to, or instead of payment of, a fee for such services.

(h) SOURCES OF HOUSING.—(1) The Secretary may operate as transitional housing under this section—

(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code; and

(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Services and Research Administration; and

(B) transfer from the General Post Fund of the Department of Veterans Affairs to the Loan Guaranty Revolving Fund under chapter 37 of title 38, United States Code, an amount, not to exceed the amount the Secretary paid for the property, representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

(i) RENT AND LENGTH OF RESIDENCE.—The Secretary shall prescribe—

(1) a procedure for establishing reasonable rental rates for persons residing in transitional housing; and

(2) appropriate limits on the period for which such persons may reside in transitional housing.

(j) DISPOSAL OF PROPERTY.—The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund of the Department of Veterans Affairs.

(k) AVAILABILITY OF GENERAL POST FUND.—Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The operation of the demonstration program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

(l) REPORT.—After a demonstration program under this section has been in effect for two years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of the program. The Secretary shall include in the report such recommendations with regard to the program as the Secretary considers appropriate.

SEC. 8. LOANS TO ORGANIZATIONS PROVIDING TRANSITIONAL HOUSING FOR SUBSTANCE ABUSERS.

38 USC 620A note.

(a) LOAN PROGRAM.—The Secretary of Veterans Affairs may make loans in accordance with this section to assist in the provision of transitional housing exclusively to veterans who are in (or who recently have been in) a program for the treatment of substance abuse.

(b) LOAN RECIPIENTS.—A loan under this section may only be made to a nonprofit organization under selection criteria promulgated by the Secretary and only to assist that organization in leasing housing units for use as a group residence for the purposes described in subsection (a). The amount of such a loan that is used with respect to any single residential unit may not exceed $4,500. In making loans under this subsection, the Secretary shall, except to the extent that the Secretary determines that it is infeasible to do so, ensure that—

(1) each loan is repaid within two years after the date on which the loan is made;

(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

(A) the use of alcohol or any illegal drug in the residence will be prohibited;

(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the condi-

tions of residence, including the manner in which applications for residence are approved; and

(E) the residence will be operated solely as a residence for not less than six veterans.

(c) FUNDING.—Loans under this section shall be made from the special account of the General Post Fund of the Department of Veterans Affairs established for purposes of this section. The amount of such loans outstanding at any time may not exceed $100,000. Amounts received as payment of principal and interest on such loans shall be deposited in that account. The operation of the loan program under this section shall be separately accounted for, and shall be separately stated in the documents accompanying the President's budget for each fiscal year.

(d) TERMS AND CONDITIONS.—Loans under this section shall be made on such terms and conditions, including interest, as the Secretary prescribes.

(e) REPORT.—After the end of the 15-month period beginning on the date the first loan is extended under this section, the Secretary shall issue a report on the Department's experience under the section. The report shall include the following information:

(1) The default rate on loans extended under this section.

(2) The manner in which loan payments are collected.

(3) The number of facilities at which loans have been extended.

(4) The adequacy of the amount of funds in the special account referred to in subsection (c).

SEC. 9. HOUSING PROGRAMS FOR HOMELESS VETERANS.

(a) IN GENERAL.—Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1835. Housing assistance for homeless veterans

"(a)(1) To assist homeless veterans and their families in acquiring shelter, the Secretary may enter into agreements described in paragraph (2) with—

"(A) nonprofit organizations, with preference being given to any organization named in, or approved by the Secretary under, section 3402 of this title; or

"(B) any State or any political subdivision thereof.

"(2) To carry out paragraph (1), the Secretary may enter into agreements to sell real property, and improvements thereon, acquired by the Secretary as the result of a default on a loan made, insured, or guaranteed under this chapter. Such sale shall be for such consideration as the Secretary determines is in the best interests of homeless veterans and the Federal Government.

"(3) The Secretary may enter into an agreement under paragraph (1) of this subsection only if—

"(A) the Secretary determines that such an action will not adversely affect the ability of the Department—

"(i) to fulfill its statutory missions with respect to the Department loan guaranty program and the short- and long-term solvency of the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund under this chapter; or

"(ii) to carry out other functions and administer other programs authorized by law;

"(B) the entity to which the property is sold agrees to—

"(i) utilize the property solely as a shelter primarily for homeless veterans and their families,

"(ii) comply with all zoning laws relating to the property,

"(iii) make no use of the property that is not compatible with the area where the property is located, and

"(iv) take such other actions as the Secretary determines are necessary or appropriate in the best interests of homeless veterans and the Federal Government; and

"(C) the Secretary determines that there is no significant likelihood of the property being sold for a price sufficient to reduce the liability of the Department or the veteran who defaulted on the loan.

"(4) Any agreement, deed, or other instrument executed by the Secretary under this subsection shall be on such terms and conditions as the Secretary determines to be appropriate and necessary to carry out the purpose of such agreement.

"(b) The Secretary may not enter into agreements under subsection (a) after September 30, 1993.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

"1835. Housing assistance for homeless veterans.".

SEC. 10. AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK IN COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES.—Subsection (b)(1) of section 618 of title 38, United States Code, is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended by striking out "carrying out the provisions of" and inserting in lieu thereof "furnishing rehabilitative services authorized in".

SEC. 11. FLORIDA NATIONAL CEMETERY.

38 USC 1004 note.

Notwithstanding section 1004(c)(2) of title 38, United States Code, the Secretary may provide for flat grave markers in that section of the Florida National Cemetery in which preplaced grave liners were installed before July 30, 1988.

SEC. 12. AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS TO CARRY OUT SPECIFIED ADMINISTRATIVE REORGANIZATION.

38 USC 210 note.

(a) AUTHORITY FOR ADMINISTRATIVE REORGANIZATION.—The Secretary of Veterans Affairs may carry out the administrative reorganization described in subsection (b) without regard to section 210(b)(2) of title 38, United States Code.

(b) SPECIFIED REORGANIZATION.—Subsection (a) applies to the organizational realignment of management responsibility for the Department of Veterans Affairs Data Processing Centers, together with the corresponding organizational realignment of associated Information Resources Management operational components and functions within the Department of Veterans Affairs central office, as such realignment was described in the detailed plan and justification submitted by the Secretary of Veterans Affairs in January 4,

1991, letters to the Chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

SEC. 13. AMENDMENTS TO LAWS TO REFLECT THE CONVERSION OF THE VETERANS' ADMINISTRATION TO THE DEPARTMENT OF VETERANS AFFAIRS.

(a) LAWS CODIFIED IN TITLE 2, U.S.C.—Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905) is amended by striking out the last two items in subsection (g)(2) and inserting in lieu thereof the following:

"Department of Veterans Affairs, Loan guaranty revolving fund (36-4025-0-3-704); and

"Department of Veterans Affairs, Servicemen's group life insurance fund (36-4009-0-3-701).".

(b) TITLE 5, U.S.C.—

(1) The following sections of title 5, United States Code, are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs": sections 2108(2), 5102(c)(14), 5342(a)(2)(C), 7103(a)(3), 8101(20), 8116(a)(3), 8311(2)(A), and 8311(3)(A).

(2) The following sections of such title are amended by striking out "Department of Medicine and Surgery, Veterans' Administration" and inserting in lieu thereof "Veterans Health Administration of the Department of Veterans Affairs": sections 4301(2)(C), 5102(c)(3), and 6301(2)(B)(v).

(3) Section 5355 of such title is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(4) Section 8339(g) of such title is amended by striking out "Veterans' Administration pension or compensation" in the second and third sentences and inserting in lieu thereof "pension or compensation from the Department of Veterans Affairs".

(5) Section 8347(m)(2) of such title is amended by striking out "Administrator" and inserting in lieu thereof "Secretary".

(6) Section 503 of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), is amended by striking out "Veterans' Administration" in subsection (a)(2)(I) and inserting in lieu thereof "Department of Veterans Affairs".

(c) LAWS CODIFIED IN TITLE 7, U.S.C.—Section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a) is amended by striking out "Administrator of Veterans' Affairs" in the matter preceding subsection (a), in subsection (a), and in subsection (c) and inserting in lieu thereof "Secretary of Veterans Affairs".

(d) LAWS CODIFIED IN TITLE 12, U.S.C.—

(1) Section 912 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1709-2) is amended by striking out "Veterans' Administration" both places it appears in paragraph (1) and inserting in lieu thereof "Department of Veterans Affairs".

(2) The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(A) by striking out "Veterans' Administration" in subsection (c)(2)(D) of section 302 (12 U.S.C. 1717) and inserting in lieu thereof "Department of Veterans Affairs"; and

(B) by striking out "Administrator of Veterans' Affairs" in section 512 (12 U.S.C. 1731a) and inserting in lieu thereof "Secretary of Veterans Affairs".

(3) Section 107 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1735g) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in subsection (a)(2)(B) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "Administrator of Veterans' Affairs" both places it appears in subsection (e) and inserting in lieu thereof "Secretary of Veterans Affairs".

(4) Section 8 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607) is amended by striking out "Administrator of Veterans' Affairs" in subsection (c)(5) and inserting in lieu thereof "Secretary of Veterans Affairs".

(e) LAWS CODIFIED IN TITLE 15, U.S.C.—Section 718 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656; 15 U.S.C. 644 note) is amended by striking out "Veterans Administration" in subsection (b)(10) and inserting in lieu thereof "Department of Veterans Affairs".

(f) TITLE 18, U.S.C.—

(1) Section 289 of title 18, United States Code, is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Section 1114 of such title is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(g) LAWS CODIFIED IN TITLE 20, U.S.C.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(A) Subsection (a)(1)(E) of section 131 (20 U.S.C. 1017).

(B) Subsection (d)(1)(C) of section 411B (20 U.S.C. 1070a-2).

(C) Subsection (c)(1)(C) of section 411C (20 U.S.C. 1070a-3).

(D) Subsection (c)(1)(C) of section 411D (20 U.S.C. 1070a-4).

(2) Section 420A (20 U.S.C. 1070e-1) is amended—

(A) in subsection (b)(2)(B), by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) in subsection (c)(2)—

(i) by striking out "Administrator of Veterans' Affairs (hereinafter referred to as the 'Administrator')" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(ii) by striking out "Administrator" each of the three succeeding places in which it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(C) in subsection (d), by striking out "Veterans' Administration" and "the Administrator" and inserting in lieu thereof "Secretary of Veterans Affairs" in both instances.

(h) REFERENCES IN TITLE 22, U.S.C.—

(1) LAWS CODIFIED IN TITLE 22.—Section 106 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456) is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Department of Veterans Affairs".

(2) REFERENCE PURSUANT TO LAW CODIFIED IN TITLE 22.—Any reference to the Veterans' Administration in any regulation prescribed or Executive order issued pursuant to section 827(a)

22 USC 4067 note.

of the Foreign Service Act of 1980 (22 U.S.C. 4067(a)) shall be deemed to be a reference to the Department of Veterans Affairs.

(i) LAWS CODIFIED IN TITLE 24, U.S.C.—

(1) The Naval Appropriation Act, 1946 (59 Stat. 201 et seq.), is amended in the first proviso in the fourth paragraph under the heading "BUREAU OF SUPPLIES AND ACCOUNTS" (24 U.S.C. 16a; 59 Stat. 208) by striking out "United States Veterans Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 2 of the Act of March 22, 1906 (24 U.S.C. 152), is amended—

(A) by striking out "Board of Managers of the National Home for Disabled Volunteer Soldiers" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "as they may deem necessary" and inserting in lieu thereof "as the Secretary may consider necessary".

(j) LAWS CODIFIED IN TITLE 25, U.S.C.—

(1) The Act of February 25, 1933 (25 U.S.C. 14), is amended—

(A) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs"; and

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

(2) Section 716 of the Indian Health Care Improvement Act (25 U.S.C. 1680f) is amended—

(A) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs" in each of the following subsections: subsections (a), (b)(3), (b)(4), (b)(6), (c)(1)(A), and (c)(1)(B);

(B) in subsection (c)(1), by striking out "Within 30 days" and all that follows through "directed to" and inserting in lieu thereof "Not later than December 23, 1988, the Director of the Indian Health Service and the Secretary of Veterans Affairs shall"; and

(C) in subsection (c)(2), by striking out "Not later than" and all that follows through "shall" and inserting in lieu thereof "Not later than November 23, 1990, the Secretary and the Secretary of Veterans Affairs shall".

(k) LAWS CODIFIED IN TITLE 29, U.S.C.—

(1) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(A) by striking out "Veterans' Administration" in the following provisions and inserting in lieu thereof "Department of Veterans Affairs": subsection (a)(11) of section 101 (29 U.S.C. 721), subsection (i)(2) of section 202 (29 U.S.C. 761a), and subsection (a)(1)(B)(ix) of section 502 (29 U.S.C. 792); and

(B) by striking out "Administrator of Veterans' Affairs" in the following provisions and inserting in lieu thereof "Secretary of Veterans Affairs": subsection (a)(1) of section 203 (29 U.S.C. 761b) and subsection (a) of section 501 (29 U.S.C. 791).

(2) The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—

(A) by striking out "Veterans' Administration" in paragraph (27)(B) of section 4 (29 U.S.C. 1503) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration programs" in subsection (c)(10) of section 121 (29 U.S.C. 1531) and inserting in lieu thereof "programs of the Department of Veterans Affairs"; and

(C) by striking out "Administrator of Veterans' Affairs" in subsection (b)(2)(B) of section 441 (29 U.S.C. 1721) and inserting in lieu thereof "Secretary of Veterans Affairs".

(l) TITLE 31, U.S.C.—Title 31, United States Code, is amended as follows:

(1) Paragraphs (45), (74), (82), and (83) of section 1321(a) are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 3329(c)(1) is amended—

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

(B) by striking out "laws carried out by the Administrator" and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(3) Section 3330 is amended—

(A) by striking out "Administrator of Veterans' Affairs"in subsection (a)(1)(B) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" in subsections (a)(2), (a)(3), and (d)(1)(A) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(C) by striking out "laws carried out by the Administrator" in subsections (b) and (c) and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(4)(A) The heading of section 3330 is amended to read as follows:

"§ 3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries".

(B) The item relating to section 3330 in the table of sections at the beginning of chapter 33 is amended to read as follows:

"3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries.".

(m) LAWS CODIFIED IN TITLE 33, U.S.C.—

(1) Section 9 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h) is amended by striking out "Veterans' Administration" in subsection (e)(2) and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) The second sentence of the second paragraph of section 16 of the Act of May 22, 1917 (33 U.S.C. 857) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(3) Section 3 of Public Law 91-621 (33 U.S.C. 857-3) is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs".

(n) LAWS CODIFIED IN TITLE 36, U.S.C.—

(1) The Act of July 23, 1947 (36 U.S.C. 67 et seq.) is amended by striking out "Veterans' Administration" in section 3(2) (36 U.S.C. 67b(2)) and in section 9 (36 U.S.C. 67h) and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 3 of the Act of June 17, 1932 (36 U.S.C. 90c) is amended by striking out "United States Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(3) Section 3 of Public Law 85-761 (36 U.S.C. 823) is amended by striking out "Veterans' Administration" in subsection (b)(5) and inserting in lieu thereof "Department of Veterans Affairs".

(4) Section 15 of Public Law 85-769 (36 U.S.C. 865) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(5) Section 9 of Public Law 92-93 (36 U.S.C. 1159) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(6) Section 3(d) of Public Law 98-314 (36 U.S.C. 2403(d)) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(7) Section 3 of Public Law 98-584 (36 U.S.C. 3103) is amended by striking out "Veterans' Administration Hospitals" in paragraph (3) and inserting in lieu thereof "medical facilities of the Department of Veterans Affairs".

(8) Section 3 of Public Law 99-172 (36 U.S.C. 3703) is amended by striking out "Veterans' Administration" in paragraph (5) and inserting in lieu thereof "Department of Veterans Affairs".

(o) LAWS CODIFIED IN TITLE 40, U.S.C.—Section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) is amended by striking out "Veterans' Administration installations" in paragraph (1)(H) and inserting in lieu thereof "installations of the Department of Veterans Affairs".

(p) LAWS CODIFIED IN TITLE 41, U.S.C.—The first section of the Act of June 25, 1938 (41 U.S.C. 46), commonly referred to as the "Wagner-O'Day Act", is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Department of Veterans Affairs".

(q) LAWS CODIFIED IN TITLE 42, U.S.C.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(A) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(i) Subsection (k)(4)(C) of section 306 (42 U.S.C. 242k).

(ii) Subsection (e)(1) of section 544 (42 U.S.C. 290dd-3).

(iii) Subsection (e)(1) of section 548 (42 U.S.C. 290ee-3).

(B) The following provisions are amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs":

(i) Subsection (c) of section 341 (42 U.S.C. 257).

(ii) Subsection (g) of section 548 (42 U.S.C. 290ee-3).

(C) Section 212 (42 U.S.C. 213) is amended by striking out "Veterans' Administration" in subsection (d) and inserting in lieu thereof "Secretary of Veterans Affairs".

(D) Subsection (a)(2)(B) of section 314 (42 U.S.C. 246) is amended—

(i) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs";

(ii) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(iii) by striking out "such Administration" and inserting in lieu thereof "such Department".

(E) Section 485 (42 U.S.C. 287c-2) is amended by striking out "Chief Nursing Officer of the Veterans' Administration" in subsection (b)(2)(A) and inserting in lieu thereof "chief nursing officer of the Department of Veterans Affairs".

(2) SAFE DRINKING WATER ACT AMENDMENTS OF 1986.—Section 109(c) of the Safe Drinking Water Act Amendments of 1986 (42 U.S.C. 300g-6 note) is amended by striking out "the Administrator of the Veterans' Administration" and inserting in lieu thereof "the Secretary of Veterans Affairs".

(3) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(A) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(i) Subsections (a)(1)(B) and (e)(1)(B) of section 217 (42 U.S.C. 417).

(ii) Subsection (b)(5)(A) of section 1128 (42 U.S.C. 1320a-7).

(iii) Subsection (h)(1) of section 1814 (42 U.S.C. 1395f).

(iv) The heading of subsection (h) of section 1814.

(v) Subsection (a)(5)(F) of section 1928 (42 U.S.C. 1396s).

(B) The following provisions are amended by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs":

(i) Subsection (h)(2) of section 228 (42 U.S.C. 428).

(ii) Subsection (f)(2) of section 462 (42 U.S.C. 662).

(iii) Subsection (a)(1) of section 1133 (42 U.S.C. 1320b-3).

(iv) Subsection (h)(2) of section 1814 (42 U.S.C. 1395f).

(C) Subparagraph (D) of section 202(t)(4) (42 U.S.C. 402(t)(4)) is amended—

(i) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(ii) by striking out "if the Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(D) Subsection (b)(1) of section 217 (42 U.S.C. 417) is amended by striking out "Veterans' Administration to be payable by it" and inserting in lieu thereof "Secretary of Veterans Affairs to be payable by him".

(E) Subsection (b)(2) of section 217 (42 U.S.C. 417) is amended—

(i) in the first sentence—

(I) by striking out "Veterans' Administration" the first place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(II) by striking out "the Veterans' Administration" the second place it appears and inserting in lieu thereof "that Secretary";

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

(iii) in the third sentence—

(I) by striking out "If the Veterans' Administration" and inserting in lieu thereof "If the Secretary of Veterans Affairs"; and

(II) by striking out "it shall" and inserting in lieu thereof "the Secretary of Veterans Affairs shall";

(iv) in the fourth sentence—

(I) by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(II) by striking out "such Administration" and inserting in lieu thereof "that Secretary"; and

(v) in the fifth sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(F) Subsection (a)(1)(L) of section 1866 (42 U.S.C. 1395cc) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(4) OMNIBUS RECONCILIATION ACT OF 1980.—Section 966 of the Omnibus Reconciliation Act of 1980 (42 U.S.C. 632a) is amended—

(A) in subsection (c)(6)—

(i) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Department of Veterans Affairs"; and

(ii) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in subsection (e)(1), by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(5) HOUSING ACT OF 1949.—Section 535 of the Housing Act of 1949 (42 U.S.C. 1490o) is amended—

(A) in subsections (a) and (b), by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in subsection (c), by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(6) LANHAM PUBLIC WAR HOUSING ACT.—The Act of October 14, 1940 (42 U.S.C. 1501 et seq.), popularly known as the "Lanham Public War Housing Act", is amended as follows:

(A) Section 601 (42 U.S.C. 1581) is amended by striking out "Veterans' Administration" each place it appears in subsection (d)(1) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 607 (42 U.S.C. 1587) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(7) DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951.—The Defense Housing and Community Facilities and Services Act of 1951 is amended as follows:

(A) Section 302 (42 U.S.C. 1592a) is amended by striking out "Veterans' Administration" in subsections (a) and (c) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 315(h) (42 U.S.C. 1592n(h)) is amended by striking out "Veterans' Administration" in the last sentence and inserting in lieu thereof "Secretary of Veterans Affairs".

(8) PUBLIC LAW 87-693.—The first section of Public Law 87-693 (42 U.S.C. 2651) is amended by striking out "Veterans' Administration" in subsection (c) and inserting in lieu thereof "Department of Veterans Affairs".

(9) OLDER AMERICANS ACT OF 1965. —The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended as follows:

(A) Section 207 (42 U.S.C. 3018) is amended by striking out "Administrator of the Veterans' Administration" in subsection (b)(3)(D) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 301 (42 U.S.C. 3021) is amended by striking out "Veterans' Administration" in subsection (b)(2) and inserting in lieu thereof "Department of Veterans Affairs".

(C) Section 402 (42 U.S.C. 3030bb) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs".

(10) HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1978.—Section 905 of the Housing and Community Development Amendments of 1978 (42 U.S.C. 3541) is amended by striking out "Administrator of Veterans' Affairs" each place it appears in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(11) NATIONAL SCIENCE AND TECHNOLOGY POLICY, ORGANIZATION, AND PRIORITIES ACT OF 1976.—Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs".

(12) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is amended by striking out "Administrator of Veterans' Affairs" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs".

(13) CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT OF 1981.—The Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10001 et seq.) is amended as follows:

(A) Section 979 (42 U.S.C. 10004) is amended by striking out "Administrator of Veterans' Affairs" in subsections (a) and (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 982 (42 U.S.C. 10007) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(C) Section 983(b) (42 U.S.C. 10008(b))—

(i) by striking out "(1) The Administrator of Veterans' Affairs" and all that follows through "subtitle 38" and inserting in lieu thereof "The Secretary of Veterans Affairs, through the Chief Medical Director of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Chief Medical Director under title 38";

(ii) by striking out "over which the Administrator" and inserting in lieu thereof "over which that Secretary";

(iii) by striking out "Administrator" both places it appears in the second sentence and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(iv) by striking out paragraphs (2) and (3).

(14) ALZHEIMERS'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986.—The Alzheimers's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11201 et seq.) is amended as follows:

(A) Section 911 (42 U.S.C. 11211) is amended by striking out "Administrator of Veterans' Affairs (or the designee of such Administrator)" in subsection (a)(11) and inserting in lieu thereof "Secretary of Veterans Affairs (or the designee of such Secretary)".

(B) Section 934 (42 U.S.C. 11261) is amended by striking out "Veterans' Administration" in subsection (b)(1)(A) and inserting in lieu thereof "Department of Veterans Affairs".

(r) TITLE 44, U.S.C.—The text of section 503 of title 44, United States Code, is amended to read as follows:

"(a) Notwithstanding section 501 of this title, the Secretary of Veterans Affairs may use the equipment described in subsection (b) for printing and binding that the Secretary finds advisable for the use of the Department of Veterans Affairs.

"(b) The equipment referred to in subsection (a) is the printing and binding equipment that the various hospitals and homes of the Department of Veterans Affairs use for occupational therapy.".

(s) TITLE 49, U.S.C.—Section 10723 of title 49, United States Code, is amended by striking out "Veterans' Administration facility" in subsection (a)(1)(B)(i) and inserting in lieu thereof "facility of the Department of Veterans Affairs".

(t) LAWS CODIFIED IN TITLE 50, U.S.C. APPENDIX.—Section 11 of the Military Selective Service Act (50 U.S.C. App. 461) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

SEC. 14. TECHNICAL AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) CHAPTERS 1 AND 3 OF TITLE 38.—Part I of title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) is amended by redesignating subclauses (a), (b), and (c) of clause (ii) as subclauses (I), (II), and (III), respectively.

(2) Section 102 is amended by striking out "(C)" before "For the purposes of" and inserting in lieu thereof "(c)".

(b) CHAPTERS 11 THROUGH 24 OF TITLE 38.—Part II of such title is amended as follows:

(1) Section 354 is amended—

(A) by inserting a comma in the section heading after "**place**"; and

(B) by inserting "(Public Law 98-542; 98 Stat. 2727)" in subsection (a) before the period at the end.

(2) Section 402(d) is amended by striking out "Secretary of the Department" and inserting in lieu thereof "Secretary of the department".

(3) Section 412(a) is amended by striking out "201" and inserting in lieu thereof "401".

(4) Section 423 is amended—

(A) by striking out "or section 321(b) of title 32," in the first sentence; and

(B) by striking out "1476(a) or 321(b)" in the second sentence.

(5) Section 503(a) is amended—

(A) in paragraph (8), by striking out "per centum" and inserting in lieu thereof "percent"; and

(B) in paragraph (10)(A)—

(i) by striking out "Internal Revenue Code of 1954 (26 U.S.C. 6012(a))" and inserting in lieu thereof "Internal Revenue Code of 1986"; and

(ii) by striking out "section 143" and inserting in lieu thereof "section 7703".

(6) Section 508(b) is amended by striking out "per centum" and inserting in lieu thereof "percent".

(7) Sections 532(a) and 534(a) are amended—

(A) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking out the matter following paragraph (2).

(8) Section 601 is amended—

(A) in paragraph (2), by striking out "any veteran of the Indian Wars, or";

(B) by striking out paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3);

(D) in paragraph (6)—

(i) by striking out "section 612(f)(1)(A)(i)" in subparagraph (A)(i) and inserting in lieu thereof "section 612(a)(5)(A)"; and

(ii) by striking out "section 612(f)(1)(A)(ii)" in subparagraph (B)(i)(II) and inserting in lieu thereof "section 612(a)(5)(B)"; and

(E) by transferring paragraph (9) within such section so as to appear before paragraph (5) and redesignating such paragraph as paragraph (4).

(9) Section 603 is amended—

(A) by striking out "section" before "paragraph" in subsection (a)(2)(B);

(B) by striking out "section 612(b)(1)(G)" in subsection (a)(7) and inserting in lieu thereof "section 612(b)(1)(F)"; and

(C) by inserting "(Public Law 100-322; 102 Stat. 501)" in subsection (c) before the period at the end.

(10) Section 610(a)(1)(H) is amended by striking out "the Spanish-American War, the Mexican border period," and inserting in lieu thereof "the Mexican border period".

(11) Section 612A(b)(1) is amended by striking out "paragraph (1)(A)(ii) of section 612(f)" and inserting in lieu thereof "section 612(a)(5)(B)".

(12) Section 618(c)(3) is amended by inserting "and" after "productivity".

(13) Section 620A(f)(1) is amended by striking out "during the period" before "beginning on".

(14) Section 628(a)(2)(D) is amended by striking out "is (i)" and inserting in lieu thereof "(i) is".

(15) Section 630(a) is amended—

(A) by striking out "(1)" after "(a)"; and

(B) by redesignating subparagraph (A), clause (i), clause (ii), and subparagraph (B) as paragraph (1), subparagraph (A), subparagraph (B), and paragraph (2), respectively.

(16) Section 765 is amended—

(A) in paragraph (4), by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively; and

(B) in each of paragraphs (8) and (9), by redesignating clauses (a), (b), (c), (d), and (e) as clauses (A), (B), (C), (D), and (E), respectively.

(17) Section 770(g) is amended by striking out "the Internal Revenue Code of 1954" in clause (2) of the second sentence and inserting in lieu thereof "the Internal Revenue Code of 1986".

(18) The text of section 774 is amended to read as follows:

"(a) There is an Advisory Council on Servicemen's Group Life Insurance. The council consists of—

"(1) the Secretary of the Treasury, who is the chairman of the council;

"(2) the Secretary of Defense;

"(3) the Secretary of Commerce;

"(4) the Secretary of Health and Human Services;

"(5) the Secretary of Transportation; and

"(6) the Director of the Office of Management and Budget.

Members of the council shall serve without additional compensation.

"(b) The council shall meet at least once a year, or more often at the call of the Secretary of Veterans Affairs. The council shall review the operations of the Department under this subchapter and shall advise the Secretary on matters of policy relating to the Secretary's activities under this subchapter.".

(19) Section 783 is amended by striking out "section 14 of title 25," and inserting in lieu thereof "the Act of February 25, 1933 (25 U.S.C. 14),".

(20) Section 901(d) is amended—

(A) by striking out "deems" and inserting in lieu thereof "considers";

(B) by striking out the comma after "this section"; and

(C) by striking out ", United States Code".

(21) Section 1004(c)(2)(B) is amended by striking out "the date of the enactment of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986" and inserting in lieu thereof "October 28, 1986".

(22) Section 1010(b) is amended by striking out "the military departments" and inserting in lieu thereof "each military department".

(c) CHAPTERS 30 THROUGH 43 OF TITLE 38.—Part III of such title is amended as follows:

(1) Section 1415(c) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal

Years 1990 and 1991," and inserting in lieu thereof "November 29, 1989,".

(2) The item relating to section 1423 in the table of sections at the beginning of chapter 30 is amended by striking out "chapter" and inserting in lieu thereof "subchapter".

(3) Section 1504(b) is amended by striking out "(29 U.S.C. 796)" and inserting in lieu thereof "(29 U.S.C. 796a)".

(4) Section 1517(a) is amended—

(A) by inserting "(29 U.S.C. 701 et seq.)" in paragraph (1) after "the Rehabilitation Act of 1973"; and

(B) by striking out the second period at the end of paragraph (2)(C).

(5) Section 1521(a)(3) is amended by inserting "and Training" after "Veterans' Employment".

(6) Section 1602(1)(A) is amended by inserting a comma after "January 1, 1977" the last place it appears.

(7) Section 1792(a) is amended by inserting "and Training" after "Veterans' Employment".

(8) Section 1812 is amended—

(A) in subsection (c)(5), by striking out "under this section" and inserting in lieu thereof "for purposes specified in this section"; and

(B) in subsection (l), by striking out ", beginning 12 months following October 23, 1970,".

(9) Section 2011(2)(B) is amended by inserting a comma before "except for".

(10) Section 2013 is amended by striking out "the Comprehensive Employment and Training Act" and inserting in lieu thereof "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)".

(d) CHAPTERS 51 THROUGH 61 OF TITLE 38.—Part IV of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) Section 3004 is amended— 38 USC 5104.

(A) by striking out "(1)" after "(a)";

(B) by striking out "(2)" and inserting in lieu thereof "(b)";

(C) by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (a)"; and

(D) by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

(2) Section 3101(d) is amended by striking out "the Internal Revenue Code of 1954" and inserting in lieu thereof "the Internal Revenue Code of 1986". 38 USC 5301.

(3) Section 3116 is amended— 38 USC 5316.

(A) by striking out "Within ninety days after the date of the enactment of this section, the" in subsection (a)(1) and inserting in lieu thereof "The";

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(4) Section 3305 is amended— 38 USC 5705.

(A) in subsection (c), by striking out "the date of the enactment of this section," in paragraphs (1) and (2) and inserting in lieu thereof "October 7, 1980,"; and

(B) in subsection (d)—

(i) in the first sentence of paragraph (1), by striking out "Not later than 180 days after the date of the enactment of this section, the" and inserting in lieu thereof "The";

(ii) in the second sentence of paragraph (1), by striking out "such enactment date" and inserting in lieu thereof "October 7, 1980,";

(iii) in the third sentence of paragraph (1)—

(I) by striking out "existing"; and

(II) by inserting "in existence on October 7, 1980" after "such programs"; and

(iv) in paragraph (2), by striking out "After the date on which such regulations are first prescribed, no activity shall be considered" and inserting in lieu thereof "An activity may not be considered".

38 USC 5711.

(5)(A) Section 3311 is amended to read as follows:

"§ 3311. Authority to issue subpoenas

"(a) For the purposes of the laws administered by the Secretary, the Secretary, and those employees to whom the Secretary may delegate such authority, to the extent of the authority so delegated, shall have the power to—

"(1) issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles from the place of hearing;

"(2) require the production of books, papers, documents, and other evidence;

"(3) take affidavits and administer oaths and affirmations;

"(4) aid claimants in the preparation and presentation of claims; and

"(5) make investigations and examine witnesses upon any matter within the jurisdiction of the Department.

"(b) Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.".

(B) The item relating to such section in the table of sections at the beginning of chapter 57 is amended to read as follows:

"3311. Authority to issue subpoenas.".

38 USC 5713.

(6)(A) Section 3313 is amended by striking out "subpena" both places it appears in the text and inserting in lieu "subpoena".

(B) The heading of such section is amended to read as follows:

"§ 3313. Disobedience to subpoena".

(C) The item relating to such section in the table of sections at the beginning of chapter 57 is amended to read as follows:

"3313. Disobedience to subpoena.".

38 USC 6101, 6102.

(7) Sections 3501(a), 3502(a), and 3502(b) are amended by striking out "not more than $2,000" and inserting in lieu thereof "in accordance with title 18".

38 USC 6103.

(8) Section 3503 is amended—

(A) by adding at the end of subsection (b) the following: "An apportionment award under this subsection may not be made in any case after September 1, 1959."; and

(B) by striking out subsection (e).

(9) Section 3505(c) is amended— 38 USC 6105.

(A) by striking out "clauses (1)," and inserting in lieu thereof "clauses (2),";

(B) by striking out "Secretary of the Treasury, as may be" and inserting in lieu thereof "Secretary of Transportation, as"; and

(C) by striking out "clause (2) of subsection (b) of this section" and inserting in lieu thereof "clause (1) of that subsection".

(e) CHAPTERS 71 THROUGH 76 OF TITLE 38.—Part V of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) The tables of chapters before part I and at the beginning of part V are each amended by inserting "**United States**" before "**Court of Veterans Appeals**".

(2) Section 4001(a) is amended— 38 USC 7101.

(A) by striking out "There shall be" and inserting in lieu thereof "There is";

(B) by inserting a period after "Board')"; and

(C) by striking out "under the" and inserting in lieu thereof "The Board is under the".

(3) Sections 4052(a) and 4061(c) are amended by striking out "court" and inserting in lieu thereof "Court". 38 USC 7252, 7261.

(4) Section 4054 is amended by redesignating the second subsection (d) as subsection (e). 38 USC 7254.

(5) Section 4092(c) is amended by striking out "United States Courts" and inserting in lieu thereof "United States Court". 38 USC 7292.

(6) Section 4097(h)(1)(A)(i) is amended by striking out "subsection (1)" and inserting in lieu thereof "subsection (l)". 38 USC 7297.

(7) Section 4202 is amended by striking out "section 5 of title 41" in paragraph (6) and inserting in lieu thereof "section 3709 of the Revised Statutes (41 U.S.C. 5)". 38 USC 7802.

(8) Section 4209 is amended by striking out "child care" each place it appears and inserting in lieu thereof "child-care". 38 USC 7809.

(9) Section 4322(d) is amended by inserting an open parenthesis before "adjusted in". 38 USC 7622.

(10) Section 4331(b)(4) is amended by striking out "chapter 51" and inserting in lieu thereof "chapter 53". 38 USC 7631.

(f) CHAPTERS 81 THROUGH 85 OF TITLE 38.—Part VI of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) The table of sections at the beginning of chapter 81 is amended—

(A) by transferring the item relating to section 5016 (as added by section 205(b) of Public Law 100-322) so as to appear immediately after the item relating to section 5015; and

(B) by revising the item relating to section 5035 so that the initial letter of the last word is lower case.

(2) Section 5002(d) is amended by striking out "section 5001" and inserting in lieu thereof "section 5011". 38 USC 8102.

(3) Section 5007(a)(2)(B) is amended by striking out the second comma before "are most in need of". 38 USC 8107.

(4) Section 5011A is amended— 38 USC 8111A.

(A) by striking out "or (g)" in subsection (b)(2)(A); and

(B) by striking out subsection (d) and inserting in lieu thereof the following:

"(d)(1) The Secretary of Veterans Affairs and the Secretary of Defense shall jointly review plans for the implementation of this section not less often than annually.

Reports.

"(2) Whenever a modification to such plans is agreed to, the Secretaries shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on such modification. Any such report shall be submitted within 30 days after the modification is agreed to.".

38 USC 8122.

(5) Section 5022(a)(3)(A) is amended—

(A) by striking out "State home" and inserting in lieu thereof "State"; and

(B) by striking out "the paragraph" and inserting in lieu thereof "this paragraph".

38 USC 8134.

(6) Section 5034 is amended—

(A) by inserting "(a)" before "Within six months";

(B) by striking out "this section or any amendment to it" and inserting in lieu thereof "any amendment to this section"; and

(C) by designating the sentence at the end of paragraph (3) as subsection (b), realigning such sentence so as to appear full measure and indented, and striking out "such standards" at the end of such sentence and inserting in lieu thereof "the standards prescribed under subsection (a)(3)".

38 USC 8135.

(7) Section 5035(a) is amended by striking out "After regulations" and all that follows through "any State" in the first sentence and inserting in lieu thereof "Any State".

38 USC 8152.

(8) Section 5052 is amended—

(A) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(B) by realigning those paragraphs to be indented two ems.

38 USC 8153.

(9) Section 5053 is amended by striking out "hereunder" at the end of subsection (c) and inserting in lieu thereof "under this section".

38 USC 8201.

(10) Section 5070(e) is amended by striking out "section 5012(a)" and inserting in lieu thereof "section 5022(a)".

38 USC 8502.

(11) Section 5202(b) is amended by inserting a comma in the second sentence before "namely,".

Effective dates.

(g) TECHNICAL AMENDMENTS TO OTHER VETERANS STATUTES.—

38 USC 1832, 1833.

(1) Effective as of May 20, 1988, section 415(b)(5)(C) of Public Law 100-322 (102 Stat. 551) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (1)(D)".

38 USC 7104.

(2) Effective as of November 18, 1988, the first quoted matter in section 101(b) of Public Law 100-687 (102 Stat. 4106) is amended by inserting "the" after "benefits under".

26 USC 6103 note.

(3) Section 502 of Public Law 96-128 (93 Stat. 987) is amended by striking out "Internal Revenue Code of 1954" in the first sentence and the last sentence and inserting in lieu thereof "Internal Revenue Code of 1986".

SEC. 15. OTHER TECHNICAL CORRECTIONS TO TITLE 38, UNITED STATES CODE.

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

(1) Section 1805(a) is amended—

(A) by striking out "approved" in the first sentence and inserting in lieu thereof "appraised"; and

(B) by striking out "approval)" in the second and inserting in lieu thereof "appraisal)".

(2) Section 1825(c) is amended—

(A) in paragraph (2), by striking out "There" and inserting in lieu thereof "Except as provided in paragraph (3) of this subsection, there"; and

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

"(3) In the case of a loan described in clause (C) of section 1829(a)(2) of this title, there shall be credited to the Guaranty and Indemnity Fund, in lieu of any amount that would otherwise be credited for such a loan under subparagraph (A) or (B) of paragraph (2) of this subsection—

"(A) for each loan closed during fiscal year 1990, an amount equal to 0.25 percent of the original amount of the loan for each of the fiscal years 1991 and 1992;

"(B) for each loan closed after fiscal year 1990, an amount equal to 0.25 percent of the original amount of the loan for the fiscal year in which the loan is closed and for the following fiscal year.".

(3) Section 1829(a) is amended by striking out paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(4) Section 1829(c)(2) is amended by striking out "section 1825(c)(2) (A) or (B) of this title and subsection (a)(3) of this section" and inserting in lieu thereof "clause (A) or (B) of paragraph (2) of section 1825(c) of this title or paragraph (3) of that section".

(5) Section 1833 is amended by striking out the subsection (e) that was added by section 5003(a) of Public Law 101-239.

(b) RATIFICATION.—(1) Any action of the Secretary of Veterans Affairs or the Secretary of the Treasury— 38 USC 1825 note.

(A) that was taken during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act; and

(B) that would have been an action carried out under section 1825(c)(3) of title 38, United States Code, if the amendment made by paragraph (2) of subsection (a) of this section had been made before October 1, 1990,

is hereby ratified.

(2) Any failure to act by the Secretary of Veterans Affairs or the Secretary of the Treasury during such period under section 1829(a)(3) of such title is hereby ratified.

Approved June 13, 1991.

LEGISLATIVE HISTORY—H.R. 232:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 6, considered and passed House.
May 16, considered and passed Senate, amended.
May 22, House concurred in Senate amendments.

Public Law 102-55
102d Congress

An Act

Making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

June 13, 1991
[H.R. 2251]

Dire Emergency Supplemental Appropriations From Contributions of Foreign Governments And/Or Interest for Humanitarian Assistance to Refugees and Displaced Persons In and Around Iraq as a Result of the Recent Invasion of Kuwait and for Peacekeeping Activities and Other Urgent Needs Act of 1991.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

PERSIAN GULF REGIONAL DEFENSE FUND

(TRANSFER OF FUNDS)

In addition to the purposes for which it is otherwise available, the Persian Gulf Regional Defense Fund shall be available for the incremental costs of the Department of Defense incurred in connection with Operation Provide Comfort and any other humanitarian efforts for the relief of refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and, upon a determination by the Secretary of Defense that such action is necessary, he may transfer from the Persian Gulf Regional Defense Fund not to exceed $320,500,000 from the amounts appropriated for Operation Desert Shield/Desert Storm in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991, to be used for incremental costs of such humanitarian relief efforts, to the following accounts in not to exceed the following amounts as determined by the Secretary of Defense:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for appropriations under the heading "Military Personnel", $2,000,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for appropriations under the heading "Operation and Maintenance", $318,500,000.

DEFENSE COOPERATION ACCOUNT

(TRANSFER OF FUNDS)

For contributions only to the military relief societies, not to exceed $16,000,000 is appropriated from the Defense Cooperation Account, to be derived only from the interest payments deposited to the credit of such account, and not from any contributions of foreign governments in such account, to be available only for transfer as a contribution by the Secretary of Defense to the following relief societies in not to exceed the following amounts: Army Emergency Relief Society, $10,000,000; Navy-Marine Corps Relief Society, $5,000,000; Air Force Aid Society, $1,000,000: *Provided,* That contributions made as provided herein shall be treated in the same manner, to the same extent, and for all purposes, as contributions received by such societies from private individuals and organizations.

GENERAL PROVISIONS—CHAPTER I

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. The authority provided in this chapter to transfer funds from the Defense Cooperation Account and the Persian Gulf Regional Defense Fund is in addition to any other transfer authority contained in any other Act making appropriations for the Department of Defense for fiscal year 1991: *Provided,* That any amounts so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. The costs for which transfers are provided herein are costs associated with Operation Desert Storm: *Provided further,* That any limitations applicable to the amounts that may be transferred to individual appropriations of the Department of Defense from the Fund are hereby increased by the amount of transfers made pursuant to this provision.

SEC. 102. Notwithstanding any other provision of law, the balance of the $15,000,000,000 corpus to be maintained in the Persian Gulf Regional Defense Fund shall be reduced by the amount of transfers from such fund made to support Operation Provide Comfort and other humanitarian relief efforts as provided in this chapter.

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with Operation Desert Storm and the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, $235,500,000, to be derived from any contributions of foreign governments and/or interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance", "Migration and Refugee Assistance", "United States

Emergency Refugee and Migration Assistance", and "Contributions to International Peacekeeping Activities", as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance", $67,000,000, to remain available until expended: *Provided,* That in addition to amounts otherwise available for such purposes, up to $200,000 of the funds appropriated under this heading may be made available for the purpose of paying administrative expenses of the Agency for International Development in connection with carrying out its functions under this heading.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Migration and Refugee Assistance", $75,000,000: *Provided,* That in addition to amounts otherwise available for such purposes, up to $250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further,* That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $68,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Contributions to international peacekeeping activities", $25,500,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may be used for any of the purposes for which funds are authorized under those accounts and may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act, notwithstanding any other provision of this or any other Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

SEC. 207. None of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), under the heading "Economic Support Fund", that were allocated for Pakistan may be made available for assistance for another country or purpose unless notification is provided in accordance with the regular notification procedures of the Committees on Appropriations.

CHAPTER III

Reports.

NATURAL DISASTERS

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The Director of the Office of Management and Budget, using up to $35,000 of funds previously appropriated under this head in Public Law 101-509, shall prepare a report on unfunded costs of dire emergencies existing because of floods, droughts, tornadoes, unemployment, and other disasters in the United States and submit the report to the appropriate committees of Congress within ten days of the date of enactment of this Act, pending receipt of a budget request.

The Director of the Office of Management and Budget, using up to $15,000 of funds previously appropriated under this head in Public Law 101-509, shall prepare a report on unfunded costs, including food assistance, of international disaster emergencies existing because of floods, droughts, tornadoes, and other disasters and prepare

a report on the threats to oil supply, human health and the environment, that the Kuwaiti oil fires might pose and submit the reports to the appropriate committees of Congress within ten days of the date of enactment of this Act, pending receipt of a budget request.

CHAPTER IV

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Of the funds appropriated under this heading in Public Law 101-515 and Public Law 102-27, $159,325,000 shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public law 99-64.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this heading in Public Law 101-515, $8,262,000 is hereby rescinded.

DEFENDER SERVICES

For an additional amount for "Defender Services", $8,000,000 to remain available until expended.

CHAPTER V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Funds made available in this Act, being incremental costs of "Operation Desert Storm" or offset, similar to items in the Dire Emergency Supplemental Appropriations Act, Public Law 102-27, and the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, Public Law 102-28, are off budget.

Korea.
Reports.

SEC. 503. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees of the Department of Defense to be credited to Department of Defense operation and maintenance appropriations available for the salaries and benefits of such Korean national employees to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided,* That not later than October 31, 1991, the Secretary of Defense shall submit a report on the contributions accepted by the Secretary under this provision.

This Act may be cited as the "Dire Emergency Supplemental Appropriations From Contributions of Foreign Governments And/

Or Interest for Humanitarian Assistance to Refugees and Displaced Persons In and Around Iraq as a Result of the Recent Invasion of Kuwait and for Peacekeeping Activities and Other Urgent Needs Act of 1991".

Approved June 13, 1991.

LEGISLATIVE HISTORY—H.R. 2251 (S. 786):

HOUSE REPORTS: No. 102-71 (Comm. on Conference).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 9, considered and passed House; considered and passed Senate, amended.
May 22, House agreed to conference report; receded and concurred in Senate amendment, in others with amendments. Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
June 13, Presidential statement.

Public Law 102-56
102d Congress

Joint Resolution

June 13, 1991
[H.J. Res. 219]

To designate the week beginning June 9, 1991, as "National Scleroderma Awareness Week".

Whereas scleroderma is a disease caused by excessive production of collagen, the main fibrous component of connective tissue, the effects of which are hardening of the skin and internal organs, such as the esophagus, lungs, kidney, and heart;

Whereas approximately 300,000 people in the United States suffer from scleroderma, and women of childbearing years suffer from the disease 3 times more frequently than men;

Whereas scleroderma, a painful, crippling, and disfiguring disease, is often progressive and can result in premature death;

Whereas the symptoms of scleroderma are variable and therefore complicate and confuse diagnosis of the disease;

Whereas the cause of and cure for scleroderma are unknown; and

Whereas scleroderma is an orphan disease that requires intensive research to improve treatment and to discover its cause and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 9, 1991, is designated as "National Scleroderma Awareness Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Approved June 13, 1991.

LEGISLATIVE HISTORY—H.J. Res. 219:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 5, considered and passed House.
June 6, considered and passed Senate.

Public Law 102-57
102d Congress

Joint Resolution

Designating June 10 through 16, 1991, as "Pediatric AIDS Awareness Week".

June 18, 1991
[H.J. Res. 91]

Whereas more than 157,525 individuals in the United States have been diagnosed with acquired immunodeficiency syndrome (commonly known as AIDS) and 98,530 have died from the disease;

Whereas the Public Health Service has estimated that there will be 365,000 cases of AIDS by the end of 1992 and that there are currently between 1,000,000 and 1,500,000 persons in the United States infected with the human immunodeficiency virus (commonly known as HIV) which causes AIDS;

Whereas heterosexual AIDS is not a myth as evidenced by the fact that the proportion of females with AIDS continues to rise, as does the number of pediatric AIDS cases of children infected perinatally;

Whereas pediatric AIDS refers to AIDS patients under the age of 13 at the time of being diagnosed with the disease;

Whereas the Centers for Disease Control has reported 2,734 cases of pediatric AIDS resulting in 1,423 deaths as of November 1990;

Whereas approximately 75 percent of teenagers in the United States have had sexual intercourse by the age of 19;

Whereas among the 25,000,000 adolescents between the ages of 13 and 19 there are subgroups who either have intercourse at an earlier age or whose patterns of sexual behavior put them at risk of becoming infected with HIV;

Whereas HIV-infected women can transmit the virus to their infants during pregnancy or at birth;

Whereas more than 80 percent of children with AIDS have a parent with, or at risk for, HIV infection;

Whereas 27 percent of reported pediatric AIDS cases in the United States have occurred in New York City and 74 percent of those are related to drug use by a parent or unprotected sexual activity;

Whereas 70 percent of women who are HIV-infected and 78 percent of children with pediatric AIDS are African-American or Latino, many of whom have experienced social and economic discrimination;

Whereas there have been 157 cases of pediatric AIDS reported to the Centers for Disease Control in Miami, Florida; 123 cases in Newark, New Jersey; 106 cases in San Juan, Puerto Rico; 90 cases in Los Angeles, California; 64 cases in Washington, District of Columbia; 53 cases in West Palm Beach, Florida; 53 cases in Philadelphia, Pennsylvania; 51 cases in Boston, Massachusetts; 50 cases in Chicago, Illinois; 49 cases in Baltimore, Maryland; and 45 cases in Houston, Texas;

Whereas schools across the Nation continue to discriminate against AIDS and HIV-infected children and their families;

Whereas there are increasing numbers of HIV-infected children and it is important that the people of the United States diligently seek preventative measures and better solutions to care for HIV-in-

fected pregnant women, including helping them gain access to new delaying and preventative therapies to allow time for biomedical progress;

Whereas early intervention and educational resources must be made available to all citizens, especially adolescents, women who are drug abusers, and other high-risk groups to make them more aware of AIDS and the risks associated with engaging in unprotected sexual activity;

Whereas the Health Care Financing Administration and the Public Health Service should work with appropriate State officials to help design optimal care packages needed for children with AIDS or HIV infection; and

Whereas States and localities should recognize relatives as an appropriate source of foster care for children with AIDS whose parents can no longer care for them, subject to the same review and afforded the same benefits as other foster parents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 10 through 16, 1991, is designated as "Pediatric AIDS Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved June 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 91:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 5, considered and passed House.
June 11, considered and passed Senate.

Public Law 102-58
102d Congress

An Act

To designate the facility of the United States Postal Service located at 630 East 105th Street, Cleveland, Ohio, as the "Luke Easter Post Office".

June 18, 1991
[H.R. 971]

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

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 630 East 105th Street, Cleveland, Ohio, is designated as the "Luke Easter Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Luke Easter Post Office".

SEC. 3. LEAVE BANK FOR JUDICIAL BRANCH EMPLOYEES OF THE FEDERAL GOVERNMENT IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR.

5 USC 6361 note.

(a) JUDICIAL BRANCH EMPLOYEES.—The Director of the Administrative Office of the United States Courts shall establish a leave bank program under which—

(1) an employee of the Judicial Branch may (during a period specified by the Director of the Administrative Office) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Director;

(2) the total amount of annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, and who return to employment with the Judicial Branch; and

(3) such Persian Gulf conflict participants who have returned to Judicial Branch employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

(b) DEFINITIONS.—For purposes of subsection (a), the term "employee" means an employee as defined in section 6301(2) of title 5, United States Code.

(c) DEADLINE FOR REGULATIONS.—Within 30 days after the date of the enactment of this Act, the Director of the Administration Office shall prescribe regulations necessary for the administration of subsection (a).

Approved June 18, 1991.

LEGISLATIVE HISTORY—H.R. 971:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 19, considered and passed House.
May 24, considered and passed Senate, amended.
June 3, House concurred in Senate amendment.

Public Law 102-59
102d Congress

An Act

June 18, 1991
[S. 483]

Entitled the "Taconic Mountains Protection Act of 1991".

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

Vermont.
National Forest System.

SECTION 1. FINDINGS AND PURPOSES.

(a) Congress finds that—

(1) large tracts of undeveloped forest land in Vermont's Taconic Mountain Range are threatened by conversion to nonforest uses;

(2) lands included in the Green Mountain National Forest are forever open to all Americans;

(3) the Green Mountain National Forest permanently protects forests for their environmental and economic benefits through the management of range, recreation, timber, water, wilderness, and fish and wildlife resources;

(4) the Bennington County Regional Commission supports expanding the Green Mountain National Forest boundary to include the Taconic Mountain Range; and

(5) the Vermont General Assembly has enacted legislation consenting to the acquisition by the Federal Government of lands throughout the Taconic Mountain Range within Bennington County for inclusion in the Green Mountain National Forest.

(b) It is the purpose of this Act to expand the boundaries of the Green Mountain National Forest to include the Taconic Mountain Range within Bennington County.

SEC. 2. GREEN MOUNTAIN NATIONAL FOREST EXPANSION.

The boundaries of the Green Mountain National Forest are hereby modified to include all lands depicted on a map entitled "Taconic Mountain Range Expansion" dated March 1, 1991, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. Within the area delineated on such map, the Secretary shall utilize his authorities under the Act of March 1, 1911 (chapter 186, 36 Stat. 961 as amended), to acquire lands, waters, and interests therein. Lands so acquired shall be managed under such Act for National Forest purposes.

Approved June 18, 1991.

LEGISLATIVE HISTORY—S. 483:

HOUSE REPORTS: No. 102-90 (Comm. on Agriculture).
SENATE REPORTS: No. 102-21 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 14, considered and passed Senate.
June 3, considered and passed House.

Public Law 102-60
102d Congress

Joint Resolution

June 18, 1991
[S.J. Res. 111]

Marking the seventy-fifth anniversary of chartering by Act of Congress of the Boy Scouts of America.

Whereas June 15, 1991, will mark the seventy-fifth anniversary of the granting by Act of Congress of the Charter of the Boy Scouts of America;

Whereas the Boy Scouts of America was the first youth organization to be granted a charter by Act of Congress;

Whereas the Congress has been kept informed of the programs and activities of the Boy Scouts of America through the annual reports made to it each year by this organization in accordance with such charter;

Whereas these programs and activities have been designed to instill in the Nation's youth the moral and ethical principles, and the habits, practices and attitudes, which are conducive to good character, citizenship, and health; and

Whereas by fostering in the youth of the Nation those qualities upon which our strength as a Nation is dependent, the Boy Scouts of America has made a contribution of inestimable value to the welfare of the entire Nation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby pays tribute to the Boy Scouts of America on the occasion of the seventy-fifth anniversary of the granting by Act of Congress of the Charter of the Boy Scouts of America, and expresses its recognition of and appreciation for the public service performed by this organization through its contributions to the lives of the Nation's youth.

Approved June 18, 1991.

LEGISLATIVE HISTORY—S.J. Res. 111 (H.J. Res. 207):

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 22, considered and passed Senate.
June 12, H.J. Res. 207 and S.J. Res. 111 considered and passed House.

Public Law 102-61
102d Congress

An Act

June 19, 1991
[S. 292]

To expand the boundaries of the Saguaro National Monument.

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

Saguaro National Monument Expansion Act of 1991.
Arizona.
Natural resources.
16 USC 431 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saguaro National Monument Expansion Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

16 USC 431 note.

(a) FINDINGS.—The Congress finds that the area generally to the south of the Rincon unit of the Saguaro National Monument contains—

(1) prime Sonoran desert habitat including an exceptionally rich area of Saguaro cactus and palo verde uplands;

(2) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;

(3) important archaeological and cultural sites; and

(4) important habitat for the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds.

(b) PURPOSE.—The purpose of this Act is to authorize the addition of approximately 3,540 acres to the Rincon unit of the Saguaro National Monument in order to protect, preserve, and interpret the monument's resources, and to provide for the education and benefit of the public.

SEC. 3. DEFINITIONS.

16 USC 431 note.

As used in this Act, the term—

(1) "expansion area" means the approximately 3,540 acres to be added to the monument pursuant to this Act;

(2) "monument" means the Saguaro National Monument; and

(3) "Secretary" means the Secretary of the Interior.

SEC. 4. EXPANSION OF MONUMENT BOUNDARIES.

16 USC 431 note.

(a)(1) IN GENERAL.—The monument boundaries are hereby revised to include the approximately 3,540 acres of lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced Boundary", numbered 151/91,001-D, and dated September 1990.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—The Secretary is authorized to acquire lands and interests in lands within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that lands or interests therein owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) ADMINISTRATION.—Lands and interests in lands acquired pursuant to this Act shall be administered as part of the monument and shall be subject to all laws applicable to the monument.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Within one year after the date of enactment of this Act, the Secretary is directed to amend the monument's general management plan with respect to the use and management of the expansion area.

16 USC 431 note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

Approved June 19, 1991.

LEGISLATIVE HISTORY—S. 292:

HOUSE REPORTS: No. 102-88 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-44 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 25, considered and passed Senate.
June 3, considered and passed House.

Public Law 102-62
102d Congress

An Act

To authorize appropriations to establish a National Education Commission on Time and Learning and a National Council on Education Standards and Testing, and for other purposes.

June 27, 1991
[S. 64]

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

Education Council Act of 1991.
20 USC 1221-1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Council Act of 1991".

SEC. 2. TABLE OF CONTENTS.

20 USC 1221-1 note.

The table of contents is as follows:

Sec. 1. Table of contents.

TITLE I—NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

Sec. 101. Short title.
Sec. 102. National Education Commission on Time and Learning.

TITLE II—NATIONAL WRITING PROJECT

Sec. 201. Findings.
Sec. 202. National Writing Project.

TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

Sec. 301. Instruction on the history and principles of democracy in the United States.

PART B—LAW-RELATED EDUCATION PROGRAM

Sec. 311. Amendment to law-related education program.

TITLE IV—NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

Sec. 401. Short title.
Sec. 402. Purpose and findings.
Sec. 403. Establishment.
Sec. 404. Duties.
Sec. 405. Reports.
Sec. 406. Membership.
Sec. 407. Director and staff; experts and consultants.
Sec. 408. Powers of Council.
Sec. 409. Federal Advisory Committee Act.
Sec. 410. Authorization of Appropriations.
Sec. 411. Termination.

TITLE I—NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

National Education Commission on Time and Learning Act.
20 USC 1221-1 note.

Sec. 101. SHORT TITLE.

This title may be cited as the "National Education Commission on Time and Learning Act".

SEC. 102. NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

(a) ESTABLISHMENT.—There is hereby established a National Education Commission on Time and Learning (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall consist of nine members, of whom—

(A) 3 members shall be appointed by the Secretary of Education (hereafter in this Act referred to as the "Secretary");

(B) 3 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

(2) REQUIREMENTS.—

(A) After consultation among the appointing authorities, members of the Commission shall be appointed on the basis of exceptional education, training, or experience from among—

(i) the Nation's Governors;

(ii) individuals from the business community;

(iii) individuals who are engaged in the profession of teaching;

(iv) individuals engaged in school administration, members of school boards, and parents or representatives of parents or parent organizations;

(v) State officials directly responsible for education;

(vi) Federal officials responsible for education policy;

(vii) educational researchers with experience relevant to the Commission's work;

(viii) Members of Congress and State legislators; and

(ix) representatives of nonprofit organizations or foundations which work to expand educational opportunities for children outside of school hours.

(3) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) TERMS.—Members of the Commission shall be appointed to serve for the life of the Commission.

(5) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(6) ACTIVITY OF COMMISSION.—The Commission may begin to carry out its duties under this subsection when at least 5 members of the Commission have been appointed.

(c) FUNCTIONS OF THE COMMISSION.—

(1) STUDY.—The Commission shall examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects,

year-round professional opportunities for teachers, and the use of school facilities for extended learning programs.

(2) REPORT.—The Commission shall submit a final report under subsection (d). The report shall include an analysis and recommendations concerning—

(A) the length of the academic day and the academic year in elementary and secondary schools throughout the United States and in schools of other nations;

(B) the time children spend in school learning academic subjects such as English, mathematics, science, history, and geography;

(C) the use of incentives for students to increase their educational achievement in available instruction time;

(D) how children spend their time outside school with particular attention to how much of that time can be considered "learning time" and how out-of-school activities affect intellectual development;

(E) the time children spend on homework, how much of that time is spent on academic subjects, the importance that parents and teachers attach to homework, and the extent to which homework contributes to student learning;

(F) year-round professional opportunities for teachers and how teachers can use their time to acquire knowledge and skills that will permit them to improve their performance and help raise the status of the profession;

(G) how school facilities are used for extended learning programs;

(H) the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools;

(I) if appropriate, a model plan for adopting a longer academic day and academic year for use by United States elementary and secondary schools by the end of this decade, including recommendations regarding mechanisms to assist States, school districts, schools, and parents in making the transition from the current academic day and year to an academic day and year of a longer duration;

(J) suggestions for such changes in laws and regulations as may be required to facilitate States, school districts, and schools in adopting longer academic days and years; and

(K) an analysis and estimate of the additional costs, including the cost of increased teacher compensation, to States and local school districts if longer academic days and years are adopted.

(d) COMMISSION REPORT.—Not later than 2 years after the Commission concludes its first meeting, the Commission shall submit a final report to the Congress and the Secretary on the study and any recommendations required pursuant to the provisions of this section.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) TESTIMONY; PUBLIC HEARINGS.—In carrying out this section, the Commission shall receive testimony and conduct public hearings in different geographic areas of the country, both

urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the quality and adequacy of the time devoted to study and learning.

(3) INFORMATION.—The Commission may secure directly from any Federal agency such information, relevant to its functions, as may be necessary to enable the Commission to carry out this subsection. Upon request of the Chairman of the Commission, the head of the agency shall, to the extent permitted by law, furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of money, services, or property, for the purpose of aiding the work of the Commission.

(5) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the department and agencies of the United States.

(6) SUPPORT SERVICES.—The Secretary shall provide to the Commission on a reimbursable basis such reasonable administrative and support services as the Commission may request.

(f) ADMINISTRATIVE PROVISIONS.—

(1) MEETINGS.—The Commission shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission.

(B) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates, except that no employee, other than the staff director, may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(4) OTHER FEDERAL PERSONNEL.—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title. Such detail shall be without interruption or loss of civil service status or privilege.

(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out the provisions of this title.

TITLE II—NATIONAL WRITING PROJECT

20 USC 1221-1 note.

SEC. 201. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other

teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 202. NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

Contracts.
Nonprofit organizations.

(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) MAXIMUM.—(A) The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(B) The grantee under section 202, or any school or institution of higher education that receives funds under this section shall not spend more than 10 percent of the Federal funds it receives under this section for administrative costs.

(4) SPECIAL RULE.—For the purposes of this subsection, the costs of teacher programs do not include the administrative costs, publication cost, or the cost of providing technical assistance to the grantee.

(e) CLASSROOM TEACHER GRANTS.—

(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) NATIONAL ADVISORY BOARD.—

(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) EVALUATION.—The Secretary shall reserve not more than $150,000 from the total combined amount appropriated pursuant to the authority of this section for fiscal years 1991, 1992, and 1993 to conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) GRANTS AUTHORIZED.—From amounts available to carry out the provisions of this subsection, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(2) PRIORITY.—(A) In awarding grants pursuant to paragraph (1), the Secretary shall give priority to junior researchers.

(B) The Secretary shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

(C) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the grant to the National Writing Project, $10,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993 to carry out the provisions of this section.

(2) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated $500,000 for fiscal year 1991 to carry out the provisions of subsection (h).

(j) DEFINITIONS.—As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "junior researcher" means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term "Secretary" means the Secretary of Education.

20 USC 1221-1 note.

TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

SEC. 301. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

20 USC 3157.

(1) by redesignating section 4608 (as added by Public Law 100-297) as section 4610; and

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this section) the following:

"SEC. 4609. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES. 20 USC 3156b.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and civil responsibility. Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

"(3) CONTRACT AUTHORIZED.—The Secretary is authorized to enter into a contract with the Center for Civic Education to carry out the program required by paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights;

"(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

"(3) an annual competition of simulated congressional hearings at the congressional district, State, and national levels for secondary students who wish to participate in such program.

"(c) PROGRAM PARTICIPANTS.—The education program authorized by this section shall be made available to public and private elementary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

"(e) REPORT.—The Secretary shall report on a biennial basis, to the appropriate committees of the Congress on the distribution and use of funds authorized pursuant to the authority of subsection (f).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

PART B—LAW-RELATED EDUCATION PROGRAM

SEC. 311. AMENDMENT TO LAW-RELATED EDUCATION PROGRAM. Grants. Contracts.

Section 1565 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2965) is amended—

"(1) in subsection (a)—

(A) by inserting "(1)" before "(a)"; and

(B) by adding at the end the following:

"(2) The Secretary shall give priority for grants and contracts under this section to agencies, organizations, and institutions described in paragraph (1) that plan to operate statewide programs.

"(3)(A) Except as provided in subparagraph (B), the Secretary shall award grants and enter into contracts under this section for periods of 2 or 3 years.

"(B) The Secretary may award a grant or enter into a contract under this section for a period of less than 2 years in any case in which the Secretary determines that special circumstances exist."; and

"(2) by adding at the end the following:

"(d) APPLICATIONS.—

"(1) Any agency, organization, or institution described in subsection (a)(1) that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) The Secretary shall convene a panel of experts for purposes of reviewing applications submitted under paragraph (1). Such experts shall be individuals who have experience in and are familiar with law-related education.".

National Council on Education Standards and Testing Act. 20 USC 1221-1 note.

TITLE IV—NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

SEC. 401. SHORT TITLE.

This title may be cited as the "National Council on Education Standards and Testing Act".

SEC. 402. PURPOSE AND FINDINGS.

(a PURPOSE.—The purpose of this title is to create a national council to provide advice on the desirability and feasibility of national standards and testing in education.

(b) FINDINGS.—The Congress finds that—

(1) organizations have begun developing national education standards for various subject areas and grade levels;

(2) groups have called for the expansion of national testing for school children;

(3) decisions regarding the desirability and feasibility of additional national testing should follow such decisions on national standards for education;

(4) efforts regarding national standards and testing should be undertaken with the broadest possible participation by the public; and

(5) a major national council is needed to assure broad participation by the public, to provide a focus for national debate on national education standards and testing, and to provide advice on the desirability and feasibility of developing national standards and testing.

SEC. 403. ESTABLISHMENT.

There is established a council to be known as the National Council on Education Standards and Testing (in this title referred to as the "Council").

SEC. 404. DUTIES.

The Council shall advise the American people on—

(1) whether suitable specific education standards should and can be established, such as world class standards, for—

(A) the knowledge and skills that students should possess and that schools should impart in order that American students leave grades 4, 8, and 12 demonstrating competency in challenging subject matter including English, mathematics, science, history, and geography; and

(B) every school in America to ensure that all students learn to use their minds well so that they will be prepared for responsible citizenship, further learning, and productive employment in our modern economy; and

(2) whether, while respecting State and local control of education, an appropriate system of voluntary national tests or examinations should and can be established, such as American achievement tests, that will provide prompt, accurate information to parents, educators, and policymakers on the progress being made toward the specific education standards by individual students, schools, school systems, States, and the Nation as a whole (if such standards can be established). The goal of any such system shall be to foster good teaching and learning, as well as to monitor performance.

SEC. 405. REPORTS.

(a) FINAL REPORT.—The Council shall, as soon as possible, but not later than December 31, 1991, submit a report to the Congress, the Secretary of Education, and the National Education Goals Panel that contains recommendations regarding long-term policies, structures, mechanisms, and other important considerations with respect to the objectives described in paragraphs (1) and (2) of section 404. A discussion of the validity, reliability, fairness, and costs of implementing a system of voluntary national tests or examinations shall also be included in such report.

(b) INTERIM REPORTS.—The Council may submit to the Congress, the Secretary of Education, and the National Education Goals Panel interim reports it considers appropriate.

SEC. 406. MEMBERSHIP.

(a) IN GENERAL.—The Council shall be composed of 32 members as follows:

(1) The Secretary of Education shall appoint 22 members to include at least one representative from each of the following:

(A) The Administration.
(B) The Commission on Achievement of Necessary Skills.
(C) The National Assessment Governing Board.
(D) State legislators.
(E) Chief State school officers.
(F) School administrators.
(G) Elementary or secondary school teachers.
(H) Institutions of higher education.
(I) Individuals with expertise in education standards and testing.
(J) National teacher organizations.

(2) The Chairperson or a designee of the National Education Goals Panel.

(3) The Governor designated to serve as Chairperson of the National Education Goals Panel for the year succeeding the year in which such panel is meeting (or a designee).

(4) The Speaker of the House of Representatives shall appoint 1 member (excluding Members of Congress).

(5) The minority leader of the House of Representatives shall appoint 1 member (excluding Members of Congress).

(6) The majority leader of the Senate shall appoint 1 member (excluding Members of Congress).

(7) The minority leader of the Senate shall appoint 1 member (excluding Members of Congress).

(8) The Chairman of the Committee on Education and Labor of the House or a designee.

(9) The ranking minority member of the Committee on Education and Labor of the House or a designee.

(10) The Chairman of the Committee on Labor and Human Resources of the Senate or a designee.

(11) The ranking minority member of the Committee on Labor and Human Resources of the Senate or a designee.

(b) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(c) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Council.

(d) QUORUM.—17 members of the Council shall constitute a quorum.

(e) COCHAIRPERSONS.—The Chairperson of the National Education Goals Panel or a designee and the Governor designated to serve as the Chairperson for the succeeding year in which the panel is meeting (or a designee) shall serve as cochairpersons of the Council upon the date of the enactment of this title.

(f) COMPENSATION.—

(1) MEMBERS.—Except as provided in paragraph (2), members of the Council shall each be reimbursed at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Council.

(2) EXCEPTION.—Members of the Council who are fulltime officers or employees of the United States or Members of Congress shall receive no additional compensation by reason of their service on the Council

SEC. 407. DIRECTOR AND STAFF; EXPERT AND CONSULTANTS.

(a) DIRECTOR.—The cochairpersons of the Council shall, without regard to the provisions of title 5, United States Code relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The cochairpersons may appoint personnel as they consider appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Council may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Council shall not exceed the rate of basic pay for level V of the Executive Schedule.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of

that agency to the Council to assist the Council in its duties under this title.

SEC. 408. POWERS OF COUNCIL.

(a) HEARINGS.—The Council may, for the purpose of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before it.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Council may, if authorized by the Council, take any action the Council is authorized to take by this section.

(c) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish the information to the Council to the extent permitted by law.

(d) GIFTS AND DONATIONS.—Subject to the regulations established under paragraph (2), the Council may accept, use, and dispose of gifts or donations of services or property.

(2) The Cochairpersons of the Council are authorized to establish regulations setting forth the criteria the Council shall use to determine whether the acceptance of gifts or donations of services under paragraph (1) would reflect unfavorably upon the ability of the Council or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a government program or any official involved in such program. Regulations.

(e) MAILS.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) SUPPORT SERVICES.—The Secretary of Education shall provide to the Council, on a reimbursable basis, administrative support services as the Council may request.

SEC. 409. FEDERAL ADVISORY COMMITTEE ACT.

Sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) are the only sections of such Act that shall apply with respect to the Council.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000 to carry out this title which shall remain available until expended or until the termination of the Council, whichever occurs first.

SEC. 411. TERMINATION.

The Council will cease to exist 90 days after submitting its final report.

Approved June 27, 1991.

LEGISLATIVE HISTORY—S. 64 (H.R. 2435):

HOUSE REPORTS: Nos. 102-104 accompanying H.R. 2435 (Comm. on Education and Labor) and 102-110 (Comm. of Conference).
SENATE REPORTS: No. 102-26 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 17, considered and passed Senate.
June 10, H.R. 2435 considered and passed House; S. 64, amended, passed in lieu.
June 13, House agreed to conference report.
June 14, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
June 27, Presidential statement.

Public Law 102-63
102d Congress

Joint Resolution

To designate the month of June 1991, as "National Forest System Month".

June 28, 1991
[S.J. Res. 159]

Whereas 1991 marks the one hundredth anniversary of the National Forest System with the establishment of the first forest reserve in 1891, the Yellowstone Park Timber Land Reserve;

Whereas the establishment of this first forest reserve marked a fundamental change in United States conservation policy toward the administration of public lands;

Whereas the purpose of the National Forest System is to conserve a portion of America's forests for the people of the United States, recognizing the important environmental and economic values in holding such public lands in trust and managing them for the greatest good;

Whereas the National Forest System is one of the few examples in the world where a public effort is being made to manage natural resources in an economically efficient, environmentally sound, and socially responsible manner;

Whereas the National Forest System has introduced new ideas for sound resource management, such as multiple use, sustained yield, and preservation of both wilderness areas and wild and scenic rivers; and

Whereas the one hundred and ninety-one million acres of national forests, national grasslands, and experimental forests that now make up the National Forest System stretch from Alaska to the Commonwealth of Puerto Rico and from California to Maine: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of June 1991 is designated as "National Forest System Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate activities and programs.

Approved June 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 159:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 13, considered and passed Senate.
June 26, considered and passed House.

Public Law 102-64
102d Congress

An Act

June 28, 1991
[S. 909]

To amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

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

Semiconductor International Protection Extension Act of 1991.
Copyrights.
17 USC 901 note.
17 USC 914 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Semiconductor International Protection Extension Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and originating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) no multilateral treaty recognizing the protection of mask works has come into force, nor has the United States become bound by any multilateral agreement regarding such protection; and

(4) bilateral and multilateral relationships regarding the protection of mask works should be directed toward the international protection of mask works in an effective, consistent, and harmonious manner, and the existing bilateral authority of the Secretary of Commerce under chapter 9 of title 17, United States Code, should be extended to facilitate the continued development of protection for mask works.

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

(1) to extend the period within which the Secretary of Commerce may grant interim protection orders under section 914 of title 17, United States Code, to continue the incentive for the bilateral and multilateral protection of mask works; and

(2) to clarify the Secretary's authority to issue such interim protection orders.

SEC. 3. AUTHORITY TO ISSUE PROTECTION ORDERS.

Section 914 of title 17, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or implementing" after "enacting"; and

(2) in subsection (e) by striking "July 1, 1991" and inserting "July 1, 1995".

SEC. 4. REPORT TO CONGRESS.

Section 914(f)(2) of title 17, United States Code, is amended in the last sentence by striking "July 1, 1990" and inserting "July 1, 1994".

Approved June 28, 1991.

LEGISLATIVE HISTORY—S. 909 (H.R. 1998):

HOUSE REPORTS: No. 102-122 accompanying H.R. 1998 (Comm. on the Judiciary).
SENATE REPORTS: No. 102-78 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 12, considered and passed Senate.
June 25, H.R. 1998 considered and passed House; S. 909 passed in lieu.

Public Law 102-65
102d Congress

An Act

July 2, 1991
[H.R. 2332]

To amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans.

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

SECTION 1. 4-MONTH EXTENSION OF APPLICATION DEADLINE FOR SPECIAL TEMPORARY PROTECTED STATUS FOR SALVADORANS.

8 USC 1254a note.

Section 303(b)(1)(C) of the Immigration Act of 1990 is amended by striking "June 30, 1991" and inserting "October 31, 1991".

Approved July 2, 1991.

LEGISLATIVE HISTORY—H.R. 2332:

HOUSE REPORTS: No. 102-123 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 25, considered and passed House.
June 28, considered and passed Senate.

Public Law 102-66
102d Congress

Joint Resolution

Designating July 2, 1991, as "National Literacy Day".

July 2, 1991
[H.J. Res. 259]

Whereas literacy is a necessary tool for survival in our society;
Whereas forty-two million Americans today read at a level which is less than necessary for full survival needs;
Whereas there are thirty million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;
Whereas illiteracy is growing rapidly, as two million three hundred thousand persons, including one million two hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;
Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;
Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;
Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;
Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;
Whereas the prison population represents the single highest concentration of adult illiteracy;
Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;
Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;
Whereas the 47 per centum illiteracy rate among black youths is expected to increase;
Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;
Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;
Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1991, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved July 2, 1991.

LEGISLATIVE HISTORY—H.J. Res. 259:

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

Public Law 102-67
102d Congress

An Act

To authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia.

July 9, 1991
[H.R. 749]

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

SECTION 1. ACCEPTANCE AND ADMINISTRATION OF LAND.

16 USC 431 note.

(a) ACCEPTANCE OF LAND.—The Secretary of the Interior may accept the donation of all right, title, and interest in and to the land described in section 2 from the owners of that land.

(b) ADMINISTRATION OF LAND.—The land acquired by the United States under this section shall be added to, and administered as part of, the Ocmulgee National Monument.

SEC. 2. DESCRIPTION OF LAND.

16 USC 431 note.

The land referred to in section 1 is the approximately 18.6 acre parcel of land known as Drake Field and located adjacent to the Ocmulgee National Monument in the City of Macon, Georgia.

Approved July 9, 1991.

LEGISLATIVE HISTORY—H.R. 749:

HOUSE REPORTS: No. 102-35 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-89 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 24, considered and passed House.
June 25, considered and passed Senate.

Public Law 102-68
102d Congress

Joint Resolution

July 9, 1991
[H.J. Res. 72]

To designate December 7, 1991, as "National Pearl Harbor Remembrance Day".

Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the United States Armed Forces stationed at Pearl Harbor, Hawaii;

Whereas more than 2,000 citizens of the United States were killed, and more than 1,000 citizens of the United States were wounded, in the attack on Pearl Harbor;

Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

Whereas December 7, 1991, is the 50th anniversary of the attack on Pearl Harbor;

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1991, in remembrance of the attack on Pearl Harbor; and

Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the United States Armed Forces during World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1991, is designated as "National Pearl Harbor Remembrance Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Approved July 9, 1991.

LEGISLATIVE HISTORY—H.J. Res. 72:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 29, considered and passed House.
June 26, considered and passed Senate.

Public Law 102-69
102d Congress

Joint Resolution

Designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week".

July 10, 1991
[H.J. Res. 138]

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria Borrelia burgdorferi;
Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;
Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;
Whereas our pets and livestock can be infected with Lyme disease by ticks;
Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;
Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;
Whereas forty-six States reported twenty-two thousand five hundred and thirty-eight cases of Lyme disease from 1982 through 1989;
Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round;
Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;
Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;
Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;
Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;
Whereas the bacteria can cross the placenta and affect fetal development;
Whereas our children are the most vulnerable and most widely affected group;
Whereas the best cure for Lyme disease is prevention;
Whereas prevention of Lyme disease depends upon public awareness;
Whereas education is essential to making the general public, health care professionals, employers, and insurers more knowledgeable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 21, 1991, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved July 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 138:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 29, considered and passed House.
June 26, considered and passed Senate.

Public Law 102-70
102d Congress

Joint Resolution

Designating March 1991 and March 1992 both as "Women's History Month".

July 10, 1991
[H.J. Res. 149]

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

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

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

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

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

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

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1991 and March 1992 are designated both as "Women's History Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Approved July 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 149:

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

Public Law 102-71
102d Congress

An Act

July 10, 1991
[S. 674]

To designate the building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service as the "J.E. (Eddie) Russell Post Office Building", and for other purposes.

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

SECTION 1. REDESIGNATION.

The building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "J.E. (Eddie) Russell Post Office Building", and any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the J.E. (Eddie) Russell Post Office Building.

SEC. 2. TECHNICAL CORRECTIONS.

Title 39, United States Code, is amended—

(1) in section 3001, by redesignating the 2 subsections immediately following the first subsection (i) as subsections (j) and (k), respectively; and

(2) in section 3005(a), by striking "section 3001 (d), (f), or (g)" each place it appears and inserting "3001 (d), (h), or (i)".

Approved July 10, 1991.

LEGISLATIVE HISTORY—S. 674:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 14, considered and passed Senate.
June 24, considered and passed House, amended.
July 26, Senate concurred in House amendments.

Public Law 102-72
102d Congress

Joint Resolution

Designating the week beginning July 21, 1991, as the "Korean War Veterans Remembrance Week".

July 23, 1991
[H.J. Res. 255]

Whereas July 27, 1991, is the 38th anniversary of the cease-fire agreement which ended the active combat of the Korean War;
Whereas in June 1950, prompt action by the United States to add its armed forces to those of the Republic of Korea helped to counter an invasion by North Korea of the Republic of Korea;
Whereas in addition to the United States and the Republic of Korea, 20 other nations provided military contingents to serve under the United Nations banner, marking the first time in history that countries under United Nations command repelled a flagrant attack in order to preserve the liberty of another country;
Whereas after 3 years of active hostilities, the territorial integrity of the Republic of Korea was restored and the freedom and independence of its people assured;
Whereas over 5,700,000 American servicemen and servicewomen were directly or indirectly involved in the Korean War;
Whereas American casualties during the Korean War were 54,246 dead (of which 33,629 were battle deaths), 103,284 wounded, 8,177 listed as missing in action or prisoners of war (of which 329 prisoners of war are still unaccounted for);
Whereas although the Korean War has become known as "The Forgotten War", the United States should never forget the ultimate sacrifice made by those who fought and died in Korea for the noble and just cause of freedom;
Whereas the establishment of a Korean War Veterans Memorial in the Nation's Capital has been authorized to recognize and honor the service and the sacrifice of those who participated in the Korean War (Public Law 99-572);
Whereas the Secretary of the Treasury is required to mint a silver dollar coin in commemoration of the 38th anniversary of the end of the Korean War and in honor of those who served (section 5112 note of title 31, United States Code);
Whereas increasing numbers of veterans of the Korean War are setting aside July 27, the anniversary date of the cease-fire which ended the active combat of that war, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice in a war to preserve the ideals of freedom and independence for a people they had never known; and
Whereas on this significant anniversary of the cease-fire which began the longest military armistice in modern history, it is right and appropriate to recognize, honor, and remember the service and sacrifice of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of a free nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 21, 1991, is designated as the "Korean War Veterans Remembrance Week", and the President is authorized and requested—

(1) to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, and

(2) to urge the Executive departments and agencies, interested organizations, groups, and individuals to fly the flag of the United States at half-staff on July 27, 1991, in honor of those Americans who died as a result of their service in Korea.

Approved July 23, 1991.

LEGISLATIVE HISTORY—H.J. Res. 255:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 16, considered and passed House.
July 17, considered and passed Senate.

Public Law 102-73
102d Congress

An Act

To enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives, and to strengthen and coordinate adult literacy programs.

July 25, 1991
[H.R. 751]

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

National Literacy Act of 1991.
Education.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Literacy Act of 1991".

20 USC 1201 note.

SEC. 2. FINDINGS.

20 USC 1201 note.

The Congress finds that—

(1) nearly 30,000,000 adults in the United States have serious problems with literacy;

(2) literacy problems are intergenerational and closely associated with poverty and pose a major threat to the economic well-being of the United States;

(3) present public and private literacy programs reach only a small portion of the population in need and often result in only minimal learning gains;

(4) the prevention of illiteracy is essential to stem further growth in national illiteracy rates;

(5) literacy programs generally lack adequate funding, adequate coordination with other literacy programs, and an adequate investment in teacher training and technology;

(6) access to better information about the best practices in the literacy field and more research in order to provide better diagnostic and instructional tools are essential for the improvement of literacy and employability in the United States;

(7) as many as 50,000,000 workers may have to be trained or retrained before the year 2000;

(8) the supply of unskilled workers is increasing while the demand for unskilled labor is decreasing;

(9) programs under the Adult Education Act, which are the largest Federal source of direct literacy services in the United States, serve only 10 percent of eligible participants; and

(10) all public and private literacy programs serve only about 19 percent of those who need help.

SEC. 3. DEFINITION.

20 USC 1201 note.

For purposes of this Act the term "literacy" means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential.

TITLE I—LITERACY: STRATEGIC PLANNING, RESEARCH, AND COORDINATION

SEC. 101. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended by adding at the end the following:

"(h) The Assistant Secretary for Vocational and Adult Education, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall assist in coordinating the related activities and programs of other Federal departments and agencies.".

SEC. 102. NATIONAL INSTITUTE FOR LITERACY.

20 USC 1213c note.

(a) PURPOSE.—It is the purpose of the amendment made by this section to enhance the national effort to eliminate the problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

20 USC 1213c note.

(b) FINDINGS.—The Congress finds that—

(1) much too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is neither a reliable nor a central source of information about the knowledge base in the area of literacy;

(3) a national institute for literacy would—

(A) provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(B) facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) AMENDMENT TO THE ADULT EDUCATION ACT.—Section 384 of the Adult Education Act (20 U.S.C. 1213c) is amended—

(1) in the second sentence of subsection (a), by inserting after "shall include" the following: "the operation of the Institute established by subsection (c) and"; and

(2) by adding at the end the following:

"(c) ESTABLISHMENT.—(1) There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The head of any other agency designated by the President may be involved in the operation of the Institute as fits the involvement of such agency in accomplishing the purposes of the Institute. The Secretary may include in the Institute any research and development center supported under section 405(d)(4)(A)(ii) of the General Education Provisions Act and any other center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

"(2) The Institute shall have offices separate from the offices of any agency or department involved in the operation of the Institute.

"(3) The Interagency Group shall consider the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director. If the Board's recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group has taken that includes the Interagency Group's reasons for not following the Board's recommendations with respect to such actions. The Board may also request a meeting with the Interagency Group to discuss the Board's recommendations.

"(d) DUTIES.—(1) The Institute is authorized, in order to improve and expand the system for delivery of literacy services, to—

"(A) assist appropriate Federal agencies in setting specific objectives and strategies for meeting the goals of this title and in measuring the progress of such agencies in meeting such goals;

"(B) conduct basic and applied research and demonstrations on literacy, including—

"(i) how adults learn to read and write and acquire other skills;

"(ii) how the literacy skills of parents affect the ability of children to learn literacy skills;

"(iii) the assessment of literacy skills and the development of instructional techniques;

"(iv) the best methods for assisting adults and families to acquire literacy skills, including the use of technology;

"(v) the special literacy needs of individuals with learning disabilities and individuals with limited English proficiency;

"(vi) how to effectively reach and teach the most educationally disadvantaged individuals;

"(vii) the use of technology and other studies which will increase the literacy knowledge base, use but not duplicate the work of other research services, and build on the efforts of such other research services; and

"(viii) how to attract, train, and retrain professional and volunteer teachers of literacy;

"(C) assist Federal, State, and local agencies in the development, implementation, and evaluation of policy with respect to literacy by—

"(i) establishing a national data base with respect to—

"(I) literacy and basic skills programs, including programs in Federal departments, State agencies, and local agencies, and programs that are privately supported through nonprofit entities and for profit entities;

"(II) assessment tools and outcome measures;

"(III) the amount and quality of basic education provided in the workplace by businesses and industries; and

"(IV) progress made toward the national literacy goals; and

"(ii) providing technical and policy assistance to government entities for the improvement of policy and programs relating to literacy and the development of model systems for implementing and coordinating Federal literacy programs that can be replicated at the State and local level;

"(D) provide program assistance, training, and technical assistance for literacy programs throughout the United States in order to improve the effectiveness of such programs and to increase the number of such programs, which assistance and training shall—

"(i) be based on the best available research and knowledge; and

"(ii) be coordinated with activities conducted by—

"(I) regional educational laboratories supported under section 405(d)(4)(A)(i) of the General Education Provisions Act;

"(II) curriculum centers assisted under section 251(a)(8) of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(III) other educational and training entities that provide relevant technical assistance;

"(E) collect and disseminate information to Federal, State, and local entities with respect to literacy methods that show great promise (including effective methods of assessment, effective literacy programs, and other information obtained through research or practice relating to adult and family learning that would increase the capacity and quality of literacy programs in the United States), using a variety of methods to ensure that the best information is received by State and local providers of literacy services;

"(F) review and make recommendations regarding—

"(i) ways to achieve uniformity among reporting requirements;

"(ii) the development of performance measures; and

"(iii) the development of standards for program effectiveness of literacy-related Federal programs; and

"(G) provide a toll-free long-distance telephone line for literacy providers and volunteers.

"(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private nonprofit institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(e) LITERACY LEADERSHIP.—(1) The Institute is, in consultation with the Board, authorized to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) Individuals receiving fellowships pursuant to this subsection shall be known as 'Literacy Leader Fellows'.

Establishment.

"(f) NATIONAL INSTITUTE BOARD.—(1)(A) There is established the National Institute Board (in this section referred to as the 'Board'). The Board shall consist of 10 individuals appointed by the President with the advice and consent of the Senate from individuals who—

"(i) are not otherwise officers or employees of the Federal Government;

"(ii) are representative of entities or groups described in subparagraph (B); and

"(iii) are chosen from recommendations made to the President by individuals who represent such entities or groups.

"(B) Entities or groups described in this subparagraph are—

"(i) literacy organizations and providers of literacy services, including—

"(I) providers of literacy services receiving assistance under this Act; and

"(II) nonprofit providers of literacy services;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments; and

"(vi) organized labor.

"(2) The Board shall—

"(A) make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) provide independent advice on the operation of the Institute; and

"(C) receive reports from the Interagency Group and the Director.

"(3) The Interagency Group may carry out the duties of the Board until the expiration of the 180-day period beginning on the date of the enactment of the National Literacy Act of 1991.

"(4) Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act.

"(5)(A) Each member of the Board shall be appointed for a term of 3 years. Any such member may be appointed for not more than 2 consecutive terms.

"(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

"(6) A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation may be passed only by a majority of its members present.

"(7) The Chairperson and Vice Chairperson of the Board shall be elected by the members. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

"(8) The Board shall meet at the call of the Chairperson or a majority of its members.

"(g) GIFTS, BEQUESTS, AND DEVISES.—The Institute and the Board may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Institute or the Board, respectively. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Institute or the Board, respectively.

"(h) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(i) STAFF.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

"(j) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

"(k) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(l) REPORT.—The Institute shall submit a report to the Congress in each of the first 2 years in which it receives assistance under this section, and shall submit a report biennially thereafter. Each report submitted under this subsection shall include—

"(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for such fiscal year;

"(2) a description of how plans for the operation of the Institute for the succeeding fiscal year will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

"(3) any additional minority, or dissenting views submitted by members of the Board.

"(m) NONDUPLICATION.—The Institute shall not duplicate any functions carried out by the Secretary pursuant to subsection (a) or (b). This subsection shall not be construed to prohibit the Secretary from delegating such functions to the Institute.

"(n) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated for purposes of operating the Institute established by subsection (c) $15,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

"(2) Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.".

SEC. 103. STATE LITERACY RESOURCE CENTERS.

Part B of the Adult Education Act (20 U.S.C. 1203 et seq.) is amended—

(1) by redesignating subpart 7 as subpart 8; and

(2) by inserting after subpart 6 the following:

"Subpart 7—State Literacy Resource Centers

"SEC. 356. STATE LITERACY RESOURCE CENTERS. 20 USC 1208aa.

"(a) PURPOSE.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a program of State literacy resource center grants to— Grants.

"(1) stimulate the coordination of literacy services,

"(2) enhance the capacity of State and local organizations to provide literacy services, and

"(3) serve as a reciprocal link between the National Institute for Literacy and service providers for the purpose of sharing information, data, research, and expertise and literacy resources.

"(b) ESTABLISHMENT.—From amounts appropriated pursuant to subsection (k), the Secretary is authorized to make grants for purposes of establishing a network of State or regional adult literacy resource centers.

"(c) ALLOTMENT.—(1) From sums available for purposes of making grants under this section for any fiscal year, the Secretary shall allot to each State having an approved application under subsection (h) an amount that bears the same ratio to such sums as the amount allotted to such State under section 313(b) for the purpose of making grants under section 321 bears to the aggregate amount allotted to all States under such section for such purpose.

"(2) The chief executive officer of each State that receives its allotment under this section shall contract on a competitive basis with the State educational agency, 1 or more local educational agencies, a State office on literacy, a volunteer organization, a community-based organization, institution of higher education, or other nonprofit entity to operate a State literacy resource center. No applicant participating in a competition pursuant to the preceding sentence shall participate in the review of its own application.

"(d) USE OF FUNDS.—Funds provided to each State under subsection (c)(1) to carry out this section shall be used to conduct activities to—

"(1) improve and promote the diffusion and adoption of state-of-the-art teaching methods, technologies and program evaluations;

"(2) develop innovative approaches to the coordination of literacy services within and among States and with the Federal Government;

"(3) assist public and private agencies in coordinating the delivery of literacy services;

"(4) encourage government and industry partnerships, including partnerships with small businesses, private nonprofit organizations, and community-based organizations;

"(5) encourage innovation and experimentation in literacy activities that will enhance the delivery of literacy services and address emerging problems;

"(6) provide technical and policy assistance to State and local governments and service providers to improve literacy policy and programs and access to such programs;

"(7) provide training and technical assistance to literacy instructors in reading instruction and in—

"(A) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

"(i) computer assisted instruction;

"(ii) video tapes;

"(iii) interactive systems; and

"(iv) data link systems; or

"(B) assessing learning style, screening for learning disabilities, and providing individualized remedial reading instruction; or

"(8) encourage and facilitate the training of full-time professional adult educators.

"(e) ALTERNATIVE USES OF EQUIPMENT.—Equipment purchases pursuant to this section, when not being used to carry out the provisions of this section, may be used for other instructional purposes if—

"(1) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this section;

"(2) the equipment is used after regular program hours or on weekends; and

"(3) such other use is—

"(A) incidental to the use of the equipment under this section;

"(B) does not interfere with the use of the equipment under this section; and

"(C) does not add to the cost of using the equipment under this section.

"(f) LIMITATION.—Not more than 10 percent of amounts received under any grant received under this section shall be used to purchase computer hardware or software.

"(g) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may not use more than 5 percent of such funds to establish a State advisory council on adult education and literacy (in this section referred to as the 'State council') pursuant to section 332.

"(2) Each State receiving funds pursuant to this section may use such funds to support an established State council to the extent that such State council meets the requirements of section 332.

"(3) Each State receiving funds pursuant to this paragraph to establish or support a State council pursuant to section 332 shall provide matching funds on a dollar-for-dollar basis.

"(h) APPLICATIONS.—Each State or group of States, as appropriate, that desires to receive a grant under this section for a regional adult literacy resource center, a State adult literacy resource center, or both shall submit to the Secretary an application that has been reviewed and commented on by the State council, where appropriate, and that describes how the State or group of States will—

"(1) develop a literacy resource center or expand an existing literacy resource center;

"(2) provide services and activities with the assistance provided under this section;

"(3) assure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job

Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

"(4) address the measurable goals for improving literacy levels as set forth in the plan submitted pursuant to section 342; and

"(5) develop procedures for the coordination of literacy activities for statewide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

"(i) PAYMENTS; FEDERAL SHARE.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (h) the Federal share of the cost of the activities described in the application.

"(2) The Federal share—

"(A) for each of the first 2 fiscal years in which the State receives funds under this section shall not exceed 80 percent;

"(B) for each of the third and fourth fiscal years in which the State receives funds under this section shall not exceed 70 percent; and

"(C) for the fifth and each succeeding fiscal year in which the State receives funds under this section shall not exceed 60 percent.

"(3) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(j) REGIONAL CENTERS.—(1) A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center for purposes of receiving assistance under this section if the States determine that a regional approach is more appropriate for their situation.

"(2) Any State that receives assistance under this section as part of a regional center shall only be required to provide under subsection (i) 50 percent of the funds such State would otherwise be required to provide under such subsection.

"(3) In any fiscal year in which the amount a State will receive under this section is less than $100,000, the Secretary may designate the State to receive assistance under this section only as part of a regional center.

"(4) The provisions of paragraph (3) shall not apply to any State that can demonstrate to the Secretary that the total amount of Federal, State, local and private funds expended to carry out the purposes of this section would equal or exceed $100,000.

"(5) In any fiscal year in which paragraph (2) applies, the Secretary may allow certain States that receive assistance as part of a regional center to reserve a portion of such assistance for a State adult literacy resource center pursuant to this section.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for each of the fiscal years 1992 and 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.".

Business and industry.

TITLE II—WORKFORCE LITERACY

20 USC 1211-1.

SEC. 201. NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.

(a) ESTABLISHMENT.—There is established in the Department of Labor a National Workforce Literacy Assistance Collaborative (in this subsection referred to as the "Collaborative") to improve the basic skills of individuals, especially those individuals who are marginally employed or unemployed with low basic skills and limited opportunity for long-term employment and advancement, by assisting small- and medium-sized businesses, business associations that represent small- and medium-sized businesses, and labor organizations to develop and implement literacy programs tailored to the needs of the workforce.

(b) FUNCTIONS.—The Collaborative shall—

(1) develop and implement a plan for providing small- and medium-sized businesses with the technical assistance required to address the literacy needs of their workforce;

(2) monitor the development of workforce literacy training programs and identify best practices and successful small- and medium-sized business program models;

(3) inform businesses and unions of research findings and best practices regarding exemplary curricula, instructional techniques, training models, and the use of technology as a training tool in the workplace;

(4) provide technical assistance to help businesses assess individual worker literacy skill needs, implement workforce literacy training programs, and evaluate training program effectiveness;

(5) promote cooperation and coordination among State and local agencies and the private sector to obtain maximum uses of existing literacy and basic skills training resources;

(6) conduct regional and State small business workforce literacy meetings to increase program effectiveness and accountability;

(7) establish cooperative arrangements with the National Institute for Literacy and other centers involved in literacy and basic skills research and development activities; and

(8) prepare and produce written and video materials necessary to support technical assistance and information dissemination efforts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $5,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 202. GRANTS FOR NATIONAL WORKFORCE LITERACY STRATEGIES.

Section 371 of the Adult Education Act (20 U.S.C. 1211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after "Secretary" the following: ", in consultation with the Secretary of Labor and the Administrator of the Small Business Administration,";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) by adding at the end the following:

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships that include small businesses. Small business.

"(6) The Secretary is authorized to award grants under this section for a period not to exceed 3 years.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (c)" and inserting "subsection (e)";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" the first place it appears and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) in paragraph (7), by amending subparagraph (B) to read as follows:

"(B) From the sum appropriated for each fiscal year under subsection (c) for any fiscal year in which appropriations equal or exceed $50,000,000, the Secretary shall allot to each State (as defined in section 312(7)) an amount proportionate to the amount such State receives under section 313.";

(3) by redesignating subsection (c) as subsection (e);

(4) by inserting after subsection (b) the following:

"(c) GRANT FOR NATIONAL WORKFORCE LITERACY STRATEGIES.—(1) In any fiscal year in which amounts appropriated pursuant to the authorization contained in subsection (e) equal or exceed $25,000,000, the Secretary shall reserve not more than $5,000,000 to establish a program of grants to facilitate the design and implementation of national strategies to assist unions, unions in collaboration with programs eligible for assistance under this Act and businesses, and small- and medium-sized businesses to effectively provide literacy and basic skills training to workers.

"(2) Grants awarded under this subsection shall pay the Federal share of the cost of programs to establish large-scale national strategies in workforce literacy, which may include the following activities:

"(A) Basic skills training that is—

"(i) cost-effective;

"(ii) needed by employees; and

"(iii) required by employers to establish a trainable workforce that can take advantage of further job specific training and advance the productivity of the labor force on an individual, industry, or national level.

"(B) Specific program offerings, which may include—

"(i) English as a second language instruction;

"(ii) communications skill building;

"(iii) interpersonal skill building;

"(iv) reading and writing skill building; and

"(v) computation and problem solving.

"(C) Appropriate assessments of the literacy and basic skills needs of individual workers and the skill levels required by business.

"(D) Cooperative arrangements with other organizations involved in providing literacy and basic skills training, including adult education organizations, vocational education organizations, community and junior colleges, community-based organizations, State level agencies, and private industry councils.

"(E) The establishment as appropriate of technology-based learning environments, such as computer-based learning centers.

"(3) Any partnership described in subsection (a)(1) that desires to receive a grant under this subsection shall submit a proposal to the Secretary. The proposal shall contain a plan specifying a strategy for designing and implementing workforce literacy and basic skills training for workers, and justifying the national, statewide, or industry-wide importance of this strategy. The proposal shall include—

"(A) a demonstration of need for literacy and basic skills training;

"(B) a description of the business or industry for which the strategy is to be established;

"(C) a statement of specific, measurable goals and participant outcomes;

"(D) a strategy for achieving the goals, including a description of the process to identify literacy and basic skills required by employers and the skills of individual workers, and a description of the specific services to be provided; and

"(E) a description of the costs of the activities to be undertaken.

Federal Register, publication.

"(4) The Secretary shall develop a formal process for the submission of proposals and publish an announcement in the Federal Register with respect to that process and the availability of grants under this subsection.

"(5) The Federal share of the cost of a program assisted under this subsection shall not exceed 70 percent.

"(6) The Secretary shall give priority for grants under this subsection to proposals to carry out activities described in paragraph (2)(D).

"(7) In awarding grants under this subsection, the Secretary may consider geographic factors, such as rural and urban areas and national distribution.

"(8) Of the grants awarded under this subsection each year, not less than 5 shall each be for an amount that is not less than $500,000.

"(d) EVALUATION.—The Secretary shall reserve not more than 2 percent of any amount appropriated pursuant to the authorization contained in subsection (e) for the purpose of carrying out an independent evaluation of the effectiveness of programs assisted under this section in improving the literacy and basic skills of workers and the productivity of employees, including potential for the replicability or adaption of such programs."; and

(5) in subsection (e) (as redesignated by paragraph (3)) by striking paragraph (1) and inserting the following:

Appropriation authorization.

"(1) There are authorized to be appropriated for purposes of carrying out this section such sums as may be necessary for the fiscal year 1991, $60,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.".

TITLE III—INVESTMENT IN LITERACY

SEC. 301. AMENDMENTS TO THE ADULT EDUCATION ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313 of the Adult Education Act (20 U.S.C. 1201b) is amended in subsection (a) by striking "$200,000,000" and all that follows through "1993" and inserting the following: "such sums as may be necessary for the fiscal year 1991, $260,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995".

(b) USE OF FUNDS.—Subsection (a) of section 322 of the Adult Education Act (20 U.S.C. 1203b(a)) is amended— 20 USC 1203a.

(1) by amending paragraph (1) to read as follows:

"(1) Grants to States under this subpart shall be used in accordance with State plans (and amendments thereto) approved under sections 341 and 351, to pay the Federal share of the cost of the establishment or expansion of adult education programs to be carried out by local educational agencies, correctional education agencies, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions that have the ability to provide literacy services to adults and families. Each State educational agency receiving financial assistance under this subpart shall provide assurance that local educational agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions, and institutions which serve educationally disadvantaged adults will be provided direct and equitable access to all Federal funds provided under this subpart. Failure to provide the assurance required by the preceding sentence shall disqualify a State from receiving its allotment under this title. In determining which programs shall receive assistance under this paragraph, the State shall consider— Grants.

"(A) the past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

"(B) the degree to which the applicant will coordinate and utilize other literacy and social services available in the community; and

"(C) the commitment of the applicant to serve individuals in the community that are most in need of literacy services.";

(2) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting after "sources;" the following: "the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals;";

(C) by striking "the Carl D. Perkins Vocational Education Act" and inserting "the Carl D. Perkins Vocational and Applied Technology Education Act"; and

(D) by striking "the Education of the Handicapped Act" and inserting "the Individuals with Disabilities Education Act";

(3) in paragraph (4)—

(A) by striking "(A)";

(B) by inserting after "adults" the following: ", particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent"; and

(C) by striking subparagraph (B);

(4) by redesignating paragraphs (3) and (4) (as amended by paragraphs (2) and (3) of this subsection) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following:

"(3)(A) Grants to States provided under this section shall also be used for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any public housing authority that receives a grant under this subparagraph shall consult with local adult education providers in conducting programs and activities with assistance provided under the grant. Any grant provided under this subparagraph shall be referred to as a 'Gateway Grant'.

Reports.

"(B) The Secretary shall, not less often than every 2 years, evaluate any grants made under this paragraph and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

(c) STATE ADMINISTRATION.—Section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) within 2 years of the enactment of the National Literacy Act of 1991, the development and implementation, in consultation with a widely representative group of appropriate experts, educators, and administrators, of indicators of program quality to be used to evaluate programs assisted under this title, as required by section 352, to determine whether such programs are effective, including whether such programs are successfully recruiting, retaining, and improving the literacy skills of the individuals served in such programs;".

(d) STATE ADVISORY COUNCIL.—(1) The heading for section 332 of the Adult Education Act is amended to read as follows:

"SEC. 332. STATE ADVISORY COUNCIL ON ADULT EDUCATION AND LITERACY.".

(2) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) in the first sentence of subsection (a)(1), by striking "adult education, appointed by the Governor" and inserting "adult education and literacy, appointed by, and responsible to, the Governor";

(B) in the second sentence of subsection (a)(1)—

(i) by inserting "and literacy" after "adult education"; and

(ii) by striking "consist" and all that follows through the period at the end and inserting the following: "consist of—

"(i) representatives of public education;

"(ii) representatives of public and private sector employment;

"(iii) representatives of recognized State labor organizations;

"(iv) representatives of private literacy organizations, voluntary literacy organizations, and community-based literacy organizations;

"(v) the chief administrative officer of a State, or the designee of such officer;

"(vi) representatives of—

"(I) the State educational agency;

"(II) the State job training agency;

"(III) the State human services agency;

"(IV) the State public assistance agency;

"(V) the State library program; and

"(VI) the State economic development agency;

"(vii) officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the council; and

"(viii) classroom teachers who have demonstrated outstanding results in teaching children or adults to read.";

(C) by amending subsection (d) to read as follows:

"(d) PROCEDURES.—(1) Subject to paragraphs (2) and (3), the State advisory council shall determine its own procedures, staffing needs (subject to funding levels authorized by the chief executive officer of the State), and the number, time, place, and conduct of meetings.

"(2) The State advisory council shall meet at least 4 times each year. At least 1 such meeting shall provide an opportunity for the general public to express views concerning adult education in the State.

"(3) One member more than one-half of the members on the council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the chief executive officer of the State, but a lesser number of members may constitute a quorum for other purposes.";

(D) in subsection (f)—

(i) by amending paragraph (1) to read as follows:

"(1) meet with the State agencies responsible for literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;";

(ii) by amending paragraph (2) to read as follows:

"(2) advise the Governor, the State educational agency, and other State agencies concerning—

"(A) the development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2), especially with respect to—

"(i) improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

"(ii) improving literacy programs in the State; and

"(iii) fulfilling the long-term literacy goals of the State;

"(B) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

"(C) the improvement of the quality of literacy programs in the State by supporting the integration of services, staff training, and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

"(D) private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;";

(iii) by redesignating paragraph (3) as paragraph (7); and

(iv) by inserting after paragraph (2) the following:

"(3) review and comment on the plan submitted pursuant to section 356(h) and submit such comments to the Secretary;

"(4) measure progress on meeting the goals and objectives established pursuant to paragraph (2)(A);

"(5) recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

"(6) develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the Interagency Task Force on Literacy; and".

(e) STATE PLAN.—Subsection (c) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) describe and provide for the fulfillment of the literacy needs of individuals in the State;";

(2) by striking paragraph (9);

(3) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(4) by inserting after paragraph (1) the following:

"(2) set forth measurable goals for improving literacy levels, retention in literacy programs, and long-term learning gains of individuals in the State and describe a comprehensive approach for achieving such goals, including the development of indicators of program quality as required by section 331(a)(2);";

(5) in paragraph (4) (as redesignated by paragraph (3) of this section)—

(A) by striking "the use of" and inserting "coordination by";

(B) by striking "other than" and inserting "including"; and

(C) by striking "such as" the second place such term appears;

(6) by striking "and" at the end of paragraph (12);

(7) by striking the period at the end of paragraph (13) and inserting a semicolon; and

(8) by adding at the end the following:

"(14) report the amount of administrative funds spent on program improvements; and

"(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs and to develop new programs for adults whose lack of basic skills—

"(A) renders them unemployable;

"(B) keeps them, whether employed or unemployed, from functioning independently in society; and

"(C) severely reduces their ability to have a positive effect on the literacy of their children.".

(f) EVALUATION.—Section 352 of the Adult Education Act (20 U.S.C. 1207a) is amended—

(1) in paragraph 1—

(A) by striking "data to the Secretary" and inserting the following: "to the Secretary and make public within the State data";

(B) by inserting before the semicolon the following: ", including—

"(A) the number and percentage of local educational agencies, community-based organizations, volunteer groups, and other organizations that are grant recipients; and

"(B) results of the evaluations carried out as required by paragraph (2) in the year preceding the year for which the data is submitted";

(2) in paragraph (2)—

(A) by striking "before the end" and all that follows through "shall consider" and inserting the following: "evaluate 20 percent of the grant recipients each year so that at the end of such period 80 percent of all grant recipients shall have been evaluated once and such evaluations shall consider, at a minimum";

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(C) by inserting before subparagraph (B) (as redesignated by subparagraph (B) of this paragraph) the following:

"(A) the projected goals of the grant recipient as described in its application pursuant to section 322(a)(3);";

(D) by amending subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) to read as follows:

"(D) the success of the grant recipient in meeting the State's indicators of program quality after such indicators are developed as required by section 331(a)(2); and"; and

(E) by striking "and" at the end.

(g) TEACHER TRAINING.—(1) Subsection (a) of section 353 of the Adult Education Act (20 U.S.C. 1208(a)) is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) training professional teachers, volunteers, and administrators, with particular emphasis on—

"(A) training—

"(i) full-time professional adult educators;

"(ii) minority adult educators;

"(iii) educators of adults with limited English proficiency; and

"(B) training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the fifth grade level.".

(2) Section 353 of the Adult Education Act (as amended by paragraph (1) of this subsection) (20 U.S.C. 1208) is amended—

(A) in subsection (a), by striking "10" and inserting "15"; and

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

"(b) SPECIAL RULE.—At least ⅔ of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).".

(h) FEDERAL RESPONSIBILITY.—Section 361 of the Adult Education Act (20 U.S.C. 1209) is amended by adding at the end the following:

"(c) FEDERAL RESPONSIBILITY.—Within 1 year after the enactment of the National Literacy Act of 1991, the Secretary, in consultation with appropriate experts, educators, and administrators, shall develop indicators of program quality that may be used by State and local programs receiving assistance under this title as models by which to judge the success of such programs, including success in recruitment and retention of students and improvement in the literacy skills of students. Such indicators shall take into account different conditions under which programs operate and shall be modified as better means of assessing program quality are developed.".

SEC. 302. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2941) is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

"(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and reading-related problems that place such students at risk for illiteracy in their adult years;".

SEC. 303. AMENDMENTS TO THE EVEN START PROGRAM.

(a) AMENDMENT TO PART HEADING.—The heading for part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) is amended to read as follows:

"PART B—EVEN START FAMILY LITERACY PROGRAMS".

(b) STATE GRANT PROGRAM.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) in subsection (a), by striking "local educational agencies or consortia of such agencies" and inserting "eligible entities";

(2) in subsection (b)—

(A) by inserting "(1)" before "In"; and

(B) by adding at the end the following:

"(2) In any fiscal year in which this subsection applies, no State shall award a grant under this part for an amount less than $75,000.

"(3) In any year in which this subsection applies, each State that receives a grant under this part may use not more than 5 percent of assistance provided under the grant for costs of—

"(A) administration; and

"(B) the provision, through grant or contract, of technical assistance for program improvement and replication to eligible entities that receive grants under this part.";

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

"(c) RESERVATION.—From amounts appropriated for purposes of carrying out this part, the Secretary may reserve an amount equal to not more than 2 percent of such amounts or the amount reserved for such purposes in the fiscal year 1991, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1058; and

"(2) providing, through grant or contract, technical assistance for program improvement and replication to eligible entities that receive grants under this part."; and

(5) by amending subsection (d) (as redesignated by paragraph (3)) to read as follows:

"(d) DEFINITIONS.—For the purpose of this part:

"(1) The term 'eligible entity' means—

"(A) a local educational agency applying in collaboration with a community-based organization, public agency, institution of higher education, or other nonprofit organization; or

"(B) a community-based organization, or other nonprofit organization of demonstrated quality applying in collaboration with a local educational agency.

"(2) The terms 'Indian tribe' and 'tribal organization' have the respective meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(c) ALLOCATION.—Subsection (a) of section 1053 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2743) is amended to read as follows:

"(a) RESERVATION FOR MIGRANT PROGRAMS AND TERRITORIES.—(1) In each fiscal year in which section 1052(a) applies, the Secretary shall first reserve for programs consistent with the purpose of this part—

"(A) for programs for migrant children, which shall be conducted through the Office of Migrant Education, an amount equal to 3 percent of the amount appropriated for purposes of carrying out this part; and

"(B) for allocations to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and to Indian tribes and tribal organizations, an amount comparable to their relative need.

"(2) In each fiscal year in which section 1052(b) applies, the Secretary shall first reserve for programs consistent with the purpose of this part, an amount equal to 5 percent of the amount appropriated for purposes of carrying out this part, of which—

"(A) amounts shall be allocated for programs for migrant children, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and Indian tribes and tribal organizations, according to their relative need; but

"(B) in no case shall the amount reserved for programs for migrant children be less than the amount reserved for such programs in the preceding fiscal year.".

(d) FEDERAL SHARE LIMITATION.—Section 1054 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2744) is amended—

(1) in subsection (a), by striking "local educational agencies" and all that follows through "nonprofit organizations," and inserting "an eligible entity";

(2) in paragraph (2) of subsection (b), by inserting after "counseling," the following: "other developmental and support services,"; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting "(1)" before "The Federal share";

(C) in subparagraph (A) (as redesignated by subparagraph (A) of this paragraph), by striking "local educational agency" and inserting "eligible entity";

(D) by striking the last sentence and inserting the following: "The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this chapter."; and

(E) by adding at the end the following:

"(2) The Secretary (in any fiscal year in which section 1052(a) applies) or the State educational agency (in any fiscal year in which section 1052(b) applies) may waive, in whole or in part, the requirement that all or part of the remaining cost described in paragraph (1) be obtained from sources other than funds made available under this chapter if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the Secretary or the State educational agency, as appropriate, with respect to the amount of the remaining cost to which the waiver would be applicable.".

(e) ELIGIBLE PARTICIPANTS.—Section 1055 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2745) is amended—

(1) by striking "Eligible" and inserting the following: "(a) IN GENERAL.—Except as provided in subsection (b), eligible";

(2) in paragraph (2) of subsection (a) (as designated by paragraph (1)), by striking "(aged 1 to 7," and inserting "(from birth to age 7,"; and

(3) by adding at the end the following:

"(b) CONTINUATION OF ELIGIBILITY FOR CERTAIN PARTICIPANTS.—Any family participating in the program under this part that becomes ineligible for such participation as a result of 1 or more members of the family becoming ineligible for such participation, may continue to participate in the program until all members of the family become ineligible for participation, which—

"(1) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of 8, shall be when the parent or parents become ineligible due to educational advancement; and

"(2) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of 8.".

(f) APPLICATIONS.—Section 1056 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2746) is amended—

(1) in subsection (a), by striking "a local educational agency" and inserting "an eligible entity"; and

(2) in subsection (b), by striking "the local educational agency" and inserting "the eligible entity".

(g) SELECTION PROCESS.—Section 1057 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2747) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) by inserting "(1)" before "The";

(C) in paragraph (1) (as designated by subparagraph (B) of this paragraph)—

(i) by amending subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) to read as follows:

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and adults who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators;";

(ii) in subparagraph (E) (as redesignated by subparagraph (A) of this paragraph), by striking "the local educational agency's" and inserting "the eligible entity's"; and

(iii) by adding at the end the following:

"(2) The review panel shall give priority for grants under this subsection to proposals which—

"(A) make the demonstration described in paragraph (1)(B); and

"(B) demonstrate an ability to operate an effective program.";

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

"(c) DISTRIBUTION OF ASSISTANCE.—(1) In approving grants under this part pursuant to section 1052(a), the Secretary shall ensure a representative distribution of assistance among the States and among urban and rural areas of the United States. Rural and urban areas.

"(2) In approving grants under this part pursuant to section 1052(b), the review panel shall ensure a representative distribution of assistance between urban and rural areas of the State."; and

(3) in paragraph (1) of subsection (d)—

(A) by striking "a local educational agency" and inserting "an eligible entity"; and

(B) by striking "such local educational agency" and inserting "such eligible entity".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1059 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2749) is amended to read as follows:

"SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for purposes of carrying out this part such sums as may be necessary for the fiscal year 1991, $100,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993.".

SEC. 304. FAMILY LITERACY PUBLIC BROADCASTING PROGRAM. 20 USC 1213c note.

(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized, subject to the availability of appropriations, to enter into a contract Contracts.

with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations as defined in section 304(b)(2), including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1992 to carry out the provisions of subsection (i), of which $100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

TITLE IV—BUSINESS LEADERSHIP FOR EMPLOYMENT SKILLS

SEC. 401. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

(a) IN GENERAL.—Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by adding at the end the following:

20 USC 1211b. Grants.

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

"(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the memberships of which include commercial drivers.

"(d) REFERRAL PROGRAM.—Grantees shall refer to appropriate adult education programs as authorized under this title individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'approved apprentice training programs' has the meaning given such term in the National Apprenticeship Act of 1937.

"(2) The term 'eligible commercial driver' means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $3,000,000 for each of the fiscal years 1991, 1992, and 1993.".

(b) AVOIDANCE OF DUPLICATE ENACTMENT.—The amendment made by subsection (a) shall not take effect if the Higher Education Amendments of 1991 are enacted before the enactment of this Act.

TITLE V—BOOKS FOR FAMILIES

SEC. 501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2963) is amended by—

(1) striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) in the fiscal year 1991 and each succeeding fiscal year, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, at a minimum— Children and youth.

"(A) low-income children (particularly such children in high poverty areas);

"(B) children at risk for school failure;

"(C) children with disabilities;

"(D) emotionally disturbed children;

"(E) foster children;

"(F) homeless children;

"(G) migrant children;

"(H) children without access to libraries;

"(I) institutionalized or incarcerated children; and

"(J) children whose parents are institutionalized or incarcerated; and".

(b) STUDY.—The contractor shall report to the Secretary of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965. 20 USC 2963 note.

SEC. 502. LIBRARY LITERACY PROGRAMS.

Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by inserting at the end thereof the following new subsection:

"(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

"(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

"(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

"(B) have low per capita income, unemployment or underemployment; and

"(2) coordinate with literacy organizations and community based organizations providing literacy services.".

TITLE VI—LITERACY FOR INCARCERATED INDIVIDUALS

20 USC 1211-2.

SEC. 601. MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration or system-wide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection

(a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of testing that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995. Appropriation authorization.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

SEC. 602. BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 1566 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2966) is amended—

(1) in subsection (a), by striking "The" and inserting "Subject to subsection (d), the"; and

(2) by adding at the end the following:

"(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy

education, shall annually make 1 or more awards under this section to effective and innovative programs for inmate education and literacy.".

20 USC 2966 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

TITLE VII—VOLUNTEERS FOR LITERACY

SEC. 701. LITERACY CHALLENGE GRANTS.

(a) GENERAL AUTHORITY.—

(1) PROGRAM AUTHORIZED.—Part C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4991 et seq.) is amended by adding at the end the following:

"LITERACY CHALLENGE GRANTS

42 USC 4995.

"SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

"(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought,

"(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

"(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

"(4) contain such other information and assurances as the Director may reasonably require.

"(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

"(i) 80 percent in the first fiscal year;

"(ii) 70 percent in the second fiscal year; and

"(iii) 60 percent in the third fiscal year.

"(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

"(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

"(A) 90 percent in the first fiscal year;

"(B) 80 percent in the second fiscal year; and

"(C) 70 percent in the third fiscal year.

"(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.".

(2) CONFORMING AMENDMENT.—The table of contents contained in the first section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 note) is amended by inserting after the item relating to section 124 the following new item.

"Sec. 125. Literacy challenge grants.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by inserting at the end the following:

"(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated $2,500,000 for the fiscal year 1992 and such sums as may be necessary for 1993 for Literacy Challenge Grants under section 125.

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

TITLE VIII—AMENDMENTS AFFECTING THE TERRITORIES AND THE FREELY ASSOCIATED STATES

SEC. 801. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) HIGHER EDUCATION.—Section 484 of the Act (20 U.S.C. 1091) is amended by adding at the end thereof the following new subsection:

"(k) STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 1, 2, or 4 of part A or part C of this title.".

(b) TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.—Section 4502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3142) is amended by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" each place it appears and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.".

(c) TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.—Section 1204 of the Act (20 U.S.C. 1144a) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act.".

SEC. 802. TREATMENT OF TERRITORIES AND FREELY ASSOCIATED STATES.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subsection (a) of section 1005 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) COMPETITIVE GRANTS.—(A) From amounts appropriated for purposes of carrying out this section, the Secretary shall reserve an amount equal to the amount described in subparagraph (B) for purposes of making competitive grants to local educational agencies in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. The Secretary shall make such grants according to the recommendations of the Pacific Regional Laboratory in Honolulu, Hawaii, which shall conduct a competition for such grants.

"(B) The amount described in this subparagraph is the portion of the aggregate amount reserved in the fiscal year 1989 under sections 1005(a), 1291, 1404, 1405(a)(2)(A), and 1405(a)(2)(B) for the Trust Territory of the Pacific Islands that was attributable to the Republic of the Marshall Islands and the Federated States of Micronesia.

"(C) Subject to subparagraph (D), grants awarded under this paragraph may only be used for—

"(i) activities consistent with the purposes of—

"(I) title I;

"(II) the Adult Education Act;

"(III) the Education of the Handicapped Act;

"(IV) the Library Services and Construction Act; or

"(V) the Dwight D. Eisenhower Mathematics and Science Education Act;

"(ii) teacher training;

"(iii) curriculum development;

"(iv) instructional materials; or

"(v) general school improvement and reform.

"(D) Grants awarded under this paragraph may only be used to provide direct educational services.

"(E) The Secretary shall provide 5 percent of amounts made available for grants under this paragraph to pay the administrative costs of the Pacific Regional Laboratory with respect to the program under this paragraph.".

(b) ADULT EDUCATION ACT.—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) (20 U.S.C. 1201a(7) and 1211(b)(7)(B)(i)) by striking "the Trust Territory of the Pacific Islands" and inserting "Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)"; and

(2) in sections 313(b) and 361(a) (20 U.S.C. 1201b(b) and 1209a(a)) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

(c) STAR SCHOOLS PROGRAM.—Section 907(8) of the Star Schools Program Assistance Act (20 U.S.C. 4086(7)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau".

(d) EDUCATION OF THE HANDICAPPED.—The Education of the Handicapped Act is amended in—

(1) section 602(a)(6) (20 U.S.C. 1401(a)(6)) by striking "or the Trust Territory of the Pacific Islands" and inserting "or Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)";

(2) section 611(a)(2) (20 U.S.C. 1411(a)(2)) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau"; and

(3) section 611(e)(1) (20 U.S.C. 1411(e)(1)) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)".

(e) LIBRARY SERVICES AND CONSTRUCTION ACT.—The Library Services and Construction Act is amended in—

(1) section 3(g) (20 U.S.C. 351a(g)) by striking "or the Trust Territory of the Pacific Islands" and inserting "Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)";

(2) section 5(a)(3) (20 U.S.C. 351c(a)(3)) by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting "Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)";

(3) section 7(a) (20 U.S.C. 351e(a)) by striking "the Trust Territory of the Pacific Islands" and inserting "Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)"; and

(4) section 7(b) (20 U.S.C. 351e(b)) by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting "the Commonwealth of the Northern Mariana Islands and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)".

Approved July 25, 1991.

LEGISLATIVE HISTORY—H.R. 751:

HOUSE REPORTS: No. 102-23 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 19, considered and passed House.
June 26, considered and passed Senate, amended.
July 11, House concurred in Senate amendment, in others with amendments.
July 15, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
July 25, Presidential remarks and statement.

Public Law 102-74
102d Congress

Joint Resolution

To declare it to be the policy of the United States that there should be a renewed and sustained commitment by the Federal Government and the American people to the importance of adult education.

July 26, 1991
[H.J. Res. 279]

Whereas a well educated citizenry is the foundation of democracy, the people of all ages should use every means available to gain knowledge and skills;

Whereas the Adult Education Act offers educational opportunities for out-of-school adults age 16 and older who lack the literacy levels needed for effective citizenship and productive employment;

Whereas the Adult Education Act serves adults who need to acquire basic and life skills, to continue their education through secondary school, and to attain literacy levels required to secure employment or occupational training;

Whereas the Adult Education Act puts special emphasis on such adult populations as the incarcerated, individuals of limited English proficiency, adults with disabilities, adult immigrants, the chronically unemployed, homeless adults, the institutionalized, and minorities;

Whereas the Adult Education Act has provided adult basic, adult secondary, and English-as-a-Second-Language instruction to over 40,000,000 men and women since 1966;

Whereas the Adult Education Act has initiated programs located throughout the 57 States and territories, in urban, suburban, and rural settings;

Whereas the Adult Education Act encourages the participation of over 94,000 volunteers who selflessly devote their time to educating adults in need of literacy instruction;

Whereas the Adult Education Act supports the national goal that every adult American will be literate and will possess the knowledge and skill necessary to compete in a global economy and exercise the rights and responsibilities of citizenship;

Whereas the Adult Education Act reinforces the principle that we are a nation of students and recognizes that learning is a lifelong process;

Whereas on November 3, 1966, the Adult Education Act was signed into law; and

Whereas the Congress supports the Adult Education Act's goal of educating adults so that they can lead fulfilling, more productive lives: Now, therefore, be it

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

(1) the 25th anniversary of Federal aid to improve the basic and literacy skills of adults through the Adult Education Act should be recognized and observed by the Nation; and

(2) there should be a continued commitment to Federal aid for educating adults through the Adult Education Act in order to increase adult literacy and assure a productive workforce and a competitive America in the 21st century.

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.J. Res. 279:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 9, considered and passed House.
July 11, considered and passed Senate.

Public Law 102-75
102d Congress

An Act

To disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes.

July 26, 1991
[H.R. 427]

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

SECTION 1. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings:

(1) The term "1921 Act" means the Act of August 23, 1921 (42 Stat. 173), whereby the United States granted to the State of Washington, for the use of the University of Washington for purposes of a biological station and general university research purposes, certain lands compromising a military reservation at San Juan Island, in San Juan County, Washington.

(2) The term "encroached lands" means those portions of the lands granted to the State of Washington by the 1921 Act that are designated as "Encroached Lands" on a survey plat to be prepared by the Secretary of the Interior pursuant to section 2 of this Act.

(3) The term "university" means the University of Washington.

(4) The term "the Secretary" means the Secretary of the Interior.

(5) The term "occupants" means the parties who on January 3, 1991, were listed on the tax records of San Juan County, Washington, as the owners of the encroached lands, and their heirs and assigns.

SEC. 2. SURVEY PLAT.

Within one year after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of the lands granted to the State by the 1921 Act, and shall prepare a survey plat detailing those portions of the land granted to the State that have been encroached upon: *Provided*, That not more than 50 per centum of the cost of such survey shall be paid by the Federal Government.

SEC. 3. EXEMPTION, DISCLAIMER, AND CONDITIONS.

(a) Subject to the limitation in subsection (c), the provisions of the 1921 Act relating to the right of the United States to assume control of, hold, use, and occupy the lands granted to the State by the 1921 Act, the provisions of such Act providing for reversion of such lands to the United States, and section 2 of such Act as amended by this Act shall not apply to the encroached lands.

(b) Subject to the limitations of subsection (c), the United States hereby disclaims all right, title and interest in the encroached lands and, effective one year after the survey plat is prepared pursuant to

section 2, all right, title, and interest of the United States in such lands shall vest in the University.

(c)(1) Subsections (a) and (b) of this section shall not take effect unless, within six months after the date of enactment of this Act the University and the State have entered into a binding agreement with the Secretary whereby the State and the University agree—

(A) to accept the map referred to in section 2 as accurate and conclusive and that the University and the State will not attempt to convey or otherwise transfer any portion of the encroached lands to any party or parties other than the occupants; and

(B) to reimburse the Secretary for the administrative costs of implementing this Act plus half the costs of the survey required by section 2, and also to pay the Secretary, on behalf of the United States, an amount equal to the total amounts that the State and the University receive as consideration for conveyance of some of all of the encroached lands to any of the occupants in excess of reasonable costs (including the survey and other costs required by this Act) incurred by the University and the State incident to such conveyance.

(2) All amounts received by the Secretary pursuant to this subsection shall be retained by the Secretary and, subject to appropriations, shall be used for the management of public lands managed by the Bureau of Land Management and shall remain available until expended.

SEC. 4. AVAILABILITY OF SURVEY PLAT.

The survey plat referred to in section 2 shall be available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management for the State of Washington, and the Secretary shall transmit copies thereof to the University and to the appropriate officials of the State and of San Juan County, Washington.

SEC. 5. AMENDMENT.

The 1921 Act is hereby amended by the addition at the end thereof of the following new section:

"SEC. 2. (a) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the State of Washington is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

"(b) If lands granted or conveyed to the State by this Act shall be used for purposes that the Secretary of the Interior finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement, thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject

to appropriations, for the management of public lands and shall remain available until expended.".

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.R. 427:

HOUSE REPORTS: No. 102-34 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-94 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 24, considered and passed House.
July 17, considered and passed Senate.

Public Law 102-76
102d Congress

An Act

July 26, 1991
[H.R. 998]

To designate the building in Vacherie, Louisiana, which houses the primary operations of the United States Postal Service as the "John Richard Haydel Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building in Vacherie, Louisiana, which houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "John Richard Haydel Post Office Building", and any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the John Richard Haydel Post Office Building.

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.R. 998:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 15, considered and passed House.
July 17, considered and passed Senate.

Public Law 102-77
102d Congress

An Act

To redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility", and for other purposes.

July 26, 1991
[H.R. 2347]

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

SECTION 1. REDESIGNATION OF MAIL FACILITY.

(a) IN GENERAL.—The Midland General Mail Facility, located at 10000 Sloan Field Boulevard, in Midland, Texas, is redesignated as the "Carl O. Hyde General Mail Facility".

(b) REFERENCES.—Any reference in a law, rule, map, document, record, or other paper of the United States to the Midland General Mail Facility in Midland, Texas, is deemed to be a reference to the "Carl O. Hyde General Mail Facility".

SEC. 2. AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 5307 of title 5, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (a)(1);

(2) in subsection (a)(1) (as so redesignated) by striking "cause to the" and inserting "cause the";

(3) by inserting after subsection (a)(1) (as so redesignated) the following:

"(2) This section shall not apply to any payment under—

"(A) subchapter III or VII of chapter 55 or section 5596;

"(B) chapter 57 (other than section 5753, 5754, or 5755); or

"(C) chapter 59 (other than section 5925, 5928, 5941(a)(2), or 5948).";

and

"(4) in subsection (b) by striking paragraph (3).

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.R. 2347:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 15, considered and passed House.
July 17, considered and passed Senate.

Public Law 102-78
102d Congress

Joint Resolution

Aug. 2, 1991
[S.J. Res. 121]

Designating September 12, 1991, as "National D.A.R.E. Day".

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to 20 million youths in grades K-12;

Whereas D.A.R.E. is taught in more than 150,000 classrooms, reaching more than 3,500 communities in all Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. program has become a model drug prevention program for other countries and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rica and Mexico;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decisionmaking skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the D.A.R.E. Program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas D.A.R.E., according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991 is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

Approved August 2, 1991.

LEGISLATIVE HISTORY—S.J. Res. 121:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
July 24, considered and passed House.

Public Law 102-79
102d Congress

Joint Resolution

Aug. 6, 1991
[H.J. Res. 181]

Designating the third Sunday of August of 1991 as "National Senior Citizens Day".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday of August of 1991 is designated as "National Senior Citizens Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities in honor of the contributions to the United States of individuals more than 55 years of age.

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.J. Res. 181:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 16, considered and passed House.
July 23, considered and passed Senate.

Public Law 102-80
102d Congress

Joint Resolution

Designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as "National Historically Black Colleges Week".

Aug. 6, 1991
[S.J. Res. 40]

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 8, 1991, and the week beginning September 6, 1992, are each designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe each such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

Approved August 6, 1991.

LEGISLATIVE HISTORY—S.J. Res. 40:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
July 24, considered and passed House, amended.
July 25, Senate concurred in House amendments.

Public Law 102-81
102d Congress

Joint Resolution

Aug. 6, 1991
[S.J. Res. 142]

To designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week".

Whereas over 250,000 children in the United States are affected by the debilitating disease known as Juvenile Arthritis;

Whereas this crippling condition attacks the joints and major organs of the human body—heart, liver, spleen, and even eyes;

Whereas this disease is often lifelong, affecting children into their adulthood, making even simple tasks seem difficult and frustrating, affecting the quality of life for our future citizens and leaders;

Whereas Juvenile Arthritis can be controlled reasonably well in most people, but it can prove fatal in some instances; and

Whereas the commitment to research and education efforts to develop a greater understanding about Juvenile Arthritis should be encouraged and continued: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 28, 1991, is designated as "National Juvenile Arthritis Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Approved August 6, 1991.

LEGISLATIVE HISTORY—S.J. Res. 142:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
July 24, considered and passed House.

Public Law 102-82
102d Congress

An Act

To amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.

Aug. 6, 1991
[H.R. 153]

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

SECTION 1. PROCEDURES FOR DECISIONS OF THE COURT OF VETERANS APPEALS.

Section 7267 of title 38, United States Code, is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c) and (e) as subsections (b) and (c), respectively; and

(3) by striking out "except as provided in subsection (d) of this section" in subsection (a).

SEC. 2. JUDICIAL CONFERENCE.

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7286. Judicial Conference of the Court of Veterans Appeals

"The Chief Judge of the Court of Veterans Appeals may summon the judges of the Court to an annual judicial conference, at a time and place that the Chief Judge designates, for the purpose of considering the business of the Court and recommending means of improving the administration of justice within the Court's jurisdiction. The Court shall provide by its rules for representation and active participation at such conference by persons admitted to practice before the Court and by other persons active in the legal profession.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7285 the following new item:

"7286. Judicial Conference of the Court of Veterans Appeals.".

SEC. 3. JUDICIAL DISCIPLINE.

Section 7253 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(g) The Court shall prescribe rules, consistent with the provisions of section 372(c) of title 28, establishing procedures for the filing of complaints with respect to the conduct of any judge of the Court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, the Court shall have the powers granted to a judicial council under such section.". Regulations.

SEC. 4. RECUSAL OF JUDGES.

Section 7264 of title 38, United States Code, is amended by adding at the end the following:

"(c) Section 455 of title 28 shall apply to judges and proceedings of the Court.".

SEC. 5. PARTICIPATION OF JUDGES IN THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 8440c. Judges of the United States Court of Veterans Appeals

"(a)(1) A judge of the United States Court of Veterans Appeals may elect to contribute to the Thrift Savings Fund.

"(2) An election may be made under paragraph (1) only during a period provided under section 8432(b) of this title for individuals subject to chapter 84 of this title.

"(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to a judge making contributions to the Thrift Savings Fund.

"(2) The amount contributed by a judge may not exceed 5 percent of the amount of the judge's basic pay. Basic pay does not include any retired pay paid pursuant to section 7296 of title 38.

"(3) No contributions may be made for the benefit of a judge under section 8432(c) of this title.

"(4) Section 8433(b) of this title applies with respect to a judge who elects to make contributions to the Thrift Savings Fund and retires under section 7296(b) of title 38.

"(5) A transfer shall be made as provided in section 8433(d) of this title in the case of a judge who elects to make contributions to the Thrift Savings Fund and thereafter ceases to serve as a judge of the United States Court of Veterans Appeals but does not retire under section 7296(b) of title 38.

"(6) The provisions of section 8351(b)(7) of this title shall apply with respect to a judge who has elected to contribute to the Thrift Savings Fund under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting at the end of the items relating to the sections in subchapter III the following:

"8440c. Judges of the United States Court of Veterans Appeals.".

5 USC 8440c note.

(b) FIRST ELECTION.—A judge of the United States Court of Veterans Appeals on the date of the enactment of this Act may make an election under section 8440c(a) of title 5, United States Code (as added by subsection (a)), within 60 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—(1) Section 7296(f)(2)(A) of title 38, United States Code, is amended by inserting "except as authorized by section 8440c of title 5" before the semicolon at the end.

(2) Section 7297(n) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: "except section 8440c of title 5".

SEC. 6. DISTRIBUTION OF THE CONGRESSIONAL RECORD TO THE UNITED STATES COURT OF VETERANS APPEALS.

Section 906 of title 44, United States Code, is amended by inserting "the United States Court of Veterans Appeals," after "the Tax Court of the United States," both places it appears.

SEC. 7. ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE UNITED STATES COURT OF VETERANS APPEALS.

Section 7281 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(i) The Court may accept and utilize voluntary services and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5 and may accept, hold, administer, and utilize gifts and bequests of personal property for the purposes of aiding or facilitating the work of the Court. Gifts or bequests of money to the Court shall be covered into the Treasury.".

SEC. 8. TECHNICAL AMENDMENTS.

Chapter 72 of title 38, United States Code, is amended—

(1) in subsection (c) of section 7267 (as redesignated by section 1), by striking out "Administrator of the National Archives and Records Administration" and inserting in lieu thereof "Archivist of the United States";

(2) in section 7268(b)(2)—

(A) by striking out "shall" and inserting in lieu thereof "may, upon motion of the appellant or the Secretary,"; and

(B) by striking out "before" and inserting in lieu thereof "or"; and

(3) by redesignating the second subsection (d) of section 7254 (authorizing judges of the Court to administer oaths) as subsection (e).

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.R. 153:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 20, considered and passed House.
July 16, considered and passed Senate, amended.
July 24, House concurred in Senate amendments.

Public Law 102-83
102d Congress

An Act

Aug. 6, 1991
[H.R. 2525]

To amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

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

Department of Veterans Affairs Codification Act.
Government organization.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Codification Act".

(b) REFERENCES.—Except in sections 3 and 6 and as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. CODIFICATION, REORGANIZATION, AND REVISION OF LAWS RELATING TO ESTABLISHMENT, ORGANIZATION, AND AUTHORITY OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Part I is amended by striking out chapter 3 and inserting in lieu thereof the following:

"CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

"Sec.
"301. Department.
"302. Seal.
"303. Secretary of Veterans Affairs.
"304. Deputy Secretary of Veterans Affairs.
"305. Chief Medical Director.
"306. Chief Benefits Director.
"307. Director of the National Cemetery System.
"308. Assistant Secretaries; Deputy Assistant Secretaries.
"309. Chief Financial Officer.
"310. Chief Information Resources Officer.
"311. General Counsel.
"312. Inspector General.
"313. Availability of appropriations.
"314. Central Office.
"315. Regional offices.
"316. Colocation of regional offices and medical centers.

"§ 301. Department

"(a) The Department of Veterans Affairs is an executive department of the United States.

"(b) The purpose of the Department is to administer the laws providing benefits and other services to veterans and the dependents and the beneficiaries of veterans.

"(c) The Department is composed of the following:

"(1) The Office of the Secretary.

"(2) The Veterans Health Administration.
"(3) The Veterans Benefits Administration.
"(4) The National Cemetery System.
"(5) The Board of Veterans' Appeals.
"(6) The Veterans' Canteen Service.
"(7) The Board of Contract Appeals.
"(8) Such other offices and agencies as are established or designated by law or by the President or the Secretary.
"(9) Any office, agency, or activity under the control or supervision of any element named in paragraphs (1) through (8).

"§ 302. Seal

"(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.
"(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

"§ 303. Secretary of Veterans Affairs

"There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

"§ 304. Deputy Secretary of Veterans Affairs

"There is in the Department a Deputy Secretary of Veterans Affairs, who is appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe. Unless the President designates another officer of the Government, the Deputy Secretary shall be Acting Secretary of Veterans Affairs during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

"§ 305. Chief Medical Director

"(a)(1) There is in the Department a Chief Medical Director, who is appointed by the President, by and with the advice and consent of the Senate.
"(2) The Chief Medical Director shall be a doctor of medicine and shall be appointed without regard to political affiliation or activity and solely—
"(A) on the basis of demonstrated ability in the medical profession, in health-care administration and policy formulation, and in health-care fiscal management; and
"(B) on the basis of substantial experience in connection with the programs of the Veterans Health Administration or programs of similar content and scope.
"(b) The Chief Medical Director is the head of, and is directly responsible to the Secretary for the operation of, the Veterans Health Administration.
"(c) The Chief Medical Director shall be appointed for a period of four years, with reappointment permissible for successive like peri-

ods. If the President removes the Chief Medical Director before the completion of the term for which the Chief Medical Director was appointed, the President shall communicate the reasons for the removal to Congress.

"(d)(1) Whenever a vacancy in the position of Chief Medical Director occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

"(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

"(A) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Administration.

"(B) Two persons representing veterans served by the Veterans Health Administration.

"(C) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.

"(D) The Deputy Secretary of Veterans Affairs.

"(E) The Chairman of the Special Medical Advisory Group established under section 7312 of this title.

"(F) One person who has held the position of Chief Medical Director (including service as Chief Medical Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the Commission.

"(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Chief Medical Director. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

"(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

"§ 306. Chief Benefits Director

"(a) There is in the Department a Chief Benefits Director, who is appointed by the President, by and with the advice and consent of the Senate. The Chief Benefits Director shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

"(1) fiscal management; and

"(2) the administration of programs within the Veterans Benefits Administration or programs of similar content and scope.

"(b) The Chief Benefits Director is the head of, and is directly responsible to the Secretary for the operations of, the Veterans Benefits Administration.

"(c) The Chief Benefits Director shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Chief Benefits Director before the completion of the term for which the Chief Benefits Director was appointed, the President shall communicate the reasons for the removal to Congress.

"(d)(1) Whenever a vacancy in the position of Chief Benefits Director occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

"(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

"(A) Three persons representing education and training, real estate, mortgage finance, and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.

"(B) Two persons representing veterans served by the Veterans Benefits Administration.

"(C) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

"(D) The Deputy Secretary of Veterans Affairs.

"(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.

"(F) One person who has held the position of Chief Benefits Director (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the Commission.

"(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Chief Benefits Director. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

"(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

"§ 307. Director of the National Cemetery System

"There is in the Department a Director of the National Cemetery System, who is appointed by the President, by and with the advice and consent of the Senate. The Director is the head of the National Cemetery System as established in section 2400 of this title and shall perform such functions as may be assigned by the Secretary.

"§ 308. Assistant Secretaries; Deputy Assistant Secretaries

"(a) There shall be in the Department not more than six Assistant Secretaries. Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Secretary shall assign to the Assistant Secretaries responsibility for the administration of such functions and duties as the Secretary considers appropriate, including the following functions:

"(1) Budgetary and financial functions.

"(2) Personnel management and labor relations functions.

"(3) Planning, studies, and evaluations.

"(4) Management, productivity, and logistic support functions.

"(5) Information management functions as required by section 3506 of title 44.

"(6) Capital facilities and real property program functions.

"(7) Equal opportunity functions.

"(8) Functions regarding the investigation of complaints of employment discrimination within the Department.

"(9) Functions regarding intergovernmental, public, and consumer information and affairs.

"(10) Procurement functions.

President. "(c) Whenever the President nominates an individual for appointment as an Assistant Secretary, the President shall include in the communication to the Senate of the nomination a statement of the particular functions of the Department specified in subsection (b), and any other functions of the Department, the individual will exercise upon taking office.

"(d)(1) There shall be in the Department such number of Deputy Assistant Secretaries, not exceeding 18, as the Secretary may determine. Each Deputy Assistant Secretary shall be appointed by the Secretary and shall perform such functions as the Secretary prescribes.

"(2) At least two-thirds of the number of positions established and filled under paragraph (1) shall be filled by individuals who have at least five years of continuous service in the Federal civil service in the executive branch immediately preceding their appointment as a Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

"(A) of a confidential, policy-determining, policy-making, or policy-advocating character;

"(B) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

"(C) to which such individual was appointed by the President.

"§ 309. Chief Financial Officer

"The Secretary shall designate the Assistant Secretary whose functions include budgetary and financial functions as the Chief Financial Officer of the Department. The Chief Financial Officer shall advise the Secretary on financial management of the Department and shall exercise the authority and carry out the functions specified in section 902 of title 31.

"§ 310. Chief Information Resources Officer

"(a) The Secretary shall designate the Assistant Secretary whose functions include information management functions (as required by section 3506 of title 44) as the Chief Information Resources Officer of the Department.

"(b) The Chief Information Resources Officer shall advise the Secretary on information and management activities of the Department as required by section 3506 of title 44.

"(c) The Chief Information Resources Officer shall develop and maintain an information resources management system for the Department that provides for—

"(1) the conduct of, and accountability for, any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

"(2) the implementation of all applicable Governmentwide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork

reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resources management functions;

"(3) the periodic evaluation of and (as needed) the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained within Department information systems; and

"(4) the development and annual revision of a five-year plan for meeting the Department's information technology needs.

"(d) The Chief Information Resources Officer shall report directly to the Secretary in carrying out the duties of the Chief Information Resources Officer under this section and under chapter 35 of title 44.

"§ 311. General Counsel

"There is in the Department the Office of the General Counsel. There is at the head of the office a General Counsel, who is appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief legal officer of the Department and provides legal assistance to the Secretary concerning the programs and policies of the Department.

"§ 312. Inspector General

"(a) There is in the Department an Inspector General, who is appointed by the President, by and with the advice and consent of the Senate, as provided in the Inspector General Act of 1978 (5 U.S.C. App. 3). The Inspector General performs the functions, has the responsibilities, and exercises the powers specified in that Act.

"(b)(1) The Secretary shall provide for not less than 40 full-time positions in the Office of Inspector General in addition to the number of such positions in that office on March 15, 1989.

"(2) The President shall include in the budget transmitted to the Congress for each fiscal year pursuant to section 1105 of title 31 an estimate of the amount for the Office of Inspector General that is sufficient to provide for a number of full-time positions in that office that is not less than the number of full-time positions in that office on March 15, 1989, plus 40.

"(3) The Secretary shall provide the number of additional full-time positions in the Office of Inspector General required by paragraph (1) not later than September 30, 1991.

"§ 313. Availability of appropriations

"(a) Funds appropriated to the Department may remain available until expended.

"(b) Funds appropriated to the Department may not be used for a settlement of more than $1,000,000 on a construction contract unless—

"(1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and

"(2) the settlement is provided for specifically in an appropriation law.

"§ 314. Central Office

"The Central Office of the Department shall be in the District of Columbia.

"§ 315. Regional offices

"(a) The Secretary may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary considers necessary.

"(b) The Secretary may maintain a regional office in the Republic of the Philippines until September 30, 1991.

"§ 316. Colocation of regional offices and medical centers

"(a) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the colocation of at least three regional offices with medical centers of the Department—

"(1) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

"(2) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such colocation.

"(b)(1) In carrying out this section and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) or (2) of subsection (a).

"(2) Such real property shall be used as the site of a facility—

"(A) constructed and owned by the lessee of such real property; and

"(B) leased under subsection (c)(1) to the Department for such use and such other activities as the Secretary determines are appropriate.

"(c)(1) The Secretary may enter into a lease for the use of any facility described in subsection (b)(2) for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(2) Each agreement for such a lease shall provide—

"(A) that the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(B) that the ownership of the facility shall vest in the United States at the end of such lease.

"(d)(1) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(A) the rental rate paid by the Secretary for such space under subsection (c); plus

"(B) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(2) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(e) The Secretary shall use the receipts of any payment for the lease of real property under subsection (b) for the payment of the lease of a facility under subsection (c).

"(f)(1) Subject to paragraph (3)(A), the Secretary shall, not later than April 18, 1990, issue an invitation for offers with respect to three colocations to be carried out under this section. The invitation

shall include, with respect to each such colocation, at least the following:

"(A) Identification of the site to be developed.

"(B) Minimum office space requirements for regional office activities.

"(C) Design criteria of the facility to be constructed.

"(D) A plan for meeting the security and parking needs for the facility and its occupants and visitors.

"(E) A statement of current and projected rents and other costs for regional office activities.

"(F) The estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility.

"(G) A plan for securing appropriate licenses, easements, and rights-of-way.

"(H) A list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

"(2) Subject to paragraph (3)(B), the Secretary shall—

"(A) not later than one year after the date on which the invitation is issued under paragraph (1), enter into an agreement to carry out one colocation under this subsection; and

"(B) within 180 days after entering into the agreement referred to in subparagraph (A), enter into agreements to carry out two additional colocations,

unless the Secretary determines that it is not economically feasible for the Department to undertake them, taking into consideration all of the tangible and intangible benefits associated with such colocations.

"(3) The Secretary shall—

"(A) at least 10 days before the issuance or other publication of the invitation referred to in paragraph (1), submit a copy of the invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(B) at least 30 days before entering into an agreement under paragraph (2), submit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under paragraph (1).

"(g) The authority to enter into an agreement under this section shall expire on September 30, 1992.

"CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

"SUBCHAPTER I—GENERAL AUTHORITIES

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"501. Rules and regulations.
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"SUBCHAPTER II—SPECIFIED FUNCTIONS

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"SUBCHAPTER III—ADVISORY COMMITTEES

"541. Advisory Committee on Former Prisoners of War.
"542. Advisory Committee on Women Veterans.

"SUBCHAPTER I—GENERAL AUTHORITIES

"§ 501. Rules and regulations

"(a) The Secretary has authority to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by the Department and are consistent with those laws, including—

"(1) regulations with respect to the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws;

"(2) the forms of application by claimants under such laws;

"(3) the methods of making investigations and medical examinations; and

"(4) the manner and form of adjudications and awards.

"(b) Any rule, regulation, guideline, or other published interpretation or order (and any amendment thereto) issued pursuant to the authority granted by this section or any other provision of this title shall contain citations to the particular section or sections of statutory law or other legal authority upon which such issuance is based. The citation to the authority shall appear immediately following each substantive provision of the issuance.

"(c) In applying section 552(a)(1) of title 5 to the Department, the Secretary shall ensure that subparagraphs (C), (D), and (E) of that section are complied with, particularly with respect to opinions and interpretations of the General Counsel.

"(d) The provisions of section 553 of title 5 shall apply, without regard to subsection (a)(2) of that section, to matters relating to loans, grants, or benefits under a law administered by the Secretary.

"§ 502. Judicial review of rules and regulations

"An action of the Secretary to which section 552(a)(1) or 553 of title 5 (or both) refers (other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title) is subject to judicial review. Such review shall be in accordance with chapter 7 of title 5 and may be sought only in the United States Court of Appeals for the Federal Circuit. However, if such review is sought in connection with an appeal brought under the provisions of chapter 72 of this title, the provisions of that chapter shall apply rather than the provisions of chapter 7 of title 5.

"§ 503. Administrative error; equitable relief

"(a) If the Secretary determines that benefits administered by the Department have not been provided by reason of administrative error on the part of the Federal Government or any of its employees,

the Secretary may provide such relief on account of such error as the Secretary determines equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

"(b) If the Secretary determines that a veteran, surviving spouse, child of a veteran, or other person has suffered loss as a consequence of reliance upon a determination by the Department of eligibility or entitlement to benefits, without knowledge that it was erroneously made, the Secretary may provide such relief on account of such error as the Secretary determines is equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

"(c) Not later than April 1 of each year, the Secretary shall submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief under this section during the preceding calendar year. Reports.

"§ 505. Opinions of Attorney General

"The Secretary may require the opinion of the Attorney General on any question of law arising in the administration of the Department.

"§ 510. Authority to reorganize offices

"(a) Except to the extent inconsistent with law, the Secretary may—

"(1) consolidate, eliminate, abolish, or redistribute the functions of the Administrations, offices, facilities, or activities in the Department;

"(2) create new Administrations, offices, facilities, or activities in the Department; and

"(3) fix the functions of any such Administration, office, facility, or activity and the duties and powers of their respective executive heads.

"(b) The Secretary may not in any fiscal year implement an administrative reorganization described in subsection (c) unless the Secretary first submits to the appropriate committees of the Congress a report containing a detailed plan and justification for the administrative reorganization. No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

"(c) An administrative reorganization described in this subsection is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

"(1) by 15 percent or more; or

"(2) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.

"(d)(1) Not less than 30 days before the date on which the implementation of any administrative reorganization described in paragraph (2) of a unit in the Central Office is to begin, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a notification regarding the reorganization.

"(2) Paragraph (1) applies to an administrative reorganization of any unit of the Central Office that is the duty station for 30 or more employees if the reorganization involves a reduction in any fiscal year in the number of full-time equivalent employees with permanent duty station in such unit by 50 percent or more.

"(e) For purposes of this section, the term 'administrative reorganization' does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.

"(f) For purposes of this section:

"(1) The term 'covered field office or facility' means a Department office or facility outside the Central Office that is the permanent duty station for 25 or more employees or that is a free-standing outpatient clinic.

"(2) The term 'detailed plan and justification' means, with respect to an administrative reorganization, a written report that, at a minimum, includes the following:

"(A) Specification of the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished.

"(B) Identification of any existing or planned office or facility at which the number of employees is to be increased and specification of the number and responsibilities of the additional employees at each such office or facility.

"(C) A description of the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subsection (b).

"(D) An explanation of the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Department.

"(E) A description of the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Department not directly affected by the reorganization).

"(F) Estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.

"§ 511. Decisions of the Secretary; finality

"(a) The Secretary shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans or the dependents

or survivors of veterans. Subject to subsection (b), the decision of the Secretary as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

"(b) The second sentence of subsection (a) does not apply to—

"(1) matters subject to section 502 of this title;

"(2) matters covered by sections 1975 and 1984 of this title;

"(3) matters arising under chapter 37 of this title; and

"(4) matters covered by chapter 72 of this title.

"§ 512. Delegation of authority; assignment of functions and duties

"(a) Except as otherwise provided by law, the Secretary may assign functions and duties, and delegate, or authorize successive redelegation of, authority to act and to render decisions, with respect to all laws administered by the Department, to such officers and employees as the Secretary may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Secretary.

"(b) There shall be included on the technical and administrative staff of the Secretary such staff officers, experts, inspectors, and assistants (including legal assistants) as the Secretary may prescribe.

"§ 513. Contracts and personal services

"The Secretary may, for purposes of all laws administered by the Department, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons (including contracts for services of translators without regard to any other law), for such necessary services (including personal services) as the Secretary may consider practicable. The Secretary may also enter into contracts or agreements with private concerns or public agencies for the hiring of passenger motor vehicles or aircraft for official travel whenever, in the Secretary's judgment, such arrangements are in the interest of efficiency or economy.

"§ 515. Administrative settlement of tort claims

"(a)(1) Notwithstanding the limitations contained in section 2672 of title 28, the Secretary may settle a claim for money damages against the United States cognizable under section 1346(b) or 2672 of title 28 or section 7316 of this title to the extent the authority to do so is delegated to the Secretary by the Attorney General. Such delegation may not exceed the authority delegated by the Attorney General to United States attorneys to settle claims for money damages against the United States.

"(2) For purposes of this subsection, the term 'settle', with respect to a claim, means consider, ascertain, adjust, determine, and dispose of the claim, whether by full or partial allowance or by disallowance.

"(b) The Secretary may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in foreign countries in connection with Department operations abroad. A claim may not be allowed under this subsection unless it is presented in writing to the Secretary within two years after the claim accrues.

"SUBCHAPTER II—SPECIFIED FUNCTIONS

"§ 521. Assistance to certain rehabilitation activities

"(a) The Secretary may assist any organization named in or approved under section 5902 of this title in providing recreational activities which would further the rehabilitation of disabled veterans. Such assistance may be provided only if—

"(1) the activities are available to disabled veterans on a national basis; and

"(2) a significant percentage of the individuals participating in the activities are eligible for rehabilitative services under chapter 17 of this title.

"(b) The Secretary may accept from any appropriate source contributions of funds and of other assistance to support the Secretary's provision of assistance for such activities.

"(c)(1) Subject to paragraph (2), the Secretary may authorize the use, for purposes approved by the Secretary in connection with the activity involved, of the seal and other official symbols of the Department and the name 'Department of Veterans Affairs' by—

"(A) any organization which provides an activity described in subsection (a) with assistance from the Secretary; and

"(B) any individual or entity from which the Secretary accepts a significant contribution under subsection (b) or an offer of such a contribution.

"(2) The use of such seal or name of any official symbol of the Department in an advertisement may be authorized by the Secretary under this subsection only if—

"(A) the Secretary has approved the advertisement; and

"(B) the advertisement contains a clear statement that no product, project, or commercial line of endeavor referred to in the advertisement is endorsed by the Department of Veterans Affairs.

"§ 522. Studies of rehabilitation of disabled persons

"(a) The Secretary may conduct studies and investigations, and prepare reports, relative to the rehabilitation of disabled persons, the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped, and how their potentialities can best be developed and their services best used in gainful and suitable employment including the rehabilitation programs of foreign nations.

"(b) In carrying out this section, the Secretary (1) may cooperate with such public and private agencies as the Secretary considers advisable; and (2) may employ consultants who shall receive a reasonable per diem, as prescribed by the Secretary, for each day actually employed, plus necessary travel and other expenses.

"§ 523. Coordination and promotion of other programs affecting veterans and their dependents

"(a) The Secretary shall seek to achieve (1) the maximum feasible effectiveness, coordination, and interrelationship of services among all programs and activities affecting veterans and their dependents carried out by and under all other departments, agencies, and instrumentalities of the executive branch, and (2) the maximum feasible coordination of such programs with programs carried out under this title. The Secretary shall actively promote the effective

implementation, enforcement, and application of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.

"(b) The Secretary shall seek to achieve the effective coordination of the provision, under laws administered by the Department, of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level. In carrying out this subsection, the Secretary shall place special emphasis on veterans who are 65 years of age or older.

"§ 525. Publication of laws relating to veterans

"(a) The Secretary may compile and publish all Federal laws relating to veterans' relief, including laws administered by the Department as well as by other agencies of the Government. Such compilation and publication shall be in such form as the Secretary considers advisable for the purpose of making currently available in convenient form for the use of the Department and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans' relief.

"(b) The Secretary may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation.

"(c) The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Secretary.

"§ 527. Evaluation and data collection

"(a) The Secretary, pursuant to general standards which the Secretary shall prescribe in regulations, shall measure and evaluate on a continuing basis the effect of all programs authorized under this title, in order to determine their effectiveness in achieving stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services. Such information as the Secretary may consider necessary for purposes of such evaluations shall be made available to the Secretary, upon request, by all departments, agencies, and instrumentalities of the executive branch.

"(b) In carrying out this section, the Secretary shall collect, collate, and analyze on a continuing basis full statistical data regarding participation (including the duration thereof), provision of services, categories of beneficiaries, planning and construction of facilities, acquisition of real property, proposed excessing of land, accretion and attrition of personnel, and categorized expenditures attributable thereto, under all programs carried out under this title.

"(c) The Secretary shall make available to the public, and on a regular basis provide to the appropriate committees of the Congress, copies of all completed evaluative research studies and summaries of evaluations of program impact and effectiveness carried out, and tabulations and analyses of all data collected, under this section. Public information.

"§ 529. Annual report to Congress

"The Secretary shall submit annually, at the close of each fiscal year, a report in writing to Congress. Each such report shall—

"(1) give an account of all moneys received and disbursed by the Department for such fiscal year;

"(2) describe the work done during such fiscal year; and

"(3) state the activities of the Department for such fiscal year.

"SUBCHAPTER III—ADVISORY COMMITTEES

"§ 541. Advisory Committee on Former Prisoners of War

Establishment.

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the 'Committee').

"(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include—

"(i) appropriate representatives of veterans who are former prisoners of war;

"(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

"(iii) appropriate representatives of disabled veterans.

"(B) The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of service of any such member may not exceed three years.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

Reports.

"(c)(1) Not later than July 1 of each odd-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are former prisoners of war. Each such report shall include—

"(A) an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted to the Congress pursuant to that section.

"§ 542. Advisory Committee on Women Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee'). Establishment.

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of women veterans;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense after consultation with the Defense Advisory Committee on Women in the Services); and

"(iii) the Chief Medical Director and the Chief Benefits Director, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for women veterans, reports and studies pertaining to women veterans and the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each even-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to women veterans. Each such report shall include— Reports.

"(A) an assessment of the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"CHAPTER 7—EMPLOYEES

"Sec.
"701. Placement of employees in military installations.
"703. Miscellaneous authorities respecting employees.
"705. Telephone service for medical officers and facility directors.
"707. Benefits for employees at overseas offices who are United States citizens.
"709. Employment restrictions.
"711. Grade reductions.

"§ 701. Placement of employees in military installations

"The Secretary may place employees of the Department in such Army, Navy, and Air Force installations as may be considered advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

"§ 703. Miscellaneous authorities respecting employees

"(a) The Secretary may furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties.

"(b) The Secretary may transport children of Department employees located at isolated stations to and from school in available Government-owned automotive equipment.

"(c) The Secretary may provide recreational facilities, supplies, and equipment for the use of patients in hospitals and employees in isolated installations.

"(d) The Secretary may provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material. For the purposes of the preceding sentence, the Secretary may purchase or rent equipment.

"(e) The Secretary may reimburse employees for the cost of repairing or replacing their personal property damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of their official duties.

"(f)(1) The Secretary, upon determining that an emergency situation exists and that such action is necessary for the effective conduct of the affairs of the Department, may use Government-owned, or leased, vehicles to transport employees to and from their place of employment and the nearest adequate public transportation or, if such public transportation is either unavailable or not feasible to use, to and from their place of employment and their home.

"(2) The Secretary shall establish reasonable rates to cover the cost of the service rendered under this subsection, and all proceeds collected therefrom shall be applied to the applicable appropriation.

"§ 705. Telephone service for medical officers and facility directors

"The Secretary may pay for official telephone service and rental in the field whenever incurred in case of official telephones for directors of centers, hospitals, independent clinics, domiciliaries, and medical officers of the Department where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations prescribed by the Secretary.

"§ 707. Benefits for employees at overseas offices who are United States citizens

"(a) The Secretary may, under such rules and regulations as may be prescribed by the President or the President's designee, provide to personnel of the Department who are United States citizens and are assigned by the Secretary to the Department offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

"(1) Section 905 of the Foreign Service Act of 1980 (relating to allowances to provide for the proper representation of the United States).

"(2) Sections 901 (1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980 (relating to travel expenses).

"(3) Section 901(13) of the Foreign Service Act of 1980 (relating to transportation of automobiles).

"(4) Section 903 of the Foreign Service Act of 1980 (relating to the return of personnel to the United States on leave of absence).

"(5) Section 904(d) of the Foreign Service Act of 1980 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).

"(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 60 days in connection with the return to the United States of the employee and such employee's immediate family).

"(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

"(b) The authority in subsection (a) supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Department provided by title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

"§ 709. Employment restrictions

"(a)(1) Notwithstanding section 3134(d) of title 5, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year.

"(2) For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.

"(b) The number of positions in the Department which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 positions.

"(c)(1) Political affiliation or activity may not be taken into account in connection with the appointment of any person to any position in or to perform any service for the Department or in the assignment or advancement of any employee in the Department.

"(2) Paragraph (1) shall not apply—

"(A) to the appointment of any person by the President under this title, other than the appointment of the Chief Medical Director, the Chief Benefits Director, and the Inspector General; or

"(B) to the appointment of any person to (i) a Senior Executive Service position as a noncareer appointee, or (ii) a position that is excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of the position.

"§ 711. Grade reductions

Reports.

"(a) The Secretary may not implement a grade reduction described in subsection (b) unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a detailed plan for such reduction and a detailed justification for the plan. The report shall include a determination by the Secretary (together with data supporting such determination) that, in the personnel area concerned, the Department has a disproportionate number of employees at the salary grade or grades selected for reduction in comparison to the number of such employees at the salary levels involved who perform comparable functions in other departments and agencies of the Federal Government and in non-Federal entities. Any grade reduction described in such report may not take effect until the end of a period of 90 calendar days (not including any day on which either House of Congress is not in session) after the report is received by the committees.

"(b) A grade reduction referred to in subsection (a) is a systematic reduction, for the purpose of reducing the average salary cost for Department employees described in subsection (c), in the number of such Department employees at a specific grade level.

"(c) The employees referred to in subsection (b) are—

"(1) health-care personnel who are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services;

"(2) individuals who meet the definition of professional employee as set forth in section 7103(a)(15) of title 5; and

"(3) individuals who are employed as computer specialists.

Reports.

"(d) Not later than the 45th day after the Secretary submits a report under subsection (a), the Comptroller General shall submit to such Committees a report on the Secretary's compliance with such subsection. The Comptroller General shall include in the report the Comptroller General's opinion as to the accuracy of the Secretary's determination (and of the data supporting such determination) made under such subsection.

"(e) In the case of Department employees not described in subsection (c), the Secretary may not in any fiscal year implement a systematic reduction for the purpose of reducing the average salary

cost for such Department employees that will result in a reduction in the number of such Department employees at any specific grade level at a rate greater than the rate of the reductions systematically being made in the numbers of employees at such grade level in all other agencies and departments of the Federal Government combined.

"CHAPTER 9—SECURITY AND LAW ENFORCEMENT ON PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT

"Sec.
"901. Authority to prescribe rules for conduct and penalties for violations.
"902. Enforcement and arrest authority of Department police officers.
"903. Uniform allowance.
"904. Equipment and weapons.
"905. Use of facilities and services of other law enforcement agencies.

"§ 901. Authority to prescribe rules for conduct and penalties for violations

"(a)(1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.

"(2) In this chapter, the term 'Department property' means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.

"(b) Regulations under subsection (a) shall include—

"(1) rules for conduct on Department property; and

"(2) the penalties, within the limits specified in subsection (c), for violations of such rules.

"(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both. The Secretary may prescribe by regulation a maximum fine less than that which would otherwise apply under the preceding sentence or a maximum term of imprisonment of a shorter period than that which would otherwise apply under the preceding sentence, or both. Any such regulation shall apply notwithstanding any provision of title 18 or any other law to the contrary.

"(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

"(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

"§ 902. Enforcement and arrest authority of Department police officers

"(a)(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property, enforce—

"(A) Federal laws;

"(B) the rules prescribed under section 901 of this title; and

"(C) subject to paragraph (2), traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Department property is located.

"(2) A law described in subparagraph (C) of paragraph (1) may be enforced under such subparagraph only as authorized by an express

grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law.

"(3) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901(a) of this title.

Regulations.

"(b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—

"(1) policies with respect to the exercise by Department police officers of the enforcement and arrest authorities provided by this section;

"(2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and

"(3) rules limiting the carrying and use of weapons by Department police officers.

"(c) The Secretary shall consult with the Attorney General before prescribing regulations under paragraph (1) of subsection (b).

"(d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.

"§ 903. Uniform allowance

"(a) The Secretary may pay an allowance under this section for the purchase of uniforms to any Department police officer who is required to wear a prescribed uniform in the performance of official duties.

"(b) The amount of the allowance that the Secretary may pay under this section—

"(1) may be based on estimated average costs or actual costs;

"(2) may vary by geographic regions; and

"(3) except as provided in subsection (c), may not exceed $200 in a fiscal year for any police officer.

"(c) The amount of an allowance under this section may be increased to an amount up to $400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person's employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.

"(d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.

"(e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

"§ 904. Equipment and weapons

"The Secretary shall furnish Department police officers with such weapons and related equipment as the Secretary determines to be necessary and appropriate.

"§ 905. Use of facilities and services of other law enforcement agencies

"With the permission of the head of the agency concerned, the Secretary may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.".

(b) VETERANS BENEFITS ADMINISTRATION.—Part V of title 38, United States Code, is amended by inserting after chapter 76 the following new chapter:

"CHAPTER 77—VETERANS BENEFITS ADMINISTRATION

"SUBCHAPTER I—ORGANIZATION; GENERAL

"Sec.
"7701. Organization of the Administration.
"7703. Functions of the Administration.

"SUBCHAPTER II—VETERANS OUTREACH SERVICES PROGRAM

"7721. Purpose; definitions.
"7722. Outreach services.
"7723. Veterans assistance offices.
"7724. Outstationing of counseling and outreach personnel.
"7725. Use of other agencies.
"7726. Annual report to Congress.

"SUBCHAPTER I—ORGANIZATION; GENERAL

"§ 7701. Organization of the Administration

"(a) There is in the Department of Veterans Affairs a Veterans Benefits Administration. The primary function of the Veterans Benefits Administration is the administration of nonmedical benefits programs of the Department which provide assistance to veterans and their dependents and survivors.

"(b) The Veterans Benefits Administration is under the Chief Benefits Director, who is directly responsible to the Secretary for the operations of the Administration.

"§ 7703. Functions of the Administration

"The Veterans Benefits Administration is responsible for the administration of the following programs of the Department:

"(1) Compensation and pension programs.

"(2) Vocational rehabilitation and educational assistance programs.

"(3) Veterans' housing loan programs.

"(4) Veterans' and servicemembers' life insurance programs.

"(5) Outreach programs and other veterans' services programs.

"SUBCHAPTER II—VETERANS OUTREACH SERVICES PROGRAM

"§ 7721. Purpose; definitions

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"(b) For the purposes of this subchapter—

"(1) the term 'other governmental programs' includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

"(2) the term 'eligible dependent' means an 'eligible person' as defined in section 3501(a)(1) of this title.

"§ 7722. Outreach services

"(a) In carrying out the purposes of this subchapter, the Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

"(b) The Secretary shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all benefits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

"(c) The Secretary shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Department and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

"(d) The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.

"§ 7723. Veterans assistance offices

"(a) The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this subchapter. In establishing and maintaining such offices, the Secretary shall give due regard to—

"(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

"(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

"(3) the necessity of providing appropriate outreach services in less populated areas.

"(b) The Secretary shall establish and carry out all possible programs and services, including special telephone facilities, as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

"§ 7724. Outstationing of counseling and outreach personnel

"The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title and to provide outreach services under this subchapter.

"§ 7725. Use of other agencies

"In carrying out this subchapter, the Secretary shall do the following:

"(1) Arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Department.

"(2) In consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

"(3) Cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

"(4) Where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

"(5) At the Secretary of Veterans Affairs discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

"(6) Conduct and provide for studies in consultation with appropriate Federal departments and agencies to determine the

most effective program design to carry out the purposes of this subchapter.

"§ 7726. Annual report to Congress

"The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the activities carried out under this subchapter. Each such report shall include an appraisal of the effectiveness of the programs authorized in this subchapter and recommendations for the improvement or more effective administration of those programs.".

(c) CROSS-REFERENCES TO PREVIOUS CHAPTER 3 SECTIONS.—

(1) Section 621 is amended by striking out "section 210(c)(1)" and inserting in lieu thereof "section 501(a)".

(2) Section 1685(a)(1) is amended by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77".

(3) The following sections are amended by striking out "section 214" and inserting in lieu thereof "section 529": sections 618(c)(3), 654, 1521(c), 1833(c)(2), and 7101(c)(3).

(4) Section 2003A(b)(2) is amended by striking out "section 242" and inserting in lieu thereof "section 7723".

(5) Section 2014(g) is amended by striking out "section 241" and "section 243" and inserting in lieu thereof "section 7722" and "section 7724", respectively.

(6) Section 5701(g)(2)(A)(ii) is amended by striking out "section 219" and inserting in lieu thereof "section 527".

(7) Section 7455(a)(2)(C) is amended by striking out "section 218" and inserting in lieu thereof "section 902".

(d) TABLES OF CHAPTERS.—

(1) The table of chapters before part I is amended—

(A) by striking out the item relating to chapter 3 and inserting in lieu thereof the following:

"3. Department of Veterans Affairs 301
"5. Authority and Duties of the Secretary 501
"7. Employees 701
"9. Security and Law Enforcement on Property Under the Jurisdiction of the Department ..... 901";

and

(B) by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ..... 7701".

(2) The table of chapters at the beginning of part I is amended by striking out the item relating to chapter 3 and inserting in lieu thereof the following:

"3. Department of Veterans Affairs 301
"5. Authority and Duties of the Secretary 501
"7. Employees 701
"9. Security and Law Enforcement on Property Under the Jurisdiction of the Department ..... 901".

(3) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ..... 7701".

SEC. 3. CONFORMING REPEALS TO DEPARTMENT OF VETERANS AFFAIRS ACT.

The following provisions of the Department of Veterans Affairs Act (Public Law 100-527) are repealed:

(1) The second and third sentences of section 2. 38 USC 201 note.
(2) The second sentence of section 7. 38 USC 201 note.
(3) Sections 3, 4, 5, 8(a), 9(b), 12, and 16. 38 USC 201 note.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE, TO REFLECT THE ESTABLISHMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REFERENCES TO VETERANS' ADMINISTRATION.—

(1) Title 38 is amended by striking out "administered by the Veterans' Administration" each place it appears and inserting in lieu thereof "administered by the Secretary".

(2)(A) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary":

(i) Subsections (d) and (e) of section 103.
(ii) Section 620(f)(1)(B) (in the second sentence).
(iii) In chapter 19—
(I) subsection (a) and the first sentence of subsection (b) of section 707;
(II) section 710;
(III) section 718(a);
(IV) subsections (a) and (b) (in two places) of section 722;
(V) section 746;
(VI) section 747 (in the last sentence);
(VII) section 784(a) (in each of the four places "Veterans' Administration" appears); and
(VIII) section 784(b) (in the sixth sentence).
(iv) Section 1810(e)(2).
(v) Paragraphs (4)(B) and (5)(B) of section 1812(a).
(vi) Section 5110(n).
(vii) Section 5301(e)(2).
(viii) Section 5305 (in the last sentence).
(ix) Subsection (a)(2) (in the first place "Veterans' Administration" appears), subsection (d) (in the last sentence), and subsection (e) (in the first place "Veterans' Administration" appears) of section 5502.
(x) Section 5503(b)(1)(A).
(xi) Paragraph (1) (in the first place "Veterans' Administration" appears), paragraph (2), and paragraph (3) of section 5701(c).
(xii) Section 5702(a) (in two places).
(xiii) Section 5703 (in each place "Veterans' Administration" appears).
(xiv) Section 6105(a) (in the second sentence).

(B) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

(i) Section 113(b)(2)(A).
(ii) Section 725(d)(3) (the second place "Veterans' Administration" appears).
(iii) Section 777(g).
(iv) Section 1814(d).
(v) Section 1849(a).
(vi) Sections 7601(a), 7611, and 7621.

(C) The following provisions of chapter 19 are amended by striking out "in the Veterans' Administration" and inserting in lieu thereof "by the Secretary":

(i) The second sentence of section 707(b).
(ii) Section 712(b).
(iii) Section 742(c).

(D) The following provisions of chapter 19 are amended by striking out "in the Veterans' Administration" and inserting in lieu thereof "with the Secretary":
(i) Section 722(b)(3).
(ii) Section 784(b) (in the third sentence).

(E) Section 601(4) is amended by striking out "Veterans' Administration facilities" and inserting in lieu thereof "facilities of the Department".

(F) Section 5705(b) is amended—
(i) by striking out "Veterans' Administration patient or employee," in paragraph (2) and inserting in lieu thereof "patient or employee of the Department,"; and
(ii) by striking out "Veterans' Administration patients or employees" in paragraph (6) and inserting in lieu thereof "patients or employees of the Department,".

(3) Such title is further amended by striking out "Veterans' Administration" each place it appears (other than as amended under paragraphs (1) and (2) and as specified in paragraph (4)) and inserting in lieu thereof "Department".

(4) Paragraph (3) does not apply to the following provisions:
(A) Section 532(c).
(B) Section 1000(b) (each place the term "Veterans' Administration" appears).
(C) Section 1004(c)(2)(A).
(D) Section 5311.

(5) Such title is further amended by striking out "non-Veterans' Administration" each place it appears and inserting in lieu thereof "non-Department".

(6) Section 111(b)(3)(B) is amended by striking out "Veteran's Administration facility" and inserting in lieu thereof "Department facility".

(b) REFERENCES TO ADMINISTRATOR.—

(1) Title 38 is further amended by striking out "Administrator" and "Administrator's" each place they appear (except as provided in paragraphs (2) and (9) and including where they appear in section headings and tables of sections) and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

(2)(A) Section 422 is amended—
(i) in subsection (a), by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and
(ii) in subsection (b)—
(I) by striking out "Upon the basis of" and all that follows through "shall pay to the Secretary" and inserting in lieu thereof "The Secretary shall pay to the Secretary of Health and Human Services"; and
(II) by striking out "as the Secretary and the Administrator may prescribe" and inserting in lieu thereof "as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary".

(B) Section 613(b)(1) is amended—

(i) by striking out "Administrator" and inserting in lieu thereof "Secretary of Veterans Affairs";

(ii) by striking out "the Secretary" the second and third places it appears and inserting in lieu thereof "that Secretary"; and

(iii) by striking out "the Secretary" the last place it appears and inserting in lieu thereof "the Secretary of Defense".

(C) Section 723(c) is amended by striking out "the Administrator and Secretary" at the end of the first sentence and inserting in lieu thereof "the two Secretaries".

(D) Section 8153(d)(2) is amended by striking out "the Secretary and the Administrator" and inserting in lieu thereof "the two Secretaries".

(E) Paragraph (1) does not apply to the following provisions:

(i) Section 101(1).

(ii) Section 111 the second place "Administrator" appears in subsection (g)(1) of that section.

(iii) Section 1652(b).

(iv) Section 5105.

(v) Section 7267(e) the second place "Administrator" appears.

(vi) Section 8111A(d).

(3)(A) The heading of section 423 is amended to read as follows:

"§ 423. Certifications with respect to circumstances of death".

(B) The item relating to that section in the table of sections at the beginning of chapter 13 is amended to read as follows:

"423. Certifications with respect to circumstances of death.".

(4) The following provisions are amended by striking out "the Secretary" and inserting in lieu thereof "that Secretary":

(A) Section 560(b) (the second place "the Secretary" appears).

(B) Section 5110(j) (the second place "the Secretary" appears).

(C) Section 5301(c)(2) (the second, third, and fourth place "the Secretary" appears).

(5) Section 612(j) is amended by striking out "the Secretary" in the second and third sentences and inserting in lieu thereof "the Secretary of Health and Human Services".

(6) Section 612A(h) is repealed.

(7) Section 1004(c)(2)(A) is amended by striking out "Secretary" the first place it appears and inserting in lieu thereof "Administrator of Veterans' Affairs".

(8) Section 2012 is amended by striking out "Secretary" each place it appears in subsections (c) and (d) and inserting in lieu thereof "Secretary of Labor".

(9) Section 5105 is amended—

(A) by inserting "(a)" at the beginning of the text of the section;

(B) by striking out "Administrator" in the first sentence and inserting in lieu thereof "Secretary";

(C) by striking out "; and" in the second sentence and inserting in lieu thereof a period;

(D) by striking out "when an application on such form has been filed with either the Administrator" and inserting in lieu thereof the following (indented so as to make the following text a new subsection):

"(b) When an application on such a form is filed with either the Secretary";

(E) by striking out "filed with the Administrator" and inserting in lieu thereof "filed with either Secretary";

(F) by striking out "received by the Administrator" and inserting in lieu thereof "received by that Secretary";

(G) by striking out "needed by the Secretary" and inserting in lieu thereof "needed by the other Secretary";

(H) by striking out "by the Administrator to the Secretary;" and inserting in lieu thereof "by the Secretary receiving the application to the other Secretary.";

(I) by striking out "and a copy" and all that follows through "to the Administrator."; and

(J) by striking out "the Secretary and the Administrator" in the last sentence and inserting in lieu thereof "the Secretary and the Secretary of Health and Human Services".

(c) REFERENCES TO CHIEF LAW OFFICER.—Section 7104(c) is amended by striking out "chief law officer" and inserting in lieu thereof "chief legal officer of the Department".

SEC. 5. REDESIGNATION OF SECTIONS OF CHAPTERS 11 THROUGH 42.

(a) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.—Each section contained in any of chapters 11 through 23 is redesignated by replacing the first digit of the section number with the number of the chapter containing that section. Each section contained in any of chapters 24 through 42 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

(b) TABLES OF SECTIONS AND CHAPTERS.—(1) The tables of sections at the beginning of the chapters referred to in subsection (a) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts I, II, and III are revised so as to conform the section references in those tables to the redesignations made by subsection (a).

(c) CROSS-REFERENCES.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by subsection (a) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (a) shall be deemed to refer to the section as so redesignated.

38 USC 101 note.

(d) RULE FOR EXECUTION.—The redesignations made by subsection (a) and the amendments made by subsections (b) and (c) shall be executed after any other amendments made by this Act.

SEC. 6. CONFORMING AMENDMENTS TO OTHER VETERANS LAWS TO REFLECT THE ESTABLISHMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PUBLIC LAW 94-581.—Section 105(b) of the Veterans Omnibus Health Care Act of 1976 (Public Law 94-581; 38 U.S.C. 619 note) is amended— 38 USC 618 note.

(1) by striking out "Administrator is authorized to" and inserting in lieu thereof "Secretary of Veterans Affairs may";

(2) by striking out "Veterans' Administration" the first place it appears and inserting in lieu thereof "Department of Veterans Affairs";

(3) by striking out "Veterans' Administration facilities and personnel" and inserting in lieu thereof "facilities and personnel of the Department";

(4) by striking out "Veterans' Administration health care facilities" and inserting in lieu thereof "health care facilities of the Department";

(5) by striking out "Administrator deems" and inserting in lieu thereof "Secretary considers"; and

(6) by striking out "Administrator" both places it appears in paragraph (2) and inserting in lieu thereof "Secretary".

(b) PUBLIC LAW 95-202.—Section 401 of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note) is amended by striking out "laws administered by the Veterans' Administration" in subsections (a)(1) and (b)(2) and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(c) PUBLIC LAW 95-588.—Section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 (38 U.S.C. 521 note) is amended—

(1) by striking out "Administrator" in subsection (a)(1)(A) and inserting in lieu thereof "Secretary of Veterans Affairs (hereinafter in this section referred to as the 'Secretary')";

(2) by striking out "Administrator of Veterans' Affairs" in subsections (a)(3), (b)(2)(A), and (e) and inserting in lieu thereof "Secretary"; and

(3) by striking out "Administrator" in subsection (b)(4) and inserting in lieu thereof "Secretary".

(d) PUBLIC LAW 96-22.—Section 103(b) of the Veterans' Health Care Amendments of 1979 (Public Law 96-22; 38 U.S.C. 612A note) is amended by striking out "the date of the enactment of this Act, the Administrator of Veterans' Affairs" and inserting in lieu thereof "June 13, 1979, the Secretary of Veterans Affairs".

(e) PUBLIC LAW 96-128.—Section 502 of the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Public Law 96-128; 93 Stat. 987) is amended— 26 USC 6103 note.

(1) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs";

(2) by striking out "such Administrator" both places it appears and inserting in lieu thereof "such Secretary"; and

(3) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(f) PUBLIC LAW 98-160.—Section 302 of the Veterans Health Care Amendments of 1983 (Public Law 98-160; 38 U.S.C. 601 note) is amended—

(1) by striking out "The Administrator of Veterans' Affairs" and inserting in lieu thereof "The Secretary of Veterans Affairs";

(2) by striking out "the Administrator" and inserting in lieu thereof "the Secretary"; and

(3) by striking out "Department of Medicine and Surgery" and inserting in lieu thereof "Veterans Health Administration".

(g) PUBLIC LAW 99-238.—Section 202 of the Veterans' Compensation Rate Increase and Job Training Amendments of 1985 (38 U.S.C. 1516 note) is amended—

(1) by striking out "Administrator of Veterans' Affairs" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(h) PUBLIC LAW 99-576.—Section 232 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (38 U.S.C. 354 note) is amended as follows:

(1) Subsection (a) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Subsection (b) is amended by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(3) Subsection (c) is amended by striking out "before the date of the enactment of this Act, the Administrator" and inserting in lieu thereof "before October 28, 1986, the Secretary".

(4) Subsection (d) is amended—

(A) by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs";

(C) by striking out "the Department of Veterans' Benefits and the Department of Medicine and Surgery" in paragraph (1)(A) and inserting in lieu thereof "the Veterans Benefits Administration and the Veterans Health Administration"; and

(D) by striking out "after the enactment of this Act" and inserting in lieu thereof "after October 28, 1986".

(5) Subsection (e) is amended by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(i) PUBLIC LAW 100-198.—Section 9 of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (38 U.S.C. 1823 note) is amended—

38 USC 1820 note.

(1) by striking out "Administrator of Veterans' Affairs" in subsections (a)(1) and (b)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(2) by striking out "Administrator" each additional place it appears in subsections (a) and (b) and inserting in lieu thereof "Secretary of Veterans Affairs";

(3) by striking out "Veterans' Administration's ability" in subsection (a)(3)(A) and inserting in lieu thereof "ability of the Department of Veterans Affairs"; and

(4) by striking out "Veterans' Administration" in subsections (a)(3)(A)(i) and (a)(3)(C) and inserting in lieu thereof "Department of Veterans Affairs".

(j) PUBLIC LAW 100-322.—The Veterans' Benefits and Services Act of 1988 (Public Law 100-322) is amended as follows:

(1) Section 115 (38 U.S.C. 612 note) is amended—

(A) by striking out "Administrator" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsections (a)(2), (b), and (c) and inserting in lieu thereof "Secretary"; and

(C) by striking out "Veterans' Administration" each place it appears (other than in subsection (e)) and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 123 (38 U.S.C. 210 note) is amended—

(A) by striking out "Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsections (b) and (c) and inserting in lieu thereof "Secretary"; and

(C) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(3) Section 124 (38 U.S.C. 4133 note) is amended— 38 USC 7333 note.

(A) by striking out "Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsection (b) and inserting in lieu thereof "Secretary";

(C) by striking out "Veterans' Administration" the first two places it appears and inserting in lieu thereof "Department of Veterans Affairs"; and

(D) by striking out "Veterans' Administration" the last place it appears and inserting in lieu thereof "Department".

(k) PUBLIC LAW 100-687.—The Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687) is amended as follows:

(1) Section 1203 (102 Stat. 4125) is amended by striking out "laws administered by the Veterans' Administration" and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(2) Section 1204 (102 Stat. 4125; 38 U.S.C. 241 note) is amended—

(A) by striking out "The Administrator" in subsections (a) and (b) and inserting in lieu thereof "The Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs"; and

(C) by striking out "the Administrator" both places it appears in subsection (b) and inserting in lieu thereof "the Secretary".

(3) Section 1404 (102 Stat. 4131; 38 U.S.C. 210 note) is amended—

(A) by striking out "Veterans' Administration" both places it appears in subsection (a) and inserting in lieu thereof "Department of Veterans Affairs";

(B) by striking out "the Administrator" the first place it appears in subsection (a) and inserting in lieu thereof "the Secretary of Veterans Affairs";

(C) by striking out "the Administrator and the Secretary" in subsections (a) and (b) and inserting in lieu thereof "the Secretary of Veterans Affairs and the Secretary of Labor";

(D) by striking out "the Administrator" the first place it appears in subsection (b) and inserting in lieu thereof "the Secretary of Veterans Affairs"; and

(E) by striking out "the Administrator or the Secretary" in the third sentence of subsection (b) and inserting in lieu thereof "the Secretary of Veterans Affairs or the Secretary of Labor".

SEC. 7. GENERAL SAVINGS PROVISIONS.

38 USC prec. 101 note.

(a) REFERENCES TO REPLACED LAWS.—A reference to a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this Act.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken or an offense committed under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall be treated as having been taken or committed under the corresponding provision enacted by this Act.

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.R. 2525:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 25, considered and passed House.
July 22, considered and passed Senate.

Public Law 102-84
102d Congress

An Act

To designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, Illinois, as the "Ralph H. Metcalfe Federal Building".

Aug. 10, 1991
[H.R. 1779]

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

SECTION 1. DESIGNATION.

The Federal building under construction at 77 West Jackson Boulevard in Chicago, Illinois, shall be known and designated as the "Ralph H. Metcalfe Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ralph H. Metcalfe Federal Building".

Approved August 10, 1991.

LEGISLATIVE HISTORY—H.R. 1779:

HOUSE REPORTS: NO. 102-168 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-85
102d Congress

Joint Resolution

Aug. 10, 1991
[S.J. Res. 179]

To designate the week beginning August 25, 1991, as "National Parks Week".

Whereas on August 25, 1916, the Congress established the National Park Service charged with the conservation of "the scenery and the natural and historic objects and the wildlife" of the National Park System and "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations";

Whereas the National Park Service, now celebrating its seventy-fifth anniversary, has shown leadership in the protection of our Nation's natural, cultural, and recreational resources internationally, nationally, and locally;

Whereas today the three hundred and fifty-seven units of the National Park System preserve and interpret unique resources that shape our Nation's sense of its identity, from the scenic beauty of the great natural parks to the rich diversity of the historical and archeological areas and the varied activities of the recreational areas;

Whereas millions of Americans as well as people from foreign nations visit the national parks each year, deriving pleasure and inspiration from them;

Whereas we who have inherited this legacy and who are enriched by it, believe that the parks deserve to be kept unimpaired to ensure that future generations will continue to appreciate and enjoy them;

Whereas the National Park Service has long cooperated with the States, counties, localities, and other entities to assist in the preservation of historic resources, the management of diverse natural resources, and the increase of public recreational opportunities;

Whereas the men and women of the National Park Service charged with the protection of our parks and their visitors have steadfastly served the purposes for which the national park system was created; and

Whereas, during the year beginning August 25, 1991, the National Park Service will celebrate its diamond anniversary with programs focusing the Nation's attention on the riches of these parks and the need for their preservation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning August 25, 1991, is hereby designated as "National Park Week" and the President of the United States is authorized and requested to issue a proclamation inviting the people of the United States and the world to participate in the events commemorating the seventy-fifth anniversary of the creation of the National Park Service.

Approved August 10, 1991.

LEGISLATIVE HISTORY—S.J. Res. 179:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 31, considered and passed Senate.
Aug. 1, considered and passed House.

Public Law 102-86
102d Congress

An Act

Aug. 14, 1991
[H.R. 1047]

To amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes.

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

Veterans' Benefits Programs Improvement Act of 1991.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

38 USC 101 note.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

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

(c) EXECUTION OF AMENDMENTS.—References in this Act to a section or other provision of title 38, United States Code, refer to that section or other provision as in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

TITLE I—COMPENSATION AND PENSION PROGRAMS

SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) TECHNICAL CORRECTION.—Section 5503(a)(1)(C) is amended by striking out "$60" and inserting in lieu thereof "$90".

38 USC 5503 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if contained in section 111 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2064).

SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

38 USC 1315.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.".

SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

38 USC 1155.

(a) IN GENERAL.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the

effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act. 38 USC 1155 note.

SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) CHANGE IN PRESUMPTIVE PERIOD.—Section 312(c)(3) is amended by striking out ", except that" and all that follows through "leukemia)". 38 USC 1112.

(b) EFFECTIVE DATE.—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act. 38 USC 1112 note.

SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

Section 312(c) is amended— 38 USC 1112.

(1) in paragraph (1)—

(A) by striking out "during the veteran's service on active duty" and inserting in lieu thereof "during active military, naval, or air service"; and

(B) by striking out "during the period" and inserting in lieu thereof "during a period"; and

(2) in paragraph (4)(A)—

(A) by inserting "(i)" after "means"; and

(B) by inserting before the period at the end the following: ", or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training".

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) EXTENSION.—Subsections (a) and (b)(1) of section 722 are amended— 38 USC 1922.

(1) by striking out "one year" each place it appears and inserting in lieu thereof "two years"; and

(2) by striking out "one-year" each place it appears and inserting in lieu thereof "two-year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code. 38 USC 1922 note.

SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) PAYMENT IN LUMP SUM.—Section 722(b) is amended— 38 USC 1922.

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum."; and

(2) by striking out paragraph (5).

38 USC 1922 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

38 USC 1907.

Section 707(c) is amended—

(1) by striking out "before February 1, 1973" in the second sentence and inserting in lieu thereof "during the one-year period beginning September 1, 1991"; and

(2) by inserting after the second sentence the following new sentences: "After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.".

TITLE III—HEALTH-RELATED PROVISIONS

SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

38 USC 1712.

Paragraph (1) of section 612(b) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.".

SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

38 USC 1712.

Section 612(b)(3) is amended by striking out "$500" and inserting in lieu thereof "$1,000".

SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.

38 USC 1720A.

Section 620A(e) is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1994".

SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

38 USC 1732.

(a) EXTENSION.—Section 632(a) is amended by striking out "1990" and inserting in lieu thereof "1992".

38 USC 1732 note.

(b) RATIFICATION.—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period

beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) SOCIAL WORKER LICENSURE REQUIREMENT.—Section 7402(b) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) SOCIAL WORKER.—To be eligible to be appointed to a social worker position, a person must hold a master's degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.".

(b) EXEMPTION.—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act. 38 USC 7402 note.

TITLE IV—REAL PROPERTY AND FACILITIES

SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) AMENDMENT TO CHAPTER 81.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"§ 8161. Definitions

"For the purposes of this subchapter:

"(1) The term 'enhanced-use lease' means a written lease entered into by the Secretary under this subchapter.

"(2) The term 'congressional veterans' affairs committees' means the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"§ 8162. Enhanced-use leases

"(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an 'enhanced-use lease'. The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the

Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

"(A) the designated property is to be used only for child-care services;

"(B) those services are to be provided only for the benefit of—

"(i) employees of the Department;

"(ii) individuals employed on the premises of such property; and

"(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

"(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

"(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

"§ 8163. Designation of property to be leased

"(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

"(1) local commerce and other aspects of the local community;

"(2) programs administered by the Department; and

"(3) services to veterans in the community.

"(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

"(1) the time and place of the hearing;

"(2) identification of the property proposed to be leased;

"(3) a description of the proposed uses of the property under the lease;

"(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

"(A) would contribute in a cost-effective manner to the mission of the Department;

"(B) would not be inconsistent with the mission of the Department; and

"(C) would not adversely affect the mission of the Department; and

"(5) a description of how those uses would affect services to veterans.

"(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register. Federal Register, publication.

"(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during

which either House of Congress is not in session during an adjournment of more than three days to a day certain.

"(3) Each notice under paragraph (1) shall include the following:

"(A) An identification of the property involved.

"(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

"(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary's evaluation of those views.

"(D) A general description of the proposed lease.

"(E) A description of how the proposed lease—

"(i) would contribute in a cost-effective manner to the mission of the Department;

"(ii) would not be inconsistent with the mission of the Department; and

"(iii) would not adversely affect the mission of the Department.

"(F) A description of how the proposed lease would affect services to veterans.

Reports.

"(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed lease. The report shall include—

"(A) updated information with respect to the matters described in paragraph (3);

"(B) a summary of a cost-benefit analysis of the proposed lease;

"(C) a description of the provisions of the proposed lease; and

"(D) a notice of designation with respect to the property.

"§ 8164. Authority for disposition of leased property

"(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

"(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

Federal Register, publication.

"(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed

disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

"§ 8165. Use of proceeds

"(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

"(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

"(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

"(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

"§ 8166. Construction standards

"(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

"(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

"§ 8167. Exemption from State and local taxes

"The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

"§ 8168. Limitation on number of agreements

"(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

"(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employ-

ees of the Department shall not be counted for the purposes of subsection (a).

"§ 8169. Expiration

"The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994.".

(b) CLERICAL AMENDMENTS.—(1) The heading for chapter 81 is amended by adding at the end the following: "; LEASES OF REAL PROPERTY".

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property..... 8101".

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"8161. Definitions.
"8162. Enhanced-use leases.
"8163. Designation of property to be leased.
"8164. Authority for disposition of leased property.
"8165. Use of proceeds.
"8166. Construction standards.
"8167. Exemption from State and local taxes.
"8168. Limitation on number of agreements.
"8169. Expiration.".

SEC. 402. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new section:

"§ 115. Acquisition of real property

"For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

"(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"115. Acquisition of real property.".

36 USC 493.

SEC. 403. PERSHING HALL, PARIS, FRANCE.

(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best

interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74-171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) WAIVER.—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

TITLE V—MISCELLANEOUS

SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

38 USC 1718 note.

Section 7(a) of Public Law 102-54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in lieu thereof "During fiscal years 1991 through 1994".

38 USC 103 note.

SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

SEC. 503. AGENT ORANGE REVIEW.

38 USC 1116 note.

(a) LIABILITY INSURANCE.—Section 3 of the Agent Orange Act of 1991 (Public Law 102-4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) LIABILITY INSURANCE.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to

in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

"(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

"(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

"(C) The making of any recommendation for additional scientific study under subsection (e).

"(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

"(E) The preparation of the reports referred to in subsection (g).

"(2) A person referred to in paragraph (1) is—

"(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

"(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

"(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

"(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.".

(b) DELAY IN CERTAIN PROVISIONS.—(1) Section 3(b) of such Act is amended by striking out "two months after the date of the enactment of this Act" and inserting in lieu thereof "two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991". 38 USC 1116 note.

(2) Section 10(e) of such Act is amended— 38 USC 1154 note.

(A) in paragraph (1), by striking out "at the end of the six-month period beginning on the date of the enactment of this Act" and inserting in lieu thereof "at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991"; and

(B) in paragraph (2)(A), by striking out "six-month".

SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVISES.

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits.".

SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) DEPOSIT OF COAST GUARD AMOUNTS.—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

38 USC 5301 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.

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

38 USC 1718.

(1) Section 618(b)(2) is amended by striking out "arangements" and inserting in lieu thereof "arrangements".

38 USC 1916.

(2) Section 716(b) is amended by striking out "upaid" and inserting in lieu thereof "unpaid".

(b) PUBLIC LAW 101-237.—Effective as of December 18, 1989, section 423(b) of Public Law 101-237 is amended—

38 USC 3690.

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii),"; and

38 USC 3018.

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

(c) PUBLIC LAW 102-16.—Effective as of March 22, 1991, section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

38 USC 4214 note.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1047:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 10, 11, considered and passed House.
July 25, considered and passed Senate, amended.
July 29, House concurred in Senate amendments.

Public Law 102-87
102d Congress

An Act

To amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes.

Aug. 14, 1991
[H.R. 1448]

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

SECTION 1. ALLOWANCE OF USE OF LAND FOR ADDITIONAL PUBLIC PURPOSE.

(a) MODIFICATION.—The first section of the Act entitled "An Act to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply", approved May 12, 1920 (41 Stat. 596), is amended by striking "city:", and by inserting in lieu thereof "city, and for use for the construction and operation of a correctional facility for women on no more than forty acres in the west half of section two that are contiguous with Fore Road (as such road existed on June 11, 1991), provided that neither the city nor any other entity allows the construction after June 11, 1991, of any temporary or permanent road across City Creek or within the area three hundred feet on each side of the centerline of such creek (but any road existing within such area on such date may be maintained to the same standard as existed on such date), and (with respect to the remainder of such lands) for use for outdoor recreational purposes consistent with the maintenance of natural open space, wildlife habitat purposes, and other public purposes consistent with water storage or utility transmission purposes by such city or other governmental entity. The city of Pocatello may convey or lease to a governmental entity established under the laws of the State of Idaho such portion of the lands conveyed to such city under this Act as may be used for a correctional facility, but may not transfer any of the city's right, title, or interest in any other portion of such lands:".

(b) The first section of said Act is further amended by the addition of the following paragraphs at the end thereof:

"(b)(1) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the city of Pocatello under this Act is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement, or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

"(2) If lands granted or conveyed to the city of Pocatello by or pursuant to this Act shall be used for purposes that the Secretary of the Interior finds: (A) inconsistent with the purposes for which such lands were granted or conveyed and not authorized by the Secretary pursuant to this Act, and (B) which may result in the disposal, placement, or release of any hazardous substance, the city of Pocatello shall be liable to pay to the Secretary of the Interior, on behalf

of the United States, the fair market value of the land, including the value of any improvement thereon, as of the date of conversion of the land to such nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended.".

(c) AMENDMENT OF PATENTS.—Upon the request of the city of Pocatello, the Secretary of the Interior shall amend any patents issued pursuant to the Act of May 12, 1920, so as to conform to the amendments to such Act made by this Act.

SEC. 2. MODIFICATION OF REPORTING REQUIREMENT.

The first section of the Act of May 12, 1920 (41 Stat. 596) is amended by designating the existing text of such section as section 1(a) and by striking out "of each year after the expiration of said two years," and inserting in lieu thereof "every five years beginning in 1996,".

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1448:

HOUSE REPORTS: No. 102-127 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-121 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-88
102d Congress

An Act

To authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Aug. 14, 1991
[H.R. 1455]

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

Intelligence Authorization Act, Fiscal Year 1991. Classified information. Government employees.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1991".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 1455 of the One Hundred Second Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch. President.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intel-

ligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 the sum of $27,900,000, of which $6,580,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 the sum of $164,600,000.

SEC. 302. CIA FORMER SPOUSE QUALIFYING TIME.

Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the period at the end of paragraph (4) "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 303. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CERTAIN CIA EMPLOYEES.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as and to the extent provided in section 301(d) of this Act and shall not be subject to review or approval by the Director.".

SEC. 304. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) CALCULATION OF REDUCTION IN ANNUITIES.—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5))".

(b) ELECTION OF REDUCTION IN ANNUITY.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new subsection:

"(e) Upon remarriage occurring on or after the date of the enactment of this subsection to a spouse other than the spouse at the time of retirement, a retired participant whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date of remarriage. For any remarriage that occurred before the date of the enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees

under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).".

50 USC 403 note.

(c) CONFORMING AMENDMENT.—Section 226(d) of such Act is amended by striking out "This" and inserting in lieu thereof "Subsections (a) through (c) of this".

SEC. 305. REDUCTION OF REMARRIAGE AGE.

(a) REDUCTION OF REMARRIAGE AGE FOR SURVIVOR AND RETIREMENT BENEFITS.—The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

50 USC 403 note.

(1) in section 221—

(A) in subsections (b)(1)(A) and (b)(3)(C), by striking out "age 60" each place it appears and inserting in lieu thereof "age 55"; and

(B) in subsection (g)(1), by striking out "age sixty" each place it appears and inserting in lieu thereof "age 55";

50 USC 403 note.

(2) in section 222—

(A) by striking out "60 years of age" each place it appears in subsections (a)(2), (a)(3)(A), and (b)(2) and inserting in lieu thereof "55 years of age"; and

(B) by striking out "age 60" each place it appears in subsections (b)(3), (b)(5)(A), (c)(3)(C), (c)(3)(D), and (c)(4) and inserting in lieu thereof "age 55"; and

50 USC 403 note.

(3) in section 232(b)(1), by striking out "attaining age sixty" in the last sentence and inserting in lieu thereof "attaining age 55".

50 USC 403 note.

(b) EFFECTIVE DATE OF AMENDMENTS.—(1) The amendments made by subsection (a) relating to widows or widowers shall apply in the case of a surviving spouse's remarriage occurring on or after July 27, 1989, and with respect to periods beginning after such date.

(2) The amendments made by subsection (a) relating to former spouses shall apply with respect to any former spouse whose remarriage occurs after the date of enactment of this Act.

SEC. 306. ELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new paragraph:

"(3) A surviving spouse who married a participant after his or her retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.".

SEC. 307. RESTORATION OF FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) SURVIVOR ANNUITY.—Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting ", except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five";

(2) in subsection (c)(1)(B), by inserting ", except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five"; and

(3) by adding at the end thereof the following new subsection:

"(e) Notwithstanding subsection (c)(2)(A) of this section, the thirty-month application requirement for a survivor annuity under this section to be payable shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(1)(B) of this section.".

(b) RETIREMENT BENEFITS.—Section 225 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting ", except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five";

(2) in subsection (c)(1)(B)(i), by inserting ", except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five years of age";

(3) by redesignating subsection (e) as subsection (f); and

(4) by adding after subsection (d) the following new subsection (e):

"(e) Notwithstanding subsection (c)(4)(A) of this section, the thirty-month application requirement for benefits under this section to be payable shall not apply in cases in which a former spouse's entitlement to such benefits is restored under subsection (b)(1) or (c)(1)(B) of this section.".

(c) HEALTH BENEFITS.—Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding after paragraph (2) the following new paragraph: 50 USC 403p.

"(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

"(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

"(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

"(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date. 50 USC 403p note.

(e) COMPLIANCE WITH BUDGET ACT.—Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. 50 USC 403p note.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 403. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

"(f) All positions in the Department which the Secretary determines are devoted to intelligence and intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.".

50 USC 403-2.

SEC. 404. INTELLIGENCE COMMUNITY CONTRACTING.

(a) POLICY CONCERNING PRODUCTS PRODUCED IN THE UNITED STATES.—The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products produced in the United States.

(b) DEFINITION.—For purposes of this section, the term "Intelligence Community" has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

50 USC 413a note.

SEC. 405. FURNISHING OF INTELLIGENCE INFORMATION TO THE SENATE AND HOUSE SELECT COMMITTEES ON INTELLIGENCE.

(a) FURNISHING OF SPECIFIC INFORMATION.—In accordance with title V of the National Security Act of 1947, the head of any department or agency of the United States involved in any intelligence activities which may pertain to United States military personnel listed as prisoner, missing, or unaccounted for in military actions shall furnish any information or documents in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) ACCESS BY COMMITTEES AND MEMBERS OF CONGRESS.—In accordance with Senate Resolution 400, Ninety-Fourth Congress, and House Resolution 658, Ninety-Fifth Congress, the committees named in subsection (a) shall, upon request and under such regulations as

the committees have prescribed to protect the classification of such information, make any information described in subsection (a) available to any other committee or any other Member of Congress and appropriately cleared staff.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SEC. 501. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency

"(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

"(b) DEFINITION.—In this section, the term 'Department of Defense reimbursement rate' means the amount charged a component of the Department of Defense by another component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency.".

SEC. 502. PUBLIC AVAILABILITY OF MAPS, ETC., PRODUCED BY DEFENSE MAPPING AGENCY.

(a) IN GENERAL.—(1) Chapter 167 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2796. Maps, charts, and geodetic data: public availability; exceptions

"(a) The Defense Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

"(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

"(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

"(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources

and methods used to obtain source material for production of the geodetic product; or

"(C) that contains information that the Director of the Defense Mapping Agency has determined in writing would, if disclosed, reveal military operational or contingency plans.

"(2) In this subsection, the term 'geodetic product' means any map, chart, geodetic data, or related product.

Regulations. Federal Register, publication.

"(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

"(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

"(A) in the case of allies of the United States; and

"(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2796. Maps, charts, and geodetic data: public availability; exceptions.".

Federal Register, publication. 10 USC 2796 note.

(b) DEADLINE FOR INITIAL REGULATIONS.—Regulations to implement section 2796 of title 10, United States Code, as added by subsection (a), shall be published in the Federal Register for public comment in accordance with subsection (c) of that section not later than 90 days after the date of the enactment of this Act.

SEC. 503. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

"(1) in finding and qualifying for subsequent employment,

"(2) in receiving treatment of medical or psychological disabilities, and

"(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(b) The Director of the National Security Agency shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.".

SEC. 504. USE OF COMMERCIAL ACTIVITIES AS COVER SUPPORT TO INTELLIGENCE COLLECTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended—

(1) by inserting after the chapter heading the following:

"Subchapter	Sec.
"I. General Matters	421
"II. Intelligence Commercial Activities	431

"SUBCHAPTER I—GENERAL MATTERS";

and

(2) by adding at the end the following:

"SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

"431. Authority to engage in commercial activities as security for intelligence collection activities.
"432. Use, disposition, and auditing of funds.
"433. Relationship with other Federal laws.
"434. Reservation of defenses and immunities.
"435. Limitations.
"436. Regulations.
"437. Congressional oversight.

"§ 431. Authority to engage in commercial activities as security for intelligence collection activities

"(a) AUTHORITY.—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, 1995.

"(b) INTERAGENCY COORDINATION AND SUPPORT.—Any such activity shall—

"(1) be coordinated with, and (where appropriate) be supported by, the Director of Central Intelligence; and

"(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

"(c) DEFINITIONS.—In this subchapter:

"(1) The term 'commercial activities' means activities that are conducted in a manner consistent with prevailing commercial practices and includes—

"(A) the acquisition, use, sale, storage and disposal of goods and services;

"(B) entering into employment contracts and leases and other agreements for real and personal property;

"(C) depositing funds into and withdrawing funds from domestic and foreign commercial business or financial institutions;

"(D) acquiring licenses, registrations, permits, and insurance; and

"(E) establishing corporations, partnerships, and other legal entities.

"(2) The term 'intelligence collection activities' means the collection of foreign intelligence and counterintelligence information.

"§ 432. Use, disposition, and auditing of funds

"(a) USE OF FUNDS.—Funds generated by a commercial activity authorized pursuant to this subchapter may be used to offset necessary and reasonable expenses arising from that activity. Use of such funds for that purpose shall be kept to the minimum necessary to conduct the activity concerned in a secure manner. Any funds generated by the activity in excess of those required for that purpose shall be deposited, as often as may be practicable, into the Treasury as miscellaneous receipts.

"(b) AUDITS.—(1) The Secretary of Defense shall assign an organization within the Department of Defense to have auditing responsibility with respect to activities authorized under this subchapter.

"(2) That organization shall audit the use and disposition of funds generated by any commercial activity authorized under this subchapter not less often than annually. The results of all such audits shall be promptly reported to the intelligence committees (as defined in section 437(d) of this title).

"§ 433. Relationship with other Federal laws

"(a) IN GENERAL.—Except as provided by subsection (b), a commercial activity conducted pursuant to this subchapter shall be carried out in accordance with applicable Federal law.

"(b) AUTHORIZATION OF WAIVERS WHEN NECESSARY TO MAINTAIN SECURITY.—(1) If the Secretary of Defense determines, in connection with a commercial activity authorized pursuant to section 431 of this title, that compliance with certain Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of an authorized intelligence activity, the Secretary may, to the extent necessary to prevent such compromise, waive compliance with such laws or regulations.

"(2) Any determination and waiver by the Secretary under paragraph (1) shall be made in writing and shall include a specification of the laws and regulations for which compliance by the commercial activity concerned is not required consistent with this section.

"(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, an Assistant Secretary of Defense, or a Secretary of a military department.

"(c) FEDERAL LAWS AND REGULATIONS.—For purposes of this section, Federal laws and regulations pertaining to the management and administration of Federal agencies are only those Federal laws and regulations pertaining to the following:

"(1) The receipt and use of appropriated and nonappropriated funds.

"(2) The acquisition or management of property or services.

"(3) Information disclosure, retention, and management.

"(4) The employment of personnel.

"(5) Payments for travel and housing.

"(6) The establishment of legal entities or government instrumentalities.

"(7) Foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

"§ 434. Reservation of defenses and immunities

"The submission to judicial proceedings in a State or other legal jurisdiction, in connection with a commercial activity undertaken pursuant to this subchapter, shall not constitute a waiver of the defenses and immunities of the United States.

"§ 435. Limitations

"(a) LAWFUL ACTIVITIES.—Nothing in this subchapter authorizes the conduct of any intelligence activity that is not otherwise authorized by law or Executive order.

"(b) DOMESTIC ACTIVITIES.—Personnel conducting commercial activity authorized by this subchapter may only engage in those activities in the United States to the extent necessary to support intelligence activities abroad.

"(c) PROVIDING GOODS AND SERVICES TO THE DEPARTMENT OF DEFENSE.—Commercial activity may not be undertaken within the United States for the purpose of providing goods and services to the Department of Defense, other than as may be necessary to provide security for the activities subject to this subchapter.

"(d) NOTICE TO UNITED STATES PERSONS.—(1) In carrying out a commercial activity authorized under this subchapter, the Secretary of Defense may not permit an entity engaged in such activity to employ a United States person in an operational, managerial, or supervisory position, and may not assign or detail a United States person to perform operational, managerial, or supervisory duties for such an entity, unless that person is informed in advance of the intelligence security purpose of that activity.

"(2) In this subsection, the term 'United States person' means an individual who is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

"§ 436. Regulations

"The Secretary of Defense shall prescribe regulations to implement the authority provided in this subchapter. Such regulations shall be consistent with this subchapter and shall at a minimum—

"(1) specify all elements of the Department of Defense who are authorized to engage in commercial activities pursuant to this subchapter;

"(2) require the personal approval of the Secretary or Deputy Secretary of Defense for all sensitive activities to be authorized pursuant to this subchapter;

"(3) specify all officials who are authorized to grant waivers of laws or regulations pursuant to section 433(b) of this title, or to approve the establishment or conduct of commercial activities pursuant to this subchapter;

"(4) designate a single office within the Defense Intelligence Agency to be responsible for the management and supervision of all activities authorized under this subchapter;

"(5) require that each commercial activity proposed to be authorized under this subchapter be subject to appropriate legal review before the activity is authorized; and

"(6) provide for appropriate internal audit controls and oversight for such activities.

"§ 437. Congressional oversight

"(a) PROPOSED REGULATIONS.—Copies of regulations proposed to be prescribed under section 436 of this title (including any proposed revision to such regulations) shall be submitted to the intelligence committees not less than 30 days before they take effect.

"(b) CURRENT INFORMATION.—Consistent with title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Secretary of Defense shall ensure that the intelligence committees are kept fully and currently informed of actions taken pursuant to this subchapter, including any significant anticipated activity to be authorized pursuant to this subchapter. The Secretary shall promptly notify the appropriate committees of Congress whenever a corporation, partnership, or other legal entity is established pursuant to this subchapter.

"(c) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary shall submit to the appropriate committees of Congress a report on all commercial activities authorized under this subchapter that were undertaken during the previous fiscal year. Such report shall include (with respect to the fiscal year covered by the report)—

"(1) a description of any exercise of the authority provided by section 433(b) of this title;

"(2) a description of any expenditure of funds made pursuant to this subchapter (whether from appropriated or non-appropriated funds); and

"(3) a description of any actions taken with respect to audits conducted pursuant to section 432 of this title to implement recommendations or correct deficiencies identified in such audits.

"(d) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

10 USC 431 note.

(b) EFFECTIVE DATE.—The Secretary of Defense may not authorize any activity under section 431 of title 10, United States Code, as added by subsection (a), until the later of—

(1) the end of the 90-day period beginning on the date of the enactment of this Act; or

(2) the effective date of regulations first prescribed under section 436 of such title, as added by subsection (a).

SEC. 505. DISCLOSURE TO MEMBERS OF CONGRESS OF A CLASSIFIED DEFENSE INTELLIGENCE AGENCY REPORT RELATING TO MILITARY PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR.

The Secretary of Defense shall provide to any Member of Congress, upon request, full and complete access to the classified report of the Defense Intelligence Agency commonly known as the Tighe Report, relating to efforts by the Special Office for Prisoners of War/Missing in Action of the Defense Intelligence Agency to fully account for United States military personnel listed as prisoner, missing, or unaccounted for in military actions. The Secretary may withhold from disclosure under the preceding sentence any material that in the judgment of the Secretary would compromise sources and methods of intelligence.

TITLE VI—OVERSIGHT OF INTELLIGENCE ACTIVITIES

SEC. 601. REPEAL OF HUGHES-RYAN AMENDMENT.

Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is repealed.

SEC. 602. OVERSIGHT OF INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Title V of the National Security Act of 1947 is amended—

(1) by redesignating sections 502 and 503 as sections 504 and 505, respectively; and 50 USC 414, 415.

(2) by striking out section 501 (50 U.S.C. 413) and inserting in lieu thereof the following new sections:

"GENERAL CONGRESSIONAL OVERSIGHT PROVISIONS

"SEC. 501. (a)(1) The President shall ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this title. President. 50 USC 413.

"(2) As used in this title, the term 'intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

"(3) Nothing in this title shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of any significant anticipated intelligence activity.

"(b) The President shall ensure that any illegal intelligence activity is reported promptly to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

"(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

"(d) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information, and all information relating to intelligence sources and methods, that is furnished to the intelligence committees or to Members of Congress under this title. Such procedures shall be established in consultation with the Director of Central Intelligence. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

"(e) Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

"(f) As used in this section, the term 'intelligence activities' includes covert actions as defined in section 503(e).

"REPORTING OF INTELLIGENCE ACTIVITIES OTHER THAN COVERT ACTIONS

50 USC 413a.

"SEC. 502. To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

"(1) keep the intelligence committees fully and currently informed of all intelligence activities, other than a covert action (as defined in section 503(e)), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure; and

"(2) furnish the intelligence committees any information or material concerning intelligence activities, other than covert actions, which is within their custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"PRESIDENTIAL APPROVAL AND REPORTING OF COVERT ACTIONS

50 USC 413b.

"SEC. 503. (a) The President may not authorize the conduct of a covert action by departments, agencies, or entities of the United States Government unless the President determines such an action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

"(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.

"(2) Except as permitted by paragraph (1), a finding may not authorize or sanction a covert action, or any aspect of any such action, which already has occurred.

"(3) Each finding shall specify each department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such action. Any employee, contractor, or contract agent of a department, agency, or entity of the United States Government other than the Central Intelligence Agency directed to participate in any way in a covert action shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, to govern such participation.

"(4) Each finding shall specify whether it is contemplated that any third party which is not an element of, or a contractor or contract agent of, the United States Government, or is not otherwise subject to United States Government policies and regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned, or be used to

undertake the covert action concerned on behalf of the United States.

"(5) A finding may not authorize any action that would violate the Constitution or any statute of the United States.

"(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and entities of the United States Government involved in a covert action—

"(1) shall keep the intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and

"(2) shall furnish to the intelligence committees any information or material concerning covert actions which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"(c)(1) The President shall ensure that any finding approved pursuant to subsection (a) shall be reported to the intelligence committees as soon as possible after such approval and before the initiation of the covert action authorized by the finding, except as otherwise provided in paragraph (2) and paragraph (3).

"(2) If the President determines that it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, the finding may be reported to the chairmen and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, and such other member or members of the congressional leadership as may be included by the President.

"(3) Whenever a finding is not reported pursuant to paragraph (1) or (2) of this section, the President shall fully inform the intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

"(4) In a case under paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee. When access to a finding is limited to the Members of Congress specified in paragraph (2), a statement of the reasons for limiting such access shall also be provided.

"(d) The President shall ensure that the intelligence committees, or, if applicable, the Members of Congress specified in subsection (c)(2), are notified of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

"(e) As used in this title, the term 'covert action' means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include—

"(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security

of United States Government programs, or administrative activities;

"(2) traditional diplomatic or military activities or routine support to such activities;

"(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

"(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

"(f) No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking out the items relating to sections 501, 502, and 503 and inserting in lieu thereof the following:

"Sec. 501. General congressional oversight provisions.
"Sec. 502. Reporting of intelligence activities other than covert actions.
"Sec. 503. Presidential approval and reporting of covert actions.
"Sec. 504. Funding of intelligence activities.
"Sec. 505. Notice to Congress of certain transfers of defense articles and defense services.".

50 USC 414.

(c) CONFORMING AMENDMENTS.—(1) Section 504 of the National Security Act of 1947, as redesignated by subsection (a), is amended in subsection (a)(2) by striking out "section 501" and inserting in lieu thereof "section 503".

(2) Section 505 of such Act (50 U.S.C. 415), as redesignated by subsection (a), is amended in subsection (a)(1) by striking out "section 501 of this Act" and inserting in lieu thereof "this title".

(3) Sections 167(g) and 2547(c) of title 10, United States Code, are amended—

(A) by striking out "would require—" and all that follows through "a notice" and inserting in lieu thereof "would require a notice"; and

(B) by striking out "section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413)" and inserting in lieu thereof "title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)".

SEC. 603. LIMITATIONS ON USE OF FUNDS.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414), as redesignated by section 602(a) and amended by section 602(c), is further amended—

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

(2) by inserting after subsection (b) the following new subsections:

"(c) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government may be expended, or may be directed to be expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by subsection (a) of section 503 has been signed or otherwise issued in accordance with that subsection.

"(d)(1) Except as otherwise specifically provided by law, funds available to an intelligence agency that are not appropriated funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds are used for activities reported to the appropriate congressional committees pursuant to procedures which identify—

"(A) the types of activities for which nonappropriated funds may be expended; and

"(B) the circumstances under which an activity must be reported as a significant anticipated intelligence activity before such funds can be expended.

"(2) Procedures for purposes of paragraph (1) shall be jointly agreed upon by the intelligence committees and, as appropriate, the Director of Central Intelligence or the Secretary of Defense.".

SEC. 604. TRANSFERS OF DEFENSE ARTICLES OR SERVICES.

Section 505 of the National Security Act of 1947 (50 U.S.C. 415), as redesignated by section 602(a), is amended by inserting ", or the anticipated transfer in any fiscal year of any aggregation of defense articles or defense services," in subsection (a)(1) after "service".

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1455 (S. 1325):

HOUSE REPORTS: Nos. 102-37 (Permanent Select Comm. on Intelligence) and 102-166 (Comm. of Conference).
SENATE REPORTS: No. 102-85 accompanying S. 1325 (Select Comm. on Intelligence).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 1, considered and passed House.
June 28, H.R. 1455 considered and passed Senate, amended, in lieu of S. 1325.
July 31, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Aug. 14, Presidential statement.

Public Law 102-89
102d Congress

An Act

Aug. 14, 1991
[H.R. 2031]

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption.

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

Rural Telephone Cooperative Associations ERISA Amendments Act of 1991.
29 USC 1001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telephone Cooperative Associations ERISA Amendments Act of 1991".

SEC. 2. EQUAL TREATMENT OF TELEPHONE AND ELECTRIC COOPERATIVE WELFARE PLANS FOR PURPOSES OF PREEMPTION.

Section 3(40) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)) is amended—

(1) in subparagraph (A)(i), by striking "or" at the end;

(2) in subparagraph (A)(ii), by striking "cooperative." and inserting "cooperative, or";

(3) by adding at the end of subparagraph (A) the following new clause:

"(iii) by a rural telephone cooperative association.";

(4) in subparagraph (B)(iii), by striking "and" at the end;

(5) in subparagraph (B)(iv)(II), by striking "subclause (I)." and inserting "subclause (I), and"; and

(6) by adding at the end of subparagraph (B) the following new clause:

"(v) the term 'rural telephone cooperative association' means an organization described in paragraph (4) or (6) of section 501(c) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of such Code and at least 80 percent of the members of which are organizations engaged primarily in providing telephone service to rural areas of the United States on a mutual, cooperative, or other basis.".

29 USC 1002 note.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the date of the enactment of this Act.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2031:

HOUSE REPORTS: No. 102-150 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 16, considered and passed House.
July 24, considered and passed Senate.

Public Law 102-90
102d Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1992, and for other purposes.

Aug. 14, 1991
[H.R. 2506]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1992, and for other purposes, namely:

Legislative Branch Appropriations Act, 1992.

TITLE I—CONGRESSIONAL OPERATIONS

Congressional Operations Appropriations Act, 1992.

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

2 USC 60a note.

For a payment to Teresa Heinz, widow of John Heinz, late a Senator from Pennsylvania, $101,900.

Teresa Heinz.

MILEAGE AND EXPENSE ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,895,000, to remain available until expended, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,387,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $419,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,012,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $624,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $913,000 for each such committee; in all, $1,826,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $350,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $161,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,357,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,700,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,059,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $18,000,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,199,100 for each such committee; in all, $2,398,200, to remain available until expended.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000, to remain available until expended.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,855,500, to remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $88,800,000, to remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,200,000, to remain available until expended.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) Section 1 of the Congressional Operations Appropriations Act, 1991 (2 U.S.C. 61g–6a), is amended by deleting "$75,000" and inserting in lieu thereof "$275,000".

Effective date.

(b) Subsection (a) shall take effect on October 1, 1991.

2 USC 61g–6a note.

SEC. 2. Section 4(c) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 121c(c)) is amended by adding at the end thereof the following new sentence: "On or before December 31 of each year, the Secretary of the Senate shall withdraw from the fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $5,000 in the fund at the close of the preceding fiscal year.".

SEC. 3. Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) by inserting immediately after the second sentence thereof the following new sentence: "The Legislative Counsel of the Senate (subject to the approval of the President pro tempore) is authorized to appoint and fix the compensation of not more than 2 consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section.", and

(2) in the last sentence of such section, by striking out "and the Secretary of the Senate, respectively" and inserting in lieu thereof ", Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be".

2 USC 65f.

SEC. 4. Subsection (a) of section 2 of Public Law 100–71 is amended by—

(1) striking "$25,000" and inserting "$50,000", and

(2) striking "The Secretary of the Senate is authorized" and inserting "Hereafter the Secretary of the Senate is authorized".

2 USC 61–1c.

SEC. 5. (a) Notwithstanding the provisions of section 105(d)(1) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(d)(1)), and except as otherwise provided in subparagraph (C) of such subsection (d)(1), the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each fiscal year $1,012,083 if the population of his State is less than 5,000,000.

Effective date.

(b) Subsection (a) shall take effect October 1, 1991.

5 USC 5318 note.

SEC. 6. (a) The rate of pay for the offices referred to under section 703(a)(2)(B) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note) shall be the rate of pay that would be payable for each such office if the provisions of sections 703(a)(2)(B) and 1101(a)(1)(A) of such Act (5 U.S.C. 5318 note and 5305 note) had not been enacted.

(b) The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 503(1)(B) by striking out "legislative branch officers and employees other than Senators, officers, and employees of the Senate and" and inserting in lieu thereof "Senators and legislative branch officers and employees";

(2) in section 505(1) by inserting "a Senator in," before "a Representative"; and

(3) in section 505(2) by striking out "(A)" through "(B)".

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

(d) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

(e)(1) Of the funds appropriated under the heading "SENATE" in any appropriations Act or joint resolution making funds available to the Senate before fiscal year 1992, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, $3,040,000, are rescinded.

(2) In addition to funds rescinded under the preceding paragraph, of the funds appropriated under the heading "SALARIES, OFFICERS AND EMPLOYEES" under the heading "SENATE" of the Legislative Branch Appropriations Act, 1991, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, $250,000, are rescinded effective on the date of the enactment of this Act.

(f)(1) Except for the provisions of subsection (e)(1), the provisions of this section shall take effect on the date of the enactment of this Act.

Effective date.
5 USC app. 503 note.

(2) The provisions of subsection (e)(1) shall take effect on October 1, 1991.

Effective date.

SEC. 7. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended as follows:

(1) in the material preceding clause (1), delete "payment" and insert in lieu thereof "payment (including reimbursement)";

(2) in clauses (3), (4), (5), (7), (8), and (9), delete "reimbursement to each Senator for";

(3) in the material following clause (9), delete "Reimbursement to a Senator and his employees" and insert in lieu thereof "Payment";

(4) in the material following clause (9), delete "reimbursed" and insert in lieu thereof "paid or reimbursed"; and

(5) in the last sentence, delete "reimbursement" and insert in lieu thereof "payment".

(b) Section 3(f) under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(e)) is amended as follows:

(1) in the first sentence of paragraph (1), delete "shall be reimbursed from the contingent fund of the Senate for the rental payments" and insert in lieu thereof "the contingent fund of the Senate is available for the rental payments (including by way of reimbursement)";

(2) in paragraph (2), delete "reimbursed" and insert in lieu thereof "paid";

(3) in paragraph (3), delete "reimbursement" and insert in lieu thereof "payment";

(4) in paragraph (4), delete "reimbursement" and insert in lieu thereof "payment"; and

(5) in paragraph (5), delete "Reimbursement" and insert in lieu thereof "Payment".

(c) The amendments made by subsections (a) and (b) shall take effect October 1, 1991.

Effective date.
2 USC 58 note.

SEC. 8. (a) Effective October 1, 1991, the jurisdiction and control of the Senate chamber public address system is transferred from the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate. In the case of any employee of the Architect of the

Effective date.
2 USC 61f-7 note.

Capitol transferred during fiscal year 1992 to the Sergeant at Arms and Doorkeeper of the Senate as an audio operator—

(1) in the case of days of annual leave to the credit of any such employee as of the date such employee is transferred, the Architect of the Capitol is authorized to make payment to each such employee for that annual leave, and no such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation; and

(2) for purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e), (n), and (q) of such section.

(b) The Architect of the Capitol shall provide the maintenance of the Senate chamber public address system until such system is replaced by a combined public address and audio broadcast system.

Effective date.
2 USC 61f-7 note.

SEC. 9. (a) Subject to subsection (b), those employees of the Architect of the Capitol engaged in operating elevators in that part of the United States Capitol Building under the control and jurisdiction of the United States Senate, together with the elevator operating functions performed by such employees, effective October 1, 1991, shall be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into an agreement or other arrangement with the Architect of the Capitol regarding the supervision of such employees.

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $709,001,000, to remain available until expended, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,781,000, including: Office of the Speaker, $1,477,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,127,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,388,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,025,000, including $5,000 for official expenses of the Majority Whip and not to exceed $308,930, for the Chief Deputy Majority Whip; Office of the Minority Whip, $764,000, including $5,000 for official expenses of the Minority Whip and not to exceed $93,520, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $218,500,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $67,900,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $409,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $57,900,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $20,025,000, of which $8,615,000 is provided herein: *Provided,* That House Information Systems is authorized to receive reimbursement for services provided from Members and Officers of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $214,518,000, including: Official Expenses of Members, $82,600,000; supplies, materials, administrative costs and Federal tort claims, $19,116,000; net expenses of purchase, lease and maintenance of office equipment, $4,427,000; furniture and furnishings, $1,810,000; stenographic reporting of committee hearings, $1,100,000; reemployed annuitants reimbursements, $1,000,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $103,833,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $632,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this head-

ing, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $6,500,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $80,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $48,878,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $20,860,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,288,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,013,000; Office of the Postmaster, $4,377,000, including $126,850 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $19,805 per annum each; Office of the Chaplain, $120,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $946,000; for salaries and expenses of the Office of the Historian, $361,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,356,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,171,000; six minority employees, $713,000; the House Democratic Steering Committee and Caucus, $1,476,000; the House Republican Conference, $1,476,000; and other authorized employees, $1,721,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated for fiscal year 1992 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (HOUSE INFORMATION SYSTEMS)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", "OFFICIAL MAIL COSTS", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

Effective date.

SEC. 102. Effective for the fiscal years beginning with fiscal year 1992, the annual rate of pay for the positions established for the

Democratic caucus and the Republican conference by section 2 of House Resolution 413, 94th Congress, as enacted by section 201 of the Legislative Branch Appropriations Act, 1976 and the positions established by section 102(a) (1) and (2) of the Legislative Branch Appropriations Act, 1990 shall not exceed the annual rate of pay payable from time to time for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 103. The Clerk of the House under the direction of the Committee on House Administration, is authorized to receive payments of assessments for monthly equipment charges incurred by such organizations as are authorized by the Committee on House Administration. Receipts under this subsection shall be deposited into the Treasury for credit to the appropriate account under the appropriation for "Salaries and expenses" under the heading "Contingent expenses of the House", "Allowances and expenses".

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,020,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,391,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,759,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $1,000 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (5) $999,800 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,509,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $64,093,000, of which $31,741,500 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $32,351,500 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That of the amounts appropriated for fiscal year 1992 for salaries, including overtime, and Government contributions to employees' benefits under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, expenses associated with the implementation of the Capitol Police Employee Assistance Program, including but not limited to professional referrals, and expenses associated with the awards program not to exceed $2,000, expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $2,029,000, to be disbursed by the Clerk of the House: *Provided,* That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further,* That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further,* That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1992 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,603,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than thirty-three individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two addi-

tional individuals for not more than one hundred and twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $292,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the One Hundred Second Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official representation and reception expenses (not to exceed $3,500 from the Trust Fund) to be expended on the certification of the Director of the Office of Technology Assessment, expenses incurred in administering an employee incentive awards program (not to exceed $1,800), rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww, and 42 U.S.C. 1395w-1, $21,025,000: *Provided,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further,* That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed $2,300 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $22,542,000: *Pro-*

vided, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further,* That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63.

2 USC 605.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, $7,858,000.

TRAVEL

40 USC 166a.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $50,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, which shall remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $23,021,000, of which $4,905,000 shall remain available until expended: *Provided,* That of the funds to remain available until expended, $2,000,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $4,425,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $40,406,000, of which $10,149,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $33,403,000, of which $4,780,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Judiciary Office Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $30,800,000: *Provided,* That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1992.

ADMINISTRATIVE PROVISIONS

SEC. 104. (a) Section 108(b)(1) of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b(b)(1)) is amended—

(1) in subparagraph (A), by striking "the rate payable" through the semicolon and inserting "90 percent of the maximum rate allowable for the Senior Executive Service;";

(2) in subparagraph (B), by striking "the rate payable" through the period and inserting "85 percent of the maximum rate allowable for the Senior Executive Service."; and

(3) by adding at the end, as a flush left sentence, the following: "For purposes of the preceding sentence, 'the maximum rate allowable for the Senior Executive Service' means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5, United States Code.".

(b) Section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b) is amended by adding at the end the following:

"(c) Effective beginning with any pay period beginning on or after the date of enactment of the Legislative Branch Appropriations Act, 1992, the rate of basic pay for up to 8 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent

Effective date.

of the minimum rate payable for grade GS-15 of the General Schedule.".

SEC. 105. The Legislative Branch Appropriations Act, 1989 is amended in the matter under "House Office Buildings", under the paragraph headed "Architect of the Capitol" (40 U.S.C. 175 note)—

(1) by striking "5 U.S.C. 5307(a)(1)(B)" and inserting "section 5306(a)(1)(B) of title 5, United States Code,"; and

(2) by striking "policy." and inserting "policy, and subject to any increase which may be allowed by the Committee on House Administration based on performance exceeding an acceptable level of competence over a 52-week period (except that no such performance-based increase shall affect the waiting period or effective date of any longevity step-increase or increase under such section 5306(a)(1)(B)).".

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $55,725,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further,* That notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

2 USC 166 note.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $89,341,000: *Provided,* That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for

individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1992".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,862,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $196,266,000, of which not more than $7,300,000 shall be derived from collections credited to this appropriation during fiscal year 1992 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,300,000: *Provided further,* That of the total amount appropriated, $7,636,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That, notwithstanding the provisions of 2 U.S.C. 150, as amended, $622,000 is to be available to support the catalog cards service.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $25,823,000, of which not more than $14,000,000 shall be derived from collections credited to this appropriation during fiscal year 1992 under 17 U.S.C. 708(c), and not more than $1,979,000 shall be derived from collections during fiscal year 1992 under 17 U.S.C. 111(d)(3), 116(c)(1), and 119(b)(2): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $15,979,000: *Provided further,* That $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $41,179,000, of which $9,417,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,235,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

Library of Congress.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $10,187,000, of which $2,000,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $865,000, of which $735,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $26,327,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $117,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord

with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further,* That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and expenses" together may not be available for the full-time equivalent employment of more than 5,000 workyears: *Provided further,* That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15, nor to any employee involved in the in-house production of printing and binding: *Provided further,* That expenses for attendance at meetings shall not exceed $95,000: *Provided further,* That the revolving fund shall be available for expenses not to exceed $100,000 for a special study of GPO's personnel and compensation systems.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $438,679,000: *Provided,* That not more than $6,213,000 of reimbursements received incident to the oper-

ation of the General Accounting Office Building shall be available for use in fiscal year 1992: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That, notwithstanding any other provision of law, $1,800,000 of this appropriation shall be available for the planning, administering, receiving, sponsoring and such other expenses as the Comptroller General deems necessary to represent the United States as host of the 1992 triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI): *Provided further,* That the General Accounting Office is authorized to solicit and accept contributions to be held in trust, which shall be available without fiscal year limitation, not to exceed $20,000, for any purpose related to the 1992 triennial Congress.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto:

Provided, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

40 USC 166 note.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. Section 3216(e)(2) of title 39, United States Code, is amended by striking "subsection (1) of this section" each place it appears and inserting "paragraph (1) of this subsection".

SEC. 307. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1992, and to incur incidental expenses in connection with such use.

SEC. 308. Section 311(d)(2)(A) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a), as amended by section 308 of the Legislative Branch Appropriations Act, 1991 (Public Law 101–520; 104 Stat. 2277), and section 315(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 60a–1b(a)) are each amended by striking "5305" and inserting "5303".

SEC. 309. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 310. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1991" and inserting "1992". 40 USC 188b-6.

SEC. 311. (a) The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the "Senate Employee Child Care Center" and hereafter in this section referred to as the "Center") established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 3 of the Act entitled "An Act to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986, and for other purposes", approved August 21, 1984 (40 U.S.C. 214b; Public Law 98-392; 98 Stat. 1362). Government employees. 40 USC 214c.

(b) Any individual described under subsection (a) who is employed by the Center on or after the date of the enactment of this Act shall be deemed an employee under section 8901(1) of title 5, United States Code, for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) who is an employee of the Center on the date of the enactment of this Act may elect coverage under this subsection during the 31-day period beginning on the date of the enactment of this Act, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) The Center shall make such deductions and withholdings from the pay of an individual described under subsection (a) who is an employee of the Center in accordance with subsection (d) of this section.

(d) The Center shall—

(1) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes; and Records.

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5, United States Code; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, United States Code, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, "miscellaneous items".

(f) The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

SEC. 312. (a)(1) The Clerk of the House of Representatives shall maintain and operate a child care center (to be known as the "House of Representatives Child Care Center") to furnish pre-school child care— Children and youth. Government organization. 40 USC 184g.

(A) for children of individuals whose pay is disbursed by the Clerk of the House of Representatives or the Sergeant at Arms of the House of Representatives and children of support personnel of the House of Representatives; and

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b)(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the Minority Leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Clerk on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) In carrying out subsection (a), the Clerk is authorized—

(1) to collect fees for child care services;

Gifts and property.

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d)(1) There is established in the contingent fund of the House of Representatives an account which, subject to appropriation, and except as provided in paragraph (2), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Clerk shall deposit in the account any amounts received under subsection (c).

(2) During fiscal year 1992, of the funds provided in this Act for the "HOUSE OF REPRESENTATIVES" under "SALARIES AND EXPENSES", not more than $45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).

(e) As used in this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term "support personnel" means, with respect to the House of Representatives, any employee of a credit union or of

the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(f) House Resolution 21, Ninety-ninth Congress, agreed to December 11, 1985, enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (40 U.S.C. 184b-184f) is repealed.

SEC. 313. Technical Corrections to Ethics in Government Act of 1978. The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 103(i) by striking "7-day" and inserting "30-day"; and

(2) in section 105(b)(1) by—

(A) striking "Each agency" and inserting "Except as provided in the second sentence of this subsection, each agency"; and

(B) inserting after the first sentence the following: "With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g).". Reports. Public information.

SEC. 314. (a) Section 102(a)(2) of the Ethics in Government Act of 1978 is amended— 5 USC app. 102.

(1) by repealing subparagraph (A);

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(3) by amending subparagraph (A) (as redesignated) to read as follows:

"(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of $100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph."; Gifts and property.

(4) by striking "$250 or more in value" in subparagraph (B) (as redesignated) and inserting "more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater"; and

(5) by striking "or (B)" in subparagraph (C) (as redesignated).

(b) Section 505(3) of the Ethics in Government Act of 1978 is amended by inserting "(including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government)" before "by a Member". 5 USC app. 505.

2 USC 31-2.

(c) Section 901(a) of the Ethics Reform Act of 1989 is amended—

(1) by repealing paragraphs (1), (3), and (4);

(2) by redesignating paragraphs (2), (5), (6), (7), and (8) as paragraphs (1) through (5), respectively;

(3) in paragraph (1) (as redesignated), by striking "having an aggregate value exceeding $300 during a calendar year" and inserting "in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater";

(4) in paragraph (2) (as redesignated) by striking "less than $75" and inserting "$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978"; and

(5) in paragraph (3) (as redesignated), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(d) Clause 4 of rule XLIII of the Rules of the House of Representatives is amended—

(1) by striking "$75 or less" and inserting "$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978";

(2) by striking "paragraph (5) of section 7342" and inserting "section 7342(a)(5)"; and

(3) by inserting "or $250, whichever is greater" after "United States Code,".

26 USC 7701. Government employees.

(e) The last sentence of section 7701(k) of the Internal Revenue Code of 1986 is amended to read as follows: "For purposes of this subsection, a Senator, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government.".

5 USC app. 101 note.

(f) The provisions of this section that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

Effective date. 2 USC 31-2 note.

(g) The amendments made by this section shall take effect on January 1, 1992.

SEC. 315. Of the funds appropriated or otherwise made available under the heading "OFFICIAL MAIL COSTS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 and which would remain available until expended, $150,000 of the remaining balances are rescinded: *Provided*, That the amount re-

scinded by this section shall be deducted from the amount allocated by the Committee on Rules and Administration to the junior Senator from Pennsylvania for mass mail.

This Act may be cited as the "Legislative Branch Appropriations Act, 1992".

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2506:

HOUSE REPORTS: Nos. 102-82 (Comm. on Appropriations) and 102-176 (Comm. of Conference).
SENATE REPORTS: No. 102-81 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 5, considered and passed House.
July 17, considered and passed Senate, amended.
July 31, House agreed to conference report.
Aug. 2, Senate agreed to conference report.

Public Law 102-91
102d Congress

An Act

Aug. 14, 1991
[H.R. 2901]

To authorize the transfer by lease of 4 naval vessels to the Government of Greece.

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

SECTION 1. AUTHORITY TO LEASE.

(a) IN GENERAL.—The Secretary of the Navy is authorized to lease the following "CHARLES F. ADAMS" class guided missile destroyers to the Government of Greece: "JOSEPH STRAUSS (DDG–16), SEMMES (DDG–18), RICHARD E. BYRD (DDG–23), WADDELL (DDG–24). A lease under this Act may be renewed.

(b) APPLICABLE LAW.—Such lease shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796A; relating to reports to Congress) shall only apply to renewals of the lease.

SEC. 2. COSTS OF LEASE.

Any expense of the United States in connection with the lease authorized by section 1 shall be charged to the Government of Greece.

SEC. 3. CONSIDERATION FOR LEASE.

Notwithstanding section 321 of the Act of June 30, 1931 (40 U.S.C. 303b), the lease of the ships described in section 1(a) may provide, as part or all of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ships by the Government of Greece.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1(a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act unless the lease authorized by that section is entered into during that period.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2901:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-92
102d Congress

Joint Resolution

To designate September 13, 1991, as "Commodore John Barry Day".

Aug. 14, 1991
[H.J. Res. 166]

Whereas John Barry, an immigrant from Ireland, volunteered his services to the Continental Navy and was commissioned as captain on October 10, 1775;

Whereas during the War for Independence Captain John Barry achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organized General George Washington's crossing of the Delaware River which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieved the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS Sybille;

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized Commodore John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Constitutional Convention in Philadelphia, thus ensuring the quorum necessary to adopt the Constitution and recommend it to the States for ratification;

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. United States and U.S.S. Constitution ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statue of Liberty Museum as 1 of 6 foreign-born great leaders of the War for Independence;

Whereas in 1982 President Ronald Reagan proclaimed September 13th, the date of John Barry's birth, as "Commodore John Barry Day";

Whereas in 1986 the New York State legislature designated September 13th of each year as "Commodore John Barry Day" in the State of New York; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy veterans, Irish-Americans, and to all the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1991, is designated as "Commodore John Barry Day", and the

President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 166:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 1, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-93
102d Congress

Joint Resolution

Designating August 1, 1991, as "Helsinki Human Rights Day".

Aug. 14, 1991
[H.J. Res. 264]

Whereas August 1, 1991, is the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereinafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the Helsinki accords express the commitment of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the participating States have committed themselves to "ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration of Principles and other CSCE commitments";

Whereas the participating States have committed themselves to "respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States";

Whereas the participating States have recognized that respect for human rights is an essential aspect for the protection of the environment and for economic prosperity;

Whereas the participating States have committed themselves to respect fully the right of everyone to leave any country, including their own, and to return to their country;

Whereas the participating States have affirmed that the "ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identity without any discrimination and in full equality before the law";

Whereas the participating States recognize that "democratic government is based on the will of the people, expressed regularly through free and fair elections; and democracy has as its foundation respect for the person and the rule of law; and democracy is

the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person";

Whereas on November 21, 1990, the heads of State or government from the signatory States signed the Charter of Paris for a New Europe, a document which has added clarity and precision to the obligations undertaken by the States signing the Helsinki accords;

Whereas the Conference on Security and Cooperation in Europe has made major contributions to the positive developments in Eastern and Central Europe and the Union of Soviet Socialist Republics, including greater respect for the human rights and fundamental freedoms of individuals and groups;

Whereas the Conference on Security and Cooperation in Europe provides an excellent framework for the further development of genuine security and cooperation among the participating States; and

Whereas, despite significant improvements, all participating States have not yet fully implemented their obligations under the Helsinki accords: Now, therefore, be it

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

(1) August 1, 1991, the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory States to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory State which may be in violation;

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is further requested, in view of the considerable progress made to date, to develop new proposals to advance the human rights objectives of the Helsinki process, and in so

doing to address the major problems that remain, including the question of self-determination of peoples.

SEC. 2. The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors to the United States of the other 34 Helsinki signatory States.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 264:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-94
102d Congress

Joint Resolution

Aug. 14, 1991
[H.J. Res. 309]

Designating August 29, 1991, as "National Sarcoidosis Awareness Day".

Whereas sarcoidosis is a systemic disease of unknown causes that can affect any part of the body;

Whereas sarcoidosis affects between 20 and 50 individuals in 100,000 in the United States;

Whereas most victims of the disease range in age between 20 and 40 years, with blacks being affected at least 10 times more often than other ethnic groups in the United States;

Whereas between 10 to 20 percent of individuals stricken with sarcoidosis eventually develop serious disabling conditions caused by damage to vital organs, such as lungs, heart, and central nervous system;

Whereas sarcoidosis is an enigma in the realm of medicine and disease that requires extensive and ongoing study and research in an effort to develop an effective treatment and eventually a cure;

Whereas individuals with sarcoidosis and family members across the United States are seeking treatment and support services to assist in controlling the effects of the disease;

Whereas grassroot support groups and nonprofit organizations are forming across the United States to encourage public awareness of the mysterious and debilitating disease;

Whereas the Federal Government has a responsibility to lead a nationwide effort to find a cure for the disabling disease; and

Whereas the Federal Government should make research into the causes of the life-threatening ailment a greater priority and provide the public with more information about potential treatments for individuals with sarcoidosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 29, 1991, is designated as "National Sarcoidosis Awareness Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 309:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 1, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-95
102d Congress

An Act

To improve the operation and effectiveness of the United States National Commission on Libraries and Information Science, and for other purposes.

Aug. 14, 1991
[S. 1593]

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

National Commission on Libraries and Information Science Act Amendments of 1991.
20 USC 1501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Libraries and Information Science Act Amendments of 1991".

SEC. 2. COMMISSION ESTABLISHED.

Subsection (b) of section 3 of the National Commission on Libraries and Information Science Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1502(b)) is repealed.

SEC. 3. CONTRIBUTIONS.

Section 4 of the Act (20 U.S.C. 1503) is amended to read as follows:

"SEC. 4. CONTRIBUTIONS.

"The Commission is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.".

SEC. 4. FUNCTIONS.

Paragraph (6) of section 5(a) of the Act (20 U.S.C. 1504(a)(6)) is amended by striking "the national communications networks" and inserting "national and international communications and cooperative networks".

SEC. 5. MEMBERSHIP.

Subsection (a) of section 6 of the Act (20 U.S.C. 1505(a)) is amended—

(1) after the third sentence thereof, by inserting the following new sentence: "A majority of members of the Commission shall constitute a quorum for conduct of business at official meetings of the Commission."; and

(2) in the fourth sentence thereof by striking "(1) the terms of office" and all that follows through "time of appointment," and inserting "(1) the term of office of any member of the Commission shall continue until the earlier of (A) the date on which the member's successor has been appointed by the President; or (B) July 19 of the year succeeding the year in which the member's appointed term of office shall expire,".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Act (20 U.S.C. 1506) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $911,000 for fiscal year 1992 and such sums as may be necessary for each succeeding fiscal year thereafter to carry out the provisions of this Act.".

Approved August 14, 1991.

LEGISLATIVE HISTORY—S. 1593:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 30, considered and passed Senate.
Aug. 1, considered and passed House.

Public Law 102-96
102d Congress

An Act

To honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

Aug. 14, 1991
[S. 1594]

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

Terry Beirn Community Based AIDS Research Initiative Act of 1991. 42 USC 201 note. 42 USC 300cc-13 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terry Beirn Community Based AIDS Research Initiative Act of 1991".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) community-based clinical trials complement the National Institute of Allergy and Infectious Diseases' university-based research in order to provide increased access to experimental therapies;

(2) community-based clinical trials provide an efficient and cost-effective means to develop new HIV-related treatments, benefiting all people living with HIV disease and other illnesses; and

(3) because the community-based clinical trials model has a proven ability to conduct rapid trials that meet the very highest standards of scientific inquiry, this program should be reauthorized and significantly expanded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, because of Terry Beirn's tireless efforts to foster a partnership among all parties invested in AIDS research (including the National Institutes of Health university-based research system, primary care physicians practicing in the community, and patients), the community-based clinical trials program should be renamed as the "Terry Beirn Community-Based AIDS Research Initiative" in his honor.

SEC. 3. COMMUNITY-BASED EVALUATIONS OF EXPERIMENTAL THERAPIES.

Section 2313 of the Public Health Service Act (42 U.S.C. 300cc-13) is amended—

(1) in the section heading to read as follows:

"SEC. 2313. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.";

(2) in subsection (c)—

(A) by amending the subsection heading to read as follows: "PARTICIPATION OF PRIVATE INDUSTRY, SCHOOLS OF MEDICINE AND PRIMARY PROVIDERS"; and

(B) by striking out "schools of medicine and osteopathic medicine" and inserting in lieu thereof "schools of medicine, osteopathic medicine, and existing consortia of pri-

mary care providers organized to conduct clinical research concerning acquired immune deficiency syndrome"; and

(3) in subsection (e)—

(A) by striking out "1991" in paragraph (1) and inserting in lieu thereof "1996"; and

(B) by striking out "1991" in paragraph (2) and inserting in lieu thereof "1996".

Approved August 14, 1991.

LEGISLATIVE HISTORY—S. 1594:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 31, considered and passed Senate.
Aug. 2, considered and passed House.

Public Law 102-97
102d Congress

Joint Resolution

To designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week".

Aug. 14, 1991
[S.J. Res. 72]

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

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

(1) the week of September 15, 1991, through September 21, 1991, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the

citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

Approved August 14, 1991.

LEGISLATIVE HISTORY—S.J. Res. 72:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Aug. 1, considered and passed House.

Public Law 102-98
102d Congress

An Act

To direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history.

Aug. 17, 1991
[H.R. 904]

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

African American History Landmark Theme Study Act.
16 USC 1a-5 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "African American History Landmark Theme Study Act".

SEC. 2. THEME STUDY.

16 USC 1a-5 note.

(a) The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on African American history (hereafter in this Act referred to as the "theme study").

(b) The purpose of the theme study shall be to identify the key sites in the history and experience of those Americans who trace their origins to Africa so that all Americans will gain better understanding of American history.

(c) In the theme study, the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, and structures and landscapes that illustrate or commemorate African American history.

(d) On the basis of the theme study, the Secretary shall—

(1) identify possible new park units appropriate to the theme of African American history; and

(2) prepare a list of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

(e) The theme study shall be completed not later than 3 years after the date funds are made available for such study.

SEC. 3. CONSULTATION.

16 USC 1a-5 note.

The Secretary shall prepare the theme study in consultation with scholars of African American history and historic preservationists.

SEC. 4. COOPERATIVE AGREEMENT.

16 USC 1a-5 note.

(a) The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with generally accepted scholarly standards.

(b) The scholarly and public historic organization or organizations described in subsection (a) shall be—

(1) knowledgeable of African American history; and
(2) recognized in the scholarly community as adhering to generally accepted scholarly standards.

16 USC 1a-5 note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 to carry out this Act.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 904:

HOUSE REPORTS: No. 102-49 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-90 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 7, considered and passed House.
June 25, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendments.

Public Law 102-99
102d Congress

An Act

To extend the expiration date of the Defense Production Act of 1950, and for other purposes.

Aug. 17, 1991
[H.R. 991]

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

Defense Production Act Extension and Amendments of 1991.
50 USC app. 2061 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Extension and Amendments of 1991".

SEC. 2. EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1991".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(a)(4) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(a)(4)) is amended to read as follows:

"(4)(A) There are authorized to be appropriated for fiscal year 1991, not to exceed $50,000,000 to carry out the provisions of sections 301, 302, and 303.

"(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 during fiscal year 1991 may not exceed $50,000,000.".

SEC. 4. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 5. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) DEFINITIONS.—For purposes of this Act—

"(1) ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) PLAN OF ACTION.—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2nd sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552 (b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting "General,"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this section) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

Federal Register, publication.

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this section) by inserting "and publishes such finding in the Federal Register" before the period;

Federal Register, publication.

(14) in subsection (f)(2) (as amended by paragraph (11) of this section) by inserting "and publish such certification or finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and" at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

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

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission and the Congress.";

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) DEFENSES.—

"(1) IN GENERAL.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) SCOPE OF DEFENSE.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) BURDEN OF PERSUASION.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) EXCEPTION FOR ACTIONS TAKEN TO VIOLATE THE ANTITRUST LAWS.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l) by inserting "or plan of action" after "voluntary agreement"; and

(21) by adding at the end the following new subsections:

"(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other

Federal law and any Federal regulation relating to advisory committees.

"(o) PREEMPTION OF CONTRACT LAW IN EMERGENCIES.—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 6. TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation;

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

50 USC app. 2071 note.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on October 20, 1990.

SEC. 8. EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) (as amended by section 2 of this Act) is amended by striking "and 719" and inserting "719, and 721".

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 991 (S. 348) (S. 468):

HOUSE REPORTS: Nos. 102-7 (Comm. on Banking, Finance and Urban Affairs) and 102-186 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 5, S. 348 considered and passed Senate.

Feb. 21, S. 468 considered and passed Senate.

Mar. 6, H.R. 991 considered and passed House.

Mar. 7, considered and passed Senate, amended, in lieu of S. 468.

Aug. 2, House and Senate agreed to conference report.

Public Law 102-100
102d Congress

An Act

To authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes.

Aug. 17, 1991
[H.R. 1006]

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

Federal Maritime Commission Authorization Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Maritime Commission $17,974,000 for fiscal year 1992.

SEC. 3. COASTWISE TRADE AUTHORIZATION.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), or any other provision of law restricting the operation of foreign-flag vessels in the coastwise trade of the United States, as applicable on the date of enactment of this Act, the foreign-flag vessel NORDIC LOUISIANA may, during the period described in subsection (b), engage in the transportation by water of molten sulphur in the coastwise trade of the United States, if—

(1) a binding contract for the construction or rebuilding, in the United States, of a coastwise-qualified replacement vessel is executed within 9 months after the date of enactment of this Act;

(2) all ship repair work on the NORDIC LOUISIANA necessary to its operation under this section is performed in the United States; and

(3) all officers and crew members employed on board the NORDIC LOUISIANA during its operation under this section are United States citizens.

(b) PERIOD OF AUTHORIZATION.—The period of transportation authorized under subsection (a) begins on the date of enactment of this Act and ends on the earlier of—

(1) the date that is 4 years after such date of enactment; or

(2) the date of delivery of a coastwise-qualified replacement vessel constructed in or rebuilt in the United States.

SEC. 4. WAIVERS FOR CERTAIN VESSELS.

(a) AUTHORIZATION TO ISSUE CERTIFICATES OF DOCUMENTATION.—Notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) ARGOSY (United States official number 528616).

(2) CUTTY SARK (United States official number 282523).

(3) JIGGS (United States official number 208787).

(4) LOIS T (United States official number 668034).
(5) MARICA (State of Maryland registration number MD 6417P).
(6) PHOENIX (United States official number 655712).
(7) PURE PLEASURE (United States official number 968163).
(8) STARLIGHT VIII (United States official number 910317).
(9) WINDWARD III (United States official number 552289).
(10) LOGAN T (United States official number 953795).
(11) ERIC WC (hull identification number 64103).
(12) COMMANDO (United States official number 955188).

(b) WAIVER FOR CERTAIN INFLATABLE VESSELS.—Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the following inflatable vessels may engage in the coastwise trade:
(1) Serial number 3968B, model number J990.
(2) Serial number 4581B, model number J990.
(3) Serial number A501A, model number D989.
(4) Serial number A502A, model number D989.
(5) Serial number 6291C, model number G091.
(6) Serial number 6300C, model number G091.
(7) Serial number 7302C, model number G091.
(8) Serial number 7305C, model number G091.

(c) DOCUMENTATION OF M/V NUSHAGAK.—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the fish processing vessel NUSHAGAK, United States official number 618759.

SEC. 5. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—Section 9(a) of the Shipping Act of 1984 (46 App. U.S.C. 1708(a)) is amended by inserting "or service contracts" immediately after "tariffs" each place it appears.

(b) EFFECTIVE DATE OF RATES.—Section 9(c) of the Shipping Act of 1984 (46 App. U.S.C. 1708(c)) is amended by inserting "and except for service contracts" immediately after "Notwithstanding section 8(d) of this Act".

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 1006:

HOUSE REPORTS: No. 102-80 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 102-134 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, considered and passed House.
Aug. 1, considered and passed Senate, amended.
Aug. 2, House concurred in Senate amendment.

Public Law 102-101
102d Congress

An Act

To authorize a study of nationally significant places in American labor history.

Aug. 17, 1991
[H.R. 1143]

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

SECTION 1. THEME STUDY.

16 USC 1a-5 note.

(a) The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a National Historic Landmark Theme Study on American Labor History (hereafter in this Act referred to as the "Theme Study"). The Theme Study shall be prepared in consultation with the Secretary of Labor and pursuant to the guidelines prepared under section 2. The purpose of the Theme Study shall be to identify the key sites in American labor history, including the history of workers and their work, of organizing, unions and strikes, of the impacts of industrial and technological change, and of the contributions of American labor to American history. The Theme Study shall identify, evaluate, and nominate as national historic landmarks those districts, sites, buildings, and structures that best illustrate or commemorate American labor history in its fullest variety. On the basis of the Theme Study, the Secretary shall identify possible new park units appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites. The list shall include a discussion of the feasibility and suitability of such sites.

(b) The theme study shall be completed not later than 3 years after the date funds are made available for such study.

SEC. 2. CONSULTATION.

16 USC 1a-5 note.

The Secretary shall consult with workers, workers' representatives, scholars of labor history, and historic preservationists for technical assistance and for the preparation of guidelines for the Theme Study.

16 USC 1a-5 note.

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary shall enter into cooperative agreements with one or more major scholarly and public historic organizations knowledgeable of American labor history to prepare the Theme Study and ensure that the Theme Study meets scholarly standards.

16 USC 1a-5 note.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $250,000 to carry out this Act.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 1143:

HOUSE REPORTS: No. 102-50 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-91 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 7, considered and passed House.
June 25, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendments.

Public Law 102-102
102d Congress

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia.

Aug. 17, 1991
[H.R. 2123]

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

District of Columbia Budgetary Efficiency Act of 1991.

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Budgetary Efficiency Act of 1991".

(b) PURPOSE.—It is the purpose of this Act to assist the District of Columbia in compensating for revenue shortages resulting from the unreimbursed services provided by the District to the Federal Government and the significant deficiencies in the District's tax base resulting from federally imposed limitations on the District's ability to raise revenue, including (but not limited to)—

(1) the exemption from taxation of property owned by the Federal Government or by any foreign government which uses such property for diplomatic purposes;

(2) the statutory prohibition on taxation of income earned in the District by any individual who is not a resident of the District; and

(3) limitations on the height of buildings located in the District.

SEC. 2. ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA.

(a) AMOUNT.—The first sentence of section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-3405(a), D.C. Code) is amended by striking "$386,000,000" and all that follows and inserting the following: "$386,000,000; for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, the sum of $474,500,000; for each of the fiscal years ending September 30, 1989, and September 30, 1990, the sum of $494,500,000; for the fiscal year ending September 30, 1991, the sum of $596,500,000; and for the fiscal year ending September 30, 1992, the sum of $630,000,000.".

(b) FORMULA.—Title V of such Act is amended by adding at the end the following new section:

"FEDERAL PAYMENT FORMULA

"SEC. 503. (a) There is authorized to be appropriated as the annual Federal payment to the District of Columbia an amount equal to 24 percent of the following local revenues:

Appropriation authorization.

"(1) For the Federal payment for fiscal year 1993, the local revenues for fiscal year 1991.

"(2) For the Federal payment for fiscal year 1994, the local revenues for fiscal year 1992.

"(3) For the Federal payment for fiscal year 1995, the local revenues for fiscal year 1993.

"(b) For purposes of subsection (a), the term 'local revenues' means, with respect to a fiscal year, the independently audited revenues of the District of Columbia that are derived from sources other than the Federal Government during that year, as reviewed by the Comptroller General under section 715(e) of title 31, United States Code.".

(c) BREAKDOWN OF DISTRICT REVENUES.—

(1) DETERMINATION UNDER INDEPENDENT ANNUAL AUDIT.—The first sentence of section 4(a) of Public Law 94-399 (sec. 47-119(a), D.C. Code) is amended by striking the period and inserting the following: ", and shall include in such independent audit a report of the revenues of the District of Columbia for the fiscal year, broken down by revenues derived from the Federal Government and revenues derived from sources other than the Federal Government during that fiscal year.".

(2) REVIEW BY COMPTROLLER GENERAL.—Section 715 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) Not later than March 1 of each year, the Comptroller General shall submit to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the Senate a review of the report of the breakdown of the independently audited revenues of the District of Columbia for the preceding fiscal year by revenues derived from the Federal Government and revenues derived from sources other than the Federal Government that is included in the independent annual audit of the funds of the District of Columbia conducted for such fiscal year.".

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 502 the following new item:

"Sec. 503. Federal Payment Formula.".

31 USC 715 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2123:

HOUSE REPORTS: No. 102-92 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 11, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-103
102d Congress

An Act

To amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes.

Aug. 17, 1991
[H.R. 2313]

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

Children and youth.

TITLE I—AMENDMENTS TO SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT OF 1988

National Dropout Prevention Act of 1991.

SEC. 101. SHORT TITLE.

20 USC 3241 note.

This title may be cited as the "National Dropout Prevention Act of 1991".

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the "Act") (20 U.S.C. 3243(a)) is amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMENDMENTS.—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking "$1,500,000" and inserting "$2,000,000";

(2) in subsection (c), by inserting after "value as a demonstration." the following: "Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act."; and

(3) in subparagraph (B) of subsection (f)(1), by striking "for the second such year" and inserting "in each succeeding fiscal year".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1992.

20 USC 3244 note.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).".

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

(1) in paragraph (8), by striking "and"; and

(2) by striking paragraph (9) and inserting the following new paragraphs:

"(9) mentoring programs; and

"(10) any other activity described in subsection (a).".

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

20 USC 3248.

"SEC. 6008. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.".

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.".

President.

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Under Secretary of Education".

SEC. 203. EFFECTIVE DATE.

20 USC 3412 note.

(a) IN GENERAL.—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) SPECIAL RULE.—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

PART A—STAR SCHOOLS

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the "Act") (20 U.S.C. 4081) is amended—

(1) by striking "vocational education" and inserting "literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled";

(2) by striking "demonstration"; and

(3) by inserting "to" before "obtain".

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years. Grants.

"(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992" and inserting "$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "(A)";

(II) by striking "demonstration"; and

(III) by inserting "in any one fiscal year" after "$10,000,000"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) by inserting "to the Secretary" after "available"; and

(iii) by inserting at the end thereof the following new subparagraph:

"(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment."; and

(4) by inserting at the end thereof the following new subsection:

"(e) COORDINATION.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.".

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "demonstration";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ", or a State higher education agency";

(B) in subparagraph (C), by inserting "or a State higher education agency" after "education";

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting "or academy" after "center"; and

(ii) by striking "or" at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

"(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or";

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and "or"; and

(E) by inserting at the end thereof the following new subparagraph:

"(F) a public or private elementary or secondary school."; and

(3) by adding at the end thereof the following new subsection:

"(c) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary may fund one statewide telecommunications network under this title if such network—

"(A) provides two-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.".

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ", or any combination thereof" after "equipment"; and

(ii) in subparagraph (G) by—

(I) striking "elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in" and inserting "instructors who will be"; and

(II) inserting "in using such facilities and equipment, and in integrating programs into the class curriculum" after "sought";

(B) in paragraph (2)—

(i) by striking "describe,";

(ii) by inserting "describe" after "instructional programming,"; and

(iii) by inserting "and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level" after "training";

(C) in paragraph (3), by inserting "(in accordance with section 907)" after "languages,";

(D) in paragraph (4)—

(i) by striking "teacher"; and

(ii) by inserting "for teachers and other school personnel" after "policies";

(E) in paragraph (6)—

(i) by striking "the facilities" and inserting "any facilities";

(ii) by striking "will be made available to" and inserting "for"; and

(iii) by inserting "will be made available to schools" after "schools";

(F) in paragraph (7)—

(i) by inserting "(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)" after "students"; and

(ii) in paragraph (7), by inserting "and will use existing telecommunications equipment, where available" before the semicolon at the end thereof;

(G) by striking "and" at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (10); and

(I) by inserting after paragraph (8) the following new paragraph:

"(9) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance such as elections;

"(D) sharing curriculum materials between networks;

"(E) providing teacher and student support services;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff; and

"(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.";

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "public and private" and inserting ", in the case of elementary and secondary schools, those";

(ii) striking "(particularly schools"; and

(iii) striking "1965)" and inserting "1965";

(B) by striking "and" at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (9);

(D) by redesignating paragraph (6) as paragraph (7);

(E) by inserting after paragraph (5) the following new paragraph:

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and

"(C) include instruction for students, teachers, and parents;"; and

(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:

"(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and".

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

20 USC 4086.

(1) by redesignating section 907 as section 911; and

(2) by inserting after section 906 the following new sections:

"CONTINUING ELIGIBILITY

20 USC 4085a.

"SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

"(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and

"(2) use all such grant funds to provide expanded services by—

"(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;

"(B) providing new courses of instruction; or

"(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.

"(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

"EVALUATION

"SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than $500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program. 20 USC 4085b.

"(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1993.

"(c) EVALUATION.—Such evaluation shall include—

"(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;

"(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;

"(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;

"(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;

"(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;

"(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;

"(7) the effects of distance learning on curricula and staffing patterns at participating schools;

"(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;

"(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and

"(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

"FEDERAL ACTIVITIES

20 USC 4085c.

"SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

"DISSEMINATION GRANTS

Telecommunications.
20 USC 4085d.

"SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.

"(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.

"(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—

"(A) information regarding successful distance learning resources for States, local educational agencies, and schools;

"(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;

"(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and

"(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.

"(e) DEFINITION.—For purposes of this section, the term 'eligible entity' means a federally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.".

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) CORRECTIONS EDUCATION.—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking "paragraph (2)" and inserting "paragraph (3)";

(B) inserting "and" before "the sex equity"; and

(C) striking "and the program for criminal offenders under section 225,";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph (1):

"(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.".

(b) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

"(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.".

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.". Handicapped.

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows: 20 USC 1211-2.

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

"(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

"(G) data on all direct and indirect costs of the program; and

"(H) information on progress toward meeting the program's goals.

"(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

"(2) An eligible entity may receive a grant under this subsection if the entity—

"(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

"(B) agrees to provide the Secretary—

"(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

"(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

"(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

"(2) To receive a grant under this subsection, an eligible entity shall—

"(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

"(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

"(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

"(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'eligible entity' means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

"(2) the term 'functional literacy' means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

"(3) the term 'life skills' includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.".

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) NATIONAL SCIENCE SCHOLARS PROGRAM.—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting ", $4,500,000 for fiscal year 1992 and $10,000,000 for fiscal year 1993" after "1991".

(b) NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking "fiscal year 1991" and inserting "each of the fiscal years 1992 and 1993".

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amended by striking "subject to a default management plan required by the Secretary" and inserting "prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act".

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the "Act") (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting "this subsection and" before "subsections (a) and (b)"; and

(2) in paragraph (2), by striking "section" and inserting "subsection".

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement."; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

"(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is

described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.".

SEC. 403. SPECIAL PAYMENT RULES.

(a) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment. 20 USC 238 note.

(b) FEDERAL CONTRIBUTIONS.—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance. 20 USC 237 note.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2313:

HOUSE REPORTS: No. 102-77 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 3, considered and passed House.
July 30, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendment.

Public Law 102-104
102d Congress

An Act

Aug. 17, 1991
[H.R. 2427]

Making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

Energy and Water Development Appropriations Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $194,427,000, to remain available until expended: *Provided,* That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1992 in the amounts specified:

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, $500,000;

Casino Beach, Illinois, $375,000;

Chicago Shoreline, Illinois, $150,000;

Illinois Waterway Navigation Study, Illinois, $2,185,000;

McCook and Thornton Reservoirs, Illinois, $2,000,000;

Miami River Sediments, Florida, $200,000;

Lake George, Hobart, Indiana, $330,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $170,000;

St. Louis Harbor, Missouri and Illinois, $900,000;

Fort Fisher and Vicinity, North Carolina, $250,000;

Passaic River Mainstem, New Jersey, $7,150,000, of which $400,000 shall be used to initiate the General Design Memoran-

dum for the Streambank Restoration Project, West Bank of the Passaic River, as authorized by section 101(a)(18)(B) of Public Law 101-640;

Buffalo Small Boat Harbor, New York, $70,000;

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, $3,200,000; and

La Conner, Washington, $60,000:

Provided further, That using $425,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete a reconnaissance report and initiate a feasibility phase study of the bank stabilization problems at Norco Bluffs, California, as authorized by section 116(b) of the Water Resources Development Act of 1990: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete preconstruction engineering and design of the Miami River, Florida, sediments project, to include the full dredging of all polluted bottom sediments from the Seybold Canal and the Miami River between the mouth of the river and the salinity control structure at 36th Street, and the disposal of the polluted sediments in an environmentally sound manner, in compliance with Public Law 99-662, using funds appropriated for that purpose in this Act and the Energy and Water Development Appropriations Act, 1991, Public Law 101-514: *Provided further,* That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: *Provided further,* That with $425,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Olcott Harbor, New York, project, including all activities necessary to ready the project for construction as authorized by Public Law 99-662: *Provided further,* That with $700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to create, in cooperation with the National Park Service and other agencies as appropriate, a comprehensive river corridor greenway plan for the Lackawanna River Basin, Pennsylvania: *Provided further,* That with $120,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake a study, in cooperation with the Port of Walla Walla, Washington, of the disposition of the current Walla Walla District headquarters: *Provided further,* That using $1,100,000 of the funds appropriated in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete the South Atlantic Cargo Traffic study authorized by section 116(a) of the Water Resources Development Act of 1990 at full Federal expense in accordance with existing law: *Provided further,* That the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to conduct research and development associated with an advanced high speed magnetic levitation transportation system during fiscal year 1992: *Provided further,* That with $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete a regional environmental reconnaissance study to identify

and quantify point and nonpoint sources of pollution of Old Hickory, Percy Priest and Cheatham Lakes in Tennessee, and to complete a reconnaissance study of the nondam alternatives for the Mill Creek flood control project in Nashville, Tennessee: *Provided further,* That the Secretary of the Army is directed to use $450,000 of available funds to initiate a reconnaissance level study of proposed dams and related riverfront development to be located along the North Canadian River in Oklahoma: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers is directed to use $500,000 appropriated herein to carry out the purposes of section 401 of Public Law 101-596.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,160,461,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided,* That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1992 in the amounts specified:

Red River Emergency Bank Protection, Arkansas and Louisiana, $7,300,000;

O'Hare Reservoir, Illinois, $4,000,000;

Kissimmee River, Florida, $5,000,000;

Red River Below Denison Dam, Louisiana, Arkansas, and Texas, $2,300,000;

New York Harbor Collection and Removal of Drift, New York and New Jersey, $2,500,000; and

Red River Basin Chloride Control, Texas and Oklahoma, $3,000,000:

Provided further, That with $20,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the levees/floodwalls and to undertake other structural and nonstructural work associated with the Barbourville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 and to continue the work for the river diversion tunnels and to undertake other structural and nonstructural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further,* That with $9,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue floodwall construction at the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further,*

That with $17,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further,* That with $2,437,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete specific project reports for McDowell County, West Virginia, Hatfield Bottom, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Upper Tug Fork, West Virginia, Pike County, Kentucky, Middlesboro, Kentucky, Clover Fork, Kentucky, and Upper Cumberland River Basin, Kentucky: *Provided further,* That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia; specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Hatfield Bottom, West Virginia, Upper Tug Fork, West Virginia, Pike County, Kentucky, Middlesboro, Kentucky, Clover Fork, Kentucky, and Upper Cumberland River Basin, Kentucky; and construction of Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: *Provided further,* That using $43,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to prosecute the planning, engineering, design and construction of projects under the sections 14, 103, 107, 111, 205 and 208 Continuing Authorities Programs: *Provided further,* That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99-662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineer on or about July 26, 1989: *Provided further,* That with $750,000 of the funds appropriated herein, or funds hereafter provided in subsequent annual appropriations Acts, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 100-202 for the Des Moines Recreational River and Greenbelt project in Iowa: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall expand $300,000 of the funds appropriated herein in fiscal year 1992 on plans and specifications, environmental documentation and hydraulic modeling to advance to the maximum extent practicable the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California: *Provided further,* That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the project for shoreline protection at Emeryville Point Park Marina, California, under the authority of section 103 of the River and Harbor Act of 1962, as amended, at a total estimated first cost of $1,396,000 with an estimated first Federal cost of $907,000 and an estimated first non-Federal cost of $489,000, in accordance with the plan recommended by the Division Commander in the report entitled Detailed Project Report, section 103, Shoreline Protection

Project, Emeryville Point Park Marina dated November 1988. The cost sharing for this project shall be in accordance with the provisions of title I, section 103, of Public Law 99-662 for hurricane and storm damage reduction: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the San Timoteo feature of the Santa Ana River Mainstem flood control project by scheduling design and construction. The Secretary is further directed to initiate and complete design and to fund and award all construction contracts necessary for completion of the San Timoteo feature. Furthermore, the Corps of Engineers is directed to use $2,000,000 of the funds appropriated herein to initiate the design: *Provided further,* That using $1,252,000 previously appropriated for the Hansen Dam, California, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to plan, design and construct a swim lake and associated recreational facilities at Hansen Dam as described in the February 1991 Hansen Dam Master Plan prepared by the United States Army Corps of Engineers Los Angeles District: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pursue the acquisition of Mollicy Farms for environmental restoration, flood control and navigation and the completion of the Ouachita-Black Rivers navigation project in Louisiana and Arkansas in accordance with law and the revised General Design Memorandum for the project, including required cutoffs and bendway widenings in Louisiana and Arkansas. The Federal Government is authorized to advance rights-of-way acquisition funds for the cutoffs and bendway widenings at Federal expense, and the States of Louisiana and Arkansas shall have 10 years after construction begins to repay its portion of the costs: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall include as project costs in accordance with the Post Authorization Change Report, dated April 1989, as revised in January 1990, the costs for aesthetics for the Brush Creek, Kansas City, Missouri, project, which shall be shared with non-Federal interests under the provisions of section 103(a) of Public Law 99-662: *Provided further,* That with funds heretofore, herein or hereafter appropriated, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 101-101 for the O'Hare Reservoir, Illinois, and Wallisville Lake, Texas, projects: *Provided further,* That with funds appropriated herein and hereafter for the Lake Pontchartrain and Vicinty, Louisiana Hurricane Protection project, the Secretary of the Army is authorized and directed to provide parallel hurricane protection along the entire lengths of the Orleans Avenue and London Avenue Outfall Canals by raising levees and improving flood protection works along and parallel to the entire lengths of the outfall canals and other pertinent work necessary to complete an entire parallel protection system, to be cost shared as an authorized project feature, the Federal cost participation in which shall be 70 percent of the total cost of the entire parallel protection system, and the local cost participation in which shall be 30 percent of the total cost of such entire parallel protection system: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct project modifications for improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, within

Prince Georges County, Maryland, using $700,000 of the funds appropriated herein, under the authority of section 1135 of Public Law 99-662, as amended: *Provided further,* That $100,000 of the funds appropriated herein shall be made available to the Town of Krotz Springs, Louisiana, for restoration and improvement of Bayou Latanier: *Provided further,* That with $2,500,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Fort Yates Bridge, North Dakota and South Dakota, project using continuing construction contracts: *Provided further,* That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts to construct hurricane and storm protection measures for Folly Beach, South Carolina, in accordance with the Charleston District Engineer's Post Authorization Change Report dated May 1991: *Provided further,* That the Secretary of the Army is authorized and directed to provide $100,000 from funds herein appropriated to reimburse the Town of Grand Isle, Louisiana, for interim emergency measures constructed by the Town: *Provided further,* That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to study, design, and construct streambank protection measures along the bank of the Tennessee River adjacent to the Sequoyah Hills Park in the City of Knoxville, Tennessee, under the authority of section 14 of Public Law 79-526: *Provided further,* That the April 1977 contract for Recreational Development at Stonewall Jackson Lake, West Virginia, is amended to include such elements as proposed by the State on March 28, 1990, except a golf course; and, in addition, $123,681,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, and the Secretary of the Army is directed to complete the actions necessary to award continuing contracts, which are not to be considered fully funded, and to award such contracts for the second phase construction for Locks and Dams 4 and 5 during the first quarter of fiscal year 1992; to continue construction of the McDade, Moss, Elm Grove, and Cecile Revetments in Pool 5 which were previously directed to be initiated in fiscal year 1991; to award continuing contracts in fiscal year 1992 for construction of the following features of the Red River Waterway Pool 4 and 5 which are not to be considered fully funded: Caroll Capout, Cupples Capout, Sunny Point Revetment and Dikes, Curtis Revetment, and Eagle Bend Revetment; and to continue land acquisition in the vicinity of Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area to insure acquisition of manageable units and to develop such lands to maximize benefits for mitigation of fish and wildlife losses; and to initiate planning and acquisition of mitigation lands in the Bayou Bodcau area for the mitigation of fish and wildlife losses all as authorized by laws: *Provided further,* That with $5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake emergency construction of aspects of the Bethel, Alaska Bank Stabilization Project as authorized by Public Law 99-662 including but not limited to, toe protection at the petroleum dock and tank farm, steel whaler installation on pipe piles, toe protection from the West end of First Avenue to the city dock, and toe protection to Mission Road bulkhead and in other areas vulnerable to collapse: *Provided further,* That no fully allocated funding policy shall apply to construc-

tion of the Bethel, Alaska Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $353,437,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That the funds provided herein for operation and maintenance of Yazoo Basin Lakes shall be available for the maintenance of road and trail surfaces, alignments, widths, and drainage features: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $420,000 of the funds appropriated herein to continue preconstruction engineering and design studies on the Eastern Arkansas Region Comprehensive Study, Arkansas.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,535,229,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $15,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided,* That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further,* That $1,000,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreation facilities at Sepulveda Dam, California: *Provided further,* That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to plan and design a fifteen-acre swim lake and related recreational facilities at Hansen Dam, California: *Provided further,* That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the one-time repair and re-

habilitation of the Flint, Michigan, project in order to restore the project to original project dimensions: *Provided further,* That $40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: *Provided further,* That $150,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, for the development of Gateway Park at the Lower Granite Lock and Dam project: *Provided further,* That with $2,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts, which are not to be considered fully funded, for construction of the riverfront park at Charleston, West Virginia, in accordance with the cost sharing principles of Public Law 99-662: *Provided further,* That with $8,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed on a one-time basis, at full Federal expense, and without requirement of local sponsorship, to maintain navigation access to and berthing areas at all currently operating public and private commercial dock facilities associated with the Federal navigation project on the Columbia and Snake Rivers, from Bonneville Dam to Lewiston, Idaho, at a depth commensurate with the Federal navigation project, and the Federal Government is exempted from any liability due to damages to public and private facilities including docks adjacent to the access channels and berthing areas resulting from this maintenance: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is authorized to provide water releases from Broken Bow Lake for the Mountain Fork trout fishery under terms and conditions acceptable to the Secretary of the Army for a time period not to exceed two years from the date of enactment of this Act: *Provided further,* That with $4,825,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to modify the fish lift at the Cooper River, Charleston Harbor, South Carolina (Rediversion Project), authorized by the River and Harbor Act of 1968, Public Law 90-483, and to monitor operation of the fish lift for two years following such modifications: *Provided further,* That using $900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to rehabilitate recreation facilities at Wilson Lake, Kansas: *Provided further,* That using $3,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the north bank of the Mississippi River Gulf Outlet from mile 49.9 through mile 56.1: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,500,000 of the funds appropriated herein to undertake measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam as authorized by section 33 of the Water Resources Development Act of 1988: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to allocate resources and take other steps necessary to complete an environmental impact statement and related documents by June of 1992 on a plan to reoperate Folsom Dam to provide greater flood control, using funds appropriated for that purpose in

fiscal year 1991. This plan shall require a cost sharing agreement between local sponsors and the Secretary of the Interior based on the requirements of section 103 of the Water Resources Development Act of 1986, with the costs for foregone water and power sales to be computed on the basis of actual reductions in supply attributable to greater operations for flood control in that year.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $86,000,000, to remain available until expended.

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdictional Wetlands that was adopted in January 1989 (1989 Manual) or any subsequent manual not adopted in accordance with the requirements for notice and public comment of the rule-making process of the Administrative Procedure Act.

In addition, regarding Corps of Engineers ongoing enforcement actions and permit application involving lands which the Corps or EPA has delineated as waters of the United States under the 1989 Manual, and which have not yet been completed on the date of enactment of this Act, the landowner or permit applicant shall have the option to elect a new delineation under the Corps 1987 Wetland Delineation Manual, or completion of the permit process or enforcement action based on the 1989 Manual delineation, unless the Corps of Engineers determines, after investigation and consultation with other appropriate parties, including the landowner or permit applicant, that the delineation would be substantially the same under either the 1987 or the 1989 Manual.

None of the funds in this Act shall be used to finalize or implement the proposed regulations to amend the fee structure for the Corps of Engineers regulatory program which were published in the Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

REVOLVING FUND

None of the funds from the revolving fund established by the Act of July 27, 1953, chapter 245 (33 U.S.C. 576), may be used to reimburse other Department of Defense appropriations used to acquire Standard Army Automated Contracting System equipment for Corps of Engineers activities.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $15,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer

Automation Support Activity, the Humphreys Engineer Center Support Activity and the Water Resources Support Center, $142,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $5,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986, the project for navigation, Coosa River, Gadsden, Alabama, to Rome, Georgia, authorized by the River and Harbor Act of 1945, shall remain authorized to be carried out by the Secretary. The project described above shall not be authorized for construction after the last day of the 5-year period that begins on the date of enactment of this Act unless, during this period, funds have been obligated for construction (including planning and design) of the project.

SEC. 102. Public Law 99–88, 99 Stat. 293, 316, as modified by Public Law 99–349, 100 Stat. 710, 724, is amended by striking the last two sentences in the paragraph that authorizes acquisition of new buildings and appurtenant facilities for the U.S. Army Engineer District, Walla Walla, Washington.

SEC. 103. The non-Federal share of the costs of preconstruction engineering and design of any water resources project constructed by the Secretary shall not be required to be paid prior to commencement of physical construction of the project.

SEC. 104. Title III of Public Law 98–396 (98 Stat. 1369) is amended by inserting after section 303a the following new section:

"SEC. 303b. (1) The Secretary of the Army is authorized to convey to the Port of Camas-Washougal two parcels of land containing a total of approximately 45 acres and being a portion of an 82 acre tract of land acquired under the provisions of section 303a above and which is under the jurisdiction of the Department of the Army.

"(2) The conveyance authorized above shall be made in consideration of the fair market value of the land conveyed and shall be for any lawful purpose, including, without limitation, industrial, recreational and natural area development and the grantee may sell or otherwise dispose of such property without limitation.

"(3) The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Army and the cost of such survey

shall be borne by the Port of Camas-Washougal. The Secretary shall bear the costs of environmental review and appraisal.

"(4) The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

"(5) The Secretary is also authorized to transfer, without monetary consideration, approximately 37 acres of predominantly wetlands comprising the remainder of the above mentioned 82 acre tract to the Department of the Interior, United States Fish and Wildlife Service, for inclusion in the Steigerwald Lake National Wildlife Refuge.".

SEC. 105. The project for flood control, Guadalupe River, California, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662), and the Energy and Water Development Appropriations Act of 1990 (Public Law 101-101), is modified to direct the Secretary of the Army to construct the project in accordance with the General Design Memorandum, dated January 1991 of the Sacramento District Engineer, and in accordance with the percentages specified in section 103 of the Water Resources Development Act of 1986, at a total cost of $134,300,000, with a first Federal cost of $67,300,000 and a first non-Federal cost of $67,000,000, further, if, after enactment of this Act and prior to award of the first construction contract by the Corps of Engineers, non-Federal interests initiate construction of the plan recommended herein, the Secretary shall credit such work toward the non-Federal share of the cost of the project.

SEC. 106. The present value of the capital costs to be prepaid by the city of Aberdeen, Washington, under the Wynoochee Lake project contract shall be $4,952,158.

SEC. 107. The experimental water delivery program established under section 1302 of Public Law 98-181 is authorized to continue until the modifications to the Central and Southern Florida project authorized under section 104 of Public Law 101-229 are completed and implemented.

SEC. 108. The project for shoreline protection for Folly Beach, South Carolina, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4136), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the Charleston District Engineer's Post Authorization Change Report dated May 1991, at an estimated total initial cost of $15,283,000, with an estimated Federal cost of $12,990,000 and an estimated non-Federal cost of $2,293,000, and an annual cost of $647,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of $550,000 and an estimated non-Federal annual cost of $97,000.

Wisconsin.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain in caretaker status the navigational portion of the Fox River System in Wisconsin for a period of time extending one year from the date of enactment of this legislation. During this one-year period, the Corps of Engineers shall engage in good faith negotiations with the State of Wisconsin for the orderly transfer of ownership and operational duties of the Fox River System to the State of Wisconsin or other appropriate entity. No later than one year from the date of enactment of this legislation, the Corps of Engineers shall present to Congress the terms of a negotiated settlement reached between the Corps of Engineers and

the State of Wisconsin. Such settlement shall include provisions for both the logistics and timing of the transfer, as well as a negotiated recommendation of monetary compensation to the State for repair and rehabilitation of damage and deterioration associated with all portions of the Fox River System which are being transferred to the State.

SEC. 110. None of the funds appropriated in this Act or any prior Act shall be used to close any Corps of Engineers Division or District headquarters office.

SEC. 111. None of the funds in this Act shall be used to implement the final rule for the Army Corps of Engineers shoreline management regulation fee schedule which was published in the Federal Register, Vol. 56, No. 125, Friday, June 28, 1991.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $13,554,000: *Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $564,209,000, of which $92,093,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $117,266,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from

that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further,* That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act: *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further,* That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further,* That of the funds appropriated herein, $900,000 shall be available to the Secretary of the Interior to complete the final design of the Shasta Dam, California, water release facilities for the purpose of selectively withdrawing water from Shasta Lake to control the temperature, turbidity, and dissolved oxygen content of water released from Shasta Dam: *Provided further,* That with $7,000,000 appropriated herein, to remain available until expended, the Secretary of the Interior is directed to award continuing contracts which are not to be considered fully funded for the Sixth Water Aqueduct, Bonneville Unit, Central Utah Project: *Provided further,* That funds expended by the Central Utah Water Conservancy District in anticipation of passage of the Central Utah Project Completion Act, shall be credited toward the District's cost-sharing obligations required by the Completion Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $258,685,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), may be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

43 USC 618d note.

LOAN PROGRAM

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans and/or grants authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l), as follows: cost of direct loans and/or grants $2,000,000 to remain available until expended: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,240,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $890,000: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $53,745,000, of which $800,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

43 USC 502 note.

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For capital equipment and facilities, $5,900,000, to remain available until expended, as authorized by the Act of November 1, 1985 (43 U.S.C. 1472).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; services as authorized by 5 U.S.C. 3109, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation investigations under the head "General Investigations", and amounts provided for science and technology under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of 31 U.S.C. 1341.

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation. 43 USC 377a.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged, rendered inoperable, or destroyed by fire, flood, storm, drought, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in

private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. The Bureau of Reclamation may invite non-Federal entities involved in cost sharing arrangements for the development of water projects to participate in contract negotiation and source selection proceedings without invoking provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix (1988)): *Provided,* That such non-Federal participants shall be subject to the provisions of the Federal Procurement Integrity Act (41 U.S.C. 423 (1988)) and to the conflict of interest provisions appearing at 18 U.S.C. 201 et seq. (1988).

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 35, of which 23 are for replacement only), $2,961,903,000, to remain available until expended: *Provided,* That the $7,500,000 provided in the Energy and Water Development Appropriations Act, Fiscal Year 1991 (Public Law 101-514) available only for the modification and operation of the Power Burst Facility at the Idaho National Engineering Laboratory, shall be available for the Boron Neutron Capture Therapy Research Program, of which $84,800,000 shall be available only for the Institute for Micromanufacturing, Louisiana Tech University; the Ambulatory Research and Education Building, Oregon Health Sciences University; Cancer/Oncology Center, Medical University of South Carolina; Biomedical Research Institute, LSU Medical Center, Shreveport, Louisiana; Technology Complex at Pittsburg State University, Pittsburg, Kansas; Energy, Mineral and Materials Science Research Building Expansion at the University of Alabama; Research Institute at Loma Linda University Medical Center; Cancer Research Center at Indiana University School of Medicine at Indianapolis; Old Colony Center for Technological Applications at Bridgewater State College in Bridgewater, Massachusetts; and the Center for Molecular Electronics at the University of Missouri-St. Louis.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of

any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity to provide enrichment services; purchase of passenger motor vehicles (not to exceed 28, of which 25 are for replacement only), $1,313,600,000, to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,547,000,000, in fiscal year 1992 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 7 for replacement only) $1,472,489,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided,* That of the amount herein appropriated, within available funds, not to exceed $5,000,000 may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further,* That of the amount herein appropriated, not more than $4,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further,* That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: *Provided further,* That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment moneys have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further,* That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Con-

gress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further,* That none of the funds herein appropriated may be used for litigation expenses: *Provided further,* That of the amount appropriated herein, up to $3,500,000 shall be available for infrastructure studies and other research and development work to be carried out by the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno. Funding to the universities will be administered by the DOE through a cooperative agreement.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the fund.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

42 USC 2061 note.

Revenues received hereafter from the disposition of isotopes and related services shall be credited to this account, to be available for carrying out the purposes of the isotope production and distribution program without further appropriation: *Provided,* That such revenues and all funds provided under this head in Public Law 101-101 shall remain available until expended: *Provided further,* That if at any time the amounts available to the fund are insufficient to enable the Department of Energy to discharge its responsibilities with respect to isotope production and distribution, the Secretary may borrow from amounts available in the Treasury, such sums as are necessary up to a maximum of $8,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 96 for replacement only, and purchase of one rotary-wing aircraft, for replacement only), $4,623,428,000, to remain available until expended.

NEW PRODUCTION REACTOR

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense new production reactor activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $515,500,000, to remain available until expended, of which $100,000,000 shall be for design of new production reactor

capacity, to become available for obligation sixty days after issuance of the Record of Decision on the Environmental Impact Statement on New Production Reactor Capacity.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only, and purchase of one rotary-wing aircraft, for replacement only), $3,680,672,000, to remain available until expended, of which $17,100,000 shall be available only for the Environmental and Molecular Sciences Laboratory, and of which $20,000,000 shall be made available to the State of New Mexico to assist the State and its affected units of local government in mitigating the environmental, social, economic, and other impacts resulting from the Waste Isolation Pilot Plant: *Provided,* That a portion of the $20,000,000 received by the State of New Mexico may be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, the Waste Isolation Pilot Plant based on a State assessment of needs, conducted in consultation with its affected units of local government, and the demonstration of impacts: *Provided further,* That the $20,000,000 shall be provided upon initiation of the performance assessment phase at the Waste Isolation Pilot Plant site.

MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials production, and other defense program activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), $3,148,400,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $405,976,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided*

further, That moneys received by the Department for miscellaneous revenues estimated to total $284,352,000 in fiscal year 1992 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than $121,624,000: *Provided further,* That of the sum herein appropriated, $1,300,000 shall be used for the Reduced Enrichment in Research and Test Reactors Program under the office of International Affairs and Energy Emergencies.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,431,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,218,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the purchase, maintenance and operation of two rotary-wing aircraft for replacement only; and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1992, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $23,869,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,464,000, to

remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $8,820,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $306,478,000, to remain available until expended, of which $278,173,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $5,465,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $141,071,000, to remain available until expended: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $141,071,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1992, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1992, so as to result in a final fiscal year 1992 appropriation estimated at not more than $0. 42 USC 7171 note.

The Federal Energy Regulatory Commission is authorized pursuant to section 4 of the Natural Gas Act to allow recovery, in advance, of expenses by natural-gas companies for research, development and demonstration activities by the Gas Research Institute for projects on the use of natural gas in motor vehicles and on the use of natural gas to control emissions from the combustion of other fuels: *Provided,* That the Commission finds that the benefits, including environmental benefits, to both existing and future ratepayers resulting from such activities exceed all direct costs to both existing and future ratepayers. 15 USC 717c note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to

the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

Colleges and universities.

SEC. 304. (a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

Disadvantaged.

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $190,000,000.

40 USC app. 401 note.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $11,500,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $300,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $475,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $510,000, of which $210,000 shall be available for the local sponsor's share of the cost of the United States Army Corps of Engineers Anacostia River and Tributaries study in Maryland and the District of Columbia or other activities associated with the restoration of the Anacostia River.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $508,810,000, to remain available until expended, of which $19,962,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $488,848,000 in fiscal year 1992 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1992 from licensing fees, inspection services, and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1992 appropriation estimated at not more than $19,962,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $3,690,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the perform-

ance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1992 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1992 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $3,294,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $284,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $310,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $135,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code. 16 USC 831b note.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119 unless such report expressly provides otherwise.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1992".

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2427:

HOUSE REPORTS: Nos. 102-75 (Comm. on Appropriations) and 102-177 (Comm. of Conference).
SENATE REPORTS: No. 102-80 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 29, considered and passed House.
July 9, 10, considered and passed Senate, amended.
July 31, Aug. 1, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Aug. 2, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Aug. 17, Presidential statement.

Public Law 102-105
102d Congress

An Act

To waive the period of Congressional review for certain District of Columbia acts.

Aug. 17, 1991
[H.R. 2968]

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

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) WAIVER.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) ACTS DESCRIBED.—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The National Children's Center, Inc., Revenue Bond Act of 1991 (D.C. Act 9-40).

(2) The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991 (D.C. Act 9-41).

(3) The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991 (D.C. Act 9-42).

(4) The Omnibus Budget Support Temporary Act of 1991 (D.C. Act 9-43).

(5) The Sursum Corda Cooperative Association, Inc., Temporary Act of 1991 (D.C. Act 9-44).

(6) The Real Property Clarification Temporary Amendment Act of 1991 (D.C. Act 9-45).

(7) The Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991 (D.C. Act 9-46).

(8) The District of Columbia Good Time Credits Amendment Act of 1991 (D.C. Act 9-51).

(9) The District of Columbia Income and Franchise Tax Conformity Amendment Act of 1991 (D.C. Act 9-52).

(10) The Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991 (D.C. Act 9-54).

(11) The Day Care Policy Budget Conformity Amendment Act of 1991 (D.C. Act 9-55).

(12) The District of Columbia Public School Nurse Assignment Budget Conformity Amendment Act of 1991 (D.C. Act 9-56).

(13) The District of Columbia Motor Vehicle Services Fees Amendment Act of 1991 (D.C. Act 9-57).

(14) The Cigarette Tax Amendment Act of 1991 (D.C. Act 9-58).

(15) The District of Columbia Election Code of 1955 Amendment Act of 1991 (D.C. Act 9-59).

(16) The District of Columbia Housing Bonus Repealer Act of 1991 (D.C. Act 9-60).

(17) The District of Columbia Gross Receipts and Toll Telecommunications Service Tax Temporary Amendment Act of 1991 (D.C. Act 9-61).

(18) The District of Columbia Public Hall Regulation Temporary Amendment Act of 1991 (D.C. Act 9-50).

(19) The Redistricting Procedure Amendment Act of 1991 (D.C. Act 9-53).

(20) The Uniform Disposition of Unclaimed Property Act of 1980 Amendment Act of 1991 (D.C. Act 9-62).

(21) The Fire Company Staffing Act of 1991 (D.C. Act 9-63).

(22) The District of Columbia Paternity Establishment Act of 1991 (D.C. Act 9-76).

(23) The District of Columbia Interstate Banking Act of 1985 Amendment Act of 1991 (D.C. Act 9-79).

(24) The Health Care Professional Volunteer Assistance Protection Amendment Act of 1991 (D.C. Act 9-78).

(25) The District of Columbia Alcoholic Beverage Control Act Brew Pub License Amendment Act of 1991 (D.C. Act 9-77).

(26) The Citizens Energy Advisory Committee Extension Amendment Act of 1991 (D.C. Act 9-82).

(27) The Extension of the Moratorium on Retail Service Station Conversions Amendment Act of 1991 (D.C. Act 9-81).

(28) The Juror Fees Amendment Act of 1991 (D.C. Act 9-80).

(29) The Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991 (D.C. Act 9-75).

(30) The Queen's Stroll Street Designation Temporary Act of 1991 (D.C. Act 9-74).

(31) The Youth Rehabilitation Amendment Act of 1985 Amendment Act of 1991 (D.C. Act 9-33).

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2968:

HOUSE REPORTS: No. 102-169 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-106
102d Congress

An Act

To permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District Government, and for other purposes.

Aug. 17, 1991
[H.R. 2969]

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

District of Columbia Emergency Deficit Reduction Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Deficit Reduction Act of 1991".

SEC. 2. PERMITTING MAYOR TO REDUCE BUDGETS OF BOARD OF EDUCATION AND OTHER INDEPENDENT AGENCIES.

(a) IN GENERAL.—Title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting after section 452 the following new section:

"REDUCTIONS IN BUDGETS OF INDEPENDENT AGENCIES

"SEC. 453. (a) In accordance with subsection (b) and except as provided in subsection (c), the Mayor may reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year.

"(b)(1) The Mayor may not make any reduction pursuant to subsection (a) unless the Mayor submits a proposal to make such a reduction to the Council and the Council approves the proposal.

"(2) A proposal submitted by the Mayor under paragraph (1) shall be deemed to be approved by the Council—

"(A) if no member of the Council files a written objection to the proposal with the Secretary of the Council before the expiration of the 10-day period that begins on the date the Mayor submits the proposal; or

"(B) if a member of the Council files such a written objection during the period described in subparagraph (A), if the Council does not disapprove the proposal prior to the expiration of the 45-day period that begins on the date the member files the written objection.

"(3) The periods described in subparagraphs (A) and (B) of paragraph (2) shall not include any days which are days of recess for the Council (according to the Council's rules).

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the District of Columbia courts or the Council.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to budgets for fiscal years beginning on or after October 1, 1990.

SEC. 3. PERMITTING DISTRICT OF COLUMBIA TO CARRY OUT EMPLOYEE SEPARATION PROGRAM.

Section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-242(3), D.C. Code) is amended by striking the period at the end of the fourth sentence and inserting the following: ", except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system pursuant to procedures established by the Council for the separation of officers and employees whose positions are determined to be excess positions if the separation of such officer or employee is carried out during the 18-month period that begins on the date of the enactment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991.".

SEC. 4. PERMITTING DISTRICT OF COLUMBIA TO ISSUE BONDS FOR FINANCING EXISTING GENERAL FUND DEFICIT.

(a) IN GENERAL.—Section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-321(a), D.C. Code) is amended—

(1) by striking "(a)" and inserting "(a)(1)";

(2) by striking "outstanding" and inserting "outstanding, to finance the outstanding accumulated operating deficit of the general fund of the District of $331,589,000, existing as of September 30, 1990,"; and

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

"(2) The District may not issue any general obligation bonds to finance the operating deficit described in paragraph (1) after September 30, 1992.".

(b) WAIVER OF 30-DAY CONGRESSIONAL REVIEW PERIOD FOR DISTRICT ACT AUTHORIZING ISSUANCE OF BONDS.—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the General Fund Recovery Act of 1991 (D.C. Act 9-64) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2969:

HOUSE REPORTS: No. 102-170 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-107
102d Congress

An Act

To provide emergency unemployment compensation, and for other purposes.

Aug. 17, 1991
[H.R. 3201]

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

Emergency Unemployment Compensation Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Act of 1991".

Inter-governmental relations.

SEC. 2. FEDERAL-STATE AGREEMENTS.

26 USC 3304 note.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (hereafter in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

26 USC 3304 note.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 7(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular

compensation (including dependent's allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act, or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State in a 7-percent period or an 8-percent period, as defined in section 3(c), is authorized to and may elect to trigger off an extended compensation period in order to provide payment of emergency unemployment compensation to individuals who have exhausted their rights to regular compensation under State law.

26 USC 3304 note.

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
8-percent period	20
7-percent period	13
6-percent period	7
Other period	4.

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment

compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) DETERMINATION OF PERIODS.—

(1) IN GENERAL.—For purposes of this section, the terms "8-percent period", "7-percent period", "6-percent period", and "other period" mean, with respect to any State, the period which—

(A) begins with the second Sunday of the month after the first month during which the applicable trigger for such period is on, and

(B) ends with the Saturday immediately preceding the second Sunday of the month after the first month during which the applicable trigger for such period is off.

(2) APPLICABLE TRIGGER.—In the case of an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the average rate of total unemployment in the State for the period consisting of the most recent 6-calendar month period for which data are available—

(A) equals or exceeds 6 percent, and

(B) falls within the applicable range (as defined in paragraph (3)).

Subparagraph (A) shall only apply in the case of an 8-percent period, 7-percent period, or 6-percent period.

(3) APPLICABLE RANGE.—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
8-percent period	A rate equal to or exceeding 8 percent.
7-percent period	A rate equal to or exceeding 7 percent but less than 8 percent.
6-percent period	A rate equal to or exceeding 6 percent but less than 7 percent.
Other period	A rate less than 6 percent.

(4) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), if for any week beginning after August 31, 1991, an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) EXCEPTION IF APPLICABLE RANGE INCREASES.—If, but for subparagraph (A), another period with a higher applicable range would be in effect for such State, such other period shall take effect without regard to subparagraph (A).

(5) NOTIFICATION BY SECRETARY.—When a determination has been made that an 8-percent period, 7-percent period, 6-percent

Federal Register, publication.

period, or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this Act for any week—

(A) beginning before the later of—

(i) September 1, 1991, or

(ii) the first week following the week in which an agreement under this Act is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.

(3) REACHBACK PROVISIONS.—(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after March 31, 1991, and before the first week following August 31, 1991 (or, if later, the week following the week in which the agreement under this Act is entered into), and

(ii) a period described in subsection (c)(2)(A) is in effect with respect to the State for the first week following August 31, 1991,

such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

26 USC 3304 note.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be

determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

26 USC 3304 note.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) ASSISTANCE TO STATES.—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

Appropriation authorization.

SEC. 6. FRAUD AND OVERPAYMENTS.

26 USC 3304 note.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

26 USC 3304 note.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) ELIGIBILITY PERIOD.—An individual's eligibility period shall consist of the weeks in the individual's benefit year which begin in an 8-percent period, 7-percent period, 6-percent period, or other period under this Act and, if the individual's benefit year ends on or after August 31, 1991, any weeks thereafter which begin in any such period. In no event shall an individual's period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) RATE OF TOTAL UNEMPLOYMENT.—The term "rate of total unemployment" means the average unadjusted total rate of unemployment (as determined by the Secretary) for a State for the period consisting of the most recent 6-calendar month period for which data are available.

26 USC 3304 note.

SEC. 8. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF CERTAIN LIMITATIONS.—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY BY RESERVES.—Paragraph (1) of section 8521(a) of such title 5 is amended by striking "180 days" and inserting "90 days".

5 USC 8521 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 9. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

26 USC 3304 note.
42 USC 1108.

Section 908 of the Social Security Act is amended to read as follows:

"ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

"SEC. 908. (a) ESTABLISHMENT.—Not later than February 1, 1992, and every 4th year thereafter (but not before February 1 of such 4th year), the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the 'Council').

"(b) FUNCTION.—It shall be the function of each Council to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program and to make recommendations for improvement.

"(c) MEMBERS.—

"(1) IN GENERAL.—Each Council shall consist of 11 members as follows:

"(A) 5 members appointed by the President, to include representatives of business, labor, State government, and the public.

"(B) 3 members appointed by the President pro tempore of the Senate, in consultation with the Chairman and ranking member of the Committee on Finance.

"(C) 3 members appointed by the Speaker of the House, in consultation with the Chairman and ranking member of the Committee on Ways and Means.

"(2) QUALIFICATIONS.—In appointing members under subparagraphs (B) and (C), the President pro tempore of the Senate and the Speaker of the House shall each appoint—

"(A) 1 representative of the interests of business,

"(B) 1 representative of the interests of labor, and

"(C) 1 representative of the interests of State governments.

"(3) VACANCIES.—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

"(4) CHAIRMAN.—The President shall appoint the Chairman. President.

"(d) STAFF AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Each council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

"(2) ASSISTANCE FROM SECRETARY OF LABOR.—The Secretary of Labor shall provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

"(e) COMPENSATION.—Each member of any Council—

"(1) shall be entitled to receive compensation at the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

"(2) while engaged in the performance of such duties away from such member's home or regular place of business, shall be allowed travel expenses (including per diem in lieu of subsist-

ence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(f) REPORT.—

"(1) IN GENERAL.—Not later than February 1 of the second year following the year in which any Council is required to be established under subsection (a), the Council shall submit to the President and the Congress a report setting forth the findings and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.

"(2) REPORT OF FIRST COUNCIL.—The Council shall include in its February 1, 1994, report findings and recommendations with respect to determining eligibility for extended unemployment benefits on the basis of unemployment statistics for regions, States, or subdivisions of States.".

26 USC 3304 note.

SEC. 10. EMERGENCY DESIGNATION.

(a) EMERGENCY DESIGNATION.—Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless, not later than the date of the enactment of this Act, the President submits to the Congress a written designation of all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 3201:

HOUSE REPORTS: No. 102-184 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 2, considered and passed House and Senate.

Public Law 102-108
102d Congress

An Act

To make Technical Amendments to the Nutrition Information and Labeling Act, and for other purposes.

Aug. 17, 1991
[S. 1608]

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

SECTION 1. INGREDIENT LABELING.

Section 10(c) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended to read as follows:

"(c) SECTION 7.—

"(1) Except as provided in paragraphs (2) and (3), the amendments made by section 7 shall take effect one year after the date of the enactment of this Act.

"(2)(A) If a food subject to section 403(g) of the Federal Food, Drug, and Cosmetic Act or a food with one or more colors required to be certified under section 706(c) bears a label which was printed before July 1, 1991, and which is attached to the food before May 8, 1993, such food shall not be subject to the amendments made by section 7(1) and section 7(3).

"(B) If a food described in subparagraph (A)—

"(i) bears a label which was printed after July 1, 1991, but before the date the proposed regulation described in clause (ii) takes effect as a final regulation and which was attached to the food before May 8, 1993, and

"(ii) meets the requirements of the proposed regulation of the Secretary of Health and Human Services published in 56 Fed. Reg. 28592-28636 (June 21, 1991) as it pertains to the amendments made by this Act,

such food shall not be subject to the amendments made by section 7(1) and section 7(3).

"(3) A food purported to be a beverage containing a vegetable or fruit juice which bears a label attached to the food before May 8, 1993, shall not be subject to the amendments made by section 7(2).".

SEC. 2. TECHNICAL AMENDMENTS.

(a) NUTRITION LABELING.—Section 403(q)(4)(A) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of the Nutrition Labeling and Education Act of 1990) is amended by striking out "(C)" and inserting in lieu thereof "(D)". 21 USC 343.

(b) UNIFORM LABELING.—Section 403A(a)(5) of the Federal Food, Drug, and Cosmetic Act (as added by section 6 of the Nutrition Labeling and Education Act of 1990) is amended by striking out "clause (B) of such section" and inserting in lieu thereof "section 403(r)(5)(B)". 21 USC 343-1.

(c) REFERENCES.—Section 7 of the Nutrition Labeling and Education Act of 1990 is amended— 21 USC 343.

(1) in paragraph (1), by inserting "the provisions of" after "subject to", and

(2) in paragraph (3), by inserting "the first time it appears" before "and inserting".

(d) SECTION 503.—Section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353) is amended—

(1) by striking out "section 503(b)" in subsections (c)(2) and (c)(3)(B)(v) and inserting in lieu thereof "subsection (b)",

(2) by striking out "section 503(c)(1)" in subsection (d)(3)(E) and inserting in lieu thereof "subsection (c)(1)",

(3) by redesignating the subsection (c) added by section 105 of the Generic Animal Drug and Patent Restoration Act (Public Law 100-670) as subsection (f), and

(4) by redesignating the subsection (f) added by section 16 of the Safe Medical Devices Act of 1990 (Public Law 101-629) as subsection (g).

(e) ANIMAL DRUGS.—Section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(B)) is amended by striking out "(H)" and inserting in lieu thereof "(I)".

(f) PUBLIC HEALTH SERVICE ACT TECHNICAL AMENDMENTS.—Section 395. [280c](a)(1) after the word "if" insert the words "skilled medical services,". 42 USC 280c.

Approved August 17, 1991.

LEGISLATIVE HISTORY—S. 1608:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 31, considered and passed Senate.
Aug. 2, considered and passed House.

Public Law 102-109
102d Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1992, and for other purposes.

Sept. 30, 1991
[H.J. Res. 332]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1992, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1991 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 201 of Public Law 99-64 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1992, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1992;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1992;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992;

The Military Construction Appropriations Act, 1992;

The Department of Transportation and Related Agencies Appropriations Act, 1992;

The Treasury, Postal Service, and General Government Appropriations Act, 1992; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under cur-

rent operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1991, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1991, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1991 and not included in the version passed by the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1991, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1991 or prior years, for the increase in production rates above those sustained with fiscal year 1991 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1991, except projects, activities, operations, or organizations relating to "Operation Desert Shield/Desert Storm": *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1991.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1991, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 29, 1991, whichever first occurs. Termination date.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1992 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall remain in effect through the period covered by this joint resolution. 38 USC 1710 note.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the National Science Foundation's United States Antarctic Logistical Support Activities

account shall be maintained at the current rate of operations.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Federal Communications Commission's Salaries and Expenses account shall be maintained at the current rate of operations.

Approved September 30, 1991.

LEGISLATIVE HISTORY—H.J. Res. 332:

HOUSE REPORTS: No. 102-216 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 25, considered and passed House; considered and passed Senate, amended.
Sept. 26, House concurred in Senate amendment.

Public Law 102-110
102d Congress

An Act

To amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

Oct. 1, 1991
[S. 296]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces Immigration Adjustment Act of 1991.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (I),

(2) by striking the period at the end of subparagraph (J) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.".

(b) NUMERICAL LIMITATIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as inserted by section 121(a) of the Immigration Act of 1990, is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR 'K' SPECIAL IMMIGRANTS.—

"(A) NOT COUNTED AGAINST NUMERICAL LIMITATION IN YEAR INVOLVED.—Subject to subparagraph (B), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in a fiscal year shall not be subject to the numerical limitations of this subsection or of section 202(a).

"(B) COUNTED AGAINST NUMERICAL LIMITATIONS IN FOLLOWING YEAR.—

"(i) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS.—The number of visas made available in any fiscal year under paragraphs (1), (2), and (3) shall each be reduced by ⅓ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K).

"(ii) REDUCTION IN PER COUNTRY LEVEL.—The number of visas made available in each fiscal year to natives of a foreign state under section 202(a) shall be reduced by the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(iii) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS WITHIN PER COUNTRY CEILING.—In the case of a foreign state subject to section 202(e) in a fiscal year (and in the previous fiscal year), the number of visas made available and allocated to each of paragraphs (1) through (3) of this subsection in the fiscal year shall be reduced by ⅓ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(C) APPLICATION OF SEPARATE NUMERICAL LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in any fiscal year (other than as a spouse or child described in such section) may not exceed—

"(I) in the case of aliens who are nationals of a foreign state for which there is a numerical limitation treaty or agreement (as defined in clause (iii)), 2,000, or

"(II) in the case of aliens who are nationals of any other state, 100.

"(ii) EXCEPTION FOR ALIENS CURRENTLY MEETING REQUIREMENTS.—The numerical limitations of clause (i) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) as of the date of the enactment of this subparagraph.

"(iii) NUMERICAL LIMITATION TREATY OR AGREEMENT.—In clause (i), the term 'numerical limitation treaty or agreement' means a treaty or agreement in effect on the date of the enactment of this subparagraph which authorizes and limits the number of aliens who are nationals of such state who may be enlisted annually in the Armed Forces of the United States.".

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by striking "or (I)" and inserting ", (I), or (K)", and

(2) by adding at the end the following new subsection:

"(g) In applying this section to a special immigrant described in section 101(a)(27)(K), such an immigrant shall be deemed, for purposes of subsection (a), to have been paroled into the United States.".

(d) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act. 8 USC 1101 note.

SEC. 3. DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS RELATING TO O AND P NONIMMIGRANTS. 8 USC 1101 note.

Section 214(g)(1)(C) of the Immigration and Nationality Act shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance) before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(iii) of section 101(a)(15) of such Act, but may be admitted under the terms of subparagraph (H)(i)(b) of such section (as in effect on September 30, 1991).

SEC. 4. CONTINUATION OF DERIVATIVE STATUS FOR SPOUSES AND CHILDREN OF THIRD AND SIXTH PREFERENCE IMMIGRANTS; DEEMED CONTINUED EFFECTIVENESS OF CERTAIN EMPLOYMENT-BASED PETITIONS.

Effective as if included in the Immigration Act of 1990, section 161(c) of such Act is amended by adding at the end the following new paragraphs: Effective date. 8 USC 1101 note.

"(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien described in section 203(a)(3) or 203(a)(6) of such Act and who would be entitled to enter the United States under such section 203(a)(8) but for the amendments made by this section, such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child an an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act with the same priority date as that of the principal alien.

"(4)(A) Subject to subparagraph (B), any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(3) or 203(a)(6) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1991 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(2) or under the appropriate classification under section 203(b)(3), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

"(B) Subparagraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE RESETTLEMENT PROGRAMS FOR FISCAL YEAR 1992.

Subsection (a) of section 414 of the Immigration and Nationality Act (8 U.S.C. 1524) is amended to read as follows:

"(a) There are authorized to be appropriated for fiscal year 1992 such sums as may be necessary to carry out this chapter.".

Approved October 1, 1991.

LEGISLATIVE HISTORY—S. 296:

HOUSE REPORTS: No. 102-195 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Jan. 30, considered and passed Senate.
Sept. 16, considered and passed House, amended.
Sept. 24, Senate concurred in House amendment with an amendment.
Sept. 26, House concurred in Senate amendment.

Public Law 102-111
102d Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

Oct. 1, 1991
[H.R. 3291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

District of Columbia Appropriations Act, 1992.

FISCAL YEAR 1992 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1992, $630,500,000.

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

METROPOLITAN POLICE DEPARTMENT

For a Federal contribution to the District of Columbia for the Metropolitan Police Department, $75,000, of which $25,000 shall be for an accreditation study by a recognized law enforcement accrediting organization and $50,000 shall be for community empowerment policing programs.

BOARD OF EDUCATION

For a Federal contribution to the District of Columbia, $3,205,000, of which $2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities; $330,000 shall be for the Options Program; $250,000 shall be for the Parents as Teachers Program; and $500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): *Provided,* That the $500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: *Provided further,* That of the $3,205,000 appropriated under this heading, $1,500,000 shall not be available for obligation

until September 30, 1992 and shall not be expended prior to October 1, 1992.

DISTRICT OF COLUMBIA GENERAL HOSPITAL

For a Federal contribution to the District of Columbia General Hospital, $9,500,000, of which $8,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992.

DEPARTMENT OF HUMAN SERVICES

For a Federal contribution to the District of Columbia for the Department of Human Services for the breast and cervical cancer screening program, $500,000.

DISTRICT OF COLUMBIA INSTITUTE FOR MENTAL HEALTH

For a Federal contribution to the District of Columbia Institute for Mental Health to provide professional mental health care to low-income, underinsured, and indigent children, adults, and families in the District of Columbia, $1,000,000.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center for a cost-shared National Child Protection Center, $3,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $110,921,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $8,326,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That the Mayor shall submit to the Council of the District of Columbia by October 1, 1991, a

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reorganization plan for the Department of Finance and Revenue that shall follow the directives and initiatives contained in the Report of the Committee of the Whole on Bill 9-151, the Fiscal Year 1991 Supplemental Budget and Rescissions of Authority Request Act of 1991, at 8-20 (March 25, 1991).

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $106,430,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $930,836,000: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That $50,000 of this appropriation shall be available at the discretion of the Chief of Police for community empowerment policing programs: *Provided further,* That not to exceed $25,000 of this appropriation shall be available solely for an accreditation study of the Metropolitan Police Department by a recognized law enforcement accrediting organization: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved

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September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective September 30, 1989 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1992, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further,* That the staffing levels of each engine company within the Fire Department shall be maintained in accordance with the provisions of the Fire Department Rules and Regulations, if any: *Provided further,* That the reduction in the staffing levels of each two-piece engine company shall not take effect until such time as the Fire Chief certifies to the Committees on Appropriations of the House and Senate that the Department is taking all reasonable steps to reduce the expenses of the Department, including steps to reduce overtime, filling eligible vacancies, returning detailees to their intended positions, and other measures deemed appropriate by the Fire Department: *Provided further,* That when staffing levels are reduced, the pay and salary levels of fire fighter technicians shall be held harmless during the term of the collective bargaining agreement in effect on the date of enactment of this Act: *Provided further,* That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Firefighting Division of the Department: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for

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expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $708,536,000, to be allocated as follows: $519,344,000 for the public schools of the District of Columbia; $2,625,000 for pay-as-you-go capital projects for public schools, of which $2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities and $500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): *Provided,* That the $500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: *Provided further,* That of the $708,536,000 appropriated under this heading and the $2,625,000 allocated for pay-as-you-go capital projects for public schools, $1,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: *Provided further,* That of the $519,344,000 allocated for the public schools of the District of Columbia under this heading, $3,150,000 shall be paid within fifteen (15) days of the enactment of this Act directly to the District of Columbia Public Schools Foundation for a series of demonstration projects including Project ACCORD ($900,000 of which $300,000 shall be paid directly to the Foundation when the Foundation certifies that an equal amount of private contributions has been received); the Anacostia Project ($1,000,000); the Cooperative Employment Education Project ($500,000); and the Options Program ($750,000); $84,200,000 for the District of Columbia Teachers' Retirement Fund; $73,495,000 for the University of the District of Columbia; $20,578,000 for the Public Library, of which $200,000 is to be transferred to the Children's Museum; $3,527,000 for the Commission on the Arts and Humanities; $4,290,000 for the District of Columbia School of Law; and $477,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of

Columbia adopts, for the fiscal year ending September 30, 1992, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $875,033,000: *Provided,* That $20,848,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That $8,500,000 of this appropriation for the District of Columbia General Hospital shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: *Provided further,* That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public Works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $234,390,000: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $13,110,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act

Amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $277,577,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $41,170,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,423,000.

CAPITAL OUTLAY

For construction projects, $312,453,946, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That $17,707,000 shall be available for project management and $10,273,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That $2,625,000 for the public school system for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further,* That up to $1,500,000 of the funds provided under this heading may be used to secure access, rights-of-way, easements or title to lands not now in public ownership known as the Metropolitan Branch Trail from its current owners: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1993, except authorizations for

projects as to which funds have been obligated in whole or in part prior to September 30, 1993: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $219,752,000, of which $38,006,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $51,690,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided,* That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further,* That $25,608,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,450,000, to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the sources of funding for this appropriation title from the District's own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,000,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and

the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1993, shall be transmitted to the Congress no later than April 15, 1992.

District of Columbia budget.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate

Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Abortion.

SEC. 114. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 115. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

Reports.

SEC. 116. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 117. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 118. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 120. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 121. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor,

not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1991 shall be deemed to be the rate of pay payable for that position for September 30, 1991.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 122. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 123. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 124. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1992, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1992 revenue estimates as of the end of the first quarter of fiscal year 1992. These estimates shall be used in the budget request for the fiscal year ending September 30, 1993. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 125. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1991" and inserting "sold before October 1, 1992".

Education.
Contracts.

SEC. 126. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been

made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 127. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 129. Section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1991" and inserting "December 31, 1992". 103 Stat. 1280.

SEC. 130. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 131. For the fiscal year ending September 30, 1992, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 132. None of the funds provided in this Act may be used by the District of Columbia to provide for the salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

Law enforcement officers. Firefighters.

SEC. 133. (a) Up to 75 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1991 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the require-

ments of sections 142(d) and 144(d) of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; Public Law 96-122; D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) If any of the 75 light duty positions that may become vacant under subsection (a) of this section are filled, a civilian employee shall be hired to fill that position or it shall be filled by an officer or member of the Metropolitan Police Department for a temporary period of time.

(d) The limited duty policy of the Metropolitan Police Department shall be that in effect prior to July 8, 1990: *Provided,* That nothing herein is intended to prohibit the parties from negotiating a limited duty policy that is fair for all concerned and that does not impede the Department from carrying out its duties: *Provided further,* That whatever negotiations take place should also consider methods to prevent abuse of the program which drains scarce police resources.

(e) If less than the 75 officers or members excluded under subsection (a) are retired on disability, the actuary shall adjust accordingly the determinations made pursuant to section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122).

SEC. 134. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1992 if—

(1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

Records. Public information.

(c) For purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

This title may be cited as the "District of Columbia Appropriations Act, 1992".

TITLE II

District of Columbia Supplemental Appropriations and Rescissions Act, 1991.

FISCAL YEAR 1991 SUPPLEMENTAL

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $257,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2226 to 2227), $5,650,000 are rescinded for a net decrease of $5,393,000: *Provided further,* That of the $9,077,000 appropriated under this heading for fiscal year 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2226), to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, none shall be derived from the general fund and not to exceed $9,077,000 shall be derived from the earnings of the applicable retirement funds: *Pro-*

vided further, That within fifteen days of the date of enactment of this Act the District of Columbia Retirement Board shall reimburse the general fund of the District by an amount not to exceed $818,000 for any expenses of the Board paid with general fund revenues in fiscal year 1991: *Provided further,* That the Mayor shall submit to the Council of the District of Columbia by October 1, 1991, a reorganization plan for the Department of Finance and Revenue that shall follow the directives and initiatives contained in the Report of the Committee of the Whole on Bill 9-151, the Fiscal Year 1991 Supplemental Budget and Rescissions of Authority Request Act of 1991, at 8-20 (March 25, 1991).

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $37,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2227), $29,525,000 are rescinded for a net decrease of $29,488,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $10,774,000, of which an additional $3,600,000 shall be allocated to the Fire and Emergency Medical Services Department; an additional $84,000 shall be allocated to the Civilian Complaint Review Board; and notwithstanding any other law, an additional $7,090,000 shall be allocated for the District of Columbia Police Officers and Fire Fighters' Retirement Fund: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2227 to 2229), $20,711,000 are rescinded for a net decrease of $9,937,000: *Provided further,* That notwithstanding any other provisions of law, of the funds available for fiscal year 1991, $225,000 of the amount allocated to the District of Columbia Judge's Retirement Fund are rescinded.

The following provision under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2228), is repealed: "*Provided further,* That at least 21 ambulances shall be maintained on duty 24 hours per day, 365 days a year:".

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $200,000 for the Public Library to be transferred to the Children's Museum.

Of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2229), $11,123,000 for the D.C. Public Schools; $10,000,000 for pay-as-you-go capital projects for public schools; $3,418,000 for

the University of the District of Columbia; $41,000 for the Education Licensure Commission; $327,000 for the Commission on Arts and Humanities; and notwithstanding any other provisions of law, $23,650,000 for the District of Columbia Teachers' Retirement Fund are rescinded for a net decrease of $48,359,000.

The following provision under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2229), is repealed: "*Provided further,* That the amount allocated under this title for the public schools shall be increased, dollar for dollar up to $36,400,000, by the amount the annual Federal payment for fiscal year 1991 is increased above the current $430,500,000 Federal payment in fiscal year 1990:".

HUMAN SUPPORT SERVICES

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2229 to 2230), $11,227,000 are rescinded.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", $2,965,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2230), $2,949,000 are rescinded for a net increase of $16,000.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", $2,756,000.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest", $8,577,000.

REPAYMENT OF GENERAL FUND DEFICIT

The paragraph under the heading "Repayment of General Fund Deficit", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2231), is repealed.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $8,142,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $311,000.

SUPPLY, ENERGY, AND EQUIPMENT ADJUSTMENT

The paragraph under the heading "Supply, energy, and equipment adjustment", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2231), is repealed.

PERSONAL SERVICES ADJUSTMENT

The paragraph under the heading "Personal services adjustment", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518, 104 Stat. 2231), is repealed.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $73,570,000, to remain available until expended: *Provided,* That of the amounts appropriated under this heading in prior fiscal years for the Mount Vernon Square Campus project of the University of the District of Columbia, $39,134,000 are rescinded for a net increase of $34,436,000: *Provided further,* That $2,644,000 shall be available for project management and $3,212,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and Sewer Enterprise Fund", $23,633,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2232), $35,880,000 are rescinded for a net decrease of $12,247,000: *Provided further,* That $35,852,000 of the amounts available for fiscal year 1991 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $36,608,000 as provided under this heading in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2232): *Provided further,* That $15,477,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects instead of $39,609,000 as provided under this heading in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2232).

GENERAL PROVISIONS

SEC. 201. Section 112 of the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2234), is amended by striking "April 15, 1991" and inserting "May 17, 1991".

SEC. 202. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1991 if—

(1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection. Records. Public information.

(c) For purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

SEC. 203. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1991.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1991".

Approved October 1, 1991.

LEGISLATIVE HISTORY—H.R. 3291:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 16, considered and passed House; considered and passed Senate, amended.
Sept. 26, Senate receded from its amendments.

Public Law 102-112
102d Congress

Joint Resolution

Oct. 3, 1991
[H.J. Res. 23]

To authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week".

Approved October 3, 1991.

LEGISLATIVE HISTORY—H.J. Res. 23:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 10, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 102-113
102d Congress

Joint Resolution

Designating September 20, 1991, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag.

Oct. 3, 1991
[H.J. Res. 233]

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf War;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas in section 2 of Public Law 101-355, the Congress officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoners of war, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF "NATIONAL POW/MIA RECOGNITION DAY".

September 20, 1991, is hereby designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY POW/MIA FLAG AT ALL NATIONAL CEMETERIES, THE NATIONAL VIETNAM VETERANS MEMORIAL, AND CERTAIN FEDERAL BUILDINGS.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1991 (Memorial Day), September 20, 1991 ("National POW/MIA Recognition Day"), and November 11, 1991 (Veteran's Day), and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 20, 1991,

as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing,

and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House, and

(2) the buildings containing the primary offices of the—

(A) Secretary of State,

(B) Secretary of Defense,

(C) Secretary of Veterans Affairs, and

(D) Director of the Selective Service Commission.

(c) PROCUREMENT AND DISTRIBUTION.—Within 30 days after the date of the enactment of this joint resolution, the Administrator of General Services shall procure POW/MIA flags and appropriately distribute such flags as are necessary to carry out this joint resolution.

(d) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

Approved October 3, 1991.

LEGISLATIVE HISTORY—H.J. Res. 233 (S.J. Res. 170):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Sept. 16, considered and passed House. S.J. Res. 170 considered and passed Senate.

Sept. 18, H.J. Res. 233 considered and passed Senate.

Public Law 102-114
102d Congress

Joint Resolution

Designating October 1991 as "National Domestic Violence Awareness Month".

Oct. 3, 1991
[S.J. Res. 73]

Whereas it is estimated that a woman is battered every fifteen seconds in America;
Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;
Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;
Whereas 31 per centum of female homicide victims in 1988 were killed by their husbands or boyfriends;
Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery, and aggravated assault;
Whereas in 50 per centum of families where the wife is being abused, the children of that family are also abused;
Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;
Whereas in 1987, over three hundred and seventy-five thousand women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes and the number of women and children that were sheltered by domestic violence programs increased by one hundred and sixty-four thousand between 1983 and 1987;
Whereas 40 per centum of women in need of shelter may be turned away due to a lack of shelter space;
Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;
Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and
Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Domestic Violence Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 73:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-115
102d Congress

Joint Resolution

To designate October 1991 as "Polish-American Heritage Month".

Oct. 3, 1991
[S.J. Res. 125]

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President Lech Walesa in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-seventh anniversary this year and is celebrating October 1991 as "Polish-American Heritage Month": Now, therefore, be it

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Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 125:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-116
102d Congress

Joint Resolution

To designate the Second Sunday in October of 1991 as "National Children's Day".

Oct. 3, 1991
[S.J. Res. 126]

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1991 is designated as "National Children's Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 126 (H.J. Res. 183):

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate. H.J. Res. 183 considered and passed House.
Sept. 16, S.J. Res. 126 considered and passed House.

Public Law 102-117
102d Congress

Joint Resolution

To designate October 6, 1991, and October 6, 1992, as "German-American Day".

Oct. 3, 1991
[S.J. Res. 151]

Whereas since the arrival of the first German immigrants to America on October 6, 1683, in the area of Germantown, Pennsylvania, German-Americans have made significant contributions to the quality of life in the United States;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States, of which the German-American Friendship Garden in Washington, D.C., is evidence;

Whereas German-Americans pledge their unconditional support for further expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its Government and democratic principles, and will also work to help assure the freedom of all people;

Whereas President Bush lauded German unification and the spirit of friendship and cooperation between the people of the Federal Republic of Germany and the people of the United States during proclamation ceremonies for German-American Flag Day on October 3, 1990; and

Whereas the Congress unanimously passed joint resolutions designating October 6 of 1987, 1988, 1989, and 1990 each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1991, and October 6, 1992, are designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such days with appropriate programs, ceremonies, and activities.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 151:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 16, considered and passed House.

Public Law 102-118
102d Congress

An Act

Oct. 4, 1991
[S. 363]

To authorize the addition of 15 acres to Morristown National Historical Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".

Approved October 4, 1991.

LEGISLATIVE HISTORY—S. 363:

HOUSE REPORTS: No. 102-212 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-45 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 25, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-119
102d Congress

An Act

To amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes.

Oct. 7, 1991
[S. 1106]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Individuals with Disabilities Education Act Amendments of 1991.
Children and youth.
Intergovernmental relations.
20 USC 1400 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Act Amendments of 1991".

SEC. 2. REFERENCES REGARDING INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Any reference made in this Act to an amendment or repeal of a provision shall be considered to be an amendment or repeal, respectively, of that provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), unless another public law is specified as being the subject of the amendment or repeal.

SEC. 3. DEFINITIONS FOR ACT IN GENERAL.

Section 602(a)(1) (20 U.S.C. 1401(a)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(1)"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The term 'children with disabilities' for children aged 3 to 5, inclusive, may, at a State's discretion, include children—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, need special education and related services.".

SEC. 4. SETTLEMENTS AND ALLOCATIONS.

(a) AMENDMENTS TO SUBSECTION (c).—Section 611(c)(2)(A)(i)(II) (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking "$350,000" and inserting "$450,000".

(b) AMENDMENTS TO SUBSECTION (f).—Section 611(f) (20 U.S.C. 1411(f)) is amended to read as follows:

"(f)(1) The Secretary shall make payments to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5-21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. In the case of Indian students ages 3-5, inclusive, who are enrolled in programs affiliated with Bureau of Indian Affairs (hereafter in this subsection referred

Indians.

to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (3). The amount of such payment for any fiscal year shall be 1 percent of the aggregate amounts available for all States under this section for that fiscal year.

"(2) With respect to all other children aged 3–21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(3) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary of Education an application that—

"(A) meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities), 613, and 614(a);

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures required under subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618(b)(1), including data on the number of children and youth with disabilities served and the types and amounts of services provided and needed and this information shall be included in the annual report of the Secretary of Education to Congress required in section 618(g);

"(E) includes an assurance that, by October 1, 1992, the Secretaries of the Interior and Health and Human Services will enter into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations. Such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical/personal supplies as needed for a child to remain in school or a program; and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this Act, and will fulfill its duties under this Act.

Section 616(a) shall apply to any such application.

"(4)(A) Beginning with funds appropriated under section 611(a) for fiscal year 1992, the Secretary shall, subject to this paragraph, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortiums of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3–5, inclusive, on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be .25 percent of the aggregate amounts available for all States under this section for that fiscal year.

"(B) The Secretary of the Interior shall distribute the total amount of the .25 percent under subparagraph (A) in the following manner:

"(i) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

"(ii) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of children with disabilities, ages 3–5, inclusive, residing on reservations as reported annually divided by the total of such children served by all tribes or tribal organizations.

"(C) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3–5, inclusive, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior. Reports.

"(F) The Secretary of the Interior shall offer and, on request, provide technical assistance (especially in the areas of child find,

diagnosis, and referral) to State and local educational agencies (where appropriate, intermediate educational units), and tribes and tribal organizations. Such assistance may be provided through its divisions and offices at the national and local level.

"(G) None of the funds allocated under this paragraph can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(5) Before January 1, 1992, the Secretary of the Interior shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing such a plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based upon the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. Such plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, children, and youth with disabilities, to tribes, and to other interested parties.

Establishment.

"(6) To meet the requirements of sections 613(a)(12) of this Act, the Secretary of the Interior shall establish, within 6 months of the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1991, under the Bureau of Indian Affairs (BIA), an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, children, and youth with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, children, and youth with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (3)(D).".

SEC. 5. STATE PLAN.

Section 613(a) (20 U.S.C. 1413(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A), by striking "this Act," and inserting the following: "this Act and with the comprehensive system of personnel development described in section 676(b)(8),"; and

(2)(A) in paragraph (13)(B), by striking "and" at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and "and"; and

(C) by adding at the end the following new paragraph:

"(15) set forth policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under part H who will participate in preschool programs assisted under this part, including a method of ensuring that when a child turns age three an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child's third birthday.".

SEC. 6. APPLICATION.

Section 614(a)(5) (20 U.S.C. 1414(a)(5)) is amended by inserting after "disability" the following: "(or, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, an individualized family service plan described in section 677(d) for each child with a disability aged 3 to 5, inclusive)".

SEC. 7. PRESCHOOL GRANTS.

Section 619 (20 U.S.C. 1419) is amended—

(1) in the heading for the section, by striking "PRE-SCHOOL" and inserting "PRESCHOOL";

(2) in subsection (b)—

(A) in paragraph (1)(B), by inserting before the period the following: ", and for any two-year-old children provided services by the State under subsection (c)(2)(B)(iii) or by a local educational agency or intermediate educational unit under subsection (f)(2)"; and

(B) in paragraph (3), by striking "$1,000" and inserting "$1,500";

(3) in subsection (c)(2), by amending subparagraph (B) to read as follows:

"(B) use not more than 20 percent of such grant—

"(i) for planning and development of a comprehensive delivery system,

"(ii) for direct and support services for children with disabilities, aged 3 to 5, inclusive, and

"(iii) at the State's discretion, to provide a free appropriate public education, in accordance with this Act, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H, and";

(4) in subsection (f), by amending the subsection to read as follows:

"(f) Each local educational agency or intermediate educational unit receiving funds under this section—

"(1) shall use such funds to provide special education and related services to children with disabilities aged 3 to 5, inclusive, and

"(2) may, if consistent with State policy, use such funds to provide a free appropriate public education, in accordance with this part, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H."; and

(5) by adding at the end thereof the following new subsection:

"(g) Part H of this Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with this part, with funds received under this section.".

SEC. 8. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) AMENDMENTS TO SUBSECTION (a)(1).—Section 623(a)(1) (20 U.S.C. 1423(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting after "children with disabilities" the following: ", including individuals who are at risk of having substantial developmental delays if early intervention services are not provided,"; and

(2)(A) by moving each of subparagraphs (F) through (I) 2 ems to the left;

(B) by striking "and" at the end of subparagraph (H);

(C) by redesignating subparagraph (I) as subparagraph (K); and

(D) by inserting after subparagraph (H) the following new subparagraphs:

"(I) facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H,

"(J) support statewide projects in conjunction with a State's application under part H and a State's plan under part B, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments, and".

(b) NEW SUBSECTION.—

(1) IN GENERAL.—Section 623 (20 U.S.C. 1423) is amended—

(A) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(B) by inserting after subsection (a) the following new subsection:

Grants.

"(b) The Secretary shall fund up to 5 grants to States for 3 years for the purpose of establishing an inter-agency, multi-disciplinary, and coordinated statewide system for the identification, tracking, and referral to appropriate services for all categories of children who are biologically and/or environmentally at-risk of having developmental delays. To the extent feasible, such grants shall be geographically dispersed throughout the Nation in urban and rural areas. Each grantee must—

"(1) create a data system within the first year to document the numbers and types of at-risk children in the State and that develops linkages with all appropriate existing child data and tracking systems that assist in providing information;

"(2) coordinate activities with the child find component required under parts B and H of this Act;

"(3) demonstrate the involvement of the lead agency and the State interagency coordinating council under part H as well as the State educational agency under part B;

"(4) coordinate with other relevant prevention activities across appropriate service agencies, organizations, councils, and commissions;

"(5) define an appropriate service delivery system based on children with various types of at-risk factors;

"(6) document the need for additional services as well as barriers; and

"(7) disseminate findings and information in the manner prescribed in section 610(g).".

(2) CONFORMING AMENDMENT.—Section 623(f), as redesignated by paragraph (1) of this section, is amended by striking "(b) and (c)" and inserting "(c) and (d)".

SEC. 9. GRANTS FOR PERSONNEL TRAINING.

(a) NEW SUBSECTION.—Section 631 (20 U.S.C. 1431) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary shall fund up to 5 grants to States or entities to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training, including but not limited to, certificate or degree granting programs in special education, related services, and early intervention for current workers at public and private agencies that provide services to infants, toddlers, children, and youth with disabilities. Recipients shall meet the requirements of section 610(g) for the dissemination of information. The purposes for which such a grant may be expended include, but are not limited to, the following:

"(A) Establishing a program with colleges and universities to develop creative new programs and coursework options and/or to expand existing programs in the field of special education, related services, or early intervention. Funds may be used to provide release time for faculty and staff for curriculum development, instructional costs, and modest start-up and other program development costs.

"(B) Establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, county, and voluntary sector workers who have demonstrated a commitment to working in the above fields and who are enrolled in higher education institution programs relating to these fields.

"(C) Supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in the above fields.

"(D) Identifying existing public and private agency and labor union personnel policies and benefit programs that may facilitate the ability of workers to take advantage of higher education opportunities such as leave time, tuition reimbursement, etc.

"(2) To the extent feasible, projects authorized under paragraph (1) shall be geographically dispersed throughout the Nation in urban and rural areas.

Contracts.

"(3) The Secretary shall award, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), a cooperative agreement through a separate competition to an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of workers to serve children and youth with disabilities through the use of consortia or partnerships established for the purpose of retaining the existing workforce and providing opportunities for career enhancement.

"(4) The Secretary may conduct an evaluation of projects funded under this subsection.

"(5) During the period in which an entity is receiving financial assistance under paragraph (1) or (3), the entity may not receive financial assistance under the other paragraph.".

(b) AMENDMENTS TO FORMER SUBSECTION (c).—

(1) PRIORITY TO PARENTS OF INFANTS, TODDLERS, AND YOUNG CHILDREN IN EXPENDITURE OF CERTAIN FUNDS.—Section 631(d), as redesignated by subsection (a) of this section, is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

"(10)(A) In the case of a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the organization, in expending the amounts described in subparagraph (B), shall give priority to providing services under this subsection to parents of children with disabilities aged 0–5.

"(B) With respect to a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the amounts described in this subparagraph are any amounts provided in the grant in excess of the amount of any grant under such paragraph provided to the organization for fiscal year 1992.".

(2) APPLICABILITY OF CERTAIN PROVISIONS REGARDING SERVICE TO MINORITY PARENTS; MANNER OF COMPLIANCE WITH PROVISIONS.—Section 631(d), as redesignated by subsection (a) of this section, is amended in paragraph (4)(C)—

(A) by inserting after "disabilities" the following: "(including parents served pursuant to paragraph (10))"; and

(B) by inserting before the comma the following: "by requiring that applicants for the grants identify with specificity the special efforts that will be undertaken to involve such parents, including efforts to work with community-based and cultural organizations and the specification of supplementary aids, services, and supports that will be made available, and by specifying budgetary items earmarked to accomplish this subparagraph".

(3) REPORTS.—Section 631, as amended by subsections (a)(1) and (b)(1)(A) of this subsection, is amended in subsection (d)(11)—

(A) in subparagraph (E), by striking "and" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ", and"; and

(C) by inserting after subparagraph (F) the following new subparagraph:

"(G) the number of parents served under this subsection who are parents of children with disabilities aged 0–5.".

(c) CONFORMING AMENDMENTS.—Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) is amended—

(1) in section 634(a)(3), by striking "631(c)(9)" and inserting "631(d)(11)"; and 20 USC 1434.

(2) in section 635(a)— 20 USC 1435.

(A) in paragraph (1), by striking "631(c)" and inserting "631(d)"; and

(B) in paragraph (3), by striking "631(c)" and inserting "631(d)".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR PART D.

Section 635(a)(3) (20 U.S.C. 1435(a)(3)) is amended—

(1) by striking "$12,100,000" and inserting "$15,100,000";

(2) by striking "$13,300,000" and inserting "$16,300,000"; and

(3) by striking "$14,600,000" and inserting "$17,600,000".

SEC. 11. FINDINGS FOR PART H.

Section 671(a) (20 U.S.C. 1471(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following new paragraph:

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.".

SEC. 12. DEFINITIONS FOR PART H.

(a) INFANTS AND TODDLERS WITH DISABILITIES.—Section 672(1)(A) (20 U.S.C. 1472(1)(A)) is amended by striking "language and speech development, psychosocial development, or self-help skills," and inserting the following: "language and speech development (hereafter in this part referred to as 'communication development'), psychosocial development (hereafter in this part referred to as 'social or emotional development'), or self-help skills (hereafter in this part referred to as 'adaptive development'),".

(b) EARLY INTERVENTION SERVICES.—Section 672(2) (20 U.S.C. 1472(2)) is amended—

(1) in subparagraph (C)—

(A) in clause (iii), by striking "language and speech" and inserting "communication";

(B) in clause (iv), by striking "psychosocial" and inserting "social or emotional"; and

(C) in clause (v), by striking "self-help skills" and inserting "adaptive development";

(2) in subparagraph (E)—

(A) in clause (vii), by striking "case management services," and inserting "case management services (hereafter in this part referred to as 'service coordination services'),"; and

(B)(i) by striking "and" at the end of clause (x); and

(ii) by inserting after clause (xi) the following new clauses:

"(xii) vision services,

"(xiii) assistive technology devices and assistive technology services, and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive early intervention services,";

(3) in subparagraph (F)—

(A) by striking "and" at the end of clause (vii);

(B) by striking "and" at the end of clause (viii); and

(C) by inserting after clause (viii) the following new clauses:

"(ix) family therapists,

"(x) orientation and mobility specialists, and

"(xi) pediatricians and other physicians,"; and

(4)(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and".

SEC. 13. REQUIREMENTS FOR STATEWIDE SYSTEM.

Section 676(b) (20 U.S.C. 1476(b)) is amended—

(1) in paragraph (4), by striking "case management" and inserting "service coordination";

(2) in paragraph (8), by amending the paragraph to read as follows:

"(8) a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 613(a)(3) and that may include—

"(A) implementing innovative strategies and activities for the recruitment and retention of early intervention service providers,

"(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part,

"(C) training personnel to work in rural areas, and

"(D) training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part to a preschool program under section 619 of part B."; and

(3) in paragraph (9)—

(A) by amending subparagraph (A) to read as follows:

"(A) the general administration and supervision of programs and activities receiving assistance under section 673, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673, to ensure that the State complies with this part,"; and

(B) in subparagraph (C)—

(i) by inserting "in accordance with section 678(a)(2)" after "responsibility"; and

(ii) by striking "agency" and inserting "agencies".

SEC. 14. INDIVIDUALIZED FAMILY SERVICE PLAN.

Section 677 (20 U.S.C. 1477) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1); and

(C) by inserting before paragraph (3) (as so redesignated) the following new paragraphs:

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs,

"(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability, and";

(2) in subsection (d)—

(A) in paragraph (1), by striking "language and speech development, psychosocial development, and self-help skills," and inserting "communication development, social or emotional development, and adaptive development,";

(B) in paragraph (2), by striking "strengths and needs" and inserting "resources, priorities, and concerns";

(C)(i) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(ii) by inserting after paragraph (4) the following new paragraph:

"(5) a statement of the natural environments in which early intervention services shall appropriately be provided,"; and

(D) in paragraph (7) (as redesignated by subparagraph (C)(i) of this paragraph)—

(i) by inserting after "manager" the following: "(hereafter in this part referred to as the 'service coordinator')"; and

(ii) by inserting after "needs" the following: "(or who is otherwise qualified to carry out all applicable responsibilities under this part)"; and

(3) by adding at the end thereof the following new subsection:

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.".

SEC. 15. STATE APPLICATION AND ASSURANCES.

Section 678 (20 U.S.C. 1478) is amended—

(1) in subsection (a)—

(A)(i) by redesignating paragraph (7) as paragraph (9);

(ii) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(iii) by inserting after paragraph (1) the following new paragraph:

"(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,"; and

(B)(i) by striking "and" at the end of paragraph (7) (as redesignated by subparagraph (A)(ii) of this paragraph); and

(ii) by inserting after paragraph (7) (as so redesignated) the following new paragraph:

"(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under part B, including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides and convene, with the approval of the family, a conference between the lead agency, the family, and such agency or unit at least 90 days before such child is eligible for the preschool program under part B in accordance with State law, and to review the child's program options, for the period commencing on the day a child turns 3 running through the remainder of the school year, and to establish a transition plan, and"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph:

"(7) beginning in fiscal year 1992, provide satisfactory assurance that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part and to ensure that such families have access to culturally competent services within their local areas, and".

SEC. 16. USE OF FUNDS.

Section 679 (20 U.S.C. 1479) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting ", and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.".

SEC. 17. PROCEDURAL SAFEGUARDS.

Section 680 (20 U.S.C. 1480) is amended—

(1) in paragraph (2), by inserting before the period the following: ", including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

"(3) The right of the parents or guardian to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part."; and

(4) in paragraph (7) (as so redesignated), by striking "(5)" and inserting "(6)".

SEC. 18. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 (20 U.S.C. 1482) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "15 members" and inserting "at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678";

(B) in paragraph (2), in the first sentence, by striking "and the chairperson of the Council"; and

(C) by adding at the end thereof the following new paragraph:

"(3) The Governor shall designate a member of the Council to serve as the chairperson of the Council, or shall require the Council to so designate such a member. Any member of the Council who is a representative of the lead agency designated under section 676(b)(9) may not serve as the chairperson of the Council.";

(2) in subsection (b), by amending the subsection to read as follows:

"(b) COMPOSITION.—(1) The Council shall be composed as follows:

"(A) At least 20 percent of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) At least one member shall be from the State legislature.

"(D) At least one member shall be involved in personnel preparation.

"(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(G) At least one member shall be from the agency responsible for the State governance of insurance, especially in the area of health insurance.

"(2) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.";

(3) in subsection (d), by striking "to hire staff, and obtain" and inserting the following: "to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to

pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business, to hire staff, and to obtain"; and

(4) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (D), respectively;

(B) by inserting "(1)" before "The Council shall—";

(C)(i) by striking "and" at the end of subparagraph (B) (as so redesignated); and

(ii) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B, to the extent such services are appropriate, and"; and

(D) by adding at the end thereof the following new paragraph:

"(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.".

SEC. 19. ALLOCATION OF FUNDS.

(a) AMENDMENTS TO SUBSECTION (b).—

(1) IN GENERAL.—Section 684(b) (20 U.S.C. 1484(b)) is amended to read as follows:

Indians.

"(b)(1) The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortium of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for that fiscal year.

"(2) The Secretary of the Interior shall distribute the total amount of the 1.25 percent under paragraph (1) in the following manner:

"(A) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

"(B) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of infants and toddlers residing on the reservation as determined annually divided by the total of such children served by all tribes or tribal organizations.

"(3) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as are needed to determine the amounts to be allocated under paragraph (2).

"(4) The funds received by a tribe or tribal organization shall be used to assist States in child find, screening, and other procedures

for the early identification of Indian children aged 0-2, inclusive, and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe and tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) To be eligible to receive a grant pursuant to paragraph (2), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(f)(3)(D) of this Act. The Secretary of Education may require any additional information from the Secretary of the Interior. Reports.

"(6) None of the funds under this subsection can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.".

(2) CONFORMING AMENDMENT.—Section 676 (20 U.S.C. 1476) is amended—

(A) in subsection (a), by inserting after "families" the following: ", including Indian infants and toddlers with disabilities on reservations,"; and

(B) in subsection (b)(2), by inserting after "State" the following: ", including Indian infants and toddlers with disabilities on reservations,".

(b) AMENDMENTS TO SUBSECTION (c)(1).—Section 684(c)(1) (20 U.S.C. 1484(c)(1)) is amended—

(1) by striking "1991" and inserting "1994"; and

(2) by inserting ", or $500,000, whichever is greater" before the period at the end.

(c) TECHNICAL AMENDMENTS REGARDING DIFFERENTIAL FUNDING.—

(1) IN GENERAL.—Section 675(e)(4) (20 U.S.C. 1475(e)(4)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in subparagraph (B), by inserting "under this part" after "payment" the first place such term appears; and

(B) in subparagraph (C), by amending the subparagraph to read as follows:

"(C) MINIMUM PAYMENT FOR FISCAL YEAR 1991 OR 1992 FOR CERTAIN STATES.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment under this part of not less than $500,000. For purposes of the preceding sentence, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(2) CONFORMING AMENDMENT.—Section 675(e)(6) (20 U.S.C. 1475(e)(6)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in the matter preceding subparagraph (A), by inserting ", except as provided in paragraph (4)(C)," before "means"; and

(B) in subparagraph (A), by inserting "the Commonwealth of" before "Puerto Rico".

SEC. 20. AUTHORIZATION OF APPROPRIATIONS FOR PART H.

Section 685 (20 U.S.C. 1485) is amended by striking "There are" and all that follows and inserting the following: "There are authorized to be appropriated to carry out this part $220,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 21. FEDERAL INTERAGENCY COORDINATING COUNCIL.

Part H (20 U.S.C. 1471 et seq.), as amended by section 20, is amended—

20 USC 1485.

(1) by redesignating section 685 as section 686; and

(2) by inserting after section 684 the following new section:

"FEDERAL INTERAGENCY COORDINATING COUNCIL

20 USC 1484a.

"SEC. 685. (a) ESTABLISHMENT AND PURPOSE.—

"(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

"(A) minimize duplication of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State, and local agencies;

"(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

"(C) coordinate the provision of Federal technical assistance and support activities to States;

"(D) identify gaps in Federal agency programs and services; and

"(E) identify barriers to Federal interagency cooperation.

"(2) APPOINTMENTS.—The council established under paragraph (1) (hereafter in this section referred to as the 'Council') and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

"(b) COMPOSITION.—The Council shall be composed of—

"(1) a representative of the Office of Special Education Programs;

"(2) a representative of the National Institute on Disability and Rehabilitation Research;

"(3) a representative of the Maternal and Child Health Services Block Grant Program;

"(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

"(5) a representative of the Health Care Financing Administration;

"(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

"(7) a representative of the Social Security Administration;

"(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

"(9) a representative of the National Institute of Mental Health;

"(10) a representative of the National Institute of Child Health and Human Development;

"(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

"(12) a representative of the Indian Health Service;

"(13) a representative of the Surgeon General;

"(14) a representative of the Department of Defense;

"(15) a representative of the Administration for Children and Families;

"(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration;

"(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public Health Service;

"(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

"(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

"(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

"(21) other persons appointed by the Secretary.

"(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

"(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part;

"(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

"(3) identify strategies to address issues described in paragraph (2);

"(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

"(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies,

and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

"(6) facilitate activities in support of States' interagency coordination efforts.

"(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.".

20 USC 1484 note.

SEC. 22. STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Education shall undertake a study to identify alternative formulae for allocating funds under part H of the Individuals with Disabilities Education Act.

(2) CONTENTS.—The study shall include an analysis of—

(A) the current formula, which uses census data;

(B) a formula that uses child count procedures comparable to procedures used in part B of the Individuals with Disabilities Education Act;

(C) a formula that uses estimates of children that States anticipate will be served each year with adjustments made in the subsequent year for over- and under-counting of children actually served;

(D) the effect of including or excluding "at risk" children in formulae using child count procedures; and

(E) formulae that use other alternatives or a combination of alternatives.

(b) REPORT.—The Secretary of Education shall transmit the study and a report on such study to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor by March 1, 1993.

SEC. 23. SECTION 6 SCHOOLS.

(a) IN GENERAL.—Section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)) (relating to the program commonly known as Impact Aid) is amended by inserting after the third sentence thereof the following new sentence: "For purposes of providing such comparable education, all substantive rights, protections and procedural safeguards (including due process procedures), available to children with disabilities age 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act and to infants and toddlers under part H of such Act shall be applicable to such comparable education by academic year 1992-1993, and all substantive rights, protections and procedural safeguards (including due process procedures), available under part B of such Act shall be applicable to such comparable education for all other eligible children on the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991.".

20 USC 241 note.

(b) RULE OF CONSTRUCTION.—With respect to comparable education for children with disabilities for purposes of section 6(a) of Public Law 81-874 (relating to the program commonly known as Impact Aid), the amendment made by subsection (a) may not be construed as diminishing the extent of substantive rights, protections and procedural safeguards available under such section 6(a) for children with disabilities before the date of the enactment of this Act.

SEC. 24. DEFENSE DEPENDENTS EDUCATION ACT OF 1978.

Section 1409(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 927(c)) is amended to read as follows:

"(c) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) CHILDREN WITH DISABILITIES.—Notwithstanding the provisions of section 1402(b)(3), the provisions of part B of the Individuals with Disabilities Education Act, other than the funding and reporting provisions, shall apply to all schools operated by the Department of Defense under this title, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education by academic year 1993–1994.

"(2) INFANTS AND TODDLERS WITH DISABILITIES.—The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 677 of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H of such Act shall apply with respect to all eligible dependents overseas.

"(3) IMPLEMENTATION TIMELINES.—In carrying out the provisions of paragraph (2), the Secretary shall—

"(A) in academic year 1991–1992 and the 2 succeeding academic years, plan and develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals;

"(B) in academic year 1994–1995, implement the program described in subparagraph (A), except the Secretary need only conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services; and

"(C) in academic year 1995–1996 and succeeding academic years, have in effect the program described in subparagraph (A).".

SEC. 25. TECHNICAL AMENDMENTS TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

(1) in section 602(a) (as amended by section 3 of this Act)— 20 USC 1401.

(A) in paragraph (1)(A)(ii), by inserting a comma after "thereof";

(B) in paragraph (17), by striking "and social work services, and medical and counseling services, including rehabilitation counseling," and inserting ", social work services, counseling services, including rehabilitation counseling, and medical services,"; and

(C) in paragraph (22), by striking "section 703(a)(2)" and inserting "section 7003(a)(2)";

(2) in section 605(b), in the first sentence, by inserting a comma after "under this title"; 20 USC 1404.

(3) in the heading for part B, by striking "HANDICAPPED CHILDREN" and inserting in lieu thereof "CHILDREN WITH DISABILITIES";

20 USC 1411. (4) in section 611(a)(1), in the matter preceding subparagraph (A), by striking "paragraph (3)" and inserting "paragraph (5)";

20 USC 1412. (5) in section 612(3), by striking "first with respect to handicapped children" and inserting "first with respect to children with disabilities";

20 USC 1413. (6) in section 613(a)—

(A) in paragraph (2), by striking "and section 202(1) of the Carl D. Perkins Vocational Education Act"; and

(B) in paragraph (9)(B), by striking "handicapped children" each place such term appears and inserting "children with disabilities";

20 USC 1417. (7) in section 617(b), by striking "(and the Secretary, in carrying out the provisions of subsection (c))";

20 USC 1422. (8) in section 622(a)(1), in the matter preceding subparagraph (A), by inserting a comma after "State educational agencies";

(9) in section 623(a)(1)(A), by striking "communication mode and" and inserting "communication mode"; and

20 USC 1424. (10) in section 624(a)(1), by striking ", including" and all that follows and inserting the following: "of such children and youth with disabilities, including their need for transportation to and from school,";

20 USC 1425. (11) in section 626, by amending the heading for the section to read as follows:

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES";

20 USC 1431. (12) in section 631—

(A) in subsection (a)(1)(E), by striking "handicapped children" and inserting "children with disabilities"; and

(B) in subsection (d)(5) (as redesignated by section 9(a)(1) of this Act), by amending subparagraph (D) to read as follows:

"(D) participate in educational decisionmaking processes, including the development of the individualized education program for a child with a disability,";

20 USC 1435. (13) in section 635, by striking subsection (c);

20 USC 1442. (14) in section 642, in the heading for the section, by striking "HANDICAPPED CHILDREN" and inserting "CHILDREN WITH DISABILITIES";

20 USC 1461. (15) in section 661(b)(2), by striking "Public Law 100-407" and inserting "the Technology-Related Assistance for Individuals with Disabilities Act of 1988";

20 USC 1471. (16) in section 671(b)(3), by striking "provided to handicapped infants, toddlers, and their families" and inserting "provided to infants and toddlers with disabilities and their families";

20 USC 1476. (17) in section 676(b)—

(A) in paragraph (4), by striking "handicapped infant and toddler" and inserting "infant and toddler with a disability"; and

(B) in paragraph (6), by striking "as required under this paragraph";

20 USC 1482. (18) in section 682(e)(1)(D) (as redesignated by section 18(4) of this Act), by striking "infants or toddlers" and inserting "infants and toddlers"; and

(19) in section 611(e)(1) (as amended by section 802(d)(3) of Public Law 102-73 (105 Stat. 361)), by striking "(until the Com-

pact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)".

(b) PUBLIC LAW 101-476.—Section 901(b) of the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476; 104 Stat. 1142) is amended in the matter preceding paragraph (1) by striking "Education for the Handicapped Act" and inserting "Individuals with Disabilities Education Act".

SEC. 26. TECHNICAL AMENDMENTS TO OTHER ACTS.

(a) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Section 670S(1) of the Comprehensive Child Development Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act". 42 USC 9886.

(b) DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—Sections 122(b)(5)(C) and 124(b)(3) of the Developmental Disabilities Assistance and Bill of Rights Act are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act". 42 USC 6022, 6024.

(c) FOLLOW THROUGH ACT.—Section 663(b)(9) of the Follow Through Act is amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act". 42 USC 9862.

(d) HEAD START TRANSITION PROJECT ACT.—Sections 136(a)(4)(C) and 136(a)(10) of the Head Start Transition Project Act are each amended by striking "Education of the Handicapped Act of 1975" and inserting "Individuals with Disabilities Education Act". 42 USC 9855d.

(e) REHABILITATION ACT OF 1973.—Sections 101(a)(11), 304(d)(2)(D), 311(c)(3), 634(b)(2)(A), 634(b)(3)(D), and 705(a)(4)(C) of the Rehabilitation Act of 1973 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act". 29 USC 721, 774, 777a, 795m, 796d.

(f) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Sections 5204(a)(3)(C), 5205(a)(3)(B), 5205(b)(2)(B), and 5205(b)(3)(A)(ii) of the Tribally Controlled Schools Act of 1988 are each amended by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act". 25 USC 2503, 2504.

(g) HEAD START ACT.—Section 640(d) of the Head Start Act is amended by striking "paragraph (1) of section 602 of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act". 42 USC 9835.

(h) HIGHER EDUCATION ACT OF 1965.—Section 465(a)(2) of the Higher Education Act of 1965 is amended by striking "section 602(1) of the Education of the Handicapped Act" and inserting "section 602(a)(1) of the Individuals with Disabilities Education Act". 20 USC 1087ee.

(i) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(1) in section 1903(c)— 42 USC 1396b.

(A) by striking "handicapped child" and inserting "child with a disability";

(B) by striking "Education of the Handicapped Act" and inserting "Individuals with Disabilities Education Act"; and

(C) by striking "a handicapped infant or toddler" and inserting "an infant or toddler with a disability"; and

(2) in section 1915(c)(5)(C)(i), by striking "(as defined in section 602(16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401 (16), (17))" and inserting "(as defined in paragraphs (16) and (17) of section 602(a) of the Individuals with Disabilities Education Act)". 42 USC 1396n.

20 USC 241 note.

SEC. 27. EFFECTIVE DATES AND APPLICABILITY.

(a) SECTIONS 8, 9, AND 10.—The amendments made by sections 8, 9, and 10 shall take effect on October 1, 1991, or on the date of enactment of this Act, whichever is later.

(b) SECTIONS 5, 12, 13, 14, 15, 17, AND 18.—The amendments made by sections 5, 12, 13, 14, 15, 17, and 18 shall take effect July 1, 1992, except that each State shall have the option to have any of the amendments apply earlier than such date.

(c) REMAINING PROVISIONS.—The remaining sections of this Act and the amendments made by such sections shall take effect on the date of the enactment of this Act.

Approved October 7, 1991.

LEGISLATIVE HISTORY—S. 1106 (H.R. 3053):

HOUSE REPORTS: No. 102-198 accompanying H.R. 3053 (Comm. on Education and Labor).
SENATE REPORTS: No. 102-84 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, considered and passed Senate.
Sept. 11, H.R. 3053 considered and passed House; S. 1106, amended, passed in lieu.
Sept. 16, Senate concurred in House amendment.

Public Law 102-120
102d Congress

Joint Resolution

Designating October 1991 as "National Breast Cancer Awareness Month".

Oct. 7, 1991
[S.J. Res. 95]

Whereas breast cancer will strike an estimated 175,000 women and 900 men in the United States in 1991;

Whereas 1 out of every 9 women will develop breast cancer at some point in her life;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, killing an estimated 44,000 women and 300 men in 1990;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, and/or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Approved October 7, 1991.

LEGISLATIVE HISTORY—S.J. Res. 95:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-121
102d Congress

Joint Resolution

To designate the month of November 1991 and 1992 as "National Hospice Month".

Oct. 8, 1991
[S.J. Res. 78]

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice is becoming a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more United States citizens to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1991 and 1992 is designated as "National Hospice Month". The President is authorized and requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe such months with appropriate forums, programs and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in the Nation.

Approved October 8, 1991.

LEGISLATIVE HISTORY—S.J. Res. 78:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 102-122
102d Congress

Joint Resolution

Oct. 8, 1991
[S.J. Res. 156]

To designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week".

Whereas mental illness is a problem of grave concern and consequence in the United States, widely but unnecessarily feared and misunderstood;

Whereas 31,000,000 to 41,000,000 United States citizens annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, school attendance, and independent living;

Whereas more than 10,000,000 United States citizens are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas 33 percent of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 percent of adults in this country in any 6-month period;

Whereas mental illness in at least 12,000,000 of our children interferes with vital developmental and maturational processes;

Whereas mental disorder related deaths are estimated to be, at the very least, 33,000 annually, with suicide accounting for at least 29,000 of such deaths;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas estimates indicate that 10 percent of AIDS patients will develop dementia or other psychiatric problems as the first sign of such disease, and that as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental disorders result in staggering costs to society, estimated to be in excess of 249,000,000,000 dollars in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the Alcohol, Drug Abuse, and Mental Health Administration represents only about 1 percent of the direct clinical costs of caring for persons with alcohol, drug, and mental disorders;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill persons and those persons themselves have begun to join selfhelp groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period of October 6, 1991, through October 12, 1991, is designated as "Mental Illness Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved October 8, 1991.

LEGISLATIVE HISTORY—S.J. Res. 156:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 102-123
102d Congress

Joint Resolution

Oct. 9, 1991
[S.J. Res. 172]

To authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month".

Whereas American Indians are the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indian governments developed fundamental principles of freedom of speech and the separation of powers in government, and these principles form the foundation of our own government today;

Whereas American Indian societies exhibited a respect for the finiteness of natural resources through deep respect for the earth, and such values continue to be widely held today;

Whereas American Indian people have served with valor in all wars since the Revolutionary War to the War in the Persian Gulf, often in a percentage well above their percentage in the population of the Nation as a whole;

Whereas American Indians have made distinct and important contributions to America and the rest of the world in many fields including agriculture, medicine, music, language and art;

Whereas it is fitting that American Indians be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists and scholars;

Whereas the 500th anniversary of the arrival of Christopher Columbus to the Western Hemisphere is an especially appropriate time for all the people of the United States to study and reflect on the long history of the original inhabitants of this continent;

Whereas the Members of the Senate and the House of Representatives believe that a resolution and proclamation as requested in this resolution will encourage self-esteem, pride and self-awareness in American Indians young and old;

Whereas the month of November is the traditional harvest season of the American Indians and is generally a time of celebration and giving thanks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MONTH.

That each of the months of November 1991 and 1992 are designated as "National American Indian Heritage Month", and the

President is authorized and requested to issue a proclamation for each such year calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe each such month with appropriate programs, ceremonies, and activities.

Approved October 9, 1991.

LEGISLATIVE HISTORY—S.J. Res. 172:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 26, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 102-124
102d Congress

An Act

Oct. 9, 1991
[S. 1773]

To extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

25 USC 1301 note.

Section 8077(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511), is amended by deleting "September 30, 1991" and inserting in lieu thereof "October 18, 1991".

Approved October 9, 1991.

LEGISLATIVE HISTORY—S. 1773:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed Senate.
Oct. 3, considered and passed House, amended. Senate concurred in House amendments.

Public Law 102-125
102d Congress

Joint Resolution

Designating October 8, 1991, as "National Firefighters Day".

Oct. 10, 1991
[H.J. Res. 189]

Whereas there are over 2,000,000 professional firefighters in the United States;
Whereas firefighters respond to more than 2,300,000 fires and 8,700,000 emergencies other than fires each year;
Whereas fires annually cause nearly 6,000 deaths and $10,000,000,000 in property damages;
Whereas firefighters have given their lives and risked injury to preserve the lives and protect the property of others;
Whereas the contributions and sacrifices of valiant firefighters often go unreported and are inadequately recognized by the public; and
Whereas the work of firefighters deserves the attention and gratitude of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 8, 1991, is designated as "National Firefighters Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved October 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 189:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 2, considered and passed House.
Oct. 3, considered and passed Senate.

Public Law 102-126
102d Congress

Joint Resolution

Oct. 10, 1991
[H.J. Res. 305]

To designate the month of October 1991, as "Country Music Month".

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of the United States and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies the spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas the month of October 1991 marks the twenty-seventh annual observance of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1991, be designated as "Country Music Month" and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Approved October 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 305:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 16, considered and passed House.
Oct. 1, considered and passed Senate.

Public Law 102-127
102d Congress

An Act

To amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes.

Oct. 10, 1991
[S. 868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Educational Assistance Amendments of 1991.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Educational Assistance Amendments of 1991".

SEC. 2. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 3013 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) shall not—

"(A) be charged against any entitlement of any individual under this chapter; or

"(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(2) Subject to paragraph (3), the payment of the educational assistance allowance referred to in paragraph (1) is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10; or

"(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(C) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B), his or her course pursuit.

"(3) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(C) of this subsection.".

(b) CHAPTER 32 PROGRAM.—(1) Section 3231(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

"(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

"(ii) shall not be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter if the Secretary finds that the eligible veteran—

"(i) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10; or

"(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(iii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(iii) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph, and

"(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund, had not been made or paid.".

(2) Section 3231(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 3511(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

(d) SELECTED RESERVE PROGRAM.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 3695 of title 38 limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, or 673b of this title; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695

of title 38 shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

SEC. 3. DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, serves on active duty pursuant to an order to active duty issued under section 672 (a), (d), or (g), 673, or 673b of this title—

"(i) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(ii) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

"(B) For the purposes of this paragraph, the term 'Persian Gulf War' shall have the meaning given such term in section 101(33) of title 38.".

SEC. 4. CLARIFICATION OF ELIGIBILITY FOR EMPLOYMENT AND TRAINING ASSISTANCE.

Section 4214(b)(2)(A)(i) of title 38, United States Code, is amended by striking out "has a service-connected disability" and inserting in lieu thereof "is entitled to disability compensation under the laws administered by the Secretary or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.".

SEC. 5. ELIGIBILITY OF MEMBERS OF A RESERVE COMPONENT FOR EMPLOYMENT AND TRAINING ASSISTANCE.

Section 4211(4) of title 38, United States Code, is amended to read as follows:

"(4) The term 'eligible veteran' means a person who—

"(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;

"(B) was discharged or released from active duty because of a service-connected disability; or

"(C) as a member of a reserve component under an order to active duty pursuant to section 672 (a), (d), or (g), 673, or 673b of title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.".

SEC. 6. IMPROVEMENT IN PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVISTS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (3) of section 3680(a) of title 38, United States Code, is amended to read as follows—

"(3) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

"(A) the eligible veteran or person withdraws because he or she is ordered to active duty; or

"(B) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in subclause (A) of this clause) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof; or".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of August 1, 1990. 38 USC 3680 note.

Approved October 10, 1991.

LEGISLATIVE HISTORY—S. 868:

SENATE REPORTS: No. 102-124 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 2, considered and passed Senate.
Sept. 16, considered and passed House.

Public Law 102-128
102d Congress

Joint Resolution

Oct. 10, 1991
[S.J. Res. 132]

To designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week".

Whereas exposure to radon poses a serious threat to the health of the people of this Nation;

Whereas the Environmental Protection Agency estimates that lung cancer attributable to radon exposure causes approximately 20,000 deaths a year in the United States;

Whereas the United States has set a long-term national goal of making the air inside buildings as free of radon as the ambient air;

Whereas excessively high levels of radon in homes and schools can be reduced successfully and economically with appropriate treatment;

Whereas only about 2 percent of the homes in this Nation have been tested for radon levels;

Whereas the people of this Nation should be educated about the dangers of exposure to radon; and

Whereas people should be encouraged to conduct tests for radon in their homes and schools and to make the repairs required to reduce excessive radon levels: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 13, 1991, through October 19, 1991, is designated as "National Radon Action Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Approved October 10, 1991.

LEGISLATIVE HISTORY—S.J. Res. 132:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Oct. 2, considered and passed House.

Public Law 102-129
102d Congress

An Act

To designate the building located at 6600 Lorain Avenue in Cleveland, Ohio, as the "Patrick J. Patton United States Post Office Building".

Oct. 15, 1991
[H.R. 2935]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 6600 Lorain Avenue in Cleveland, Ohio, is designated as the "Patrick J. Patton United States Post Office Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Patrick J. Patton United States Post Office Building".

Approved October 15, 1991.

LEGISLATIVE HISTORY—H.R. 2935:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House and Senate.

Public Law 102-130
102d Congress

An Act

Oct. 17, 1991
[H.R. 2387]

To authorize appropriations for certain programs for the conservation of striped bass, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Striped Bass Act of 1991.
16 USC 757a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Striped Bass Act of 1991".

SEC. 2. ATLANTIC STRIPED BASS CONSERVATION ACT ENFORCEMENT, REAUTHORIZATION, AND EXTENSION.

(a) ENFORCEMENT OF MORATORIUM ON ATLANTIC STRIPED BASS FISHING.—Section 5(e) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in the first sentence by inserting "(1)" before "The Secretaries"; and

(2) by adding at the end the following new paragraphs:

"(2) ENFORCEMENT AUTHORITY.—A person authorized by the Secretaries may take any action to enforce a moratorium declared under section 4(b) that an officer authorized by the Secretary under section 311(b) of the Magnuson Fishery Conservation and Management Act may take to enforce that Act.

"(3) REGULATIONS.—The Secretaries may issue regulations to implement this subsection.".

(b) AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.—Section 7 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by inserting before "For each" the following: "(a) AUTHORIZATION.—";

(2) by striking "and 1991," and inserting "1991, 1992, 1993, and 1994,";

(3) by adding at the end the following new subsection:

"(b) COOPERATIVE AGREEMENTS.—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission for the purpose of using amounts appropriated pursuant to this section to provide financial assistance to the Commission for carrying out its functions under this Act."; and

(4) in the heading for the section by inserting before the period at the end the following: "; COOPERATIVE AGREEMENTS".

(c) EXTENSION OF EFFECTIVE PERIOD.—Section 9 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "1991." and inserting "1994.".

SEC. 3. REAUTHORIZATION OF STRIPED BASS STUDIES UNDER ANADROMOUS FISH CONSERVATION ACT.

(a) CONDUCT AND SCOPE OF STUDIES.—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended to read as follows:

"(a) CONDUCT AND SCOPE OF STUDIES.—The Secretary shall cooperate with States and other non-Federal interests in conducting scientific studies of the anadromous stocks of Atlantic striped bass. These studies shall include, but not be limited to—

"(1) estimates of recruitment, spawning potential, mortality rates, stock composition of coastal fisheries, and other population parameters;

"(2) investigations of factors affecting abundance of striped bass, including analyses of the extent and causes of mortality at successive life stages; and

"(3) monitoring population abundance and age and sex composition of striped bass stocks on fishery-dependent and fishery-independent data.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended—

(1) by striking "1988, 1989, 1990, and 1991." and inserting "1991, 1992, 1993, and 1994."; and

(2) by striking the third sentence.

SEC. 4. FISHERY MANAGEMENT PLAN ON STRIPED BASS.

Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (Public Law 100-589), is amended— 16 USC 1851 note.

(1) by striking subsection (c);

(2) in subsection (d) by striking "or (c)"; and

(3) by striking subsection (f).

Approved October 17, 1991.

LEGISLATIVE HISTORY—H.R. 2387:

HOUSE REPORTS: No. 102-144 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 102-145 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 9, considered and passed House.
Oct. 2, considered and passed Senate.

Public Law 102-131
102d Congress

Joint Resolution

Oct. 17, 1991
[H.J. Res. 303]

To designate October 1991 as "Crime Prevention Month".

Whereas crime prevention improves the quality of life in every community;

Whereas crime prevention is a cost-effective answer to the problems caused by crime, drug abuse, and fear of crime;

Whereas crime prevention is central to a sound criminal justice system at national, State, and local levels;

Whereas more than 27,000,000 people in the United States are actively engaged in helping their communities to prevent the commission of crimes against persons and property;

Whereas millions of citizens have demonstrated that, by working together, they can reduce crime, drug abuse, and fear of crime;

Whereas all people of the United States, from preschoolers to senior citizens, can help themselves, their families, and their neighborhoods to prevent crime and to build safer and more caring environments;

Whereas an important challenge facing all people and groups in the United States (including individuals, State and local agencies, civic and community groups, religious institutions, schools, businesses, and law enforcement agencies) is to weave methods into daily life that prevent crime and become part of society's norms;

Whereas it is important to annually honor persons who work throughout society to prevent crime and to build and sustain the Nation's communities; and

Whereas the National Citizens Crime Prevention Campaign (featuring McGruff the Crime Dog and promoted by the Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition) promotes diverse partnerships among law enforcement agencies, citizens, businesses, and government to reduce crime and to improve community life throughout the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "Crime Prevention Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

Approved October 17, 1991.

LEGISLATIVE HISTORY—H.J. Res. 303:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 24, considered and passed House.
Oct. 4, considered and passed Senate.

Public Law 102-132
102d Congress

An Act

Oct. 18, 1991
[H.R. 3259]

To authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

(a) ELIGIBLE ENTITIES.—Section 3501 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801) is amended by inserting "(including agencies described in paragraph (7)(A) acting jointly)" after "agencies" the first place it appears.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended by striking "$15,000,000" and all that follows through "1991", and inserting "$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994".

(c) ANNUAL REPORT.—Chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805) is amended by adding at the end the following:

42 USC 11806.

"SEC. 3506. ANNUAL REPORT.

"Not later than 180 days after the end of each fiscal year, the Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing—

"(1) the types of projects and activities for which grants and contracts were made under this chapter for such fiscal year,

"(2) the number and characteristics of the youth and families served by such projects and activities, and

"(3) each of such projects and activities the Secretary considers to be exemplary.".

(d) TECHNICAL AMENDMENT.—The table of contents in title III of the Anti-Drug Abuse Act of 1988 is amended by inserting after the item relating to section 3505 the following:

"Sec. 3506. Annual report.".

SEC. 2. PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated $16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.".

SEC. 3. EFFECTIVE DATE. 42 USC 11801 note.

This Act shall take effect on October 1, 1991.

Approved October 18, 1991.

LEGISLATIVE HISTORY—H.R. 3259:

HOUSE REPORTS: No. 102-222 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House.
Oct. 2, considered and passed Senate.

Public Law 102-133
102d Congress

Joint Resolution

Oct. 18, 1991
[S.J. Res. 107]

To designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day"

Whereas each day over 500,000 law enforcement officers place their lives at risk in order to maintain law and order in society and apprehend people who violate Federal, State, and local laws;
Whereas over the last 10 years over 1,500 law enforcement officers have been killed in the line of duty;
Whereas in 1989, 148 law enforcement officers were killed in the line of duty and preliminary figures for 1990 indicate that 119 law enforcement officers were killed;
Whereas over 60,000 law enforcement officers are assaulted in the line of duty each year, resulting in over 20,000 injuries; and
Whereas the National Law Enforcement Officers Memorial was established by an Act of Congress in 1984, and the memorial is scheduled for completion at Judiciary Square in Washington, District of Columbia in October 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1991, is designated as "National Law Enforcement Memorial Dedication Day" and the President is authorized and requested to issue a proclamation designating October 15, 1991, as "National Law Enforcement Memorial Dedication Day".

Approved October 18, 1991.

LEGISLATIVE HISTORY—S.J. Res. 107:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 8, considered and passed Senate.
Oct. 9, considered and passed House.

Public Law 102-134
102d Congress

Joint Resolution

Designating October 16, 1991, and October 16, 1992, each as "World Food Day".

Oct. 21, 1991
[H.J. Res. 230]

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people in the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and in other countries for environmental protection and the dangers posed to future food security from misuse and overuse of precious natural resources of land, air, and water and the subsequent degradation of the biosphere;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices, and recognizes the positive role that food trade can play in enhancing human nutrition and in the alleviation of hunger;

Whereas the United States, as the largest producer and trader of food in the world, plays a key role in assisting countries and people to improve their ability to feed themselves;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, the homeless, and children, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of enormous surplus production capacity in the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas the Congress is aware and fully supportive of the 1992 World Conference on Environment and Development and the forthcoming International Conference on Nutrition, and the influence the decisions of these conferences may have on sustainable agricultural development and human well-being;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricul-

tural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1991, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and donating food and money for such people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1991, and October 16, 1992, are each designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-round food and health programs and policies.

Approved October 21, 1991.

LEGISLATIVE HISTORY—H.J. Res. 230:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 2, considered and passed House.
Oct. 8, considered and passed Senate.

Public Law 102-135
102d Congress

An Act

To provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters.

Oct. 24, 1991
[H.R. 3280]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Decennial Census Improvement Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Decennial Census Improvement Act of 1991". 13 USC 141 note.

SEC. 2. STUDY. 13 USC 141 note.

(a) IN GENERAL.—The Secretary of Commerce shall, within 30 days after the date of enactment of this Act, and subject to the availability of appropriations, contract with the National Academy of Sciences (hereinafter in this Act referred to as the "Academy") to study—

(1) means by which the Government could achieve the most accurate population count possible; and

(2) consistent with the goal under paragraph (1), ways for the Government to collect other demographic and housing data.

(b) SPECIFIC CONSIDERATIONS.—In conducting its study, the Academy shall consider such matters as—

(1) with respect to subsection (a)(1)—

(A) ways to improve the Government's enumeration methods, especially with regard to those involving the direct collection of data from respondents;

(B) alternative methods for collecting the data needed for a basic population count, such as any involving administrative records, information from subnational or other surveys, and cumulative or rolling data-collection techniques; and

(C) the appropriateness of using sampling methods, in combination with basic data-collection techniques or otherwise, in the acquisition or refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and

(2) with respect to subsection (a)(2)—

(A) the degree to which a continuing need is anticipated with respect to the types of data (besides data relating to the basic population count) which were collected through the last decennial census; and

(B) with respect to data for which such a need is anticipated, whether there are more effective ways to collect information using traditional methods and whether alternative sources or methodologies exist or could be implemented for obtaining reliable information in a timely manner.

(c) REPORTS.—(1) The Academy shall submit to the Secretary and to the Committee on Post Office and Civil Service of the House of Representatives and the committee on Governmental Affairs of the Senate—

(A) within 18 months after the date on which a contract is entered into under subsection (a), an interim report on its activities under this Act; and

(B) within 36 months after the date on which a contract is entered into under subsection (a), a final report which shall include a detailed statement of the Academy's findings and conclusions, as well as recommendations for any legislation or administrative action which the Academy considers appropriate.

(2) With respect to each alternative proposed or discussed in its final report, the Academy shall include—

(A) an evaluation of such alternative's relative advantages and disadvantages, as well as an analysis of its cost effectiveness; and

(B) for any alternative that does not involve the direct collection of data from individuals (about themselves or members of their household), an analysis of such alternative's potential effects on—

(i) privacy;

(ii) public confidence in the census; and

(iii) the integrity of the census.

Approved October 24, 1991.

LEGISLATIVE HISTORY—H.R. 3280:

HOUSE REPORTS: No. 102-227 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House.
Oct. 3, considered and passed Senate, amended.
Oct. 9, House concurred in Senate amendments.

Public Law 102-136
102d Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

Oct. 25, 1991
[H.R. 2426]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriations Act, 1992.

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $880,820,000, to remain available until September 30, 1996: *Provided,* That of this amount, not to exceed $113,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Army" under Public Law 101-148, $39,000,000 is hereby rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $883,859,000, to remain available until September 30, 1996: *Provided,* That of this amount, not to exceed $76,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 100-447, $10,972,000 is hereby rescinded:

Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-519, $45,420,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,005,954,000, to remain available until September 30, 1996: *Provided,* That of this amount, not to exceed $69,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, $16,900,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148, $63,900,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-519, $13,600,000 is hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $724,740,000, to remain available until September 30, 1996: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $74,600,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $225,000,000 to remain available until expended: *Provided,* That none of the funds appropriated or otherwise available

under the North Atlantic Treaty Organization Infrastructure Account in this or any other Act may be obligated for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $231,117,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $217,566,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $110,389,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $59,900,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $9,700,000, to remain available until September 30, 1996.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $167,220,000; for Operation and maintenance, and for debt payment, $1,390,025,000; in all $1,557,245,000: *Provided,*

That the amount provided for construction shall remain available until September 30, 1996.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $198,440,000; for Operation and maintenance, and for debt payment, $703,700,000; in all $902,140,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1996.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $172,083,000; for Operation and maintenance, and for debt payment, $903,200,000; in all $1,075,283,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1996.

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $200,000; for Operation and maintenance, $26,000,000; in all $26,200,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1996.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $84,000,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $658,600,000, to remain available for obligation until September 30, 1995: *Provided,* That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further,* That not less than $220,000,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $100,000,000, to remain available until expended: *Provided,* That of the funds appropriated herein such sums as may be required shall be available for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1992, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred Second Congress.

Reports.

SEC. 117. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1992, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1992 to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

SEC. 118. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for

obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 119. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law. 10 USC 2860 note.

SEC. 120. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than $15,000,000 may be obligated for contract cleaning of family housing units.

SEC. 121. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

(TRANSFER OF FUNDS)

SEC. 122. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred: *Provided,* That the next to the last proviso of section 121 of the Military Construction Appropriations Act, 1987 (Public Law 99-500; 100 Stat. 1783-294 and Public Law 99-591; 100 Stat. 3341-294), is hereby repealed. 10 USC 2860 note. 10 USC 2860 note.

SEC. 123. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 124. None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

SEC. 125. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 126. Section 402 of Public Law 102-27 (105 Stat. 155) is amended by inserting "(a)" preceding "In", by inserting "effective November 5, 1990" after "repealed", and by adding at the end thereof the following new subsection: 18 USC 2331 *et seq.* 50 USC 1701 note.

"(b) Effective November 5, 1990, chapter 113A of title 18, United States Code, is amended to read as if section 132 of Public Law 101-519 had not been enacted.". Effective date.

Real property.

SEC. 127. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by section 126 of Public Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres: Provided, That they are consistent with all laws pertaining to wildlife refuges.

(d) The description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

Real property. Utah.

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and

restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

This Act may be cited as the "Military Construction Appropriations Act, 1992".

Approved October 25, 1991.

LEGISLATIVE HISTORY—H.R. 2426:

HOUSE REPORTS: Nos. 102-74 (Comm. on Appropriations) and 102-236 (Comm. of Conference).
SENATE REPORTS: No. 102-147 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 30, considered and passed House.
Sept. 16, considered and passed Senate, amended.
Oct. 8, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 16, Senate agreed to conference report; concurred in House amendments.

49-194 O - 92 - 22 : QL. 3 Part 1

Public Law 102-137
102d Congress

An Act

Oct. 28, 1991
[H.R. 972]

To make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL JURISDICTION OVER INDIANS.

25 USC 1301 note.

Section 8077 of Public Law 101-511 (104 Stat. 1892) is amended by striking out subsection (d).

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 972 (S. 962):

HOUSE REPORTS: Nos. 102-61 (Comm. on Interior and Insular Affairs) and 102-261 (Comm. of Conference).
SENATE REPORTS: No. 102-153 and No. 102-168 accompanying S. 962 (both from Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 14, considered and passed House.
Sept. 23, considered and passed Senate, amended.
Oct. 17, Senate agreed to conference report.
Oct. 22, House agreed to conference report.

Public Law 102-138
102d Congress

An Act

To authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

Oct. 28, 1991
[H.R. 1415]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign Relations Authorization Act, Fiscal Years 1992 and 1993. 22 USC 2651 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1992 and 1993".

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TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) DIPLOMATIC AND ONGOING OPERATIONS.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law (other than the diplomatic security program):

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $1,725,005,000 for the fiscal year 1992 and $1,822,650,000 for the fiscal year 1993.

(2) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $304,034,000 for the fiscal year 1992 and $300,192,000 for the fiscal year 1993.

(3) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,802,000 for the fiscal year 1992 and $5,000,000 for the fiscal year 1993.

(4) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $7,500,000 for the fiscal year 1992 and $8,000,000 for the fiscal year 1993.

(5) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $23,928,000 for the fiscal year 1992 and $26,650,000 for the fiscal year 1993.

(6) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $13,784,000 for the fiscal year 1992 and $14,500,000 for the fiscal year 1993.

(7) MOSCOW EMBASSY.—For "Acquisition and Maintenance of Buildings Abroad", subject to the provisions of section 132, for construction of a new United States Embassy office building in Moscow, Soviet Union, $130,000,000 for fiscal year 1992 and $130,000,000 for fiscal year 1993. Amounts appropriated under this paragraph are authorized to be available until expended.

(b) DIPLOMATIC SECURITY PROGRAM.—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the fiscal years 1992 and 1993 for the Department of State to carry out the diplomatic security program:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $299,828,000 for the fiscal year 1992 and $315,000,000 for the fiscal year 1993. Of the amounts authorized to be appropriated by this paragraph $4,000,000 is authorized to be appropriated

for each of the fiscal years 1992 and 1993 for "counterterrorism, research, and development".

(2) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $11,464,000 for the fiscal year 1992 and $16,464,000 for the fiscal year 1993.

(c) LIMITATIONS.—

(1) Of the amount authorized to be appropriated for "Emergencies in the Diplomatic and Consular Service" under subsection (a)(4), not more than $2,000,000 for each of the fiscal years 1992 and 1993 is authorized to be appropriated for activities authorized under subparagraphs (C), (D), (E), (F), (G), (H), and (J) of section 4(b)(2) of the State Department Basic Authorities Act of 1956.

(2) Of the amount authorized to be appropriated for "Salaries and Expenses" under subsection (a)(1)—

(A) $10,000,000 for each of the fiscal years 1992 and 1993 is authorized to be available for the Foreign Service Institute and the Geographic Bureaus for language training programs;

(B) not more than $4,100,000 shall be available for fiscal year 1992, and not more than $5,400,000 shall be available for fiscal year 1993, only for procurement of ADP equipment for the Beltsville Information Management Center;

(C) not more than $750,000 of the amounts appropriated for fiscal year 1992 are authorized to be available until expended to pay shared costs of the Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings and CSCE parliamentary assessments (including shared costs of the CSCE Secretariat) and any shared costs and assessments for CSCE parliamentary activities for fiscal year 1991;

(D) for the fiscal year 1992—

(i) $550,000 is authorized for United States preparations and related travel for the 1992 United Nations Conference on Environment and Development (UNCED), for United States contributions to the Voluntary Fund for UNCED, and for United States contributions to the Trust Fund for Preparatory Activities; and

(ii) up to $25,000 is authorized on a matching grant basis to promote participation in the UNCED and in the UNCED preparatory conferences by nongovernmental organizations; and

(E) $1,500,000 is authorized to be available for fiscal year 1993 for the Department of State to enter into contracts with the International Career Program in order for students from historically-black colleges and universities to enter into programs of recruitment and training for careers in the Foreign Service and in other areas of international affairs.

(3) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(2) not more than $41,500,000 shall be available for fiscal year 1992, and not more than $44,700,000 for fiscal year 1993, for administration.

(4) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection

(a)(2) and amounts authorized to be appropriated under section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 a total of not more than $55,466,000 is authorized to be appropriated for fiscal year 1992 for capital programs.

(5) Funds authorized to be appropriated by subsection (a)(1) are also authorized to be appropriated under the heading "Repatriation Loans Program Account" for the administrative expenses of such program.

(6) Amounts appropriated for "Acquisition and Maintenance of Buildings Abroad" pursuant to this section, and made available for new posts in Estonia, Latvia, Lithuania, republics in the Soviet Union, and republics which have declared independence from the Soviet Union, shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—(1) There are authorized to be appropriated for "Contributions to International Organizations", $1,120,541,000 for the fiscal year 1992 and $766,681,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated under paragraph (1) for fiscal year 1992, not more than $370,876,000 are authorized to be appropriated to pay arrearages for assessed contributions for prior years, of which not more than $92,719,000 may be made available for obligation or expenditure during each of the fiscal years 1992, 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

(b) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—(1) There are authorized to be appropriated for "Contributions to International Peacekeeping Activities", $201,292,000 for the fiscal year 1992 and $72,254,000 for the fiscal year 1993, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated by paragraph (1) for the fiscal year 1992, not more than $132,423,000 are authorized to be appropriated to pay arrearages, of which not more than $38,400,000 may be made available for obligation or expenditure during the fiscal year 1992 and not more than $31,400,000 may be made available for obligation or expenditure for each of the fiscal years 1993, 1994, and 1995. Authorizations of appropriations for

arrearage payments under this subsection shall be available until the appropriations are made.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $5,500,000 for the fiscal year 1992 and $5,775,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" for the fiscal year 1992, $11,400,000 and, for the fiscal year 1993, $12,000,000; and

(B) for "Construction" for the fiscal year 1992, $10,525,000 and, for the fiscal year 1993, $19,925,000.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $768,000 for the fiscal year 1992 and $805,000 for the fiscal year 1993.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,732,000 for the fiscal year 1992 and $3,920,000 for the fiscal year 1993.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,000,000 for the fiscal year 1992 and $16,500,000 for the fiscal year 1993.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1)(A) There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $547,250,000 for the fiscal year 1992 and $592,250,000 for the fiscal year 1993.

(B) Of the amounts authorized to be appropriated by subparagraph (A), $5,000,000 is authorized to be available for each of the fiscal years 1992 and 1993 for migration assistance to displaced ethnic Armenians resettling in Armenia.

(2) There are authorized to be appropriated $80,000,000 for the fiscal year 1992 and $90,000,000 for the fiscal year 1993 for assistance for refugees resettling in Israel.

(3) There are authorized to be appropriated $1,750,000 for the fiscal year 1992, and $1,750,000 for the fiscal year 1993, for assistance to unaccompanied minor children and other cases of special humanitarian concern that have generally been referred to special committees established pursuant to the Comprehensive Plan of Action for Indochinese Refugees in first asylum countries in Southeast Asia and Hong Kong. The President shall seek to ensure that such assistance supplements, and does not supplant, United Nations High Commissioner for Refugees and other funding that would have been directed toward assistance to unaccompanied minors and other

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cases of special humanitarian concern in the absence of this paragraph. Assistance may be provided under this paragraph notwithstanding any other provision of law.

(4) There are authorized to be appropriated $1,000,000 for fiscal year 1992 and $1,000,000 for fiscal year 1993 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Burmese displaced as a result of civil conflict.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $2,250,000 for the fiscal year 1992 and $6,000,000 for the fiscal year 1993.

(2) SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.—For "Soviet-East European Research and Training", $4,784,000 for the fiscal year 1992 and $5,025,000 for the fiscal year 1993.

(3) ASIA FOUNDATION.—For "Asia Foundation", $16,000,000 for the fiscal year 1992 and $18,000,000 for the fiscal year 1993.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 111. TECHNICAL AMENDMENT.

The State Department Basic Authorities Act of 1956 is amended—

22 USC 2651 note.

(1) by striking out section 48; and

22 USC 2651 note.

(2) by inserting immediately after the enacting clause the following: "That this Act may be cited as the 'State Department Basic Authorities Act of 1956'.".

SEC. 112. CONSULAR AND DIPLOMATIC POSTS ABROAD.

(a) CONSULAR AND DIPLOMATIC POSTS ABROAD.—

(1) The State Department Basic Authorities Act of 1956 (as amended by subsection (a)) is amended by adding after section 47 the following:

"CLOSING OF CONSULAR AND DIPLOMATIC POSTS ABROAD

22 USC 2720.

"SEC. 48. (a) PROHIBITED USES OF FUNDS.—Except as provided under subsection (d) or in accordance with the procedures under subsections (b) and (c) of this section—

"(1) no funds authorized to be appropriated to the Department of State shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad; and

"(2) no funds authorized to be appropriated to the Department of State may be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed.

"(b) POST CLOSING NOTIFICATION.—Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) REPROGRAMMING TREATMENT.—Amounts made available to pay any expense related to the closing of a consular or diplomatic post abroad shall be treated as a reprogramming of funds under section 34 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

"(d) EXCEPTIONS.—The provisions of this section do not apply with respect to—

"(1) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against travel by United States citizens to that city has been issued by the Department of State.

"(e) DEFINITION.—As used in this section, the term 'consular or diplomatic post' does not include a post to which only personnel of agencies other than the Department of State are assigned.".

(b) REPEAL.—Section 122 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2656 note) is repealed.

SEC. 113. DENIAL OF PASSPORTS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 48 the following new section:

"IMPERMISSIBLE BASIS FOR DENIAL OF PASSPORTS

"SEC. 49. A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.". 22 USC 2721.

SEC. 114. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 124 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2680 note) is amended by adding at the end thereof the following: "Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.".

SEC. 115. LEASE AUTHORITY.

(a) INCREASE IN LEASE AUTHORITY.—Section 10 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by striking out "$25,000," and inserting in lieu thereof "$50,000". 22 USC 301.

(b) ADVANCE PAYMENTS.—Section 10 of the Foreign Service Buildings Act, 1926 is further amended—

(1) by inserting "(a) LEASES.—" after "SEC. 10."; and

(2) by adding after subsection (a) the following new subsection:

"(b) ADVANCE PAYMENTS FOR LONG-TERM LEASES AND LEASE PURCHASE.—The Secretary may, subject to the availability of appropriations, make advance payments for long-term leases and lease-pur-

chase agreements, if the Secretary or his designee determines, in each case, that such payments are in the interest of the United States Government in carrying out the purposes of this Act.".

(c) EXCEPTION OF LEASES AND PURCHASES FROM COMPETITION.—Section 3 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 294), is amended in the second sentence by inserting "purchases of buildings, for leases, and for" after "contracts for".

SEC. 116. MULTIYEAR CONTRACTING FOR MOSCOW.

(a) MULTIYEAR CONTRACT.—For purposes of this section the term "multiyear contract" means a contract in effect for a period not to exceed five years.

(b) AUTHORITY.—The Secretary of State may enter into multiyear contracts for the acquisition of property and the construction of diplomatic facilities in Moscow, as authorized by the Foreign Service Buildings Act, 1926, if—

(1) there are sufficient funds available for United States Government liability for—

(A) total payments under the full term of a contract; or

(B) payments for the first fiscal year for which the contract is in effect, and for all estimated cancellation costs; and

(2) the Secretary of State determines that—

(A) a multiyear contract will serve the best interests of the United States Government by—

(i) achieving economies in administration, performance, and operation;

(ii) increasing quality of performance by, or service from, the contractor; or

(iii) encouraging effective competition; and

(B) a multiyear contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

(c) CONTRACT PROVISIONS.—

(1) Unless funds are available for United States liability for payments under the full term of a multiyear contract, a multiyear contract shall provide that United States Government payments and performance under the contract during the second and any subsequent fiscal year of the contract period are contingent on the availability of funds for such year.

(2) A multiyear contract may provide for payment to the contractor of a reasonable cancellation charge for a contingency under paragraph (1).

(3) The Secretary is authorized to use such funds as may be available from the Foreign Service Buildings Fund for payments under paragraph (2).

(d) SUNSET PROVISION.—This section shall cease to have effect after September 30, 1993.

SEC. 117. TRANSFERS AND REPROGRAMMINGS.

(a) BUYING POWER MAINTENANCE ACCOUNT.—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended by adding at the end of subsection (b) the following new paragraph:

"(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an

account under 'Administration of Foreign Affairs', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed $100,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.

"(E) This paragraph shall cease to have effect after September 30, 1993.". Termination date.

(b) INCREASE IN REPROGRAMMING LIMITATION.—Section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)) is amended in paragraph (7) by striking out "$250,000" and inserting in lieu thereof "$500,000".

(c) APPROPRIATIONS.—Section 24(d) of the State Department Basic Authorities Act is amended to read as follows: 22 USC 2696.

"(d)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for the second fiscal year of any two-year authorization cycle may be appropriated for such second fiscal year for any other account of the Department of State.

"(2) Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

"(3) The requirements and limitations of section 15 shall not apply to the appropriation of funds pursuant to this subsection.

"(4) This subsection shall cease to have effect after September 30, 1993.". Termination date.

SEC. 118. ADMINISTRATIVE SERVICES.

Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended—

(1) by adding before the section designation the following section heading: "ADMINISTRATIVE SERVICES";

(2) by inserting "(a) AGREEMENTS.—" after "Sec. 23."; and

(3) by adding at the end thereof the following new subsection:

"(b) PAYMENT.—

"(1) A Federal agency which obtains administrative services from the Department of State pursuant to an agreement authorized under subsection (a) shall make full and prompt payment for such services through advance of funds or reimbursement.

"(2) The Secretary of State shall bill each Federal agency for amounts due for services provided pursuant to subsection (a). The Secretary shall notify a Federal agency which has not made full payment for services within 90 days after billing that services to the agency will be suspended or terminated if full payment is not made within 180 days after the date of notifica-

tion. Except as provided under paragraph (3), the Secretary shall suspend or terminate services to a Federal agency which has not made full payment for services under this section 180 days after the date of notification. Any costs associated with a suspension or termination of services shall be the responsibility of, and shall be billed to, the Federal agency.

"(3) The Secretary of State may waive the requirement for suspension or termination under paragraph (2) with respect to such services as the Secretary determines are necessary to ensure the protection of life and the safety of United States Government property. A waiver may be issued for a period not to exceed one year and may be renewed.".

SEC. 119. INTERNATIONAL MEETINGS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 49 the following:

"INTERNATIONAL MEETINGS

22 USC 2722.

"SEC. 50. (a) AUTHORITY TO PAY EXPENSES.—If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

"(b) RETENTION OF REIMBURSEMENTS.—To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.".

SEC. 120. AVAILABILITY OF FUNDS.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

(1) in subsection (j), by striking out "and";

(2) in subsection (k), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law.".

SEC. 121. CHILDCARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking out "1990 and 1991," and inserting in lieu thereof "1992 and 1993,".

22 USC 2652b.

SEC. 122. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs, which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652).

President.

(b) APPOINTMENT.—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State with respect to India, Paki-

stan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.

(d) CONFORMING AMENDMENT.—

(1) POSITIONS AT EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Assistant Secretary for South Asian Affairs, Department of State.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1991. 5 USC 5315 note.

(e) IMPLEMENTATION.—In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

SEC. 123. FEES RECEIVED FOR USE OF BLAIR HOUSE.

Section 46(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) is amended by striking out "for the fiscal years 1990 and 1991,".

SEC. 124. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4021 note) is amended in subsection (c)(2) by striking out "50,000,000" and inserting in lieu thereof "70,000,000".

SEC. 125. MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY. 22 USC 296a.

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after the date of the enactment of this Act, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

SEC. 126. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking out the section heading and the heading for subsection (a) and inserting in each place the following: "DEFENSE TRADE CONTROLS REGISTRATION FEES;

(2) in subsection (a)—

(A) by striking out "Munitions Control" each place it appears and inserting in lieu thereof "Defense Trade Controls";

(B) by striking out "munitions control" each place it appears and inserting in lieu thereof "defense trade controls"; and

(C) by striking out "$500,000" and inserting in lieu thereof "$700,000".

SEC. 127. DENIAL OF CERTAIN VISAS.

(a) AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT.—The State Department Basic Authorities Act of 1956 is amended by adding after section 50 the following new section:

"DENIAL OF VISAS

22 USC 2723.

"SEC. 51. (a) REPORT TO CONGRESS.—The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

"(b) LIMITATION.—Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.

"(c) APPROPRIATE COMMITTEES.—For the purposes of this section the term 'appropriate committees of the Congress' means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.".

8 USC 1182 note.

SEC. 128. VISA LOOKOUT SYSTEMS.

(a) VISAS.—The Secretary of State may not include in the Automated Visa Lookout System, or in any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, the name of any alien who is not excludable from the United States under the Immigration and Nationality Act, subject to the provisions of this section.

(b) CORRECTION OF LISTS.—Not later than 3 years after the date of enactment of this Act, the Secretary of State shall—

(1) correct the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, by deleting the name of any alien not excludable under the Immigration and Nationality Act; and

Reports.

(2) report to the Congress concerning the completion of such correction process.

(c) REPORT ON CORRECTION PROCESS.—

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate congressional committees, a plan which sets forth the manner in which the Department of State will correct the Automated Visa Lookout System, and any other system or list as set forth in subsection (b).

(2) Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the progress made toward completing the correction of lists as set forth in subsection (b).

(d) APPLICATION.—This section refers to the Immigration and Nationality Act as in effect on and after June 1, 1991.

(e) LIMITATION.—

(1) The Secretary may add or retain in such system or list the names of aliens who are not excludable only if they are included for otherwise authorized law enforcement purposes or other lawful purposes of the Department of State. A name included for other lawful purposes under this paragraph shall include a notation which clearly and distinctly indicates that such person is not presently excludable. The Secretary of State shall adopt procedures to ensure that visas are not denied to such individuals for any reason not set forth in the Immigration and Nationality Act.

(2) The Secretary shall publish in the Federal Register regulations and standards concerning maintenance and use by the Department of State of systems and lists for purposes described in paragraph (1). Federal Register, publication. Regulations.

(3) Nothing in this section may be construed as creating new authority or expanding any existing authority for any activity not otherwise authorized by law.

(f) DEFINITION.—As used in this section the term "appropriate congressional committees" means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

SEC. 129. PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to direct the Secretary of State to seek an end to the policy of the majority of Arab League nations of rejecting passports, and denying entrance visas to persons whose passport or other documents reflect that the holder has visited Israel, and to secure the adoption of policies that assure that travel to such Arab League nations by persons who have visited Israel shall not be unreasonably impeded; and

(2) to prohibit United States Government acquiescence in the policy of the majority of Arab League nations of rejecting Israel by rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the holder has visited Israel, especially with respect to travel by officials of the United States.

(b) NEGOTIATIONS.—The Secretary of State shall immediately undertake negotiations to seek an end to the policy of the majority of Arab League nations of rejecting passports of, and denying entrance visas to, private persons and officials of all nations whose passports or other documents reflect that the holder thereof has visited Israel.

(c) REPORT TO CONGRESS.—The Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 60 days of the date of enactment of this Act. The report shall describe the status of efforts to secure an end to the passport and visa policy of the majority of Arab League nations as described in subsection (a), and describe the prospects that such efforts would be successful within 90 days of the date of enactment of this Act.

(d) PROHIBITION ON THE ISSUANCE OF ISRAEL-ONLY PASSPORTS.—

(1) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of State shall not issue any passport that is designated for travel only to Israel.

Regulations.

(2) CANCELLATION.—Not later than ninety days after the date of enactment of this Act, the Secretary of State shall promulgate regulations for the cancellation not later than 180 days after the enactment of this Act of any currently valid passport which is designated for travel only to Israel.

(e) POLICY ON NONACQUIESCENCE.—

(1) REQUIREMENT OF SINGLE PASSPORT.—The Secretary of State shall not issue more than one official or diplomatic passport to any official of the United States Government for the purpose of enabling that official to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

Regulations.

(2) IMPLEMENTATION OF POLICY OF NONCOMPLIANCE.—The Secretary of State shall promulgate such rules and regulations as are necessary to ensure that officials of the United States Government do not comply with, or acquiesce in, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(3) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), this subsection shall take effect 90 days after the date of enactment of this Act.

(B) If the report under subsection (c) is not submitted within 60 days of the date of enactment of this Act, this subsection shall take effect 60 days after the date of enactment of this Act.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 131. DIPLOMATIC CONSTRUCTION PROGRAM.

22 USC 4852.

Section 402(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4582(a)) is amended—

(1) in paragraph (1) by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000"; and

(2) by amending paragraph (2) to read as follows:

"(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security.".

SEC. 132. CONSTRUCTION OF DIPLOMATIC FACILITIES.

(a) LIMITATION.—Amounts appropriated pursuant to section 101(a)(7) shall be available for obligation and expenditure subject to the provisions of this section.

(b) COMPREHENSIVE PLAN.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress, a comprehensive plan which sets forth current and future space requirements for the United States Mission in Moscow and how such requirements will be met.

(2) In addition to such other information as the Secretary of State considers necessary and appropriate, such plan shall include detailed information concerning requirements for—

(A) United States constructed and secure office space to house all classified or sensitive activities from the most secure to unclassified but sensitive functions;

(B) unclassified nonsensitive office functions;

(C) staff housing that is physically safe, secure, and adequate for the needs of the entire United States Mission, both permanent and transient;

(D) secure and unsecured warehousing;

(E) recreational facilities;

(F) expanded activities of the United States Information Agency, including offices and cultural activities;

(G) expanded consular activities of the Mission;

(H) expanded activities of the Foreign Commercial Service of the Department of Commerce;

(I) activities of the Immigration and Naturalization Service; and

(J) all other anticipated United States Government space requirements.

(3) In the preparation of such plan, the Secretary shall ensure that detailed consideration be given to at least three construction options for the new chancery building at the United States Embassy in Moscow: (A) full teardown and rebuild; (B) four floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added; and (C) a two floor "top hat" in which no floors are removed but two are added.

(c) IMPLEMENTING DOCUMENTS.—The Secretary of State shall make available to the appropriate committees of Congress copies of all agreements, including memoranda of understanding, exchanges of letters, and all other written agreements with the governments of the Soviet Union, the Russian Republic, and the City of Moscow necessary to implement the comprehensive plan under subsection (b).

(d) REPORT.—

(1) Not later than 60 days before the obligation or expenditure of any funds authorized to be appropriated under section 101(a)(7), the Secretary of State and the Director of Central Intelligence shall submit to the appropriate committees of the Congress a joint written report on alternative approaches to the reconstruction of the new chancery building at the United States Embassy in Moscow (as authorized under section 101(a)(7)).

(2) CONTENTS OF REPORT.—The report under paragraph (1) shall contain a detailed comparison of the relative advantages and disadvantages of all alternatives considered with respect to the new chancery building at the United States Embassy in Moscow and shall identify the alternative selected for implementation. Such report shall include an analysis of the following factors:

(A) Estimated cost of completion, based on comparable levels of fit, finish, and equipment.

(B) Estimated time to completion.

(C) Total amount of secure and nonsecure space available for office and other functions.

(D) Whether classified or sensitive functions would be conducted in nonsecure areas, and, if so, how the conduct of such functions would be made secure.

(E) Whether, and to what extent, Embassy functions or normal work practices would have to be rearranged in order to accommodate limitations on secure space.

(e) EXTRAORDINARY SECURITY SAFEGUARDS.—

(1) In carrying out the reconstruction project for the new chancery building at the United States Embassy in Moscow, the Secretary of State shall ensure that extraordinary security safeguards are implemented with respect to all aspects of security, including materials, logistics, construction methods, and site access.

(2) Such extraordinary security safeguards under paragraph (1) shall include the following:

(A) Exclusive United States control over the site during reconstruction.

(B) Exclusive use of United States or non-Soviet materials with respect to the new chancery structure.

(C) Exclusive use of United States workmanship with respect to the new chancery structure.

(D) To the extent feasible, prefabrication in the United States of major portions of the new chancery.

(E) Exclusive United States control over construction materials during the entire logistical process of reconstruction.

(f) UNITED STATES-SOVIET RECIPROCITY CONCERNING OCCUPANCY OF NEW CHANCERY BUILDINGS.—The Secretary of State may not permit the Soviet Union to use any new office building at the Soviet Union's new Mount Alto embassy complex in Washington, District of Columbia, or any other new facility in the Washington metropolitan area, until—

(1) the new chancery building at the United States Embassy in Moscow is ready for occupancy;

(2) the Secretary of State and the Director of Central Intelligence certify, on the basis of the best available information, that the new chancery building at the United States Embassy in Moscow provides a secure working environment for all sensitive diplomatic activities from unclassified but sensitive functions to the most highly classified functions, provides adequate secure or securable office space for future mission needs, and can be safely and securely occupied by the United States and used for its intended purpose; and

(3) the Soviet Union agrees to provide full reimbursement (in the form of cash payment, property, or other goods and services of real monetary value) to the United States for costs incurred by the United States as a result of noncompliance with the terms and requirements of the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings, as well as other activities which have impeded use of the unfinished new office building of the United States Embassy of Moscow for its intended purpose, the amount of such reimbursement shall be determined by agreement

between the United States and the Soviet Union, or by arbitration.

(g) REPORT.—In the event the amount of reimbursement agreed to under subsection (f) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (f) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(h) CONFORMING AMENDMENTS.—

(1) Section 304 of Public Law 100-202 (The Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988) is repealed. 101 Stat. 1329-23.

(2) Section 154 of Public Law 99-93 (The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is repealed. 99 Stat. 429.

(3) The Supplemental Appropriations Act 1985 (P.L. 99-88) is amended under the heading "ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD" for the Department of State by striking out ": *Provided,*" and all that follows before the period at the end of subsection (d). 99 Stat. 307.

(i) DEFINITIONS.—For the purposes of this section, the term "appropriate committees of Congress", means the Committee on Foreign Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(j) ESTABLISHMENT OF ADDITIONAL UNITED STATES MISSIONS IN THE SOVIET UNION.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress outlining plans for the establishment of additional United States missions in the former Soviet Union. Particular priority should be placed on establishing an appropriate United States presence in Tbilisi, Georgia; Kishinev, Moldavia; Yerevan, Armenia; and Khabarovsk, Russia or another suitable nearby location in the Russian Far East. Such report shall include the number of missions and personnel, projected costs, and the ramifications regarding reciprocity for Soviet missions in the United States. Reports.

SEC. 133. POSSIBLE MOSCOW EMBASSY SECURITY BREACH.

Reports. Classified information.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report on the extent to which United States assets were compromised by Soviet "firefighters" in the March 1991 fire at the United States Embassy complex in Moscow. Such report shall include an accounting of the Embassy's political, military, communications, and intelligence capabilities, and shall be submitted in classified, as well as unclassified, form.

SEC. 134. SPECIAL AGENTS.

(a) REPORT.—Not later than 180 days after the date of enactment of this act, the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary and Foreign Relations of the Senate and the Committees on the Judiciary and Foreign Affairs of the House of Representatives a report and rec-

ommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) TERMS OF REFERENCE.—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshals, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest.

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority.

(3) Disadvantages which would be likely to result from granting of such authority, including disadvantages in terms of protection of civil liberties.

(4) Proposed statutory language which would if enacted provide any such authority recommended.

(5) Proposed regulations to implement any such enacted authority.

SEC. 135. PROTECTION FOR UNITED NATIONS FACILITIES AND MISSIONS.

(a) PERMANENT AUTHORIZATION.—

(1) Section 208(b)(1) of title 3, United States Code, is amended—

(A) by striking out "$7,000,000" and inserting in lieu thereof "$10,000,000";

(B) by striking out "1982" and inserting in lieu thereof "1991"; and

(C) by striking out "after such date" and inserting in lieu thereof "without regard to the fiscal year such obligations were entered into, including obligations entered into before such date".

(2) Section 208(b)(2) of title 3, United States Code, is amended—

(A) by striking out "$17,700,000" and inserting in lieu thereof "$8,000,000";

(B) by striking out "1982" and inserting in lieu thereof "1991"; and

(C) by inserting before the period at the end thereof the following: ", except that not more than $4,000,000 of this amount shall be obligated or expended during fiscal year 1992".

Effective date.
3 USC 208 note.

(3) The amendments made by this subsection shall take effect on October 1, 1991.

(b) PROTECTION OF FOREIGN DIPLOMATIC MISSIONS.—

(1) Section 202(8)(C) of title 3, United States Code, is amended to read as follows: "(C) when the extraordinary protective need arises at or in association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with

any such visit and may be extended at places of temporary domicile in connection with any such visit;".

(2) Section 202(9) of title 3, United States Code, is amended to read as follows:

"(9) foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and".

(3) Section 202 of title 3, United States Code, is amended by adding after paragraph (9) the following:

"(10) visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits, pursuant to invitations of the United States Government.".

(4)(A) Except as provided in subparagraph (B), the amendments made by this subsection shall take effect October 1, 1991. Effective dates. 3 USC 202 note.

(B) The amendments made by paragraph (1) shall be deemed to have become effective as of January 1, 1989.

(5) Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection, shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by paragraph (1) of this subsection was in effect during that period and the services had been requested by the Secretary of State. Intergovernmental relations. 3 USC 202 note.

(c) CONFORMING AMENDMENTS.—Section 208(a) of title 3, United States Code, is amended by striking out "section 202(7)" each place it appears and inserting in lieu thereof "sections 202(8) and 202(10)".

SEC. 136. STUDY OF CONSTRUCTION SECURITY NEEDS. Reports.

Not more than one year after the date of enactment of this Act, the Secretary of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report and recommendations regarding security needs for diplomatic construction. The Secretary of State shall review priorities, recommendations, and plans, generally known as the "Inman Report", and address specifically whether changing budgetary and foreign policy priorities since the "Inman Report" continue to justify the "Inman" recommendations. The report should also assess whether authorizations for "Inman" security activities should be modified or repealed in light of changed conditions.

PART D—PERSONNEL

SEC. 141. AMBASSADORIAL APPOINTMENTS.

Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in subsection (a)(1) by inserting "as an ambassador," after "ambassador at large,".

SEC. 142. CHIEF OF MISSION SALARY.

(a) ELECTION.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in the second sentence of subsection (b) by striking out all that follows "assignment" and inserting in lieu

thereof "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63, title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President.".

(b) PAY CAP.—Section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961) is amended in subsection (a) by—

(1) striking out "Each" and inserting in lieu thereof "Except as provided in section 302(b), each"; and

(2) striking out "level II of such" and inserting in lieu thereof "level I of such".

SEC. 143. AUTHORITY OF SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES.

(a) SEPARATION FOR CAUSE.—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

(1) in paragraph (3) by striking out "there is reasonable cause to believe that a member has committed a crime" and inserting in lieu thereof "a member has been convicted of a crime";

(2) in paragraph (4)(A) by striking out "suspension, including the grounds for reasonable cause to believe a crime has been committed" and inserting in lieu thereof "suspension"; and

(3) in the second sentence of paragraph (5) by striking out "there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed" and inserting in lieu thereof "the conviction requirements of subsection (a)(3) have been fulfilled".

(b) FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the third sentence of paragraph (8) by striking out "determined that" and all that follows through the period and inserting in lieu thereof "exercised his authority under subsection (a)(3) of section 610.".

(c) CONFORMING AMENDMENT.—Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking out subsection (c).

22 USC 4010 note.

SEC. 144. COMMISSARY ACCESS.

Section 31(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703(c)) is amended by adding before the period at the end of the first sentence ", and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad".

SEC. 145. STORAGE OF PERSONAL EFFECTS.

Section 901(12) of the Foreign Service Act of 1980 (22 U.S.C. 4081(12)) is amended—

(1) in subparagraph (B) by inserting immediately before the semicolon ", except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days"; and

(2) in subparagraph (C) by inserting immediately before the semicolon ", except that in extraordinary circumstances the

Secretary may extend this period for not more than an additional 90 days".

SEC. 146. TRANSPORTATION OF REMAINS.

Section 901(10) of the Foreign Service Act of 1980 (22 U.S.C. 4081(10)) is amended by inserting immediately before the semicolon "or, if death occurs in the United States, transport of the remains to the designated home in the United States or to a place not more distant".

SEC. 147. AMENDMENTS TO TITLE 5.

Government employees.

(a) DURATION OF PAYMENTS; RATES; ACTIVE SERVICE PERIOD.—Section 5523(a)(1) of title 5, United States Code, is amended by striking "agency)—" and all that follows thereafter and inserting the following: "agency) whose departure (or that of the employee's dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and".

(b) LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.—(1) Section 5551(a) of title 5, United States Code, is amended by inserting "(excluding any differential under section 5925 and any allowance under section 5928)" after "pay" in the second sentence.

(2) The amendment made by paragraph (1) shall apply with respect to service as part of a tour of duty or extension thereof commencing on or after the date of enactment of this Act. 5 USC 5551 note.

(c) GENERAL PROVISIONS.—Section 5922 of title 5, United States Code, is amended by adding at the end the following:

"(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee's death.

"(e) When an allowance related to education away from post under this subchapter would be authorized with respect to an employee but for the evacuation or authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing any dependent children of such employee to complete the current school year.".

(d) QUARTERS ALLOWANCE.—Section 5923 of title 5, United States Code, is amended—

(1) by striking out "When" and inserting in lieu thereof "(a) When";

(2) in paragraph (1) (in the matter before subparagraph (A))—

(A) by striking "lodging" and inserting "subsistence"; and

(B) by inserting "(including meals and laundry expenses)" after "quarters";

(3) in paragraph (1)(A), by striking "3 months" and inserting "90 days";

(4) in paragraph (1)(B), by striking "1 month" and inserting "30 days"; and

(5) by adding at the end the following:

"(b) The 90-day period under subsection (a)(1)(A) and the 30-day period under subsection (a)(1)(B) may each be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the

control of the employee for the continued occupancy of temporary quarters.".

(e) COST-OF-LIVING ALLOWANCES.—Section 5924 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "Columbia." and inserting "Columbia, except that employees receiving the temporary subsistence allowance under section 5923(1) are ineligible for a post allowance under this paragraph.";

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking "expenses," and inserting "subsistence and other relocation expenses (including unavoidable lease penalties),";

(B) in subparagraph (A), by inserting "the Commonwealth of the Northern Mariana Islands," after "Puerto Rico,"; and

(C) in subparagraph (B), by striking "between assignments to posts in foreign areas." and inserting "after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned."; and

(3) in paragraph (4)—

(A) in the matter before subparagraph (A), by striking "dependents," and inserting "dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas),";

(B) in subparagraph (A), by striking "United States," and inserting "United States (including such educational services as are provided by the States under the Individuals with Disabilities Education Act),"; and

(C) in subparagraph (B)—

(i) in the first sentence by striking "undergraduate college education" and inserting "postsecondary educational institution education (other than a program of post-baccalaureate education)";

(ii) in the third sentence by striking "undergraduate college education" and inserting "postsecondary educational institution education (other than a program of post-baccalaureate education)"; and

(iii) by adding at the end the following: "For the purposes of this subparagraph, the term 'educational institution' has the meaning defined under section 1701(a)(6) of title 38.".

SEC. 148. VOLUNTARY LEAVE BANK PROGRAM.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking out "and (B)" and inserting in lieu thereof "(B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and (C)".

SEC. 149. REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended to read as follows:

"SEC. 813. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.—(a) Except as provided under subsection (b), a participant, who completes an assignment under section 302(b) in a position to which he or she was appointed by the President, shall be offered reassignment within 90 days after the termination of such assignment and any period of authorized leave.

"(b) Subsection (a) shall not apply with respect to a participant, if the Secretary of State determines that reassignment of the participant is not in the interest of the United States and the Foreign Service.

"(c) A participant who is not reassigned under subsection (a) shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate.".

SEC. 150. COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE.

(a) MEMBERSHIP.—

(1) Within 90 days of the date of enactment of this Act, the Secretary of State shall appoint seven distinguished members, at least six of whom shall have a minimum of ten years experience in personnel management, to examine personnel issues affecting both Foreign Service and Civil Service employees at the Department of State.

(2) Appointments to the Commission shall be made in consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Post Office and Civil Service of the House of Representatives, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

(3) The Secretary of State may reappoint members who served on the Commission authorized under section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(4) At least two members of the Commission shall have specialized knowledge of the Civil Service in the Department of State.

(b) IMPLEMENTATION REPORT.—Not later than one year after the date of enactment of this Act, the Commission shall report to the Chairmen and ranking Members of the appropriate committees of the Congress on the extent to which the Department of State has implemented recommendations of the Commission authorized in section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(c) REPORT ON PERSONNEL MATTERS AND CONDITIONS.—

(1) Not more than one year after the date of enactment of this Act, the Commission shall issue a written report to the appropriate committees of the Congress on State Department personnel questions affecting the effective conduct of foreign policy and the efficiency, cost effectiveness, and morale of State Department employees.

(2) The Commission report required under this subsection shall include the following topics:

(A) Matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) relating to senior Foreign Service Officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied

them, were involuntarily retired under section 607 after June 2, 1990.

(B) An examination of the contribution of Civil Service personnel to the fulfillment of the mission of the Department of State, including—

(i) recommendations as to how the needs and standing of such employees might be more fully recognized by the Department as full partners in the successful conduct of foreign policy; and

(ii) recommendations as to how Civil Service positions may be better utilized or structured in the Department and abroad to enhance the institutional memory on evolving foreign policy issues.

(C) A study of the management and practices at the United States Mission to the United Nations, taking into account the recommendations of recent reports of the Inspector General of the Department of State.

(d) Definition.—As used in this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Post Office and Civil Service of the House of Representatives.

22 USC 4012a.

SEC. 151. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to provide separation pay for foreign national employees of agencies of the United States Government, other than the Department of Defense.

(b) FUNDING.—There shall be deposited in such account—

(1) all amounts previously obligated for accrued separation pay of foreign national employees of such agencies of the United States Government; and

(2) amounts obligated for fiscal years after 1991 by such agencies for the current and future costs of separation pay of foreign national employees.

(c) AVAILABILITY.—Amounts shall be deposited in the fund annually and are authorized to be available until expended.

(d) EXPENDITURES FROM THE FUND.—Amounts deposited in the fund shall be available for expenditure to make separation payments to foreign national employees in countries in which such pay is legally authorized.

SEC. 152. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended—

(1) in the first sentence, by inserting after "Service," the following: "United States citizens employed in the Service abroad who were hired while residing abroad,"; and

(2) in the second sentence, by inserting after "wages" the following: "to United States citizens employed in the Service abroad who were hired while residing abroad and".

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after "foreign nationals" the following: ", are United States citizens employed in the Service abroad who were hired while residing abroad,".

SEC. 153. GRIEVANCES BASED ON ALLEGED DISCRIMINATION.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this section referred to as "the Act") is amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by adding at the end the following:

"(H) any discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964,

"(ii) section 6(d) of the Fair Labor Standards Act of 1938,

"(iii) section 501 of the Rehabilitation Act of 1973,

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967, or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv).".

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking "section 1109(b)." and inserting "section 1109(a)(2).''; and

(B) by adding at the end (as a flush left sentence) the following:

"Nothing in this subsection shall exclude any act, omission, or condition alleged to violate any law, rule, regulation, or policy directive referred to in subsection (a)(1)(H) from such term.".

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting "under this chapter" before "unless"; and

(2) by adding at the end the following:

"(c)(1) In applying subsection (a) with respect to an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), the reference to '3 years' shall be deemed to read '180 days', subject to paragraph (2).

"(2) If the occurrence or occurrences giving rise to the grievance are alleged to have occurred while the grievant was assigned to a post abroad, the 180-day period provided for under paragraph (1) shall not commence until the earlier of—

"(A) the date as of which the grievant is no longer assigned to such post; or

"(B) the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be.".

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

"(f) The Board shall, with respect to any grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging discrimination under such law, rule, regulation, or policy directive had been filed with the commission.".

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking "(a)" and inserting "(a)(1)";

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(2)";

(ii) by striking "subsection (a)," and inserting "paragraph (1),";

(iii) by striking "under this section" and inserting "under this subsection"; and

(iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

"(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(C) by adding at the end the following:

"(b)(1) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), a grievant may either—

"(A) file a grievance under this chapter, or

"(B) initiate in writing a proceeding under another provision of law, regulation, or Executive order that authorizes relief, but not both.

"(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

"(A) files a grievance under this chapter, or

"(B) initiates in writing a proceeding under such other provision of law, regulation, or Executive order.".

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking "section 1109(b)," and inserting "section 1109(a)(2),".

(e) JUDICIAL REVIEW.—Section 1110 of the Act (22 U.S.C. 4140) is amended—

(1) by striking "Any" and inserting "(a) Any";

(2) by adding after the second sentence the following new sentence: "This subsection shall not apply to any grievance with respect to which subsection (b) applies."; and

(3) by adding at the end the following new subsection:

"(b)(1) For purposes of this subsection, the term 'aggrieved party' means a grievant.

"(2) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), judicial review of whether the act, omission, or condition that is the basis of the grievance violates such law, rule, regulation, or policy directive may be obtained by an aggrieved party only if such party commences a civil action, not later than 90 days after such party receives notice of the final action of the Secretary or the Board, in an appropriate district court of the United States for de novo review.".

22 USC 4115 note.

(f) APPLICABILITY.—The amendments made by this section shall not apply with respect to any grievance (within the meaning of section 1101 of the Act, as amended by this section) arising before the date of enactment of this Act.

Reports.

SEC. 154. COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE.

Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and

whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

SEC. 155. LANGUAGE TRAINING IN THE FOREIGN SERVICE.

22 USC 4001 note.

The Department of State, the Department of Commerce, and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

PART E—INTERNATIONAL ORGANIZATIONS

SEC. 161. MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the Permanent Representative of the United States to the United Nations should work to ensure that in-kind contributions by the United States and other nations to the United Nations peacekeeping forces are included at their full value when calculating the contributions to United Nations peacekeeping forces.

SEC. 162. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

22 USC 287e note.

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

President.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit a report to the Congress concerning the

President.

payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year.

(e) REPEAL OF EXISTING LAW.—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, are repealed.

22 USC 287e note.

SEC. 163. REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT.

Section 701 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 287e note) is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 164. PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES.

(a) REPEAL.—The Act of June 18, 1926 (22 U.S.C. 269) is repealed.

President. 22 USC 269.

(b) AUTHORITY.—The President is authorized to maintain membership of the United States in the Permanent International Association of Road Congresses.

SEC. 165. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 103 of the Act of September 13, 1950 (22 U.S.C. 277d-3), is amended—

(1) by inserting "official entertainment and other representation expenses within the United States for the United States section;" after "guard purposes;"; and

(2) by striking out the period at end thereof and inserting in lieu thereof ": *Provided further*, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.".

Reports.

SEC. 166. INTERNATIONAL FISHERIES COMMISSIONS ADVANCE PAYMENTS.

Section 3 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) at the end of subsection (j) by striking out "and";

(2) in subsection (k) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after subsection (k) the following new subsection:

"(l) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose.".

SEC. 167. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

Section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905) is amended in paragraph (4) by inserting "or for not more than 50 percent of administrative expenses in the United States" after "Japan".

22 USC 276*l*.

SEC. 168. BRITISH-AMERICAN INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT AND MEETINGS.—Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Con-

gress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the "United States group" of the United States Interparliamentary Group.

(b) APPOINTMENT OF MEMBERS.—Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) CHAIR AND VICE CHAIR.—(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) FUNDING.—There is authorized to be appropriated $50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

(e) CERTIFICATION OF EXPENDITURES.—The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) ANNUAL REPORT.—The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(g) INTERPARLIAMENTARY CONFERENCE OF NORTH ATLANTIC ASSEMBLY.—Section 5 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to amounts authorized by section 2, there is authorized to be appropriated $550,000 for fiscal year 1994 to meet the expenses incurred by the United States group in hosting the fortieth annual meeting of the North Atlantic Assembly.".

SEC. 169. UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE). 22 USC 276m.

(a) ESTABLISHMENT.—In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as

the "CSCE Assembly") not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) APPOINTMENT OF DELEGATION.—For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority and Minority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) ADMINISTRATIVE SUPPORT.—For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) FUNDING.—

(1) UNITED STATES PARTICIPATION.—There is authorized to be appropriated for each fiscal year $80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

(e) ANNUAL REPORT.—The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.

SEC. 170. REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

Not later than 270 days after the date of the enactment of this Act, the Secretary of State (in consultation with the heads of all appropriate bureaus and offices of the Department of State) shall prepare and submit to the Congress a report on the activities after April 30, 1990 of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 171. REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled "An Act establishing a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3005), is amended—

(1) by striking out "a semiannual" before "report" and inserting in lieu thereof "an annual"; and

(2) by striking out "the first one to be submitted six months after the date of enactment of this Act" after "report".

SEC. 172. INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT.

It is the sense of the Congress regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

(1) improved coordination of research activities and monitoring of global climate change;

(2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

(3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;

(4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and

(5) the development of plans by each country to reach those goals.

SEC. 173. INTER-AMERICAN FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $28,800,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993 to carry out this section.". 22 USC 290f.

(b) BOARD OF DIRECTORS.—

(1) QUALIFICATIONS.—Section 401(g) of that Act is amended by adding at the end the following: "All individuals appointed to the Board shall possess an understanding of and sensitivity to

community level development processes. No more than 5 members of the Board may be members of any one political party.".

22 USC 290f note.

(2) TRANSITION RULE.—The requirements established by the amendment made by paragraph (1) do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act.

22 USC 290f.

(c) PRINCIPAL OFFICE.—Section 401(q) of that Act is amended to read as follows:

"(q) The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.".

(d) EXPENSES FOR MEETINGS AND PRINTING.—Section 401 of that Act is amended by adding at the end the following:

"(v) Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 of the United States Code (relating to travel, transportation, and subsistence expenses for meetings).

"(w) Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44, United States Code.".

(e) RELATION TO AMENDMENTS IN FOREIGN RELATIONS AUTHORIZATION ACT.—If the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, contains amendments to section 401 of the Foreign Assistance Act of 1961 that are identical to the amendments described in this section, then whichever of such amendments are enacted later shall not be effective.

SEC. 174. HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS.

(a) REVIEW.—The Secretary of State shall conduct a review and evaluation of policies and procedures for the provision of housing benefits (including leased housing, housing allowances, differential payments, or any comparable benefit) to United States Government personnel assigned to the United States Mission to the United Nations. Such review shall consider the December 1989 recommendations of the Inspector General of the Department of State concerning housing benefits, and other recommendations as appropriate.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a comprehensive report of the findings of such review and evaluation to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include, but not be limited to—

(1) a summary of all leased housing policy changes;

(2) information concerning implementation of recommendations of the Inspector General for the Department of State, including an explanation for not implementing any recommendation made by the Inspector General; and

(3) designation of positions at the United States Mission to the United Nations which require the incumbent to live in the Borough of Manhattan, and specific justification for such designation.

SEC. 175. ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING.

(a) ACTIONS BY THE SECRETARY GENERAL OF THE UNITED NATIONS.—The Secretary of State, through the United States Representative to the United Nations, should propose to the Secretary General of the United Nations that the United Nations should explore means, including procedures and organizational initiative, for expediting the implementation of peacekeeping operations authorized by the Security Council.

(b) REPORT OF THE SECRETARY OF STATE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report which makes recommendations concerning changes in United States law which would enhance the United States participation in peacekeeping operations authorized by the United Nations. Such report shall include legislative recommendations to expedite the use of appropriated funds for peacekeeping purposes on an emergency basis.

SEC. 176. SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101(a)(1) for "Salaries and Expenses" of the Department of State, $1,000,000 shall be available only after the submission of the report under subsection (b).

(b) REPORT TO CONGRESS.—Not later than March 1, 1992, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the international organizations listed in subsection (c). Such report shall include the following information with respect to each international organization:

(1) The purpose and activities of the organization.

(2) The political and economic benefits to the United States of membership in the organization.

(3) The effect on United States consumers and importers of the activities and policies of the organization.

(c) SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.—The following international organizations shall be included in the report under this section:

(1) International Center for the Study of Preservation and Restoration of Cultural Property.

(2) International Coffee Organization.

(3) International Cotton Advisory Committee.

(4) International Hydrographic Organization.

(5) International Jute Organization.

(6) International Lead and Zinc Study Group.

(7) International Rubber Organization.

(8) International Office of Epizootics.

(9) International Organization for Legal Metrology.

(10) International Rubber Study Group.

(11) International Sugar Organization.

(12) International Tropical Timber Organization.

(13) International Union for the Conservation of Nature and Natural Resources.

(14) Permanent International Association of Road Congresses.

(15) World Tourism Organization.

SEC. 177. GREAT LAKES FISHERY COMMISSION.

Of the amounts authorized to be appropriated by section 103(4) of this Act, there is authorized to be appropriated up to $8,200,000 for fiscal year 1992 and up to $12,300,000 for fiscal year 1993 for the purpose of enabling the Department of State to carry out its authority, function, duty, and responsibility in the conduct of foreign affairs of the United States in connection with the Great Lakes Fishery Commission.

SEC. 178. INTER-AMERICAN ORGANIZATIONS.

(a) POLICY.—Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, the Congress believes that the Secretary of State, in allocating the level of resources for the "International Organizations and Commissions" account, should pay particular attention to funding levels of the Inter-American organizations.

(b) FINDING.—The Congress finds that the work done by these organizations has been of great benefit to the region, and the United States itself has experienced a positive return from their efforts.

SEC. 179. INTERNATIONAL COFFEE ORGANIZATION.

It is the sense of the Congress that the President should give the highest priority to the interests of United States consumers in shaping United States policy toward a new international coffee agreement.

22 USC 2686a.

SEC. 180. APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY.

(a) DESIGNATION.—The Secretary of State shall designate a Special Coordinator—

(1) to coordinate the United States Government response to international water resource disputes and needs;

(2) to represent the United States Government, whenever appropriate, in multilateral fora in discussions concerning access to fresh water; and

(3) to formulate United States policy to assist in the resolution of international problems posed by the lack of fresh water supplies.

(b) OTHER RESPONSIBILITIES.—The individual designated under subsection (a) may carry out the functions of subsection (a) in addition to other assigned responsibilities.

Reports.
22 USC 276c-4.

SEC. 181. EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall submit a report to the Congress concerning each international organization which had a geographic distribution formula in effect on January 1, 1991, of whether each such organization—

(1) is taking good faith steps to increase the staffing of United States citizens; and

(2) has met its geographic distribution formula.

PART F—MISCELLANEOUS PROVISIONS

SEC. 191. TRAVEL ADVISORY FOR JALISCO, MEXICO.

Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 is repealed. 99 Stat. 421.

SEC. 192. IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN.

(a) REPORT TO CONGRESS.—Two years after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the progress of the United States implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies), as adopted by the 40th session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

(b) FINAL REPORT.—Not later than 90 days prior to the 1995 deadline for submission of the report to the United Nations Secretary General on the United States implementation of the Nairobi Strategies, the Secretary of State shall submit to the Congress a preliminary version of such report.

SEC. 193. STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPABILITIES.

(a) STUDY BY INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of State shall initiate, with the cooperation of other appropriate Federal agencies, a study of the overseas technical security and counterintelligence capabilities and practices of the Department of State. The study shall be completed not later than one year after the date of enactment of this Act.

(b) CONTENT.—The study shall evaluate—

(1) the overseas technical security and counterintelligence capabilities of the Department of State since the enactment of the Omnibus Diplomatic Security and Antiterrorism Act of 1986;

(2) the level of the State Department's capabilities in technical security and counterintelligence relative to the technical and human intelligence threats identified by other appropriate Federal agencies; and

(3) whether the Department of State is the most appropriate Federal agency to carry out overseas technical security and counterintelligence functions.

(c) REPORT TO CONGRESS.—Not later than 400 days after the date of the enactment of this Act, the Inspector General of the Department of State shall prepare and submit, with the cooperation of other appropriate Federal agencies, a written report of the findings of such study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The Inspector General may submit such report in classified form.

SEC. 194. STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State has been negligent in carrying out section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, "Study of Sexual Harassment at the Department of State".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the reasons for the Department's negligence in adhering to deadlines required by law in implementing section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and what steps, if any, the Department has taken to prevent such a failure from recurring.

22 USC 2679b.

SEC. 195. PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If it has been finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of State, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

22 USC 2680-1.

SEC. 196. DEADLINE FOR RESPONSES TO QUESTIONS FROM CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

22 USC 2656h.

SEC. 197. INTERNATIONAL CREDIT REPORTS.

(a) REPORT ON LOAN CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of State for Economic and Business Affairs, in consultation with the Secretary of the Treasury, shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report setting forth clear criteria for bilateral loans by which the United States can determine the likelihood of repayment by a country seeking to receive United States loans. The report should include the criteria used for—

(1) assessing country risk;
(2) projecting loan repayments; and
(3) estimating subsidy levels.

(b) REPORTS ON LOANS.—Beginning 180 days after the submission of the report in subsection (a) and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years.

SEC. 198. THE FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES.

(a) AMENDMENT.—The State Department Basic Authorities Act of 1956 is amended by adding at the end thereof the following new title:

"TITLE IV—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

"SEC. 401. GENERAL AUTHORITY AND CONTENTS OF PUBLICATION. 22 USC 4351.

"(a) CHARTER OF THE PUBLICATION.—The Department of State shall continue to publish the 'Foreign Relations of the United States historical series' (hereafter in this title referred to as the 'FRUS series'), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

"(b) EDITING PRINCIPLES.—The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

"(c) DEADLINE FOR PUBLICATION OF RECORDS.—The Secretary of State shall ensure that the FRUS series shall be published not more than 30 years after the events recorded.

"SEC. 402. RESPONSIBILITY FOR PREPARATION OF THE FRUS SERIES. 22 USC 4352.

"(a) IN GENERAL.—

"(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this title.

"(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 403, the review and selection of records for inclusion in volumes of the series.

"(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 403, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than 26 years before the date of a request for such access or copy made by the Office of the Historian.

"(b) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—Notwithstanding any other provision of this title, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, United States Code, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

22 USC 4353.

"SEC. 403. PROCEDURES FOR IDENTIFYING RECORDS FOR THE FRUS SERIES; DECLASSIFICATION, REVISIONS, AND SUMMARIES.

"(a) DEVELOPMENT OF PROCEDURES.—Not later than 180 days after the date of enactment of this title, each department, agency, or other entity of the United States Government engaged in foreign policy formulation, execution, or support shall develop procedures for its historical office (or a designated individual in the event that there is no historical office)—

"(1) to coordinate with the State Department's Office of the Historian in selecting records for possible inclusion in the FRUS series;

"(2) to permit full access to the original, unrevised records by such individuals holding appropriate security clearances as have been designated by the Historian as liaison to that department, agency, or entity, for purposes of this title, and by members of the Advisory Committee; and

"(3) to permit access to specific types of records not selected for inclusion in the FRUS series by the individuals identified in paragraph (2) when requested by the Historian in order to confirm that records selected by that department, agency, or entity accurately represent the policymaking process reflected in the relevant part of the FRUS series.

"(b) DECLASSIFICATION REVIEW.—

"(1) Subject to the provisions of this subsection, records selected by the Historian for inclusion in the FRUS series shall be submitted to the respective originating agency for declassification review in accordance with that agency's procedures for such review, except that such declassification review shall be completed by the originating agency within 120 days after such records are submitted for review. If the originating agency determines that any such record is not declassifiable because of a continuing need to protect sources and methods for the collection of intelligence information or to protect other sensitive national security information, then the originating agency shall attempt to make such deletions in the text as will make the record declassifiable.

"(2) If the Historian determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1) that publication in that condition could be misleading or lead to an inaccurate or incomplete historical record, then the Historian shall take steps to achieve a satisfactory resolution of the problem with the originating agency. Within 60 days of receiving a proposed solution from the Historian, the originating agency shall furnish the Historian a written response agreeing to the solution or explaining the reasons for the alteration or deletion.

"(3) The Historian shall inform the Advisory Committee of any failure by an originating agency to complete its declassification review of a record within 120 days and of any steps taken under paragraph (2).

"(4) If the Advisory Committee determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1), or if the Advisory Committee determines as a result of inspection of other documents under subsection (a)(3) that the selection of documents could be misleading or lead to an inaccurate or incomplete historical record, then the Advisory Committee shall so advise the Secretary of State and submit recommendations to resolve the issue.

"(5)(A) The Advisory Committee shall have full and complete access to the original text of any record in which deletions have been made. In the event that the head of any originating agency considers it necessary to deny access by the Advisory Committee to the original text of any record, that agency head shall promptly notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.

"(B) The Historian shall provide the Advisory Committee with a complete list of the records described in subparagraph (A).

"(6) If a record is deleted in whole or in part as a result of review under this subsection then a note to that effect shall be inserted at the appropriate place in the FRUS volume.

"SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS. 22 USC 4354.

"(a) DEADLINE FOR DECLASSIFICATION.—

"(1) Except as provided in subsection (b), each classified record of permanent historical value (as determined by the Secretary of State and the Archivist of the United States) which was published, issued, or otherwise prepared by the Department of State (or any officer or employee thereof acting in an official capacity) shall be declassified not later than 30 years after the record was prepared, shall be transferred to the National Archives and Records Administration, and shall be made available at the National Archives for public inspection and copying.

"(2) Nothing in this subsection may be construed to require the declassification of a record wholly prepared by a foreign government.

"(b) EXEMPTED RECORDS.—Subsection (a) shall not apply to any record (or portion thereof) the publication of which the Secretary of State, in coordination with any agency that originated information in the records, determines—

"(1) would compromise weapons technology important to the national defense of the United States or reveal sensitive information relating to the design of United States or foreign military equipment or relating to United States cryptologic systems or activities;

"(2) would disclose the names or identities of living persons who provided confidential information to the United States and would pose a substantial risk of harm to such persons;

"(3) would demonstrably impede current diplomatic negotiations or other ongoing official activities of the United States

Government or would demonstrably impair the national security of the United States; or

"(4) would disclose matters that are related solely to the internal personnel rules and practices of the Department of State or are contained in personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

"(c) REVIEW.—

"(1) The Advisory Committee shall review—

"(A) the State Department's declassification procedures,

"(B) all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration which are in effect on the date of enactment of this title, and

"(C) by random sampling, records representative of all Department of State records published, issued, or otherwise prepared by the Department of State that remain classified after 30 years.

"(2) In the event that the Secretary of State considers it necessary to deny access to records under paragraph (1)(C), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

"(d) REPORTING REQUIREMENT.—The Advisory Committee shall annually submit to the Secretary of State a report setting forth its findings from the review conducted under subsection (c).

"(e) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the Secretary of State shall prepare and submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on factors relevant to compliance with this section, and the procedures to be used for implementing the requirements of this section.

22 USC 4355.

"SEC. 405. RELATIONSHIP TO THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT.

"(a) PRIVACY ACT.—Nothing in this title may be construed as requiring the public disclosure of records or portions of records protected under section 552a of title 5, United States Code (relating to the privacy of personal records).

"(b) FREEDOM OF INFORMATION ACT.—

"(1) Except as provided in paragraph (2), no record (or portion thereof) shall be excluded from publication in the FRUS series under section 403, or exempted from the declassification requirement of section 404, solely by virtue of the application of section 552(b) of title 5, United States Code (relating to the exemption of certain matters from freedom of information requirements).

"(2) Records described in section 222(f) of the Immigration and Nationality Act (relating to visa records) shall be excluded from publication in the FRUS series under section 403 and, to the extent applicable, exempted from the declassification requirement of section 404.

22 USC 4356.

"SEC. 406. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) There is established on a permanent basis the Advisory Committee on Historical Diplomatic Documentation for the Department of State. The activities of the Advisory Committee shall be coordinated by the Office of the Historian of the Department of State.

"(2) The Advisory Committee shall be composed of 9 members and an executive secretary. The Historian shall serve as executive secretary.

"(3)(A) The members of the Advisory Committee shall be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States. No officer or employee of the United States Government shall be appointed to the Advisory Committee.

"(B)(i) Six members of the Advisory Committee shall be appointed from lists of individuals nominated by the American Historical Association, the Organization of American Historians, the American Political Science Association, Society of American Archivists, the American Society of International Law, and the Society for Historians of American Foreign Relations. One member shall be appointed from each list.

"(ii) If an organization does not submit a list of nominees under clause (i) in a timely fashion, the Secretary of State shall make an appointment from among the nominees on other lists.

"(b) TERMS OF SERVICE FOR APPOINTMENTS.—

"(1) Except as provided in paragraph (2), members of the Advisory Committee shall be appointed for terms of three years.

"(2) Of the members first appointed, as designated by the Secretary of State at the time of their appointment (after consultation with the appropriate organizations) three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years.

"(3) Each term of service under paragraph (1) shall begin on September 1 of the year in which the appointment is made.

"(4) A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment. A member appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of that term. A member may continue to serve when his or her term expires until a successor is appointed. A member may be appointed to a new term upon the expiration of his or her term.

"(c) SELECTION OF CHAIRPERSON.—The Advisory Committee shall select, from among its members, a chairperson to serve a term of 1 year. A chairperson may be reelected upon expiration of his or her term as chairperson.

"(d) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least quarterly or as frequently as may be necessary to carry out its duties.

"(e) SECURITY CLEARANCES.—

"(1) All members of the Advisory Committee shall be granted the necessary security clearances, subject to the standard procedures for granting such clearances.

"(2) For purposes of any law or regulation governing access to classified records, a member of the Advisory Committee seeking access under this paragraph to a record shall be deemed to have a need to know.

"(f) COMPENSATION.—

"(1) Members of the Advisory Committee—

"(A) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Advisory Committee; and

"(B) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Advisory Committee.

"(2) The Secretary of State is authorized to provide for necessary secretarial and staff assistance for the Advisory Committee.

"(3) The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this title are inconsistent with that Act.

22 USC 4357.

"SEC. 407. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Advisory Committee' means the Advisory Committee on Historical Diplomatic Documentation for the Department of State;

"(2) the term 'Historian' means the Historian of the Department of State or any successor officer of the Department of State responsible for carrying out the functions of the Office of the Historian, Bureau of Public Affairs, of the Department of State, as in effect on the date of enactment of this title;

"(3) the term 'originating agency' means, with respect to a record, the department, agency, or entity of the United States (or any officer or employee thereof of acting in his official capacity) that originates, develops, publishes, issues, or otherwise prepares that record or receives that record from outside the United States Government; and

"(4) the term 'record' includes any written material (including any document, memorandum, correspondence, statistical data, book, or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents.".

(b) PREVIOUS ADVISORY COMMITTEE ON HISTORICAL DIPLOMATIC DOCUMENTATION.—The Advisory Committee on Historical Documentation for the Department of State established before the date of enactment of this Act shall terminate on such date. 22 USC 4356 note.

(c) COMPLIANCE.—

(1) The Secretary of State shall ensure that the requirements of section 404 of the State Department Basic Authorities Act of 1956 (as amended by this section) are met not later than one year after the date of enactment of this Act. If the Secretary cannot reasonably meet the requirements of such section, he shall so notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and describe how the Department of State intends to meet the requirements of that section. In no event shall full compliance with the requirements of such section take place later than 2 years after the date of enactment of this Act. 22 USC 4354 note.

(2)(A) In order to come into compliance with section 401(c) of the State Department Basic Authorities Act of 1956 (as amended by this section) the Secretary of State shall ensure that, by the end of the 3-year period beginning on the date of the enactment of this Act, all volumes of the Foreign Relations of the United States historical series (FRUS) for the years that are more than 30 years before the end of that 3-year period have been published. 22 USC 4351 note.

(B) If the Secretary cannot reasonably meet the requirements of subparagraph (A), the Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and describe how the Department of State plans to meet the requirements of subparagraph (A). In no event shall volumes subject to subparagraph (A) be published later than 5 years after the date of the enactment of this Act.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—The following amounts are authorized to be appropriated for the United States Information Agency (other than for the Voice of America) to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $423,827,500 for the fiscal year 1992 and $451,294,000 for the fiscal year 1993.

(2) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General" $4,206,000 for the fiscal year 1992 and $4,420,000 for the fiscal year 1993.

(3) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $25,000,000 for the fiscal year 1992 and $31,250,000 for the fiscal year 1993.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $24,500,000 for the fiscal year 1992 and $26,000,000 for the fiscal year 1993.

(b) AUTHORIZATION WITHIN "SALARIES AND EXPENSES" ACCOUNT.—Of the amount authorized to be appropriated by subsection (a)(1), $284,000 is authorized for the fiscal year 1992 for the establishment and operation of a United States Information Agency office in Vientiane, Laos, pursuant to section 216 of this Act, and $307,000 is authorized for fiscal year 1993 for the continued operation of such office.

SEC. 202. REPROGRAMMING OF FUNDS.

Section 705(a)(7) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c(a)(7)) is amended by striking out "$250,000" and inserting in lieu thereof "$500,000".

SEC. 203. AUTHORITY OF THE SECRETARY.

Paragraph (3) of section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by inserting "and television" after "radio".

SEC. 204. BASIC AUTHORITY.

Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

"(22) furnish living quarters as authorized by section 5912 of title 5, United States Code; and

"(23) provide allowances as authorized by sections 5921 through 5928 of title 5, United States Code.".

SEC. 205. PAYMENT OF CERTAIN EXPENSES FOR PARTICIPANTS.

Paragraph (9) of section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended to read as follows:

"(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this Act, the costs of emergency medical expenses, preparation and transport to their former homes of the remains of such participants or their dependents who die while away from their homes during such participation, and health and accident insurance premiums for participants or health and accident benefits for participants by means of a program of self-insurance;".

SEC. 206. USIA POSTS AND PERSONNEL OVERSEAS.

(a) USIA POSTS AND PERSONNEL OVERSEAS.—The United States Information and Educational Exchange Act of 1948 is amended by adding after section 811 the following:

"USIA POSTS AND PERSONNEL OVERSEAS

"SEC. 812. (a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any United States Information Agency post abroad. 22 USC 1475g.

"(b) NOTIFICATION.—Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) EXCEPTIONS.—This section shall not apply to any United States Information Agency post closed—

"(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.".

(b) REDUCTIONS IN AMERICAN EMPLOYEES.—Reductions may not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees at the Agency at the same time in 1981. 22 USC 1475g note.

(c) REPEAL.—Section 204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 1461 note) is repealed.

SEC. 207. IMPLEMENTATION OF BEIRUT AGREEMENT.

The first section of the joint resolution entitled "Joint resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948", approved October 8, 1966 (19 U.S.C. 2051), is amended by adding at the end the following: "In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

"(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

"(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

"(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

"(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an

aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or

"(5) because in the opinion of the agency the material is propaganda.

"Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.".

North/South Center Act of 1991.

SEC. 208. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

22 USC 2075.

(a) SHORT TITLE.—This section may be cited as the "North/South Center Act of 1991".

(b) PURPOSE.—The purpose of this section is to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study, training, and research, by supporting in Florida a Center for Cultural and Technical Interchange Between North and South where scholars and students in various fields from the nations of the hemisphere may study, give and receive training, exchange ideas and views, and conduct other activities consistent with the objectives of the Mutual Educational and Cultural Exchange Act of 1961 and other Acts promoting international, educational, cultural, scientific, and related activities of the United States.

(c) NORTH/SOUTH CENTER.—In order to carry out the purpose of this section, the Director of the United States Information Agency shall provide for the operation in Florida of an educational institution known as the North/South Center, through arrangements with public, educational, or other nonprofit institutions.

(d) AUTHORITIES.—The Director of the United States Information Agency, in carrying out this section, may utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961. Section 704(b) of the Mutual Security Act of 1960 (22 U.S.C. 2056(b)) shall apply in the administration of this section. In order to carry out the purposes of this section, the North/South Center is authorized to use funds made available under this section to acquire property and facilities, by construction, lease, or purchase.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1992 and $10,000,000 for each subsequent fiscal year to carry out this section. Amounts appropriated under this section are authorized to be available until expended.

Effective date.

(f) REPEAL.—Effective October 1, 1991, the section enacted by the third proviso under the heading "EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is repealed.

22 USC 2075.

SEC. 209. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

Section 810 of the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4509) is repealed.

22 USC 2452 note.

SEC. 210. CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM.

(a) PURPOSE.—It is the purpose of this section to provide Federal financial assistance to facilitate a program to enable high school and college students from emerging democracies, who are visiting the United States, to spend from one to two weeks in Washington, District of Columbia, observing and studying the workings and

operations of the democratic form of government of the United States.

(b) GRANTS.—The Director of the United States Information Agency is authorized to make grants to the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation to carry out the purpose specified in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1992 to carry out this section, of which not more than $500,000 is authorized to be available for obligation or expenditure during that fiscal year. Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 211. PROGRAM REVIEW OF NED.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 201(3), after the submission of the report under subsection (b), there are authorized to be appropriated for the National Endowment for Democracy $5,000,000 for fiscal year 1992.

(b) REPORTING REQUIREMENT.—The National Endowment for Democracy shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a comprehensive report concerning the actions of the National Endowment for Democracy and certain grantees (the Free Trade Union Institute, the Center for International Private Enterprise, the National Republican Institute for International Affairs, and the National Democratic Institute for International Affairs) to comply with the recommendations of the General Accounting Office report of March 1991, entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement".

(c) GENERAL ACCOUNTING OFFICE REPORT.—Not more than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives an evaluation of the actions taken by the National Endowment for Democracy and certain grantees to comply with the General Accounting Office report of March 1991.

(d) ANNUAL AUDIT.—Section 504(g) of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by striking out "may also" and inserting in lieu thereof "shall".

(e) SENSE OF CONGRESS ON PRIVATE DONATIONS.—It is the sense of the Congress that the National Endowment for Democracy should make every effort to solicit private contributions to realize the purposes of the Endowment as set forth in section 502(b) of the National Endowment for Democracy Act.

SEC. 212. USIA GRANTS. 22 USC 1475h.

(a) COMPETITIVE GRANT PROCEDURES.—Except as provided in subsection (b), the United States Information Agency shall work to achieve full and open competition in the award of grants.

(b) EXCEPTIONS.—The United States Information Agency may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) or any statute which expressly authorizes or requires that a grant be made with a specified entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) COMPLIANCE WITH GRANT GUIDELINES.—

(1) After October 1, 1991, grants awarded by the United States Information Agency shall substantially comply with United States Information Agency grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency determines that a grantee has not satisfied the requirement of paragraph (1), the United States Information Agency shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a).

SEC. 213. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY PHOTOGRAPHIC WORKS OF RICHARD SAUNDERS.

(a) DISTRIBUTION TO THE SCHOMBURG CENTER FOR BLACK STUDIES.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Schomburg Center for Black Studies, New York, New York, master copies of the United States Information Agency photographic works of Richard Saunders, a former employee of the United States Information Agency; and

(2) the Schomburg Center for Black Studies, New York, New York, shall reimburse the Director of the United States Information Agency for any expenses of the Agency in making such master copies.

(b) REIMBURSEMENT.—Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

22 USC 2452 note.

SEC. 214. ISRAELI ARAB SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—Subject to the availability of funds under subsection (d), there is established in the United States Information Agency a fund to be known as the Israeli Arab Scholarship Fund (hereinafter in this Act referred to as the "fund"). The income from the fund shall be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States to be known as the Israeli Arab Scholarship Program (hereinafter in

the section referred to as the "program"). The fund and the program shall be administered by the United States Information Agency in accordance with this section and the Mutual Educational and Cultural Exchange Act of 1961. The fund may accept contributions and gifts from public and private sources.

(b) ADMINISTRATION OF THE FUND.—It shall be the duty of the Director of the United States Information Agency to invest in full amounts made available to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(c) APPROPRIATIONS FROM THE FUND.—For each fiscal year, there is authorized to be appropriated from the fund for the Israeli Arab Scholarship Program the interest and earnings of the fund.

(d) FUNDING.—Amounts made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (as amended by section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991), are authorized to be appropriated to the fund.

SEC. 215. ELIGIBILITY OF NED FOR GRANTS.

Section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by adding at the end thereof the following:

"(j) After January 31, 1993, no member of the Board of the Endowment may be a member of the board of directors or an officer of any grantee of the National Endowment for Democracy which receives more than 5 percent of the funds of the Endowment for any fiscal year.".

SEC. 216. ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS.

The Director of the United States Information Agency shall establish an office in Vientiane, Laos, to assist in the propagation of American economic and political values.

PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961 the following amounts:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $37,749,000 for the fiscal year 1992 and $39,308,000 for the fiscal year 1993.

(2) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $110,454,000 for the fiscal year 1992 and $117,297,000 for the fiscal year 1993.

(3) HUBERT H. HUMPHREY FELLOWSHIP PROGRAM.—For the "Hubert H. Humphrey Fellowship Program", $5,682,000 for the fiscal year 1992 and $6,000,000 for the fiscal year 1993.

(4) INTERNATIONAL VISITORS PROGRAM.—For the "International Visitors Program", $45,366,000 for the fiscal year 1992 and $47,650,000 for the fiscal year 1993.

(5) OTHER PROGRAMS.—For "East Europe Training Projects", "Citizen Exchange Programs", and the "Congress-Bundestag Exchange Program", $14,028,000 for the fiscal year 1992 and $14,700,000 for the fiscal year 1993.

(6) WORLD UNIVERSITY GAMES.—For cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York, $2,000,000 for fiscal year 1992 and $2,000,000 for fiscal year 1993, provided that amounts authorized under this subsection are subject to all requirements governing United States Information Agency assistance to private organizations.

(7) NEAR AND MIDDLE EAST PROGRAMS.—For "Near and Middle East Programs", $3,000,000 for fiscal year 1993.

(8) VIETNAM SCHOLARSHIP PROGRAM.—For the "Vietnam Scholarship Program" established by section 229, $300,000 for each of the fiscal years 1992 and 1993.

(9) SOVIET-AMERICAN INTERPARLIAMENTARY EXCHANGES.—For the expenses of Soviet-American Interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress, after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agency, there are authorized to be appropriated $2,000,000 for the fiscal year 1992, of which not more than $1,000,000 shall be available for obligation or expenditure during that fiscal year. Amounts appropriated under this subsection are authorized to be available until expended.

SEC. 222. FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT.

In addition to amounts authorized to be appropriated by section 221(2) for the Fulbright Academic Exchange Programs, $2,700,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 to increase amounts otherwise available for Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

Yugoslavia.

SEC. 223. USIA CULTURAL CENTER IN KOSOVO.

(a) ESTABLISHMENT.—The Director of the United States Information Agency shall establish a cultural center in the capital of Kosovo in Yugoslavia when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a center is established under subsection (a), the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives on progress toward establishment of a center pursuant to subsection (a), including an assessment by the Secretary of State of the risks to physical and personal security of the establishment of such a center.

SEC. 224. CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS.

Section 225(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended— 104 Stat. 56.

(1) by striking out "Of the funds authorized to be appropriated by section 221 for each of the fiscal years 1990 and 1991," and inserting in lieu thereof "Of funds made available to the Bureau of Education and Cultural Affairs to carry out the Mutual Educational and Cultural Exchange Act of 1961, for each of the fiscal years 1992 and 1993"; and

(2) by striking out "shall" each place it appears and inserting in lieu thereof "are authorized to".

SEC. 225. EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND. 22 USC 2452 note.

(a) ESTABLISHMENT OF FEDERAL ENDOWMENT.—The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Director may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) TRANSFER.—

(1) APPROPRIATIONS AND OTHER AVAILABLE FUNDS.—The Director shall transfer to the fund the amounts appropriated pursuant to the authority of subsection (f) to carry out the exchange program under this section.

(2) GIFTS.—(A) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any sums received by the Director pursuant to subparagraph (A) shall be transferred to the fund.

(3) IN GENERAL.—The Director in investing the corpus and income of the fund, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) SPECIAL RULE.—The fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(c) WITHDRAWALS AND EXPENDITURES.—The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the exchange program described in subsection (a).

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 226. ENHANCED EDUCATIONAL EXCHANGE PROGRAM. 22 USC 2452 note.

(a) PROGRAMS FOR FOREIGN STUDENTS AND SCHOLARS.—

(1) Not later than September 30, 1993, the number of scholarships provided to foreign students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in the United States shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only—

(A) to students and scholars from the new democracies of Eastern Europe,

(B) to students and scholars from the Soviet Union;

(C) to students and scholars from countries determined by the Associate Director of the Bureau of Educational and Cultural Affairs to be not adequately represented in the foreign student population in the United States.

(b) PROGRAMS FOR UNITED STATES STUDENTS AND SCHOLARS.—(1) Not later than September 30, 1993, the number of scholarships provided to United States students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in other countries shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only for study, research, and teaching in the new democracies of Eastern Europe, the Soviet Union, and non-European countries.

(c) DEFINITION.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books and supplies, equipment required for courses at an educational institution, and living expenses at a United States or foreign educational institution.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for the Bureau of Educational and Cultural Affairs, there are authorized to be appropriated $2,000,000 for fiscal year 1992 and $2,000,000 for fiscal year 1993 to carry out the purposes of this section. Amounts appropriated under this subsection are authorized to be available until expended.

22 USC 2452 note.

SEC. 227. LAW AND BUSINESS TRAINING PROGRAM FOR GRADUATE STUDENTS FROM THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA.

(a) STATEMENT OF PURPOSE.—The purpose of this section is to establish a scholarship program designed to bring students from the Soviet Union, Lithuania, Latvia, and Estonia to the United States for study in the United States.

President.

(b) SCHOLARSHIP PROGRAM AUTHORITY.—Subject to the availability of appropriations under subsection (d), the President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education together with private and public sector internships by nationals of the Soviet Union, Lithuania, Latvia, and Estonia who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(c) GUIDELINES.—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency should develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic reform and political development in the Soviet Union, Lithuania, Latvia, and Estonia, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics, Lithuania, Latvia, and Estonia.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this section that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

(d) FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.—There are authorized to be appropriated to the United States Information Agency $7,000,000 for fiscal year 1992, and $7,000,000 for fiscal year 1993, to carry out this section.

(e) COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.—Any authority provided by this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

22 USC 2452 note.

SEC. 228. NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

(a) NEAR AND MIDDLE EAST STUDIES.—The Director of the United States Information Agency may expend from the amount authorized for the Bureau of Educational and Cultural Affairs, such sums as are appropriate to assist graduate and postdoctoral studies by United States scholars on the Near and Middle East.

(b) REPORT.—The Director of the United States Information Agency shall prepare and submit to the President and the Congress at the end of each fiscal year in which assistance is provided under subsection (a) a report concerning such assistance.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency, in consultation with qualified government agencies and appropriate private organizations and individuals, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives recommendations concerning the conduct of educational and cultural exchange programs administered and funded by the Agency.

(d) DEFINITION.—For purposes of this section, the term "Near and Middle East" refers to the region consisting of those countries and peoples covered by the Bureau of Near Eastern and South Asian Affairs of the Department of State on the day before the date of the enactment of this Act.

22 USC 2452 note.

SEC. 229. SCHOLARSHIPS FOR VIETNAMESE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1992 and 1993, 15 scholarships for Vietnamese residents in Vietnam qualified to study in the United States for the purpose of studying in the United States. Each scholarship made available under this subsection shall be for not less than one semester of study in a United States college or university.

(b) PREFERENCE IN AWARDING SCHOLARSHIPS.—In awarding scholarships under this section, preference shall be given to candidates intending to pursue studies in economics and commercial law.

PART C—BUREAU OF BROADCASTING

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Information Agency for the Bureau of Broadcasting for carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act the following amounts:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $196,942,000 for the fiscal year 1992 and $216,815,000 for the fiscal year 1993.

(2) TELEVISION AND FILM SERVICE.—For "Television and Film Service", $33,185,000 for the fiscal year 1992 and $34,476,000 for the fiscal year 1993.

(3) ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES.—For "Acquisition and Construction of Radio Facilities", $98,043,000 for the fiscal year 1992 and $103,000,000 for the fiscal year 1993.

(4) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $38,988,000 for the fiscal year 1992 and $34,525,000 for the fiscal year 1993.

SEC. 232. TELEVISION BROADCASTING TO CUBA ACT.

Section 247 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465ee) is amended by adding at the end thereof the following: "(c) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the purposes of this part are authorized to be available until expended.".

SEC. 233. YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA.

The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America.

SEC. 234. VOICE OF AMERICA BROADCASTS IN KURDISH.

(a) FINDINGS.—The Congress finds that—

(1) more than 20 million Kurds have no source of reliable and accurate news and information in their own language;

(2) the Kurdish people have been subject to extreme repression, including the denial of fundamental cultural and human rights, the extensive destruction of villages, and the mass killing of Kurds by the Iraqi regime; and

(3) the Voice of America provides an effective means by which the Kurdish people may be informed of events in the free world and pertaining to their own situation.

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than 1 hour each day.

(d) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than 90 days after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section. Reports.

(e) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(f) SURROGATE HOME SERVICE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of

Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than 2 hours a day.

SEC. 235. REPORTS ON THE FUTURE OF INTERNATIONAL BROADCASTING.

(a) REPORT ON INTERNATIONAL BROADCASTING.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives the report of the Policy Coordinating Committee on International Broadcasting.

(b) REPORT ON UNITED STATES GOVERNMENT BROADCASTING.—The President's Task Force on United States Government International Broadcasting shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a complete text of its report to the President on United States Government Broadcasting.

PART D—BOARD FOR INTERNATIONAL BROADCASTING

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out the purposes of this Act and the Inspector General Act of 1978—

"(A) $212,491,000 for fiscal year 1992 and $221,203,000 for fiscal year 1993 (at April 2, 1991 exchange rates) and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates; and

"(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.".

(b) BUDGET ACT COMPLIANCE.—Section 8(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The authorities of paragraph (1) may be exercised only in such amounts and to such extent as provided for in advance in an appropriations Act.".

SEC. 242. BOARD FOR INTERNATIONAL BROADCASTING ACT.

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

"(b) Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1), which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated, shall be certified to the Congress by the Director of the Office of Management and Budget and shall—

"(1) be placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year; or

"(2) be used to make payments to RFE/RL's United States and German pension plans in order to avoid future pension liabilities.

Any such amount placed in reserve may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.".

SEC. 243. BROADCASTING TO CHINA.

(a) COMMISSION ON BROADCASTING TO THE PEOPLE'S REPUBLIC OF CHINA.—

(1) ESTABLISHMENT.—There is established a Commission on Broadcasting to the People's Republic of China (hereafter in this title referred to as the "Commission") which shall be an independent commission in the executive branch.

(2) MEMBERSHIP.—The Commission shall be composed of 11 members from among citizens of the United States who shall, within 45 days of the enactment of this Act, be appointed in the following manner:

(A) The President shall appoint 3 members of the Commission. President.

(B) The Speaker of the House of Representatives shall appoint 2 members of the Commission.

(C) The Majority Leader of the Senate shall appoint 2 members of the Commission.

(D) The Minority Leader of the House of Representatives shall appoint 2 members of the Commission.

(E) The Minority Leader of the Senate shall appoint 2 members of the Commission.

(3) CHAIRPERSON.—The President, in consultation with the congressional leaders referred to in subsection (b), shall designate 1 of the members to be the Chairperson.

(4) QUORUM.—A quorum, consisting of at least half of the members who have been appointed, shall be required for the transaction of business.

(5) VACANCIES.—Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

(b) FUNCTIONS.—

(1) PURPOSE.—The Commission shall examine the feasibility, effect, and implications for United States foreign policy of instituting a radio broadcasting service to the People's Republic of China, as well as to other communist countries in Asia, to promote the dissemination of information and ideas, with particular emphasis on developments within each of those nations.

(2) SPECIFIC ISSUES TO BE EXAMINED.—The Commission shall examine all issues related to instituting such a service, including—

(A) program content;

(B) staffing and legal structure;

(C) transmitter and headquarters requirements;

(D) costs;

(E) expected effect on developments within China and on Sino-American relations; and

(F) expected effect on developments within other communist countries in Asia and on their relations with the United States.

(3) METHODOLOGY.—The Commission shall conduct such studies, inquires, hearings, and meetings as it considers necessary.

(4) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the President of the Senate a report describing its activities in carrying out the purpose of paragraph (1) and including recommendations regarding the issues of paragraph (2).

(c) ADMINISTRATION.—

(1) COMPENSATION AND TRAVEL EXPENSES.—

(A) GENERAL PROVISION.—

(i) Except as provided in subparagraph (B), members shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

(ii) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) LIMITATION.—Any member of the Commission who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Commission.

(2) SUPPORT FROM EXECUTIVE AND LEGISLATIVE BRANCHES.—

(A) EXECUTIVE AGENCIES.—Executive agencies shall, to the extent the President considers appropriate and as permitted by law, provide the Commission with appropriate information, advice, and assistance.

(B) CONGRESSIONAL COMMITTEES.—As may be considered appropriate by the chairpersons, committees of Congress may provide appropriate information, advice, and assistance to the Commission.

(3) EXPENSES.—Expenses of the Commission shall be paid from funds available to the Department of State.

(d) TERMINATION.—The Commission shall terminate upon submission of the report under subsection (b).

SEC. 244. POLICY ON RADIO FREE EUROPE.

It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should maintain its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

TITLE III— MISCELLANEOUS FOREIGN POLICY PROVISIONS

PART A—FOREIGN POLICY PROVISIONS

SEC. 301. PERSIAN GULF WAR CRIMINALS

(a) INTERNATIONAL CRIMINAL TRIBUNAL.—

(1) PROPOSAL FOR ESTABLISHMENT.—It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

(2) ALTERNATIVE MEANS FOR ESTABLISHMENT.—If the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, it is the sense of the Congress that the President should work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

(b) DESIGNATION OF RESPONSIBILITY AT STATE DEPARTMENT.—The Secretary of State shall designate a high level official with responsibility for—

(1) the development of a proposal for the prosecution of Persian Gulf War criminals in an international tribunal, including proposing in the United Nations the establishment of such a tribunal, and advising the United States Permanent Representative to the United Nations in any discussion or negotiations concerning such matters;

(2) advising the President on the appropriate jurisdiction for the prosecution of Persian Gulf war criminals; and

(3) supporting and facilitating United States implementation of its duties and responsibilities with respect to any tribunal which may be established for the prosecution of Persian Gulf war criminals.

(c) PRESIDENTIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed under subsection (b)(1);

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

SEC. 302. BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON.

(a) IN GENERAL.—Section 599C of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended— 5 USC 5561 note.

(1) in subsection (a), by adding at the end of the first sentence "during fiscal year 1991 and hereafter";

(2) in paragraphs (3) and (4) of subsection (b), by striking out "During" each place it appears and inserting in lieu thereof "Except as provided in paragraph (5), during";

(3) by adding at the end of subsection (b) the following new paragraph:

"(5) For purposes of the application of paragraphs (3) and (4) to United States hostages captured in Lebanon, the period of entitlement of benefits, subject to the availability of funds, shall be the period of an individual's hostage status, plus a 60-month period following the termination of the hostage status of that individual.";

(4) in subsection (d), by amending paragraph (4)(B) to read as follows:

"(B) the term 'United States hostages captured in Lebanon' means United States nationals, including lawful permanent residents of the United States, who have been forcibly detained, held hostage, or interned for any period of time after June 1, 1982, by any government (including the agents thereof) or group in Lebanon for the purpose of coercing the United States Government or any other government."; and

(5) in subsection (e), by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other provision of law, funds allocated under paragraph (1) are authorized to remain available until expended.".

5 USC 5561 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have become effective as of the date of enactment of the Foreign Operations Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

President.

SEC. 303. REPORTS CONCERNING CHINA.

(a) REPORT TO CONGRESS.—Not later than May 1, 1992 and May 1, 1993, the President shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People's Republic of China in the following areas:

(1) Human rights, including—

(A) the surveillance, intimidation, and harassment of Chinese citizens living within China because of their pro-democracy activities;

(B) the surveillance, intimidation, and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities;

(C) the use of torture or other cruel, inhuman, or degrading treatment or punishment;

(D) political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese Government for their pro-democracy activities;

(E) prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(F) the use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(G) the Chinese Government's willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(H) the detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religious belief.

(2) Weapons proliferation—

(A) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(i) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(ii) technologies capable of producing weapons-grade nuclear material; and

(iii) technology and materials needed for the production or use of chemical and biological arms.

(B) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(i) the Missile Technology Control Regime;

(ii) the Australia Group on Chemical and Biological arms proliferation; and

(iii) the Nuclear Suppliers Group.

(3) Restrictions on trade between the United States and China, which are not described in the National Trade Estimate Report required under section 181 of the Trade Act of 1974, including—

(A) internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(B) regulations established since 1988 to ensure strict control over more than 100 categories of products;

(C) excessive duties imposed on imports to China;

(D) excessive licensing requirements for imported goods;

(E) restrictions on private ownership of property, including capital;

(F) section 301 violations, including attempts to evade United States import quotas; and

(G) protection for intellectual property.

(b) HISTORICAL BACKGROUND.—The report shall also include—

(1) a compendium of the most significant actions taken by the Chinese government since the Tiananmen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade); and

(2) a list of the most significant United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(c) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—The "appropriate congressional committees" referred to in subsection (a) shall include the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

SEC. 304. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) REPORTS TO CONGRESS.—Beginning 90 days after the date of enactment of this Act and every 365 days thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives a report describing the nature and extent of assets held in the United States by terrorist countries and any organization engaged in international terrorism.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "terrorist countries", refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act; and

(2) the term "international terrorism" has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

PART B—ARMS CONTROL AND PROLIFERATION

SEC. 321. LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES.

Section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of each of paragraphs (1) and (2) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" immediately after "(f) RESCISSION.—"; and

(4) by adding at the end thereof the following new paragraph:

"(2)(A) No rescission under paragraph (1)(B) of a determination under subsection (d) may be made if the Congress, within 45 days after receipt of a report under paragraph (1)(B), enacts a joint resolution the matter after the resolving clause of which is as follows: 'That the proposed rescission of the determination under section 40(d) of the Arms Export Control Act pursuant to the report submitted to the Congress on _____ is hereby prohibited.', the blank to be completed with the appropriate date.

"(B) A joint resolution described in subparagraph (A) and introduced within the appropriate 45-day period shall be considered in the Senate and the House of Representatives in accordance with paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act (as contained in Public Law 98-473), except that references in such paragraphs to the Committees on Appropriations of the House of Representatives and the Senate shall be deemed to be references to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.".

SEC. 322. POLICY ON MIDDLE EAST ARMS SALES.

In recognition of the particular volatility of the Middle East, the tremendous cost in human lives and suffering in the aftermath of the aggression by Iraq, and imperative that stability be maintained in the region while the course toward lasting peace is pursued, the authority to make sales under the Arms Export Control Act or to furnish military assistance under chapter 2 of part II of the Foreign

Assistance Act of 1961 shall be exercised with regard to the Middle East for the objectives set forth in law and that the President should—

(1) transfer defense articles and services only to those nations that have given reliable assurances that such articles will be used only for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security;

(2) transfer defense articles and services to nations in the region only after it has been determined that such transfers will not contribute to an arms race, will not increase the possibility of outbreak or escalation of conflict and will not prejudice the development of bilateral or multilateral arms control arrangements; and

(3) take steps to ensure that each nation of the Middle East that is a recipient of United States defense articles and services—

(A) affirms the right of all nations in the region to exist within safe and secure borders; and

(B) supports or is engaged in direct regional peace negotiations.

SEC. 323. MISSILE TECHNOLOGY.

(a) ACQUISITION.—Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting "acquisition," before "design,". 22 USC 2797b.

(b) NONMARKET ECONOMIES.—Section 74(8)(B) of the Arms Export Control Act is amended by striking "countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)" and inserting in lieu thereof "countries with nonmarket economies (excluding former members of the Warsaw Pact)". 22 USC 2797c.

(c) MILITARY AIRCRAFT.—Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking "aircraft, electronics, and space systems or equipment" and inserting in lieu thereof: "electronics, space systems or equipment, and military aircraft".

SEC. 324. REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES. President.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on "Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices".

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

SEC. 325. REPORT ON SS-23 MISSILES.

Pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide a classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.

PART C—DECLARATIONS OF CONGRESS

SEC. 351. RECIPROCAL DIPLOMATIC STATUS WITH MEXICO.

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited in the same manner and accorded the same status as United States diplomatic and consular personnel serving as official representatives at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accredited in the same manner and accorded the same diplomatic and consular status as United States Drug Enforcement Administration personnel serving in Mexico.

SEC. 352. UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA.

It is the sense of the Congress that in the aftermath of the reestablishment of full diplomatic relations between the United States and Lithuania, Latvia, and Estonia, the United States Government, including the Secretary of State, the Director of the United States Information Agency, and the Director of the Foreign Commercial Service, should provide in Lithuania, Latvia, and Estonia—

(1) an embassy and full complement of embassy staff and personnel;

(2) cultural and information officers for the purpose of expanding cultural contacts and promoting citizen, academic, professional, and other exchange programs between the United States and Lithuania, Latvia, and Estonia; and

(3) commercial representatives for the purpose of expanding commercial and trade relations between the United States and Lithuania, Latvia, and Estonia.

SEC. 353. LAOTIAN-AMERICAN RELATIONS.

It is the sense of the Congress that the President, in recognition of the constructive changes taking place in Laos, should—

(1) upgrade the current American diplomatic representation in Vientiane, Laos, from Charge d'Affaires to the level of Ambassador;

(2) ensure that an American military attache is permanently assigned to the United States mission in Vientiane to assist the recovery of American prisoners of war and missing in action; and

(3) ensure that Drug Enforcement Agency personnel are permanently assigned, when practicable, to the United States mission in Vientiane for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

SEC. 354. POW/MIA STATUS.

It is the sense of the Congress that—

(1) the United States should continue to give the highest national priority to accounting as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to securing the return of any Americans who may still be held captive in Southeast Asia;

(2) the United States should ensure that there is a viable sustained process of joint cooperation with the Socialist Republic of Vietnam and the Lao People's Democratic Republic to achieve credible answers for the families of America's servicemen and civilians who are missing or otherwise unaccounted for, including primary-next-of-kin access to all records and information resulting from the process of joint investigations, surveys, and excavations;

(3) the United States should encourage and provide all necessary assistance to the families of POW/MIAs and to American veterans organizations, such as the American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America in their efforts to account for POW/MIAs;

(4) General John Vessey should be highly commended for his personal commitment to resolving the POW/MIA issue; John Vessey.

(5) the United States should develop a means to obtain the fullest possible accounting for Americans who are listed as missing or otherwise unaccounted for in Cambodia, without placing this humanitarian objective into conflict with United States efforts to obtain an acceptable political settlement of the Cambodian situation; and

(6) the United States should heighten responsible public awareness of the Americans still missing or otherwise unaccounted for in Southeast Asia through the dissemination of factual data.

SEC. 355. CHINA'S ILLEGAL CONTROL OF TIBET.

It is the sense of the Congress that—

(1) Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, is an occupied country under the established principles of international law;

(2) Tibet's true representatives are the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people;

(3) Tibet has maintained throughout its history a distinctive and sovereign national, cultural, and religious identity separate from that of China and, except during periods of illegal Chinese

occupation, has maintained a separate and sovereign political and territorial identity;

(4) historical evidence of this separate identity may be found in Chinese archival documents and traditional dynastic histories, in United States recognition of Tibetan neutrality during World War II, and in the fact that a number of countries including the United States, Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, and Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese government;

(5) in 1949–1950, China launched an armed invasion of Tibet in contravention of international law;

(6) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another; and

(7) numerous United States declarations since the Chinese invasion have recognized Tibet's right to self-determination and the illegality of China's occupation of Tibet.

SEC. 356. RELEASE OF PRISONERS HELD IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in addition to other requirements of law, the President should not lift United States economic sanctions currently in place against the Iraqi government, and should continue to make every effort to ensure the multinational coalition maintains the full range of economic sanctions as embodied in the appropriate United Nations Security Council resolutions; and

(2) such sanctions should remain in effect until the Iraqi government has released all individuals held prisoner and has accounted as fully as possible for all those missing as a result of Iraq's invasion of Kuwait, including those Kuwaiti citizens and other Kuwaiti residents captured or detained by Iraq.

(b) REPORT TO CONGRESS.—The Secretary of State shall—

(1) continue to consult with the International Committee of the Red Cross (ICRC) on the status of a detailed list of all Kuwaiti citizens and other residents of Kuwait believed to have been captured or detained by the government of Iraq; and

(2) to the extent such information is available, submit a report on the steps which have been taken and planned actions to effect the release of remaining prisoners held by Iraq to the appropriate committees of the Congress not later than 180 days after the date of the enactment of this Act.

(c) DEFINITION.—For the purposes of this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 357. POLICY TOWARD HONG KONG.

It is the sense of the Congress that the United States should encourage the Government of the United Kingdom to provide the people of Hong Kong all possible civil liberties, including popular election of the territory's Legislative Council, so that it will bequeath a fully functioning, self-governing democracy to China in 1997.

SEC. 358. POLICY TOWARD TAIWAN.

It is the sense of Congress that—

(1) Taiwan's economic dynamism is a tribute to the success of the postwar United States assistance program and to Taiwan's commitment to an international system of free trade;

(2) Taiwan's economic growth has made it in recent years an indispensable part of regional and international networks of trade, investment, and finance; and

(3) the United States should support Taiwan's interest in playing a role in international and regional economic organizations.

SEC. 359. HUMAN RIGHTS ABUSES IN EAST TIMOR.

(a) FINDINGS.—The Congress finds that—

(1) many tens of thousands out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of intermittent conflict continues to exist in East Timor; and

(5) the Governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to continue and expand cooperation with international humanitarian relief and development organizations seeking to work in East Timor; and

(3) the Administration should encourage the Secretary General of the United Nations and the governments of Indonesia, Portugal, and other involved parties, to arrive at an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

SEC. 360. SUPPORT FOR NEW DEMOCRACIES.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations, particularly the Conference on Security and Cooperation in Europe (CSCE) and independence for all republic-level governments which seek such status;

(2) to shape its foreign assistance and other programs to support those republics that pursue a democratic and market-

oriented course of development, and demonstrate a commitment to abide by the rule of law;

(3) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and Lithuania, Latvia, and Estonia and republic-level governments;

(4) to condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination; and

(5) to view the threatened and actual use of force to suppress the self-determination of republic-level governments and Lithuania, Latvia, and Estonia as an obstacle to fully normalized United States-Soviet relations.

SEC. 361. POLICY REGARDING UNITED STATES ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA.

(a) CONGRESSIONAL STATEMENT.—An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions.

(b) DECLARATION OF UNITED STATES POLICY.—It is the policy of the United States, to the extent feasible and consistent with United States national interest, that—

(1) assistance to the Soviet Union and Yugoslavia, including their successor entities or any constituent part, shall be conditioned on significant steps toward political pluralism based on a democratic multi-party political system, economic reform based on a market-oriented economy, respect for internationally recognized human rights and a willingness to build a friendly relationship with the United States; and

(2) expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

SEC. 362. POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the release of all political prisoners and the resolution of controversy about who is eligible for release as a political prisoner;

Reports.

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners in South Africa; and

(3) satisfactory resolution between the South African government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

SEC. 363. UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) FINDINGS.—The Congress finds that—

(1) the Warsaw Pact military alliance no longer exists;

(2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and

(3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) POLICY.—It is the sense of the Congress that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the Council of the North Atlantic Treaty Organization has officially announced how, when, and where such tactical nuclear systems will be deployed.

SEC. 364. UNITED STATES SUPPORT FOR UNCED.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations Conference on Environment and Development (hereinafter in this section referred to as "UNCED") is scheduled to meet in June 1992 in Rio de Janiero, Brazil; and

(2) UNCED affords a major opportunity to shape international environmental policy as an underpinning of sustainable development for well into the next century.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should seek to integrate environmental principles and considerations into all spheres of international economic activity;

(2) the President should accord the UNCED process high-level attention and priority within the executive branch;

(3) the United States should exercise a leadership role in preparations for the June 1992 meeting of the UNCED;

(4) the United States should carefully consider what it hopes to achieve through the UNCED and how United States national security interests may best be advanced in deliberations in that conference;

(5) the United States should seek ways to forge a global partnership and international cooperation among developing and industrialized nations on behalf of environmentally sound economic development;

(6) the United States should actively pursue creative approaches to the spectrum of UNCED issues which the conference will address, and in particular seek innovative solutions to the key cross-sectorial issues of technology transfer and financial resources;

(7) the United States should consider how best to strengthen international legal and institutional mechanisms to effectively address the range of UNCED issues beyond the 1992 Conference and into the next century;

(8) the United States should promote broad international participation in the UNCED process at all levels, from grass roots to national;

(9) the Agency for International Development should assume an appropriate role in the preparations for the June 1992 meeting of the UNCED, in view of the mandate and expertise of that agency regarding the twin conference themes of international environment and development; and

(10) the executive branch should consider funding for appropriate activities related to the UNCED in amounts which are

commensurate with United States responsibilities in the world, as such funds can engender good will and further our national interests and objectives in the UNCED process.

22 USC 2778 note.

TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION

SEC. 401. FINDINGS.

The Congress finds that—

(1) nations in the Middle East and Persian Gulf region, which accounted for over 40 percent of the international trade in weapons and related equipment and services during the decade of the 1980's, are the principal market for the worldwide arms trade;

(2) regional instability, large financial resources, and the desire of arms-supplying governments to gain influence in the Middle East and Persian Gulf region, contribute to a regional arms race;

(3) the continued proliferation of weapons and related equipment and services contribute further to a regional arms race in the Middle East and Persian Gulf region that is politically, economically, and militarily destabilizing;

(4) the continued proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons, poses an urgent threat to security and stability in the Middle East and Persian Gulf region;

(5) the continued proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads undermines security and stability in the Middle East and Persian Gulf region;

(6) future security and stability in the Middle East and Persian Gulf region would be enhanced by establishing a stable military balance among regional powers by restraining and reducing both conventional and unconventional weapons;

(7) security, stability, peace, and prosperity in the Middle East and Persian Gulf region are important to the welfare of the international economy and to the national security interests of the United States;

(8) future security and stability in the Middle East and Persian Gulf region would be enhanced through the development of a multilateral arms transfer and control regime similar to those of the Nuclear Suppliers' Group, the Missile Technology Control Regime, and the Australia Chemical Weapons Suppliers Group;

(9) such a regime should be developed, implemented, and agreed to through multilateral negotiations, including under the auspices of the 5 permanent members of the United Nations Security Council;

(10) confidence-building arms control measures such as the establishment of a centralized arms trade registry at the United Nations, greater multinational transparency on the transfer of defense articles and services prior to agreement or transfer, cooperative verification measures, advanced notification of military exercises, information exchanges, on-site inspections, and creation of a Middle East and Persian Gulf Conflict Prevention

Center, are important to implement an effective multilateral arms transfer and control regime;

(11) as an interim step, the United States should consider introducing, during the ongoing negotiations on confidence security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of major military equipment, particularly to the Middle East and Persian Gulf region; and

(12) such a regime should be applied to other regions with the ultimate objective of achieving an effective global arms transfer and control regime, implemented and enforced through the United Nations Security Council, that—

(A) includes a linkage of humanitarian and developmental objectives with security objectives in Third World countries, particularly the poorest of the poor countries; and

(B) encourages countries selling military equipment and services to consider the following factors before making conventional arms sales: the security needs of the purchasing countries, the level of defense expenditures by the purchasing countries, and the level of indigenous production of the purchasing countries.

SEC. 402. MULTILATERAL ARMS TRANSFER AND CONTROL REGIME.

(a) IMPLEMENTATION OF THE REGIME.— President.

(1) CONTINUING NEGOTIATIONS.—The President shall continue negotiations among the 5 permanent members of the United Nations Security Council and commit the United States to a multilateral arms transfer and control regime for the Middle East and Persian Gulf region.

(2) PROPOSING A TEMPORARY MORATORIUM DURING NEGOTIATIONS.—In the context of these negotiations, the President should propose to the 5 permanent members of the United Nations Security Council a temporary moratorium on the sale and transfer of major military equipment to nations in the Middle East and Persian Gulf region until such time as the 5 permanent members agree to a multilateral arms transfer and control regime.

(b) PURPOSE OF THE REGIME.—The purpose of the multilateral arms transfer and control regime should be—

(1) to slow and limit the proliferation of conventional weapons in the Middle East and Persian Gulf region with the aim of preventing destabilizing transfers by—

(A) controlling the transfer of conventional major military equipment;

(B) achieving transparency among arms suppliers nations through advanced notification of agreement to, or transfer of, conventional major military equipment; and

(C) developing and adopting common and comprehensive control guidelines on the sale and transfer of conventional major military equipment to the region;

(2) to halt the proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons and the technologies necessary to produce or assemble such weapons;

(3) to limit and halt the proliferation of ballistic missile technologies and ballistic missile systems that are capable of

delivering conventional, nuclear, biological, or chemical warheads;

(4) to maintain the military balance in the Middle East and Persian Gulf region through reductions of conventional weapons and the elimination of unconventional weapons; and

(5) to promote regional arms control in the Middle East and Persian Gulf region.

(c) ACHIEVING THE PURPOSES OF THE REGIME.—

(1) CONTROLLING PROLIFERATION OF CONVENTIONAL WEAPONS.—In order to achieve the purposes described in subsection (b)(1), the United States should pursue the development of a multilateral arms transfer and control regime which includes—

(A) greater information-sharing practices among supplier nations regarding potential arms sales to all nations of the Middle East and Persian Gulf region;

(B) applying, for the control of conventional major military equipment, procedures already developed by the International Atomic Energy Agency, the Multilateral Coordinating Committee on Export Controls (COCOM), and the Missile Technology Control Regime (MTCR); and

(C) other strict controls on the proliferation of conventional major military equipment to the Middle East and Persian Gulf region.

(2) HALTING PROLIFERATION OF UNCONVENTIONAL WEAPONS.—In order to achieve the purposes described in subsections (b) (2) and (3), the United States should build on existing and future agreements among supplier nations by pursuing the development of a multilateral arms transfer and control regime which includes—

(A) limitations and controls contained in the Enhanced Proliferation Control Initiative;

(B) limitations and controls contained in the Missile Technology Control Regime (MTCR);

(C) guidelines followed by the Australia Group on chemical and biological arms proliferation;

(D) guidelines adopted by the Nuclear Suppliers Group (the London Group); and

(E) other appropriate controls that serve to halt the flow of unconditional weapons to the Middle East and Persian Gulf region.

(3) PROMOTION OF REGIONAL ARMS CONTROL AGREEMENTS.—In order to achieve the purposes described in subsections (b) (4) and (5), the United States should pursue with nations in the Middle East and Persian Gulf region—

(A) the maintenance of the military balance within the region, while eliminating nuclear, biological, and chemical weapons and associated delivery systems, and ballistic missiles;

(B) the implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises in the Middle East and the Persian Gulf; and

(C) other useful arms control measures.

(d) MAJOR MILITARY EQUIPMENT.—As used in this title, the term "major military equipment" means—

(1) air-to-air, air-to-surface, and surface-to-surface missiles and rockets;

(2) turbine-powered military aircraft;
(3) attack helicopters;
(4) main battle tanks;
(5) submarines and major naval surface combatants;
(6) nuclear, biological, and chemical weapons; and
(7) such other defense articles and defense services as the President may determine.

SEC. 403. LIMITATION ON UNITED STATES ARMS SALES TO THE REGION.

Beginning 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, no sale of any defense article or defense service may be made to any nation in the Middle East and Persian Gulf region, and no license may be issued for the export of any defense article or defense service to any nation in the Middle East and Persian Gulf region, unless the President—

(1) certifies in writing to the relevant congressional committees that the President has undertaken good faith efforts to convene a conference for the establishment of an arms suppliers regime having elements described in section 402; and

(2) submits to the relevant congressional committees a report setting forth a United States plan for leading the world community in establishing such a multilateral regime to restrict transfers of advanced conventional and unconventional arms to the Middle East and Persian Gulf region.

SEC. 404. REPORTS TO THE CONGRESS. President.

(a) QUARTERLY REPORTS.—Beginning on January 15, 1992, and quarterly thereafter through October 15, 1993, the President shall submit to the relevant congressional committees a report—

(1) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(2) describing efforts by the United States and progress made to induce other countries to curtail significantly the volume of their arms sales to the Middle East and Persian Gulf region, and if such efforts were not made, the justification for not making such efforts.

(b) INITIAL REPORT ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Not later than 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, the President shall submit to the relevant congressional committee a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year and the previous 5 calendar years, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfers documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b);

(4) describing any agreements establishing such a regime; and

(5) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

(c) ANNUAL REPORTS ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Beginning July 15, 1992, and every 12 months thereafter, the President shall submit to the relevant congressional committees a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfer documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(4) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

SEC. 405. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

As used in this title, the term "relevant congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL

SEC. 501. SHORT TITLE.

22 USC 5601 note.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

22 USC 5601.

SEC. 502. PURPOSES.

The purposes of title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

SEC. 503. MULTILATERAL EFFORTS. 22 USC 5602.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

22 USC 5603.

SEC. 504. UNITED STATES EXPORT CONTROLS.

President.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (m) through (r) as subsections (n) through (s), respectively; and

(2) by inserting after subsection (l) the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

President.

SEC. 505. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

50 USC app. 2410c.

"SEC. 11C. (a) IMPOSITION OF SANCTION.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction de-

scribed in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTION IS TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate pen-

alties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTION.—

"(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its

efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7 the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS. 22 USC 2798.

"(a) IMPOSITION OF SANCTION.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTIONS ARE TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTION.—

"(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall

not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of a sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

President.
22 USC 5604.

SEC. 506. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 507 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 507.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological

weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 507. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

President.
22 USC 5605.

(a) INITIAL SANCTIONS.—If, at any time, the President makes a determination pursuant to section 506(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(b) ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.—

(1) PRESIDENTIAL DETERMINATION.—Unless, within 3 months after making a determination pursuant to section 506(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (E) of paragraph (2).

(2) SANCTIONS.—The sanctions referred to in paragraph (1) are the following:

(A) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(C) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all goods and technology not otherwise prohibited under subsection (a)(5) (excluding food and other agricultural commodities and products).

(D) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(E) PRESIDENTIAL ACTION REGARDING AVIATION.—(i)(I) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 506(a)(1) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 506(a)(1), in accordance with the provisions of that agreement.

(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms "air transportation", "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, except that such procedures shall not apply to a waiver of the sanction specified in subsection (b)(2)(D) (relating to the downgrading or suspension of diplomatic relations); or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c).

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in paragraph (4) or (5) of subsection (a) or in any of subparagraphs (A) through (C) of subsection (b)(2) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 506(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by section 504(b) of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 506(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

22 USC 5606.

SEC. 508. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 1415 (S. 1433):

HOUSE REPORTS: Nos. 102-53 (Comm. on Foreign Affairs) and 102-238 (Comm. of Conference).
SENATE REPORTS: No. 102-98 accompanying S. 1433 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 14, 15, considered and passed House.
July 29, considered and passed Senate, amended, in lieu of S. 1433.
Oct. 4, Senate agreed to conference report.
Oct. 8, House agreed to conference report.

Public Law 102-139
102d Congress

An Act

Oct. 28, 1991
[H.R. 2519]

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $15,841,620,000, to remain available until expended: *Provided,* That not less than $9,711,000 of the foregoing amount shall be transferred to "General operating expenses" for necessary expenses in implementing those savings provisions authorized in the Omnibus Budget Reconciliation Act of 1990, the funding source for which is specifically provided as the "Compensation and pensions" appropriation.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), $635,400,000, to remain available until expended: *Provided,* That, funds shall be available to pay any court order, court award or any compromise settlement arising from

litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $25,740,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $39,689,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $85,870,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program: *Provided,* That during 1992, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $1,368,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. 1798, as amended, $8,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000.

In addition, for administrative expenses necessary to carry out the education loan program, $307,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. chapter 31, as amended, $105,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,688,000.

In addition, for administrative expenses necessary to carry out the vocational rehabilitation revolving fund program, $936,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); $13,512,920,000, plus reimbursements: *Provided,* That of the sum appropriated, $8,740,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further,* That of the funds made available under this heading, $413,360,000 is for the equipment and land and structures object

classifications only, which amount shall not become available for obligation until August 1, 1992: *Provided further,* That of the collections deposited in the "Medical care cost recovery revolving fund" pursuant to the Omnibus Budget Reconciliation Act of 1990, not more than $77,000,000 shall be available in fiscal year 1992 to cover the costs of collection activities: *Provided further,* That of the funds made available under this heading, not to exceed $3,000,000 shall be available for transfer to the Medical Administration and Miscellaneous Operating Expenses Appropriation for quality assurance functions: *Provided further,* That of the funds made available under this heading, $700,000 shall be made available for a rural mobile clinic in the State of Vermont.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1993, $227,000,000, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,113,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, $40,479,000, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1993.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $796,000,000, of which $42,000,000 for the acquisition of automated data processing equipment and services to support the modernization program in the Veterans Benefits Administration shall not become available for obligation until September 1, 1992, and shall remain available for obligation until September 30, 1993: *Provided,* That in addition to the foregoing amount made available under this head, $14,100,000 is

appropriated for the unbudgeted fiscal year 1992 incremental costs associated with Operation Desert Shield/Operation Desert Storm and such funds are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the funds appropriated in the preceding proviso shall be available only after submission to the Congress of a formal budget request by the President that designates said amount as an emergency requirement as defined in section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That the $616,658,000 appropriated for the Veterans Benefits Administration in the "General operating expenses" appropriation of Public Law 101-507, is reduced to $613,658,000, and the $3,000,000 shall be available for the National Cemetery System.

President.

NATIONAL CEMETERY SYSTEM

For necessary operating expenses of the National Cemetery System not otherwise provided for, including uniforms or allowance therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $67,045,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,959,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 230, 1004, 1006, 5002, 5003, 5006, 5008, 5009, 5010, and 5022 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $414,250,000, to remain available until expended: *Provided,* That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further,* That funds provided in this appropriation for fiscal year 1992, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1992, and (2) by the awarding of a construction contract by September 30, 1993: *Provided further,* That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further,* That no

Contracts.

Reports.

funds from any other account except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further,* That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint: *Provided further,* That $100,000 of the funds made available under this heading shall be for the purchase of land adjacent to the Veterans Medical Center, Beckley, West Virginia.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, or for any of the purposes set forth in sections 230, 1004, 1006, 5002, 5003, 5006, 5008, 5009, 5010, and 5022 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $190,701,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided,* That not more than $41,176,000 shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further,* That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), $19,200,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 except operations and maintenance costs which will be funded from "Medical care": *Provided,* That from funds previously appropriated under this head, the Department of Veterans Affairs shall construct parking facilities with at least 1,500 spaces at the Detroit VA Medical Center.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as au-

thorized by law (38 U.S.C. 5031-5037), $85,000,000, to remain available until September 30, 1994.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by law (38 U.S.C. 1008), $5,104,000, to remain available until September 30, 1994.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1992 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1992 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking garage revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1992 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities", shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1991.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1992 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, 1987, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

Notwithstanding the funding limitations contained in section 346 of Public Law 100-322 (May 20, 1988), appropriations available to the Department of Veterans Affairs for fiscal year 1992 for the National Cemetery System shall be available for the operation and maintenance of the National Memorial Cemetery of Arizona (formerly the Arizona Veterans Memorial Cemetery): *Provided,* That the provisions of this paragraph regarding the National Memorial Cemetery of Arizona shall be effective until (a) enactment into law of legislation concerning funding for the National Memorial Cemetery of Arizona or (b) November 30, 1991, whichever first occurs.

38 USC 7311 note.

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health

Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards equal to that applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) REPORT.—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes regulations required by subsection (a), the Secretary shall submit to the appropriate committees of the Congress a report on those regulations.

(c) DEFINITION.—As used in this section, the term "medical facility laboratories" means facilities for the biological, micro-biological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other physical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(INCLUDING TRANSFER OF FUNDS)

For the HOPE for Public and Indian Housing Homeownership Program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq) and subtitle A of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $161,000,000; for the HOPE for Homeownership of Multifamily Units Program as authorized under title III of the United States Housing Act of 1937 and subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $95,000,000; for the HOPE for Homeownership of Single Family Homes Program as authorized under title III of the United States Housing Act of 1937 and subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act, $95,000,000; and for the HOPE for Elderly Independence demonstration program as authorized under section 803(k) of the Cranston-Gonzalez National Affordable Housing Act, $10,000,000: *Provided,* That all amounts shall remain available until expended: *Provided further,* That, notwithstanding any other provision of law, a mutual housing association shall qualify as an applicant under the HOPE for

Homeownership of Multifamily Units Program: *Provided further,* That in selecting eligible families to acquire vacant units under the HOPE for Homeownership of Single Family Homes program, the recipient shall give a first preference to otherwise qualified eligible families who reside in public or Indian housing: *Provided further,* That of the amounts made available by this paragraph, $225,000,000 shall be derived by transfer from amounts made available for nonincremental use under the heading "Annual contributions for assisted housing" in fiscal year 1991 and prior years which remains unreserved at the end of fiscal year 1991.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $1,500,000,000, to remain available until expended: *Provided,* That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided herein for fiscal year 1992 only, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of such Act.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $8,070,201,000, to remain available until expended: *Provided,* That to be added to and merged with the foregoing amounts, there shall be $2,287,000,000, consisting of $537,000,000 of budget authority previously made available under this head for nonincremental purposes which remains unreserved at the end of fiscal year 1991; and $1,750,000,000 of section 8 funds arising from the conversion to the new capital advance program of projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act: *Provided further,* That, from the foregoing total of $10,357,201,000, $227,170,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); $573,983,000 shall be for the development or acquisition cost of public housing, including $15,719,158 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and, notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, of the $573,983,000 for the development or acquisition of public housing, $200,000,000 shall be awarded competitively for construction or major reconstruction of obsolete public housing projects, other than for Indian families: *Provided further,* That of the $10,357,201,000 total under this head, $2,800,975,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which $25,000,000 shall be for the risk assessment of lead and $5,000,000 shall be for technical assistance and training under

section 20 of the Act (42 U.S.C. 1437r), and $7,437,600 shall be for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further,* That of the $10,357,201,000 total under this head, $915,750,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), including $50,000,000 for a Foster Child Care demonstration program involving 11 States, $12,840,790 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and $20,000,000 for a demonstration involving five cities with populations exceeding 400,000 in metropolitan areas with populations exceeding 1,500,000, under which the Secretary shall carry out metropolitan-wide programs, designed to assist families with children to move out of areas with high concentrations of persons living in poverty, through contracts with nonprofit organizations and through annual contributions contracts with public housing agencies for administration of housing assistance payments contracts: *Provided further,* That of the $10,357,201,000 total provided under this head, $794,167,000 shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); $2,300,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including $70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235); $618,462,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and of the $618,462,000 made available for such assistance, up to $25,000,000 shall be for use by nonprofit organizations, pursuant to section 212 of the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies; $88,884,000 shall be for section 8 assistance for property disposition; and $257,000,000 shall be for loan management: *Provided further,* That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1)(42 U.S.C. 1437f(b)(1)) shall be obligated for a contract term that is no more than five years: *Provided further,* That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further,* That up to $167,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C.

1437f), which are recaptured during fiscal year 1992, shall be rescinded: *Provided further,* That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 101-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further,* That of the $10,357,201,000 total, $50,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and $50,000,000 shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units: *Provided further,* That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally- or State-accredited program: *Provided further,* That, to be eligible for such grants, States and units of general local government must demonstrate the capability to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons; and $4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); *Provided further,* That of the $54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), $667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project: *Provided further,* That notwithstanding the language preceding the first proviso of this paragraph, $150,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of managers (H. Rept. 102-226) accompanying this H.R. 2519, including $500,000 for the city of Kansas City, Kansas to operate a social service center.

Of the $10,357,201,000 total under this head, $538,808,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $451,200,000 shall be for project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959; $148,700,000 shall be for amendments to rental assistance contracts for projects for the elderly that receive capital advances or projects reserved under section 202 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act; and $16,250,000 shall be for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 808 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided,* That to the extent that the funding provided herein for rental assistance contracts for the elderly that receive capital advances is insufficient to match the units provided through capital advances, funds deemed excess in other section 8 programs may be added to and merged with the rental assistance

funding to ensure that sufficient rental assistance units are available.

Of the $10,357,201,000 total under this head, $102,860,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); $100,159,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act; and $23,300,000 shall be for amendments to rental assistance contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

The Secretary of Housing and Urban Development shall make a commitment and provide capital advance assistance under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act, or section 811 of such Act if the project is for persons with disabilities, for any project for which there is a loan reservation under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, if the loan has not been executed and recorded, and if the project is making satisfactory progress under 24 CFR section 885.230: *Provided,* That the Secretary shall not make such commitments and provide such capital advance assistance before January 1, 1992: *Provided further,* That the Secretary shall have the discretion until April 1, 1992 not to terminate a project and not to convert a project to capital advance assistance: *Provided further,* That upon converting a project to capital advance assistance, the loan reservation for such project shall be terminated: *Provided further,* That a project not making satisfactory progress under 24 CFR section 885.230 shall not have its loan reservation terminated before January 1, 1992, and the Secretary shall ensure that the processing of all projects through loan execution and recordation or the making of the capital advance is expedited, and that no project being so processed shall have the order in which it is processed arbitrarily changed: *Provided further,* That an owner of a project that is converted pursuant to this paragraph shall be permitted voluntarily to provide funds for capital costs in addition to the capital advance, from debt or other non-Federal sources.

With respect to each project that has a loan reservation terminated pursuant to the immediately foregoing paragraph, the Secretary of Housing and Urban Development shall convert each funding reservation that was made under section 8 of the United States Housing Act of 1937 or section 202(h) of the Housing Act of 1959, before enactment of the Cranston-Gonzalez National Affordable Housing Act, to a commitment for project rental assistance under such section 202 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act or section 811 of the Act.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $7,355,128,000, to remain available until expended: *Provided,* That funds provided under this paragraph may not be obligated for a contract term that is less than

five years: *Provided further,* That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the foregoing purposes, $850,000,000, to become available for obligation on October 1, 1992, and to remain available for obligation until expended.

Maine.

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided shall be for a five-year extension of such projects' current housing assistance payments contracts.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1992 by not more than $2,393,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

RENT SUPPLEMENT PROGRAM

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1992 by not more than $2,448,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and non-profit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, as amended, $17,700,000, to remain available until September 30, 1993.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,450,000,000: *Provided,* That of the funds provided under this heading, $294,156,000 shall not become available for obligation until September 20, 1992.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property

maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), section 106(c), and section 106(d) of the Housing and Urban Development Act of 1968, as amended, $6,025,000, of which $350,000 shall be available for the prepurchase and foreclosure-prevention counseling demonstration program.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $50,000,000, and all uncommitted balances of excess rental charges as of September 30, 1991, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1992, to remain available until expended: *Provided,* That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1992, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $60,000,000,000.

For administrative expenses necessary to carry out the guaranteed loan program, $255,645,000, to be derived from the FHA-Mutual Mortgage Insurance Guaranteed Loans Receipt account, of which not to exceed $250,100,000 may be transferred to and merged with the appropriations for salaries and expenses; and of which not to exceed $5,545,000 may be transferred to and merged with the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans under such funds authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $54,911,000: *Provided,* That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed of not to exceed $8,651,901,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan programs, $189,000,000, of which $184,900,000 shall

be transferred and merged with the appropriations for salaries and expenses; and of which $4,100,000 shall be transferred and merged with the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK INSURANCE FUNDS

On October 1, 1991, each outstanding obligation issued by the Secretary of Housing and Urban Development to the Secretary of the Treasury pursuant to section 520(b) of the National Housing Act, as amended, together with any promise to repay the principal and interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901–11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $165,000,000, to remain available until expended: *Provided,* That $5,700,000 of the foregoing amount shall be available for grants, contracts, or other assistance for technical assistance and training for or on behalf of public housing agencies and resident organizations (including the costs of necessary travel for participants in such training): *Provided further,* That $10,000,000 of the foregoing amount shall be made available for grants for federally assisted, low-income housing.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $74,769,293,000. For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $6,595,000, to be derived from the GNMA—Guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $6,595,000 may be transferred to and merged with the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $73,164,000, to remain available until expended.

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B.

McKinney Homeless Assistance Act (Public Law 100-77), as amended, $150,000,000, to remain available until expended.

The unexpended balances of the "Transitional housing demonstration program", available from the appropriations enacted in Public Law 99-500 and Public Law 99-591, and the unexpended balances of the "Supportive housing demonstration program", available from the appropriation enacted in Public Law 101-71, shall be added to and merged with amounts available under this heading.

SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS

For grants for supplemental assistance for facilities to assist the homeless as authorized under subtitle D of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $11,263,000, notwithstanding section 837(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), to remain available until expended.

SECTION 8 MODERATE REHABILITATION

SINGLE ROOM OCCUPANCY

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), $105,000,000, to remain available until expended.

SHELTER PLUS CARE: SECTION 8 MODERATE REHABILITATION, SINGLE ROOM OCCUPANCY

For the Shelter Plus Care: Section 8 moderate rehabilitation, single room occupancy program, as authorized under subtitle F, part III, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $73,333,000, to remain available until expended.

SHELTER PLUS CARE: SECTION 202 RENTAL ASSISTANCE

For the Shelter Plus Care: Section 202 rental assistance program, as authorized under subtitle F, part IV, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $37,200,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,400,000,000, to remain available until September 30, 1994: *Provided*, That $33,930,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $14,500,000 shall be available for "special purpose grants" pursuant to section 107 of such Act, and $500,000 shall be available for a grant to demonstrate the feasibility of developing an in-

tegrated database system and computer mapping tool for compliance, programming, and evaluation of community development block grants pursuant to section 901 of the Cranston-Gonzalez National Affordable Housing Act of 1990: *Provided further,* That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act or funds set aside in the following proviso) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further,* That $5,000,000 shall be made available from the foregoing $3,400,000,000 to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note): *Provided further,* That $2,000,000 shall be made available from the foregoing $3,400,000,000 to carry out a neighborhood development demonstration under section 915 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further,* That after September 30, 1991, notwithstanding section 909 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), no funds provided or heretofore provided in this or any other appropriations Act shall be used to establish or supplement a revolving fund under section 104(h) of the Housing and Community Development Act of 1974, as amended.

42 USC 5304 note.

During fiscal year 1992, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed $140,000,000 of contingent liability for loan principal.

REHABILITATION LOAN FUND

(TRANSFER OF FUNDS)

12 USC 1701g-5c.

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the assets and liabilities of the revolving fund established by section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), and any collections, including repayments or recaptured amounts, of such fund shall be transferred to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $25,000,000, to remain available until September 30, 1993: *Provided,* That $1,000,000 of the foregoing amount shall be available for innovative building technologies research with the Research Center of the National Association of Home Builders.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, $13,000,000, to remain available until September 30, 1993: *Provided,* That not less than $8,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $744,078,000, of which $394,609,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That there shall be established, in the Office of the Secretary, an Office of Lead Based Paint Abatement and Poisoning Prevention to be headed by a career Senior Executive Service employee who shall be responsible for all lead-based paint abatement and poisoning prevention activities (including, but not limited to, research, abatement, training regulations and policy development): *Provided further,* That such office shall be allocated a staffing level of twenty staff years.

Establishment.
42 USC 3532 note.

PERSONAL SERVICES AND TRAVEL, OFFICE OF HOUSING

(INCLUDING TRANSFER OF FUNDS)

For personnel compensation and benefits for the headquarters Office of Housing, $55,580,000, of which $37,637,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That not to exceed $1,276,000 of the $55,580,000 herein provided shall be available for travel expenses of the Office of Housing: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF PUBLIC AND INDIAN HOUSING

For personnel compensation and benefits for the headquarters Office of Public and Indian Housing, $10,424,000: *Provided,* That not to exceed $491,000 of the $10,424,000 herein provided shall be available for travel expenses of the Office of Public and Indian Housing: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

For personnel compensation and benefits for the headquarters Office of Community Planning and Development, $17,872,000: *Provided,* That not to exceed $439,000 of the $17,872,000 herein provided shall be available for travel expenses of the Office of Community Planning and Development: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF POLICY DEVELOPMENT AND RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For personnel compensation and benefits for the headquarters Office of Policy Development and Research, $10,705,000: *Provided,* That not to exceed $141,000 of the $10,705,000 herein provided shall be available for travel expenses of the Office of Policy Development and Research: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

For personnel compensation and benefits for the headquarters Office of Fair Housing and Equal Opportunity, $10,516,000: *Provided,* That not to exceed $377,000 of the $10,516,000 herein provided shall be available for travel expenses of the Office of Fair Housing and Equal Opportunity: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, DEPARTMENTAL MANAGEMENT

For personnel compensation and benefits for the headquarters budget activity of Departmental Management, $9,293,000: *Provided,* That not to exceed $673,000 of the $9,293,000 herein provided shall be available for travel expenses of the Departmental Management activity: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF GENERAL COUNSEL

(INCLUDING TRANSFER OF FUNDS)

For personnel compensation and benefits for the headquarters Office of General Counsel, $14,985,000, of which $2,754,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That not to exceed $259,000 of the $14,985,000 herein provided shall be available for travel expenses of the Office of General Counsel: *Provided further,* That the amounts herein shall not be consolidated into a single administrative expenses fund

account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,665,000, of which $9,645,000 shall be transferred from the various funds of the Federal Housing Administration. California.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law or other requirement, the city of Vallejo, California, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial closeout of the Marina Vista Urban Renewal Project, and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of Vallejo shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Notwithstanding any provision of law or other requirement, the Urban Renewal Authority of the city of Oklahoma City, in the State of Oklahoma, is authorized to retain any land disposition proceeds and other income from the financially closed-out Central Business District Number 1A Urban Renewal Project (OKLA. R-30) and John F. Kennedy Urban Renewal Project (OKLA. R-35) in accordance with the Close-out Agreements executed pursuant to 24 CFR 570.804(b)(5) October 16, 1979, and concurred in by the Secretary, which agreements obligated such proceeds to completion of project activities in consideration for the reduction of an approved categorical settlement grant in satisfaction of the repayment requirements of 24 CFR 570.486. The Urban Renewal Authority of the city of Oklahoma City shall retain such proceeds and other income in a lump sum and shall be entitled to retain and use, subject only to the provisions of 24 CFR 570.504(b)(5), such past and future proceeds, including any interest, for the completion of such project activities. Oklahoma.

Notwithstanding any other provision of law or other requirement, the city of New London, Connecticut, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial closeout of the Shaw's Cove Urban Renewal Project (No. Conn. R-126), and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of New London shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest. Connecticut.

Notwithstanding any other provision of law or other requirement, the cities of Newburyport and Malden, in Massachusetts, are authorized to retain any categorical settlement grant funds or urban renewal grant funds that remain after the financial closeout of the Central Business Urban Renewal Project (No. MASS-R-80) in the city of Newburyport and the Civic Center Urban Renewal Project (No. MASS-R-118) in the city of Malden, respectively, and to use Massachusetts.

such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The cities of Newburyport and Malden shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Missouri.

Notwithstanding any other provision of law or other requirement, the Housing Authority of the city of Jefferson, in the State of Missouri, is authorized to retain any land disposition proceeds from the financially closed-out Capitol West Urban Renewal Project (Mo. R-45), pursuant to the agreement which permitted the retention of certain proceeds, which agreement was dated August 27, 1982, and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The Housing Authority of the city of Jefferson City shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such proceeds, including any interest.

South Carolina.

The Secretary of Housing and Urban Development shall cancel the indebtedness of the town of Calhoun Falls, South Carolina, relating to the public facilities loan (Project No. SC-16-PFL0061). The town of Calhoun Falls, South Carolina, is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

During fiscal year 1992, notwithstanding any other provision of law, the number of individuals employed by the Department of Housing and Urban Development in other than "career appointee" positions in the Senior Executive Service shall not exceed 15.

42 USC 1437f.

Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting after "New York." the following new sentences:

Pennsylvania.

"The Secretary shall also establish separate fair market rentals under this paragraph for Monroe County in the Commonwealth of Pennsylvania. In establishing fair market rentals for the remaining portion of the market area in which Monroe County is located, the Secretary shall establish the fair market rentals as if such portion included Monroe County.".

12 USC 1701q.

Section 801(a) of the Cranston-Gonzalez National Affordable Housing Act is amended in the last sentence of subsection (g)(2) of the amendment to be made (by such section 801(a)) to section 202 of the Housing Act of 1959 by striking "in housing principally serving frail elderly persons".

The last sentence of section 202(g)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(2)) is amended by striking "or a project where the tenants are not principally frail elderly".

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

Disadvantaged.

"(p) With respect to amounts available for obligation on or after October 1, 1991, the criteria established under section 213(d)(5)(B) of the Housing and Community Development Act of 1974 for any competition for assistance for new construction, acquisition, or acquisition and rehabilitation of public housing shall give preference to applications for housing to be located in a local market area that has an inadequate supply of housing available for use by very low-income families. The Secretary shall establish criteria for determin-

ing that the housing supply of a local market area is inadequate, which shall require—

"(1)(A) information regarding housing market conditions showing that the supply of rental housing affordable by very low-income families is inadequate, taking into account vacancy rates in such housing and other market indicators; and

"(B) evidence that significant numbers of families in the local market area holding certificates and vouchers under section 8 are experiencing significant difficulty in leasing housing meeting program and family-size requirements; or

"(2) evidence that the proposed development would provide increased housing opportunities for minorities or address special housing needs.".

Section 14(k)(5)(A) of the Housing Act of 1937, as amended, is hereby amended as follows: 42 USC 1437*l*.

(1) by striking in the first sentence thereof the word "initial";

(2) in subsection (i) thereof by substituting the phrase "for each of the preceding three fiscal years" for the phrase "for each of fiscal years of 1989, 1990 and 1991"; and

(3) by adding a new subsection (iii) as follows:

"(iii) In determining whether an agency is 'troubled with respect to the modernization program', the Department shall consider only the agency's ability to carry out that program effectively based upon the agency's capacity to accomplish the physical work: (a) with decent quality; (b) in a timely manner; (c) under competent contract administration; and (d) with adequate budget controls. No other criteria shall be applied in the determination.".

Section 14(k)(5)(E) of said Act is repealed.

No appropriated funds may be used to implement the rule proposed in 56 FR 45814, September 6, 1991, relating to "Low-Income Public and Indian Housing—Vacancy Rule" or any revision thereof or any other rule related or similar thereto.

Section 6(j)(1) of the Housing Act of 1937, 42 U.S.C. 1437d(j)(1) section 502(a) of the National Affordable Housing Act, is amended as follows:

(1) by adding at the end of subparagraph (H) the following language: "which shall not exceed the seven factors in the statute, plus an additional five"; and

(2) by adding as subparagraph (I) the following:

"(I) The Secretary shall:

"(1) administer the system of evaluating public housing agencies flexibly to ensure that such agencies are not penalized as result of circumstances beyond their control;

"(2) reflect in the weights assigned to the various indicators the differences in the difficulty of managing individual projects that result from their physical condition and their neighborhood environment; and

"(3) determine a public housing agency's status as 'troubled with respect to the program under section 14' based upon factors solely related to its ability to carry out that program.".

The Secretary shall cancel the indebtedness of the Sale Creek Utility District in Soddy Daisy, Tennessee, relating to public facilities loan (Project No. TN 40-PFL0071) issued May 1, 1962. The Sale Creek Utility District in Soddy Daisy is relieved of all liability to the Tennessee.

Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

Iowa.
Homeless.

The Secretary of Housing and Urban Development shall transfer title to the repossessed property known as the Roosevelt Homes Project (No. 074-84006) located in Davenport, Iowa, to a nonprofit organization. Such property shall be used only for the provision of an integrated program of shelter and social services to the homeless, or for other nonprofit uses, for a period of not less than twenty years following the date of the transfer. Use of the transferred property before the expiration of the twenty-year period following the date of the transfer for any purpose other than those described herein shall cause title to revert back to the Secretary of Housing and Urban Development. The nonprofit organization selected by the Department shall have the right to use or not use the section 8 certificates attached to the property.

Notwithstanding any other provision of law, housing assistance payments in the amount of $896,000 made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), for project-based assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) for the Ganado Acres project, shall be for a term beginning on December 1, 1989.

42 USC 1436c.

Hereafter, notwithstanding any other provision of State or Federal law, regulation or other requirement, any public housing agency or Indian housing authority that purchases any line of insurance from a nonprofit insurance entity, owned and controlled by public housing agencies or Indian housing authorities, and approved by the Secretary, may purchase such insurance without regard to competitive procurement.

Regulations.
Effective date.
42 USC 1436c.

Hereafter, the Secretary shall establish standards as set forth herein, by regulation, adopted after notice and comment rulemaking pursuant to the Administrative Procedures Act, which will become effective not later than one year from the effective date of this Act.

42 USC 1436c.

Hereafter, in establishing standards for approval of such nonprofit insurance entities, the Secretary shall be assured that such entities have sufficient surplus capital to meet reasonably expected losses, reliable accounting systems, sound actuarial projections, and employees experienced in the insurance industry. The Secretary shall not place restrictions on the investment of funds of any such entity that is regulated by the insurance department of any State that describes the types of investments insurance companies licensed in such State may make. With regard to such entities that are not so regulated, the Secretary shall establish investment guidelines that are comparable to State law regulating the investments of insurance companies.

42 USC 1436c.

Hereafter, the Secretary shall not approve additional nonprofit insurance entities until such standards have become final, nor shall the Secretary revoke the approval of any nonprofit insurance entity previously approved by the Department unless for cause and after a due process hearing.

42 USC 1436c.

Hereafter, until the Department of Housing and Urban Development has adopted regulations specifying the nature and quality of insurance covering the potential personal injury liability exposure of public housing authorities and Indian housing authorities (and their contractors, including architectural and engineering services) as a result of testing and abatement of lead-based paint in federally

subsidized public and Indian housing units, said authorities shall be permitted to purchase insurance for such risk, as an allowable expense against amounts available for capital improvements (modernization): *Provided,* That such insurance is competitively selected and that coverage provided under such policies, as certified by the authority, provides reasonable coverage for the risk of liability exposure, taking into consideration the potential liability concerns inherent in the testing and abatement of lead-based paint, and the managerial and quality assurance responsibilities associated with the conduct of such activities.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Department of Housing and Urban Development shall not exceed: (1) 71 staff years for the Immediate Office of the Secretary/Under Secretary, (2) 13 staff years for the Deputy Under Secretary for Field Coordination, (3) 19 staff years for the Office of Public Affairs, (4) 28 staff years for the Office of Legislation and Congressional Relations, (5) 1,068 staff years for the Assistant Secretary for Housing—Federal Housing Commissioner, of which 25 staff years shall be for data management reform and preservation activities only, (6) 207 staff years for the Assistant Secretary for Public and Indian Housing, (7) 275 staff years for the Assistant Secretary for Community Planning and Development, (8) 137 staff years for the Assistant Secretary for Policy Development and Research, (9) 170 staff years for the Assistant Secretary for Fair Housing and Equal Opportunity, and (10) 219 staff years for the Office of General Counsel of which not more than 13 staff years shall be for the Immediate Office of General Counsel: *Provided,* That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the Department of Housing and Urban Development to any organization included under the budget activity "Departmental Management".

Section 14(a) of the Housing Act of 1937, as amended (42 U.S.C. 1437l(a)) is amended by—

(1) striking "and" at the end of clause (1); and

(2) adding clauses (3), (4), and (5) as follows:

"(3) to assess the risks of lead-based paint poisoning through the use of professional risk assessments that include dust and soil sampling and laboratory analysis in all projects constructed before 1980 that are, or will be, occupied by families;

"(4) to take effective interim measures to reduce and contain the risks of lead-based paint poisoning recommended in such professional risk assessments; and

"(5) the costs of testing, interim containment, professional risk assessments and abatement of lead are eligible modernization expenses. The costs of professional risk assessment are eligible modernization expenses whether or not they are incurred in connection with insurance and costs for such assessments that were incurred or disbursed in fiscal year 1991 from other accounts shall be paid or reimbursed from modernization funds in fiscal year 1992.".

Section 606(c) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715l note) is amended by adding at the end thereof the following new sentence: "The Secretary may apply this 25 percent requirement to all the homes under Nehemiah housing opportunity program or to a phase (approved under subsection (b)) consisting of at least 16 homes.".

For purposes of the United States Housing Act of 1937, members of the Pascua Yaqui tribe who reside in Guadalupe, Arizona, shall be considered (without fiscal year limitation) as residing on an Indian reservation or other Indian area.

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $18,440,000, to remain available until expended: *Provided,* That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further,* That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further,* That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further,* That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further,* That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

36 USC 121b.

36 USC 122.

36 USC 122a.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

SALARIES AND EXPENSES

For use in establishing and paying the salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101-610), $2,000,000, to remain available until September 30, 1993.

PROGRAMS AND ACTIVITIES

For use in carrying out the programs, activities and initiatives under subtitles B through F of title I of the National and Commu-

nity Service Act of 1990 (Public Law 101-610), $73,000,000, to remain available until September 30, 1993.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,200,000: *Provided,* That not more than $395,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 4051-4091, $9,133,000: *Provided,* That such sum shall be available without regard to section 509 of this Act.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of three passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses; $12,587,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $5,500 for official reception and representation expenses; $1,040,500,000: *Provided,* That none of these funds may be expended for purposes of

Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913): *Provided further,* That of the amount appropriated, $4,951,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established: *Provided further,* That $500,000 of the amount provided under this heading for the Immediate Office of the Administrator shall not become available until the Administrator provides to the Committees on Appropriations the Agency's Strategic Plan.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,200,000, of which $14,954,000 shall be derived from the Hazardous Substance Superfund trust fund and $623,000 shall be derived from the Leaking Underground Storage Tank Trust Fund.

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For research and development activities, including procurement of laboratory equipment, supplies, and other operating expenses in support of research and development, $323,000,000, to remain available until September 30, 1993: *Provided,* That not more than $42,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project: *Provided further,* That of the amount appropriated, $2,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established.

ABATEMENT, CONTROL, AND COMPLIANCE

(INCLUDING TRANSFER OF FUNDS)

For abatement, control, and compliance activities, $1,133,625,000, to remain available until September 30, 1993: *Provided,* That up to $2,800,000 shall be available for grants and cooperative agreements to develop and implement asbestos training and accreditation programs: *Provided further,* That of the amount appropriated, $10,982,800 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established: *Provided further,* That notwithstanding any other provision of law, from funds appropriated under this heading, the Administrator is authorized to make grants to "Federally recognized Indian tribes" on such terms and conditions as he deems appropriate for the development of multimedia environmental programs: *Provided further,* That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further,* That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation

and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further,* That of the amount provided under this heading, up to $1,000,000 shall be available for the Chemical Safety and Hazard Investigation Board, as authorized by the Clean Air Act Amendments of 1990 and up to the sum of $17,000,000 shall be for subsidizing loans under the Asbestos School Hazard Abatement Act, and $2,400,000 shall be for administrative expenses to carry out the loan and grant program.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, $39,300,000, to remain available until expended: *Provided,* That $6,700,000 of the foregoing amount shall be made available as a grant for a center for neural science to be constructed and owned by New York University: *Provided further,* That none of the funds previously appropriated to the Environmental Protection Agency for activities pertaining to the proposed Environmental Technology and Engineering Center in Edison, New Jersey, shall be expended, except for those funds necessary to investigate alternative laboratory sites: *Provided further,* That of amounts previously appropriated under this heading, $6,000,000 shall be available as a grant to the Christopher Columbus Center Development, Inc. for planning and design of the Christopher Columbus Center of Marine Research and Exploration in Baltimore, Maryland.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), $1,616,228,000, consisting of $1,366,228,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $200,000,000 during fiscal year 1992, with all of such funds to remain available until expended: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $56,500,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1992: *Provided further,* That no more than $240,000,000 of these funds shall be available for administrative expenses: *Provided further,* That notwithstanding

any other provision of law, the Administrator of the Environmental Protection Agency shall, from funds appropriated under this heading, obligate up to $213,000 for a new pumping station in St. Anthony, Minnesota: *Provided further,* That, notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall, from funds previously appropriated under this heading in Public Law 101-507, obligate up to $5,000,000 for Koppers Texarkana Superfund site relocation.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, $75,000,000, to remain available until expended: *Provided,* That no more than $6,400,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,400,000,000, to remain available until expended, of which $1,948,500,000 shall be for title VI of the Federal Water Pollution Control Act, as amended; $16,500,000 shall be for making grants authorized under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $49,000,000 shall be for section 510 of the Water Quality Act of 1987; $340,000,000 shall be for making grants under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing secondary sewage treatment facilities to serve the following localities, and in the amounts indicated: Back River Wastewater Treatment Plant, Maryland, $40,000,000; Boston, Massachusetts, $100,000,000; New York, New York, $70,000,000; Los Angeles, California, $55,000,000; San Diego, California, $40,000,000; and Seattle, Washington, $35,000,000; and notwithstanding any other provision of law, $46,000,000 shall be available for Rouge River National Wet Weather Demonstration Project grants to be awarded by the Administrator, who is authorized to make such grants to Wayne County, Michigan, such grants to be for the construction of sanitary sewers and retention basins, for the repair and maintenance of wastewater treatment plants and collection systems, and for the investigation of commercial and industrial facilities and storm sewer connections to implement the Rouge River National Demonstration Project for Wet Weather Flows: *Provided further,* That the United States Environmental Protection Agency shall not prohibit the Massachusetts Water Resources Authority (MWRA) from utilizing the most appropriate technology for the treatment, disposal, and or beneficial reuse of sludge, unsold fertilizer pellets, and grit and screenings outside the Commonwealth of Massachusetts through lease, contract, or by other legal means. The EPA may require sufficient backup capacity for the disposal or treatment of sludge in the Commonwealth through ownership, lease, contract, or by other legal means. The MWRA shall not be required to construct a backup landfill or facility if other alternatives approved through EPA NEPA review of MWRA long-term residuals management, are or become available through ownership, lease, contract, or other

legal means prior to September 1, 1992, and as long as such alternatives remain available.

Any facility or technology used by the MWRA shall meet all applicable Federal and State environmental requirements. Any facility or technology must be on-line when a contract between the MWRA and NEFCO, which is responsible for the marketing and disposal of sludge, expires in 1995.

ADMINISTRATIVE PROVISIONS

Labor.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 51 workyears for the Immediate Office of the Administrator, (2) 45 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 61 workyears for the Office of International Activities, (6) 32 workyears for the Office of Federal Activities, (7) 259 workyears for the Office of Policy, Planning, and Evaluation, and (8) 1,386 workyears for the Office of Administration and Resources Management.

The Administrator shall establish, within sixty days of enactment of this Act, a new staff of 5 workyears within the Immediate Office of the Administrator, which shall be responsible for guiding, directing, and mediating all policy activities associated with Pollution Prevention. The Pollution Prevention Policy Council shall be chaired by the Deputy Administrator.

LEAD ABATEMENT TRAINING AND CERTIFICATION

Regulations.

42 USC 4822 note.

Not later than twelve months after the date of enactment of this Act, the Administrator of EPA shall, in consultation with the Secretary of Labor, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) promulgate final regulations governing lead-based paint abatement activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that laboratories engaged in testing for substances that may contain lead-based paint are certified.

TRAINING GRANTS

42 USC 4822 note.

Grants for training and education of workers who are or may directly be engaged in lead-based paint abatement activities shall be administered by the Environmental Protection Agency. Such grants shall be awarded to nonprofit organizations engaged in lead-based paint abatement activities with demonstrated experience in implementing and operating worker health and safety lead-based paint abatement training and education programs and with a demonstrated ability to reach and involve in lead-based paint training programs target populations of workers who are or will be directly engaged in lead-based paint abatement activities. Grants shall be awarded only to those organizations which fund at least 30 percent of their lead-based paint abatement training programs from non-Federal sources, excluding in-kind contributions.

42 USC 4822 note.

For purposes of the immediately preceding two paragraphs, lead-based paint abatement activities means activities engaged in by workers, supervisors, contractors, inspectors, and planners who are engaged in the removal, disposal, handling, inspection, and transportation of lead-based paint and materials containing lead-based paint from public and private dwellings, public and commercial buildings, bridges, and other structures or superstructures where lead-based paint presents or may present an unreasonable risk to health or the environment.

The Administrator shall maintain a facility within the Environmental Protection Agency to conduct biological testing of pesticides.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $875 for official reception and representation expenses, and hire of passenger motor vehicles, $2,560,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, including services as authorized by 5 U.S.C. 3109; $1,491,000, of which not to exceed $1,000 may be for official reception and representation expenses: *Provided,* That the National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $6,010,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

POINTS OF LIGHT FOUNDATION

For necessary expenses for carrying out title III of the National and Community Service Act of 1990 (Public Law 101-610), relating to The Points of Light Foundation's promotion of social problem solving through voluntary community service, $5,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $185,000,000, of which not to exceed $541,000 may be transferred to the disaster assistance direct loan program account for subsidies for direct loans provided under section 319 of such Act, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Funds provided to this account are available to subsidize gross obligations for the principal amount of direct loans not to exceed $6,000,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $163,113,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,144,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, $285,827,000, notwithstanding section 201 of Public Law 100-707, including $1,155,000 to install new sirens in Kansas with a 25 percent local match in towns under 5,000 and a 50 percent local match in towns over 5,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $134,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: *Provided,* That total administrative costs shall not exceed 3 and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $12,874,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $45,023,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1993. In fiscal year 1992, no funds in excess of (1) $32,000,000 for operating expenses, (2) $208,276,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

NATIONAL INSURANCE DEVELOPMENT FUND

Notwithstanding section 520(b) of the National Housing Act (12 U.S.C. 1735d(b)), effective October 1, 1991, any indebtedness of the Director of the Federal Emergency Management Agency resulting from the Director or the Secretary of Housing and Urban Development borrowing sums under such section before the date of the enactment of this Act to carry out title XII of the National Housing Act shall be canceled, the Director shall not be obligated to repay such sums or any interest thereon, and no further interest shall accrue on such sums.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,944,000, to be deposited into the Consumer Information Center Fund: *Provided,* That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $5,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1992 shall not exceed $2,285,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1992 in excess of $5,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,103,000: *Provided,* That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1992, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts.

INTERAGENCY COUNCIL ON THE HOMELESS

SALARIES AND EXPENSES

For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311-11319), as amended, $1,083,000, to remain available until September 30, 1993: *Provided,* That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act. 42 USC 11313 note.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; $6,413,800,000, to remain available until September 30, 1993.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; $5,157,075,000, to remain available until September 30, 1993, of which $32,674,796 shall be used only for the purpose of payment, to the Federal Financing Bank, for the Tracking and Data Relay Satellite System (TDRSS) loan: *Provided,* That such payment shall constitute settlement of all amounts owed on said loan.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $525,000,000, to remain available until September 30, 1994: *Provided,* That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further,* That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities: *Provided further,* That of the funds appropriated under this heading, $6,000,000 shall be available to continue the construction, equipping, and integration of a Classroom of the Future on the campus of Wheeling Jesuit College; $3,400,000 shall be available for planning and design for facilities in support of the Consortium for International Earth Science Information Networks (CIESIN); $10,000,000 shall be available to West Virginia University for an independent software validation and verification facility; $10,000,000 for construction and equipping a new space dynamics lab at Utah State University; $13,500,000 shall be available for construction of integrated facilities to support the National Technology Transfer Center; and $20,000,000 shall be available for construction and outfitting of the Christopher Columbus Center of Marine Research and Exploration.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards, lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $200,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of

facilities; $2,242,300,000: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $14,600,000.

ADMINISTRATIVE PROVISIONS

No amount appropriated to the National Aeronautics and Space Administration in this or any other Act with respect to any fiscal year may be used to fund grants, contracts or other agreements with an expected duration of more than one year, when a primary effect of the grant, contract, or agreement is to provide a guaranteed customer base for or establish an anchor tenancy in new commercial space hardware or services unless an appropriations Act specifies the new commercial space hardware or services to be developed or used, or the grant, contract, or agreement is otherwise identified in such Act. 42 USC 2459d.

Income derived from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund may be used to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science or technology disciplines.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the National Aeronautics and Space Administration shall not exceed: (1) 51 staff years for the Office of the Administrator; (2) 117 staff years for the Office of the Comptroller; (3) 56 staff years for the Office of Commercial Programs; (4) 191 staff years for the Office of Headquarters Operations; (5) 30 staff years for the Office of Equal Opportunity Programs; (6) 43 staff years for the Office of the General Counsel; (7) 132 staff years for the Office of Procurement; (8) 4 staff years for the Office of Small and Disadvantaged Business Utilization; (9) 33 staff years for the Office of Legislative Affairs; (10) 520 staff years for the Office of Space Flight, including Level I and Level II Activities for the Space Station; (11) 210 staff years for the Office of Management; (12) 62 staff years for the Office of Space Operations; (13) 64 staff years for the Office of Public Affairs; (14) 183 staff years for the Office of Safety and Mission Quality; (15) 172 staff years for the Office of Aeronautics, Exploration and Technology; (16) 288 staff years for the Office of Space Science and Applications; and (17) 77 staff years for the Office of External Relations: *Provided,* That the Administrator may reorganize these offices and reallocate the staff years among these offices as long as the aggregate number of staff years at NASA Headquarters does not exceed 2,220 staff years: *Provided further,* That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the National Aeronautics and Space Administration Labor.

to any organization included under the budget activity "Research and Program Management", except those details which involve developmental or critical staffing assignments: *Provided further,* That, of the amount provided for "Research and Program Management", up to $675,722,000 may be transferred to "Research and Development" and "Space Flight, Control and Data Communications", and of this amount such sums as may be necessary are provided for the lease, hire, maintenance and operation of mission management aircraft: *Provided further,* That the funds made available in the preceding proviso may only be used for the purpose of operations of facilities: *Provided further,* That, notwithstanding any provision of this or any other Act, not to exceed an additional $100,000,000 may be transferred or otherwise made available, using existing or future authority, to the National Aeronautics and Space Administration in fiscal year 1992 from any funds appropriated to the Department of Defense and such funds may only be provided to the "Space flight, control and data communications" appropriation: *Provided further,* That the limitation in the immediately preceding proviso shall not apply to funds transferred or otherwise made available under existing reimbursement arrangements.

NATIONAL COMMISSION ON FINANCIAL INSTITUTION REFORM, RECOVERY, AND ENFORCEMENT

SALARIES AND EXPENSES

To carry out the provisions of subtitle F, title XXV, of the Crime Control Act of 1990, $1,000,000, to remain available until expended.

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052), $500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1992, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1992 shall not exceed $964,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42

U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $1,879,000,000, to remain available until September 30, 1993: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $33,000,000, to remain available until September 30, 1993.

UNITED STATES ANTARCTIC RESEARCH ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; services as authorized by 5 U.S.C. 3109; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; $78,000,000, to remain available until expended: *Provided,* That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further,* That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies.

UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in reimbursing Federal agencies for logistical and other related activities for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance, and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $10,000,000, to remain available until expended: *Provided,* That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further,* That up to $9,000,000 may be transferred to and merged with funds made available under "United States Antarctic Research Activities": *Provided further,*

That notwithstanding section 104 of the National Science Foundation Authorization Act of 1988 (Public Law 100-570), no funds appropriated to the National Science Foundation under this Act may be transferred among appropriations accounts.

EDUCATION AND HUMAN RESOURCES ACTIVITIES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $465,000,000, to remain available until September 30, 1993: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $109,000,000: *Provided,* That contracts may be entered into under salaries and expenses in fiscal year 1992 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That section 14(a)(3) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1873(a)(3)), is amended by striking the words "and when less than".

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $3,500,000.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $31,900,000: *Provided,* That of the new budget authority provided herein, $5,000,000 shall be for the purpose of providing local neighborhood revitalization organizations revolving homeownership lending capital, and equity capital for affordable lower-income rental and mutual housing association projects, to remain available until September 30, 1994: *Provided further,* That the $5,000,000 shall be available for obligation to Neighborhood Reinvestment Corpora-

tion in quarterly payments of $625,000 beginning with September 1 of fiscal year 1992.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $27,480,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: *Provided further,* That notwithstanding the provisions of 50 U.S.C. App. 460(g), none of the funds appropriated by this Act may be obligated in connection with the preparation of more than one report each year to the Congress covering the operation of the Selective Service System.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1992 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1992, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101–73 are insufficient, $15,867,000,000.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,328,000.

The Office of Inspector General of the Resolution Trust Corporation shall review by September 30, 1993, each of the agreements described in section 21(A)(b)(11)(B) of the Federal Home Loan Bank Act and determine whether there is any legal basis sufficient for a rescission of the agreement, including but not limited to, fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for rescission of the agreement. After such review has been completed, and based upon the information available to the Inspector General, the Inspector General shall certify its findings to the Resolution Trust Corporation and to the Congress: *Provided,* That any agreement which has been renegotiated and certified pursuant to section 518(b) of this Act may be excluded from further review under this provision based upon a review by the Inspector General of the appropriate evidence, and a determination that the Government has achieved significant and substantial savings as a result of the renegotiation: *Provided further,* That the Inspector General report the basis for the exclusion in writing to Congress prior to any exclusion of further review under this provision.

Reports.

TITLE V—GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to site-related travel under the Solid Waste Disposal Act, as amended; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further,* That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the

current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Contracts. Public information.

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Contracts.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 516. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

Reports.

SEC. 517. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or

renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government to restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such actions.

SEC. 518. (a) Section 622A(c) of title 38, United States Code, is amended by striking "September 30, 1991" and inserting in lieu thereof "September 30, 1992". 38 USC 1722A.

(b) Section 8013(e) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992". 38 USC 1710 note.

(c) The amount provided in this Act for "Medical care" for the Department of Veterans Affairs is hereby increased by $90,000,000, to be available only for procurement of medical equipment.

(d) Subsections (a), (b), and (c) shall not take effect if the amount provided in this Act for "Medical care" for the Department of Veterans Affairs is less than $13,462,000,000, plus reimbursements.

SEC. 519. Notwithstanding any other provision of law— Drugs and drug abuse. Science and technology. Contracts. Business and industry.

(a) prices for drugs and biologicals paid by the Department of Veterans Affairs, and prices for drugs and biologicals on contracts administered by the Department of Veterans Affairs, shall not be used to calculate Medicaid rebates paid by drug and biological manufacturers;

(b) the Secretary of Veterans Affairs shall attempt to negotiate new contracts, or renegotiate current contracts, for drugs and biologicals, including those contracts for drugs and biologicals utilized or administered by the Department of Veterans Affairs which are listed in Federal Supply Classification (FSC) Group 65 of the Federal Supply Schedule, with the view toward achieving a price comparable to, or lower than, the price charged the Department of Veterans Affairs by the manufac-

turer on September 1, 1990, increased by the fiscal year 1991 medical consumer price index, as determined by the Secretary;

Reports.

(c) the Secretary shall provide a report by June 30, 1992, to the House and Senate Veterans' Affairs Committees, the House and Senate Appropriations Committees, the House Energy and Commerce Committee, and the Senate Finance Committee, on the percentage of price increase to the Department from September 1, 1990, to a date 60 days prior to the date of the report, for each drug and biological listed in FSC Group 65; and

Effective date.

(d) the provisions of this section shall be effective until (1) enactment into law of legislation concerning the price of drugs and biologicals paid by the Department of Veterans Affairs, or (2) June 30, 1992, whichever first occurs.

SEC. 520. Notwithstanding any provision of this Act, none of the funds appropriated or otherwise made available by this Act or by any other Act may be used to move Federal Housing and Urban Development offices from downtown Jacksonville, Florida (as defined by the Downtown Development Authority of Jacksonville) or to finance the operation of such Federal Housing and Urban Development offices in any area of Florida other than the downtown area of Jacksonville, Florida (as defined by the Downtown Development Authority of Jacksonville).

SEC. 521. GENERAL ACCOUNTING OFFICE STUDY OF THE FEDERAL HOUSING ADMINISTRATION'S MUTUAL MORTGAGE INSURANCE FUND.—The General Accounting Office shall prepare and submit to Congress no later than April 1, 1992, a study of the actuarial soundness of the Federal Housing Administration's single family mortgage insurance program and the solvency of the Mutual Mortgage Insurance Fund. The study, using existing studies (including the study entitled "An Actuarial Review of the Federal Housing Administration's Mutual Mortgage Insurance Fund") and employing the latest reliable data available, shall analyze the actuarial soundness of the Mutual Mortgage Insurance Fund and the ability of the Mutual Mortgage Insurance Fund to meet the capital ratio targets established in the Omnibus Budget Reconciliation Act of 1990 under various economic and policy scenarios. Factors considered in the analysis shall include, but shall not be limited to, the following:

(1) The actuarial performance of all cohorts of loans insured by the Mutual Mortgage Insurance Fund, including all available post-1985 books of business. Specifically, the overall default rates and claims (loss) experience of these loans should be considered.

(2) The effect of the Mortgagor Equity rule issued by the Department of Housing and Urban Development, which limits the amount of closing costs that can be financed with a Federal Housing Administration mortgage to 57 percent of the total amount of allowable closing costs, on the actuarial status of the Mutual Mortgage Insurance Fund, default rates of Federal Housing Administration borrowers, the relative impact on purchasers of homes at various price levels, and the ability of potential Federal Housing Administration borrowers to purchase homes.

(3) The effect of underwriting changes made by the Federal Housing Administration since 1986.

(4) The effect of the increase in the insurable maximum mortgage amount that was made permanent in the National

Affordable Housing Act and the effect of further increasing the maximum mortgage amount.

(5) The impact of a policy to allow "streamlined refinancings" whereby the borrower would not be required to pay an annual premium.

(6) The Federal Housing Administration's accounting method for deferring and amortizing the Mutual Mortgage Insurance Fund single-family one-time premium revenue.

(7) The valuation of delinquent loans for loan loss reserve accounting purposes.

(8) The impact of various assumptions regarding the rate of real home price appreciation and mortgage interest rates.

(9) The effect of various economic conditions, including favorable, moderate, and adverse conditions, on the ability of the Mutual Mortgage Insurance Fund to build adequate capital levels.

SEC. 522. ESTABLISHMENT OF REGIONAL OFFICE.—The President may establish within the Environmental Protection Agency an eleventh region, which will be comprised solely of the State of Alaska, and a regional office located therein.

SEC. 523. EXTENSION OF PERIOD APPLICABLE TO SINGLE FAMILY HOUSING.—(a) IN GENERAL.—Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)) is amended by striking "3-month" each place it appears and inserting "3-month and one week".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to eligible single family properties acquired by the Resolution Trust Corporation on or after the date of enactment of this Act. 12 USC 1441a note.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2519:

HOUSE REPORTS: Nos. 102-94 (Comm. on Appropriations) and 102-226 (Comm. of Conference).
SENATE REPORTS: No. 102-107 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 6, considered and passed House.
July 17, 18, considered and passed Senate, amended.
Oct. 2, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in certain House amendments, in another with an amendment.
Oct. 3, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 28, Presidential statement.

Public Law 102-140
102d Congress

An Act

Oct. 28, 1991
[H.R. 2608]

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992.
Department of Justice and Related Agencies Appropriations Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, $90,004,000, of which $500,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert program, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, including salaries and expenses in connection therewith, $499,500,000, to remain available until expended, of which: (a) $475,000,000 shall be available to carry out subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized by section 2801 of Public Law 101-647 (104 Stat. 4912); (b) $13,000,000 of the funds made available in fiscal year 1992 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act for Correctional Options Grants; (c) $1,000,000 shall be available to carry out part N of title I of said Act, for Grants for Televised Testimony of Child Abuse Victims, as authorized by section 241(c) of Public Law 101-647 (104 Stat. 4814); and (d)

$22,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824): *Provided,* That $25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be provided to the Arkansas State Police for high priority drug investigations: *Provided further,* That funds made available in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further,* That funds made available in fiscal year 1992 under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available for the following grants in the amounts specified: (1) $1,000,000 to the National Judicial College to provide judicial education and training to State trial judges in the area of illegal drug and violent criminal offenses; and (2) $500,000 to the National College of District Attorneys to establish a permanent facility to improve the education and training of prosecutors involved in the war on drugs: *Provided further,* That $150,000 of the funds made available to the State of Kansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the City of Wichita, Kansas for Project Freedom's Drug Affected Babies Prevention Initiative.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $76,000,000, to remain available until expended, as authorized by section 261(a), part D of title II, of said Act (42 U.S.C. 5671(a)), of which $3,500,000 is for expenses authorized by section 281 of part D of title II of said Act.

In addition, and notwithstanding section 214(b) of title II of Public Law 101-647 (104 Stat. 4794), $1,500,000, to remain available until expended, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse for technical assistance and training instrumental to the criminal prosecution of child abuse cases, as authorized in section 213 of Public Law 101-647 (104 Stat. 4793).

In addition, and notwithstanding section 224(b) of title II of Public Law 101-647 (104 Stat. 4798), $500,000, to remain available until expended, for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized in section 223(a) of Public Law 101-647 (104 Stat. 4797).

In addition, $4,963,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1991, through September 30, 1992, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided,* That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1992, a listing of names of such Mariel Cubans incarcerated in their respec-

Federal Register, publication.
Intergovernmental relations.
Cuba.

Cuba.
Intergovernmental relations.
Grants.

tive facilities: *Provided further,* That the Attorney General, not later than April 1, 1992, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further,* That the amount of reimbursements per prisoner per annum shall not exceed $12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340) and section 1301(b) of Public Law 101-647 (104 Stat. 4834).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $110,100,000.

DRUG LAW ENFORCEMENT TRAINING

For necessary expenses of drug law enforcement training, $3,500,000, to remain available until expended, for planning, construction, and purchase of equipment incident thereto for an expanded training center at the FBI Training Academy at Quantico, Virginia, to be expended at the direction of the Attorney General.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

28 USC 527 note.

Of the total income of the Working Capital Fund in fiscal year 1992 and each fiscal year thereafter, not to exceed 4 percent of the total income may be retained, to remain available until expended, for the acquisition of capital equipment and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided,* That in fiscal year 1992, not to exceed $4,000,000 of the total income retained shall be used for improvements to the Department's data processing operation: *Provided further,* That any proposed use of the retained income in fiscal year 1992 and thereafter, except for the $4,000,000 specified above, shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

28 USC 527 note.

In addition, for fiscal year 1992 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the capital account of the Working Capital Fund to be available for the departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel sys-

tems: *Provided,* That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,820,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $9,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $384,249,000, of which not to exceed $5,973,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1993: *Provided,* That of the funds available in this appropriation, not to exceed $35,213,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,000,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

In addition, section 245A(c)(7) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1255a(c)(7)), as amended, is further amended by inserting after subsection (B) a new subsection as follows:

"(C) IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—Not to exceed $3,000,000 of the unobligated balances remaining in the account established in subsection (B) shall be available in fiscal year 1992 and each fiscal year thereafter for grants, contracts, and cooperative agreements to community-based

organizations for outreach programs, to be administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices: *Provided,* That such amounts shall be in addition to any funds appropriated to the Office of Special Counsel for such purposes: *Provided further,* That none of the funds made available by this section shall be used by the Office of Special Counsel to establish regional offices.".

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $58,494,000 of which an estimated $13,500,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of $44,994,000: *Provided,* That fees made available to the Antitrust Division shall remain available until expended, but that any fees received in excess of $13,500,000 in fiscal year 1992 shall not be available for obligation until fiscal year 1993.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys; including operating leases for facilities required to house students, administrative and training staff, provide classroom space, library space, and other auxiliary space to accommodate the relocation of the Legal Education program to a site on the campus of the University of South Carolina where legal education training shall be provided to Federal, State, and local prosecutive and litigative personnel; $720,737,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system; of which not to exceed $10,000,000 shall remain available until expended for the costs associated with the relocation of the Legal Education program: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That of amounts available in this account in fiscal year 1992, not to exceed $9,000,000 shall remain available until expended and may be used to fund intergovernmental agreements, including cooperative agreements and contracts, with State and local law enforcement agencies engaged in pilot projects pertaining to the investigation and prosecution of violent crime and drug offenses.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $57,221,000, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bank-

ruptcy Act of 1986 (Public Law 99-554): *Provided,* That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $843,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; $313,847,000, including purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; of which not to exceed $11,723,000 for the renovation and construction of Marshals Service prisoner holding facilities shall be available until expended, and of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $219,125,000, to remain available until expended; of which not to exceed $15,000,000 shall be available under the Cooperative Agreement Program: *Provided,* That, unless a notification as required under section 606 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $92,797,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; and of which not to exceed $1,008,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $27,343,000, of which not to exceed $18,198,000 shall remain available until expended to make payments in advance for grants, contracts and

reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided,* That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further,* That to expedite the outplacement of eligible Mariel Cubans from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further,* That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $100,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $363,374,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further,* That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in section 606 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,364 passenger motor vehicles of which 2,299 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under

the direction of the Attorney General, and to be accounted for solely on his certificate; $1,926,092,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1993; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations; and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to establish an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided,* That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,054 passenger motor vehicles of which 730 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $716,653,000 of which not to exceed $1,800,000 for research, and of which not to exceed $1,500,000 for an A & E study for a Washington, D.C. area laboratory shall remain available until expended; and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1993; and, of which not to exceed $6,000,000 shall remain available until expended for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility: *Provided,* That not to exceed $45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character,

to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 415, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $938,241,000, of which not to exceed $400,000 for research and $17,097,000 for construction shall remain available until expended; and of which $312,473,000 shall be available to the Border Patrol program, unless a notification, as required under section 606 of this Act, is submitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 374 of which 122 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $1,598,920,000: *Provided,* That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $40,000,000 for the activation of new facilities shall remain available until September 30, 1993.

42 USC 250a.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $10,221,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary

expenses incident thereto, by contract or force account, $452,090,000, to remain available until expended, of which $3,497,000 shall be available for construction and renovation costs at the Immigration and Naturalization Service Processing Center at El Centro, California: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation: *Provided further,* That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: *Provided further,* That not to exceed $14,000,000 shall be available to construct areas for inmate work programs.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,297,000 of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. A total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) During fiscal year 1992 with respect to any undercover investigative operation of the Federal Bureau of Investigation or the

Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration for fiscal year 1992, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in

effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts. Reports.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1992— Reports. 28 USC 533 note.

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)— 28 USC 533 note.

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later.

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

Abortion.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed $100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 107. Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Support of United States Prisoners' Cooperative Agreement Program.

42 USC 3754.

Sec. 108. Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no".

Sec. 109. Section 504(a)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by striking "50 per centum;" and inserting in lieu thereof "75 per

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year, or any other funds available from the Treasury of the United States, shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in 28 U.S.C. 1821(a)(2).

SEC. 111. Effective 60 days after enactment of this Act— Effective date.

(a) Section 1930(a) of title 28, United States Code, as amended, is further amended—

(1) in subsection (3) by striking "$500" and inserting in lieu thereof "$600"; and

(2) in the second sentence of subsection (6), by striking "$150" and inserting in lieu thereof "$250", by striking "$300" and inserting in lieu thereof "$500", by striking "$750" and inserting in lieu thereof "$1,250", by striking "$2,250" and inserting in lieu thereof "$3,750", and by striking "$3,000" and inserting in lieu thereof "$5,000".

(b) Section 589a(b) of title 28, United States Code, as amended, is further amended—

(1) in subsection (2) by striking "three-fifths" and inserting in lieu thereof "50 per centum"; and

(2) in subsection (5) by striking "all" and inserting in lieu thereof "60 per centum".

(c) Section 589a of title 28, United States Code, as amended, is further amended by adding a new subsection as follows—

"(f) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation 'United States Trustee System Fund', to remain available until expended, the following—

"(1) 16.7 per centum of the fees collected under section 1930(a)(3) of this title;

"(2) 40 per centum of the fees collected under section 1930(a)(6) of this title.".

SEC. 112. Section 524 of title 28, United States Code as amended, is further amended—

(1) in subsection (c)(1), by deleting "purposes of the Department of Justice" and inserting in lieu thereof the following: "law enforcement purposes";

(2) by deleting subsection (c)(1)(C), and inserting in lieu thereof the following:

"(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Federal agency participating in the Fund;";

(3) in subsection (c)(1)(F), by deleting the word "drug" preceding the words "law enforcement functions";

(4) in subsection (c)(1)(F), by deleting "the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service", and inserting in lieu thereof the following: "any federal agency participating in the Fund";

(5) by deleting subsection (c)(4) and inserting in lieu thereof the following:

"(4) There shall be deposited in the Fund—

"(A) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Sec-

retary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);

"(B) all amounts representing the Federal equitable share from the forfeiture of property under any State, local or foreign law, for any Federal agency participating in the Fund.";

(6) by inserting in subsection (c)(5), immediately following "Amounts in the Fund", the following: ", and in any holding accounts associated with the Fund";

(7) by adding at the end of subsection (c)(9)(C) the following sentence: "Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed $150,000,000."; and

(8) In subsection (c)(9)(E)—

(A) by deleting ", 1992", and inserting in lieu thereof "of each fiscal year thereafter";

(B) by deleting "to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice.", and inserting in lieu thereof the following: "to be transferred to any Federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements.".

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $7,159,000, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98-183: *Provided,* That not to exceed $20,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), and the Americans with Disabilities Act of 1990, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31

U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $25,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, and the Americans with Disabilities Act of 1990, $210,271,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For total obligations of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901–02); not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $126,309,000 of which not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1993, for research and policy studies: *Provided,* That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86–484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further,* That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further,* That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. app. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized

by 5 U.S.C. 5901-02; $17,600,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $82,700,000 of which an estimated $13,500,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of $69,200,000: *Provided,* That fees made available to the Federal Trade Commission shall remain available until expended, but that any fees received in excess of $13,500,000 shall not be available until fiscal year 1993: *Provided further,* That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $157,485,000 of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided,* That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-thirty-second of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: *Provided further,* That such fees shall remain available until expended.

15 USC 77f note.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100-690 (102 Stat. 4466-4467)), $13,550,000, to remain available until expended: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1992".

TITLE II—DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 1992.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $183,000,000, to remain available until expended, of which not to exceed $6,541,000 may be transferred to the "Working Capital Fund"; and of which not to exceed $11,386,000 shall be available for construction of research facilities.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Regional Centers for the Transfer of Manufacturing Technology and the Advanced Technology and, notwithstanding any other provision of law, State Extension Services Programs of the National Institute of Standards and Technology, $63,713,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, leasing, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $33,200,000, to remain available until expended.

CONSTRUCTION

For construction, repair, and modification of facilities and minor construction of new facilities and additions to existing facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $34,917,000, to remain available until expended.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to

33 USC 851.

nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,453,928,000 to remain available until expended, of which $1,000,000 shall be available for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina, of which $2,000,000 shall be available for a grant to make permanent improvements to the Woods Hole Marine Biological Laboratory, Woods Hole, Massachusetts, of which $600,000 shall be available for operational expenses and cooperative agreements at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas, and of which $394,000 shall be available only for a semitropical research facility located at Key Largo, Florida; and in addition, $35,389,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. App. 2205(d); and in addition, $63,100,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided,* That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: *Provided further,* That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities. Of the amount appropriated under this heading in Public Law 101-515 and carried over into fiscal year 1992, $1,995,000 shall be available only for a grant for the construction of facilities for the Seafood Consumer Center, Incorporated, Astoria, Oregon.

GOES SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, $110,000,000, to be deposited in a "GOES Satellite Contingency Fund", to remain available until expended: *Provided,* That these funds shall not become available for obligation until the Secretary of Commerce notifies the Appropriations Committees of the House of Representatives and the Senate that a requirement for these funds exists through the reprogramming provisions of this Act.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 6209 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), $6,000,000 for projects and grants authorized by 16 U.S.C. 1455, 1455a, and 1455b, notwithstanding the provisions of 16 U.S.C. 1456a(b)(2).

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, as amended, $250,000, to remain available until expended, shall be made available as authorized by said Act.

FISHING VESSEL AND GEAR DAMAGE FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,281,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $1,000,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $1,000,000: *Provided,* That during fiscal year 1992 total commitments to guarantee loans shall not exceed $10,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,700,000 which may be transferred to and merged with Operations, Research, and Facilities.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $31,280,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $15,140,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $125,290,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $165,000,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $40,380,000.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $330,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles, rent tie lines and teletype equipment; $207,160,000, to remain available until expended, of which $3,000,000 is for support costs of a new materials center in Ames, Iowa, and of which $15,221,000 is for the Office of Textiles and Apparel, including $3,315,000 for a grant to the Tailored Clothing Technology Corporation, and $8,000,000 for a grant to the National Textile Center University Research Consortium: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further,* That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed twelve: *Provided further,* That funds shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99-64.

19 USC 2171 note.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field

activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $25,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $39,450,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $40,500,000 of which $25,000,000 shall remain available until expended: *Provided,* That not to exceed $15,500,000 shall be available for program management for fiscal year 1992.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for representation expenses abroad; $17,480,000, to remain available until expended: *Provided,* That disaster grants to States or other eligible entities made available by Public Law 101-515 and in this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: *Provided further,* That $2,000,000 shall be available to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to disasters.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $88,441,000 of which $86,894,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided,* That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, $4,600,000: *Provided,* That Section 212(a)(1) of Public Law 100-519 (102 Stat. 2594) is amended by adding a new paragraph (E) as follows: "(E) For the period of October 1, 1991 through September 30, 1992, only, retain and use all earned and unearned monies heretofore or hereafter received, including receipts, revenues, and advanced payments and deposits, to fund all obligations and expenses, including inventories and capital equipment.". 15 USC 3704b.

INFORMATION PRODUCTS AND SERVICES

Notwithstanding sections 212 (a)(1)(B) and (a)(3) of Public Law 100-519, there may be credited to this account not to exceed $1,000,000 for modernization, including operating expenses.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,600,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $22,925,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided,* That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further,* That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances under this heading may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further,* That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $400,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program

(PEACESAT): *Provided further,* That $250,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies.

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101-437, including costs for contracts, grants and administrative expenses, $2,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,632,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: *Provided further,* That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2024, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $226,836,000: *Provided,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That during fiscal year 1992, the Economic Development Administration shall not make any reduction in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: *Provided further,* That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, any proceeds from the sale of property developed by Economic Development Administration Project Number 01-51-21118 shall be retained by the grantee for other development purposes and/or projects: *Provided further,* That notwithstanding any other provision of law or regulation, including the Public Works and Economic

Development Act of 1965, as amended, funds obligated or otherwise made available for Economic Development Administration Project Number 05-22-00014 shall remain available to complete the project.

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, $800,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

13 USC 23 note.

SEC. 204. None of the funds provided in this or any previous Act shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. (a) Funds appropriated by this Act to the National Institute of Standards and Technology of the Department of Commerce for the Advanced Technology Program shall be available for award to companies or to joint ventures under the terms and conditions set forth in subsection (b) of this section, in addition to any terms and conditions established by rules issued by the Secretary of Commerce.

(b)(1) A company shall be eligible to receive financial assistance from the Secretary of Commerce only if—

(A) the Secretary of Commerce finds that the company's participation in the Advanced Technology Program would be in the economic interest of the United States, as evidenced by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions to employment in the United States;

and agreement with respect to any technology arising from assistance provided by the Secretary of Commerce to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

(B) either—

(i) the company is a United States-owned company; or

(ii) the Secretary of Commerce finds that the company has a parent company which is incorporated in a country which affords the United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those funded through the Advanced Technology Program; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

(2) The Secretary of Commerce may, 30 days after notice to Congress, suspend a company or joint venture from receiving continued assistance through the Advanced Technology Program if the Secretary of Commerce determines that the company, the country of incorporation of the parent company of a company, or the joint venture has failed to satisfy any of the criteria set forth in this subsection, and that it is in the national interest of the United States to do so.

(3) As used in this section, the term "United States-owned company" means a company that has a majority ownership or control by individuals who are citizens of the United States.

This title may be cited as the "Department of Commerce Appropriations Act, 1992".

TITLE III—THE JUDICIARY

The Judiciary Appropriations Act, 1992.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $20,787,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,801,000, of which $1,861,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $10,775,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $9,432,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $1,875,000,000 (including the purchase of firearms and ammunition); of which not to exceed $68,245,000 shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,100,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as

authorized by 28 U.S.C. 1875(d), $190,621,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $70,000,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $81,048,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $44,681,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $17,795,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), to the Judicial Survivors Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,000,000, and in addition, to the Claims Court Judges Retirement Fund, as authorized by 28 U.S.C. 178(1), $500,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,000,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

28 USC 1913 note.

SEC. 303. (a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, and 1930 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

Public information.

(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

28 USC 461 note.

SEC. 305. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with 28 U.S.C. 461.

This title may be cited as "The Judiciary Appropriations Act, 1992".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $272,210,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $73,200,000, to remain available until expended, of which not less than $8,872,000 shall be available only for the State maritime academy programs, and of which $1,200,000 shall be available for payments to State maritime academies to acquire maritime training simulators: *Provided,* That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further,* That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, $233,961,000, to remain available until expended: *Provided,* That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Federal buildings and facilities.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all

receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98-375, $220,000, to remain available until December 31, 1993, as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100-94.

COMMISSION ON AGRICULTURAL WORKERS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99-603 (100 Stat. 3431-3434), $1,426,000, to remain available until expended.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98-101 (97 Stat. 719-723), $1,882,000, to remain available until expended: *Provided,* That in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $1,075,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $750,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,250,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,400,000 of which $2,500,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $350,000,000; of which $296,755,000 is for basic field programs; $7,848,000 is for Native American programs; $10,839,000 is for migrant programs; $488,000 is for special emergency funds; $1,229,000 is for law school clinics; $1,117,000 is for supplemental field programs; $697,000 is for regional training centers; $8,079,000 is for national support; $9,263,000 is for State support; $966,000 is for the Clearinghouse; $571,000 is for computer assisted legal research regional centers; $9,774,000 is for Corporation management and administration; $977,000 is for board initiatives; $97,000 is for special contingency funds; and $1,300,000, to remain available until expended, is for a grant for equipment, facilities, and other assets for a National Resource and Training Center suitable to accommodate National Trial Advocacy Institutes for Legal Services Corporation personnel: *Provided,* That the Corporation in awarding such a grant shall give preference to a university at which such Institutes have been held in at least four of the last five years.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $235,811,000 of which $60,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended; of which $16,000,000 shall be available to implement section 24 of the Small Business Act, as amended, including $1,000,000 to be made available only to County of Monroe, New York; of which $1,500,000 shall be available to implement section 25 of the Small Business Act, as amended; of

which $2,900,000 shall be available for the Service Corps of Retired Executives (SCORE); of which $4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development; of which $1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development; of which $1,000,000 shall be made available for a grant to the New York City Public Library for equipment, supplies and materials for the new Science, Industry, and Business Library; of which $500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas; of which $150,000 shall be available for a grant to the University of Central Arkansas for the Small Business Institute program's National Data Center; of which $4,500,000 shall be available for a grant to the University of Kentucky in Lexington, Kentucky, to assist in construction of the Advanced Science and Technology Commercialization Center; of which $1,000,000 shall be made available for a grant to Seton Hill College in Greensburg, Pennsylvania, for a Center for Entrepreneurial Opportunity; of which $1,500,000 shall be available for a grant to the Massachusetts Biotechnology Research Institute to establish and operate a shared incubator facility and a science and business center; of which $1,500,000 shall be available for a grant for a New England Regional Biotechnology Transfer Center to be located at a university in the region that has accredited schools of Medicine, Dental Medicine, Human Nutrition and Veterinary Medicine; of which $1,500,000 shall be available for a grant to Indiana State University for the Center for Interdisciplinary Science Research and Education; of which $1,000,000 shall be available for a grant to the Michigan Biotechnology Institute for an advanced program of technology transfer in the field of industrial biotechnology to support evaluation, validation and scale-up of early-stage technology and technical assistance to small businesses; of which $800,000 shall be available for a grant for the development and implementation of an integrated small business data base for the Appalachian Region to be provided to a nonprofit organization based in Towanda, Pennsylvania; of which $340,000 shall be available for a grant to the City of San Francisco, California, for a trade office to provide support, assistance, and research into bilateral trade opportunities between the United States and Asia; of which $55,000 is for a grant to the City of San Francisco, California, for the publication of a small business export promotion guide; of which $375,000 is for a grant to the City of Espanola, New Mexico, and $375,000 is for a grant to County of Rio Arriba, New Mexico for the development of the Espanola Plaza center for cultural enhancement and economic development; of which $550,000 is for a grant to County of Rio Arriba, New Mexico, for the development of the Cumbres and Toltec Scenic Railroad rural economic development project; and of which $500,000 shall be available for a demonstration program to assist small businesses in complying with the Clean Air Act: *Provided,* That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act: *Provided further,* That none of the funds appropriated or made available by this Act to the Small Business Administration shall be

used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987: *Provided further,* That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, except as otherwise provided in this Act: *Provided further,* That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee. In addition, nothing herein shall preclude the Small Business Administration from preparing or formulating, but not publishing in the Federal Register, proposed rules, nor shall anything herein apply to uniform common rules applicable to multiple Federal departments and agencies, including the Small Business Administration; nor may any of the funds provided in this paragraph restrict in any way the right of association of participants in such program.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 15 U.S.C. 631 note as follows: cost of direct loans, $24,563,000, and cost of guarantees, $245,786,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of $69,935,000: *Provided further,* That, in addition, $2,600,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $104,410,000, of which not to exceed $104,410,000 may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

DISASTER LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 15 U.S.C. 631 note, $121,555,000, to remain available until expended: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of $365,000,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $78,000,000, of which not to exceed $78,000,000 may be transferred to and merged with the appropriations for

Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $14,600,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

Department of State and Related Agencies Appropriations Act, 1992.

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, $2,015,335,000, of which $5,000,000 shall be available only for grants, contracts, and other activities to conduct research and promote international cooperation and of which $15,000,000 shall be available until expended only for enhancement of the Diplomatic Telecommunications Service (DTS): *Provided,* That such DTS funds shall not be available for obligation until the Secretary of State notifies the Appropriations Committees of the House of Representatives and the Senate under the reprogramming procedures of this Act that a Diplomatic Telecommunications Service Program Office (DTS-PO) to manage a fully integrated DTS is established, in operation, and has developed a consolidation plan with common architecture, and that a requirement for these funds exists to expand the Diplomatic Telecommunications Service: *Provided further,* That none of the funds provided in this paragraph shall be available for the Department of State Telecommunications Network (DOSTN) project; and in addition not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (section 118 of Public Law 101-246), and in addition not to exceed $1,013,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (section

119 of Public Law 101-246): *Provided further,* That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $23,037,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,802,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, $10,464,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) $545,000,000, of which $100,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R., to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $7,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans as authorized by 22 U.S.C. 2671 as follows: Cost of direct loans, $74,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $780,000. In addition, for administrative expenses necessary to carry out the direct loan program, $145,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $13,784,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $112,983,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a note.

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $842,384,000, of which not to exceed $92,719,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, $107,229,000 of which not to exceed $38,360,000 is available to pay arrearages.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $5,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

22 USC 269a note.

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and

Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $11,400,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $10,277,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,000,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 403 of Public Law 101-179 and section 105 of Public Law 101-246, $4,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, $16,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98-164, $4,784,000.

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $250,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by

5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion: *Provided,* That the Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the United States.

SEC. 503. None of the funds provided in this Act shall be used by the Department of State to issue any passport that is designated for travel only to Israel, and 90 days after the enactment of this Act, none of the funds provided in this Act shall be used by the Department of State to issue more than one official or diplomatic passport to any United States Government employee for the purpose of enabling that employee to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passports or other documents reflect that that person has visited Israel.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $44,527,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2883), $212,491,000 of which not to exceed $52,000 may be made available for official reception and representation expenses.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99-83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $42,434,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $691,725,000: *Provided,* That not to exceed $1,235,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further,* That not to exceed $3,500,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further,* That not to exceed $7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further,* That up to $1,250,000 shall be available for the operation of International Literary Centre, Ltd., or a nonprofit successor organization, as appropriate.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,206,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $194,232,000, to remain available until expended as authorized by 22 U.S.C. 2455, of which $1,000,000 shall be available for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

PAYMENT TO THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For payment to the Eisenhower Exchange Fellowship Program Trust Fund to provide for a permanent endowment for the Eisenhower Exchange Fellowship Program, $5,000,000 as authorized by section 5 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454): *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a): *Provided further*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Nonprofit Organizations), including the restrictions on compensation for personal services.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $98,043,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $36,888,000, to remain available until expended as authorized by 22 U.S.C.

1477b(a): *Provided,* That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $24,500,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 as authorized by section 209 of H.R. 1415 as passed the House of Representatives on May 15, 1991, by grant to an educational institution in Florida known as the North/South Center, $5,000,000 to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $27,500,000, to remain available until expended.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1992".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

Disadvantaged.

SEC. 607. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1992 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1992 at not less than $9.76 per poor person within the geographical area of each grantee or contractor under the 1980 census or 8 cents per poor person more than the annual per-poor-person level at which funding was appropriated for each grantee and contractor in Public Law 101-515, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $18.39 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 101-515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in Public Law 101-515: *Provided further,* That for the purposes of the previous proviso, all references to "1991" in Public Law 101-515 shall be deemed to be "1992".

SEC. 608. (a) No funds provided by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Chinese-built launch vehicles unless the President waives such prohibition in the national interest

or under subsection (b) of this section. The term export license applications also includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.

(b) The restriction on the approval of export licenses for United States-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

SEC. 609. (a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)".

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992". 15 USC 683 note.

(d) The Small Business Act is amended by adding the following new section:

"SEC. 28. PILOT TECHNOLOGY ACCESS PROGRAM. Decorations, medals, awards. Small business. 15 USC 655.

"(a) ESTABLISHMENT.—The Administration, in consultation with the National Institute of Standards and Technology and the National Technical Information Service, shall establish a Pilot Technology Access Program, for making awards under this section to Small Business Development Centers (hereinafter in this section referred to as "Centers").

"(b) CRITERIA FOR SELECTION OF CENTERS.—The Administrator of the Small Business Administration shall establish competitive, merit-based criteria for the selection of Centers to receive awards on the basis of—

"(1) the ability of the applicant to carry out the purposes described in subsection (d) in a manner relevant to the needs of industries in the area served by the Center;

"(2) the ability of the applicant to integrate the implementation of this program with existing Federal and State technical and business assistance resources; and

"(3) the ability of the applicant to continue providing technology access after the termination of this pilot program.

"(c) MATCHING REQUIREMENT.—To be eligible to receive an award under this section, an applicant shall provide a matching contribution at least equal to that received under such award, not more than 50 percent of which may be waived overhead or in-kind contributions.

"(d) PURPOSE OF AWARDS.—Awards made under this section shall be for the purpose of increasing access by small businesses to on-line data base services that provide technical and business information,

and access to technical experts, in a wide range of technologies, through such activities as—

"(1) defraying the cost of access by small businesses to the data base services;

"(2) training small businesses in the use of the data base services; and

"(3) establishing a public point of access to the data base services.

Activities described in paragraphs (1) through (3) may be carried out through contract with a private entity.

"(e) RENEWAL OF AWARDS.—Awards previously made under section 21A of this Act may be renewed under this section.

"(f) INTERIM REPORT.—Two years after the date on which the first award was issued under section 21A of this Act, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, an interim report on the implementation of the program under such section and this section, including the judgments of the participating Centers as to its effect on small business productivity and innovation.

"(g) FINAL REPORT.—Three years after such date, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science and Transportation of the Senate, a final report evaluating the effectiveness of the Program under section 21A and this section in improving small business productivity and innovation.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Small Business Administration $5 million for each of fiscal years 1992 through 1995 to carry out this section, and such amounts may remain available until expended.

"(i) Centers are encouraged to seek funding from Federal and non-Federal sources other than those provided for in this section to assist small businesses in the identification of appropriate technologies to fill their needs, the transfer of technologies from Federal laboratories, public and private universities, and other public and private institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouraged to employ these Centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development.".

15 USC 648a and note.

(e) Notwithstanding any other law, no funds shall be appropriated to carry out section 21A of the Small Business Act after September 30, 1991, and such section is repealed October 1, 1992.

15 USC 648a note.

(f) Section 232 of the Small Business Administration Reauthorization and Amendments Act of 1990 is repealed.

(g) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking "March 31, 1991" in the first sentence and inserting in lieu thereof "October 1, 1992".

(h) Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following new subsection:

"(m) MICROLOAN DEMONSTRATION PROGRAM.—

Women.
Disadvantaged.
Minorities.
Small business.
Grants.

"(1)(A) PURPOSES.—The purposes of the Microloan Demonstration Program are—

"(i) to assist women, low-income, and minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns;

"(ii) to assist small business concerns in those areas suffering from a lack of credit due to economic downturns; and

"(iii) to establish a microloan demonstration program to be administered by the Small Business Administration—

"(I) to make loans to eligible intermediaries to enable such intermediaries to provide small-scale loans to startup, newly established, or growing small business concerns for working capital or the acquisition of materials, supplies, or equipment;

"(II) to make grants to eligible intermediaries that, together with non-Federal matching funds, will enable such intermediaries to provide intensive marketing, management, and technical assistance to microloan borrowers;

"(III) to make grants to eligible nonprofit entities that, together with non-Federal matching funds, will enable such entities to provide intensive marketing, management, and technical assistance to assist low-income entrepreneurs and other low-income individuals obtain private sector financing for their businesses, with or without loan guarantees; and

"(IV) to report to the Committees on Small Business of the Senate and the House of Representatives on the effectiveness of the microloan program and the advisability and feasibility of implementing such a program nationwide.

"(B) ESTABLISHMENT.—There is established a microloan demonstration program, under which the Administration may—

"(i) make direct loans to eligible intermediaries, as provided under paragraph (3), for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing small business concerns under paragraph (6);

"(ii) in conjunction with such loans and subject to the requirements of paragraph (4), make grants to such intermediaries for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this subsection; and

"(iii) subject to the requirements of paragraph (5), make grants to nonprofit entities for the purpose of providing marketing, management, and technical assistance to low-income individuals seeking to start or enlarge their own businesses, if such assistance includes working with the grant recipient to secure loans in amounts not to exceed $15,000 from private sector lending institutions, with or without a loan guarantee from the nonprofit entity.

"(2) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive loans and grants under subparagraphs (B)(i) and (B)(ii) of paragraph (1) if it—

"(A) meets the definition in paragraph (10); and

"(B) has at least 1 year of experience making microloans to startup, newly established, or growing small business concerns and providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers.

"(3) LOANS TO INTERMEDIARIES.—

"(A) INTERMEDIARY APPLICATIONS.—As part of its application for a loan, each intermediary shall submit a description to the Administration of—

"(i) the type of businesses to be assisted;

"(ii) the size and range of loans to be made;

"(iii) the geographic area to be served and its economic and unemployment characteristics;

"(iv) the status of small business concerns in the area to be served and an analysis of their credit and technical assistance needs;

"(v) any marketing, management, and technical assistance to be provided in connection with a loan made under this subsection;

"(vi) the local economic credit markets, including the costs associated with obtaining credit locally;

"(vii) the qualifications of the applicant to carry out the purpose of this subsection; and

"(viii) any plan to involve private sector lenders in assisting selected small business concerns.

"(B) INTERMEDIARY CONTRIBUTION.—As a condition of any loan made to an intermediary under subparagraph (B)(i) of paragraph (1), the Administration shall require the intermediary to contribute not less than 15 percent of the loan amount in cash from non-Federal sources.

"(C) LOAN LIMITS.—Notwithstanding subsection (a)(3), no loan shall be made under this subsection if the total amount outstanding and committed to one intermediary (excluding outstanding grants) from the business loan and investment fund established by this Act would, as a result of such loan, exceed $750,000 in the first year of such intermediary's participation in the program, and $1,250,000 in the remaining years of the intermediary's participation in the demonstration program.

Regulations.

"(D) LOAN LOSS RESERVE FUND.—The Administration shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid. The Administration shall require the loan loss reserve fund to be maintained—

"(i) in the first year of the intermediary's participation in the demonstration program, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level reflecting the intermediary's total losses as a result of participation in the demonstration program, as determined by the Administration on a case-by-case

basis, but in no case shall the required level exceed 15 percent of the outstanding balance of the notes receivable owed to the intermediary under the program.

"(E) UNAVAILABILITY OF COMPARABLE CREDIT.—An intermediary may make a loan under this subsection of more than $15,000 to a small business concern only if such small business concern demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. In no case shall an intermediary make a loan under this subsection of more than $25,000, or have outstanding or committed to any 1 borrower more than $25,000.

"(F) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years and at an interest rate equal to the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(G) DELAYED PAYMENTS.—The Administration shall not require repayment of interest or principal of a loan made to an intermediary under this subsection during the first year of the loan.

"(H) FEES; COLLATERAL.—Except as provided in subparagraphs (B) and (D), the Administration shall not charge any fees or require collateral other than an assignment of the notes receivable of the microloans with respect to any loan made to an intermediary under this subsection.

"(4) MARKETING, MANAGEMENT AND TECHNICAL ASSISTANCE GRANTS TO INTERMEDIARIES.—Grants made in accordance with subparagraph (B)(ii) of paragraph (1) shall be subject to the following requirements:

"(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), each intermediary that receives a loan under subparagraph (B)(i) of paragraph (1) shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection. In the first and second years of an intermediary's program participation, each intermediary meeting the requirement of subparagraph (B) may receive a grant of not more than 20 percent of the total outstanding balance of loans made to it under this subsection. In the third and subsequent years of an intermediary's program participation, each intermediary meeting the requirements of subparagraph (B) may receive a grant of not more than 10 percent of the total outstanding balance of loans made to it under this subsection.

"(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the intermediary to contribute an amount equal to one-half of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(5) PRIVATE SECTOR BORROWING TECHNICAL ASSISTANCE GRANTS.—Grants made in accordance with subparagraph (B)(iii) of paragraph (1) shall be subject to the following requirements:

"(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), in each of the 5 years of the demonstration program established under this subsection, the Administration may make not more than 2 grants, each in amounts not to exceed $125,000 for the purposes specified in subparagraph (B)(iii) of paragraph (1).

"(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the grant recipient to contribute an amount equal to 20 percent of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(6) LOANS TO SMALL BUSINESS CONCERNS FROM ELIGIBLE INTERMEDIARIES.—

"(A) IN GENERAL.—An eligible intermediary shall make short-term, fixed rate loans to startup, newly established, and growing small business concerns from the funds made available to it under subparagraph (B)(i) of paragraph (1) for working capital and the acquisition of materials, supplies, furniture, fixtures, and equipment.

"(B) PORTFOLIO REQUIREMENT.—To the extent practicable, each intermediary that operates a microloan program under this subsection shall maintain a microloan portfolio with an average loan size of not more than $10,000.

"(C) INTEREST LIMIT.—Notwithstanding any provision of the laws of any State or the constitution of any State pertaining to the rate or amount of interest that may be charged, taken, received or reserved on a loan, the maximum rate of interest to be charged on a microloan funded under this subsection shall be not more than 4 percentage points above the prime lending rate, as identified by the Administration and published in the Federal Register on a quarterly basis.

"(D) REVIEW RESTRICTION.—The Administration shall not review individual microloans made by intermediaries prior to approval.

"(7) PROGRAM FUNDING.—

"(A) FIRST YEAR PROGRAMS.—In the first year of the demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 35 microloan programs, including not less than 1 program to be located in each of the following States: Arkansas, Illinois, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, and Wisconsin.

"(B) EXPANDED PROGRAMS.—In the second year of the demonstration program, the Administration is authorized to fund up to 25 additional microloan programs.

"(C) STATE LIMITATIONS.—In no case shall a State—

"(i) be awarded more than 2 microloan programs in any year of the demonstration program;

"(ii) receive more than $1,000,000 to fund such programs in such State's first year of participation; or

"(iii) receive more than $1,500,000 to fund such programs in any succeeding year of such State's participation.

"(8) RURAL ASSISTANCE.—In funding microloan programs, the Administration shall ensure that at least one-half of the programs funded under this subsection will provide microloans to small business concerns located in rural areas.

"(9) REPORT TO CONGRESS.—On November 1, 1995, the Administration shall submit to the Committees on Small Business of the Senate and the House of Representatives a report, including the Administration's evaluation of the effectiveness of the first 3½ years of the microloan demonstration program and the following:

"(A) the numbers and locations of the intermediaries funded to conduct microloan programs;

"(B) the amounts of each loan and each grant to intermediaries;

"(C) a description of the matching contributions of each intermediary;

"(D) the numbers and amounts of microloans made by the intermediaries to small business concern borrowers;

"(E) the repayment history of each intermediary;

"(F) a description of the loan portfolio of each intermediary including the extent to which it provides microloans to small business concerns in rural areas; and

"(G) any recommendations for legislative changes that would improve program operations.

"(10) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'intermediary' means a private, nonprofit entity or a nonprofit community development corporation that seeks to borrow or has borrowed funds from the Small Business Administration to make microloans to small business concerns under this subsection;

"(B) the term 'microloan' means a short-term, fixed rate loan of not more than $25,000, made by an intermediary to a startup, newly established, or growing small business concern;

"(C) the term 'rural area' means any political subdivision or unincorporated area—

"(i) in a nonmetropolitan county (as defined by the Secretary of Agriculture) or its equivalent thereof; or

"(ii) in a metropolitan county or its equivalent that has a resident population of less than 20,000 if the Small Business Administration has determined such political subdivision or area to be rural.".

(i) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the microloan demonstration program. 15 USC 636 note.

(j) PROGRAM TERMINATION.—The demonstration program established by subsection (h) shall terminate 5 years after the date of enactment of this Act. 15 USC 636 note.

(k) PROGRAM FUNDING AND REPAYMENT OF LOANS.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking "and 7(c)(2)" and inserting "7(c)(2), and 7(m)"; and

(2) in paragraph (2), by striking "and 8(a)" and inserting "7(m), and 8(a)".

(l) AUTHORIZATION OF APPROPRIATIONS.—To carry out the demonstration program established under section 7(m) of the Small

Business Act (as added by subsection (h)), there are authorized to be appropriated to the Small Business Administration—

(1) for fiscal year 1992—

(A) $15,000,000 to be used for the provision of loans; and

(B) $3,000,000 to be used for the provision of grants; and

(2) for fiscal year 1993—

(A) $25,000,000 to be used for the provision of loans; and

(B) $5,000,000 to be used for the provision of grants.

Immigration.
8 USC 1101 note.

SEC. 610. REGULATIONS REQUIRED.—(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

SEC. 611. Notwithstanding any other provision of law:

28 USC 509 note.

(a) For fiscal year 1992 and thereafter, the Department of Justice may procure the services of expert witnesses for use in preparing or prosecuting a civil or criminal action, without regard to competitive procurement procedures, including the Commerce Business Daily publication requirements: *Provided,* That no witness shall be paid more than one attendance fee for any calendar day.

(b) The Attorney General is authorized to enter into a lease with the University of South Carolina to carry out the provision required under the appropriation "Salaries and Expenses, United States Attorneys" in this Act.

SEC. 612. Notwithstanding any other provision of law, none of the funds in this Act shall be available for General Services Administra-

tion Rent System payments, unless such payments are processed through the Treasury Department's Billed Office Address Code System.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2608:

HOUSE REPORTS: Nos. 102-106 (Comm. on Appropriations) and 102-233 (Comm. of Conference).
SENATE REPORTS: No. 102-106 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 13, considered and passed House.
July 30, 31, considered and passed Senate, amended.
Oct. 3, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments; and disagreed to another. Senate agreed to conference report; concurred in House amendments; and receded from its amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 28, Presidential statement.

Public Law 102-141
102d Congress

An Act

Oct. 28, 1991
[H.R. 2622]

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes.

Treasury, Postal Service and General Government Appropriations Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes, namely:

Treasury Department Appropriations Act, 1992.

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Salaries and Expenses

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than $2,522,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control; not to exceed $2,330,000, to remain available until expended, for systems modernization requirements; not to exceed $490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $68,238,000.

International Affairs

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; not to exceed $73,000 for official reception and representation expenses; not to exceed $2,487,000, to remain available until expended, for systems modernization requirements; $33,325,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $24,835,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $3,000 for official reception and representation expenses; $18,055,000, of which not to exceed $945,000 shall remain available until expended, for development of FinCEN's intelligence information systems.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further,* That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority; $39,645,000.

42 USC 3771 note.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $8,309,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $231,500,000, of which not to exceed $10,794,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: *Provided,* That notwithstanding the provision of 31 U.S.C. sec. 1342, the Bureau of Alcohol, Tobacco and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine (OIV) in the United States in 1993. The Bureau of Alcohol, Tobacco and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: *Provided further,* That not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $336,040,000, of which $19,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1992, and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which $650,000 shall be available solely for improvement of information retrieval systems at the National Firearms Tracing Center; and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State

and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further,* That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further,* That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further,* That this provision shall not preclude ATF from assisting the International Civil Aviation Organization in the development of a detection agent for explosives or from enforcing any legislation implementing the Convention on the Marking of Plastic and Sheet Explosives for the Purpose of Detection: *Provided further,* That funds made available under this Act shall be used to achieve a minimum level of 4,109 full-time equivalent positions for fiscal year 1992, of which no fewer than 1,127 full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; funds for additional positions for the San Francisco, California, the Baltimore, Maryland, and Port Huron, Michigan Customs Districts, and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,266,305,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000, to remain available until expended, for research, and not to exceed $3,500,000, to remain available until expended, for renovation and expansion of the Canine Enforcement Training Center: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further,* That the United States Customs Service shall hire and maintain an average of not less than 17,411 full-time equivalent positions in fiscal year 1992, of

which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of 10,480 full-time equivalent positions shall be allocated to commercial operations activities: *Provided further,* That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1992: *Provided further,* That not less than $500,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs; $175,932,000, of which $14,500,000 shall not be obligated prior to September 30, 1992, to remain available until expended: *Provided,* That no aircraft or other related equipment shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury during fiscal year 1992.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities construction, improvements, and related expenses of the United States Customs Service Air Interdiction Program, $12,100,000, to remain available until expended.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $15,000,000, as authorized by Public Law 100-690, as amended by Public Laws 101-382 and 101-508; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $2,981,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $53,806,000, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and, of which, $1,335,000 shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $189,000,000.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $141,372,000, of which not to exceed $25,000 for official reception and representation expenses; and of which not to exceed $500,000 shall remain available until expended for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,661,298,000, of which $3,000,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (not to exceed 451, for replacement only, for police-type use), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,579,879,000, of which not less than $292,248,000 and 4,293 full-time equivalent positions shall be available for Tax Fraud Investigations during fiscal year 1992: *Provided,* That such sums and positions for Tax Fraud Investigations shall be in addition

to such sums and positions funded by transfer from the Special Forfeiture Fund of the Office of National Drug Control Policy: *Provided further,* That additional amounts above fiscal year 1991 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in noncompliance with the Internal Revenue Code: *Provided further,* That additional amounts above fiscal year 1991 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,294,713,000, of which not less than $427,323,000 shall remain available until expended for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided,* That of the $427,323,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: *Provided further,* That of the amounts authorized to remain available until expended, $97,000,000, shall not be obligated prior to September 30, 1992.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership

or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided,* That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $475,423,000, of which $2,500,000 shall remain available until expended for renovations at the temporary official residence of the Vice President and $1,600,000 shall remain available until expended for renovations of the New York Field Office; and of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note): *Provided further,* That fiscal year 1992 funds shall be available for any Presidential protection assistance reimbursements claimed in fiscal year 1991.

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SEC. 101. Of the funds appropriated in this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1992 as estimated by the Commissioner shall be withheld from obligation unless the estimated savings are not achieved: *Provided,* That 50 per centum of the actual efficiency savings shall lapse or be deposited into miscellaneous receipts of the Treasury with the exception of amounts in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law: *Provided further,* That notwithstanding any fiscal year limitations on the availability of appropriations, the remainder of the actual efficiency savings shall be made available in fiscal year 1993 for cash awards to IRS employees, as authorized by sections 4501–4505 of title 5, United States Code, and for future efficiency improvements to carry out those purposes authorized by law: *Provided further,* That none of the funds shall be made available for the program without the advance approval of the House and Senate Appropriations Committees.

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general

purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 103. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is $52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for processing tax returns and assistance is $1,657,944,000.

This title may be cited as the "Treasury Department Appropriations Act, 1992".

Postal Service Appropriations Act, 1992.

TITLE II

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $470,000,000: *Provided,* That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further,* That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

> "(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be

borne by such class of mail or kind of mailer, as the case may be: *Provided, however,* That with respect to mail under former section 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules.":

Provided further, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, "Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,": *Provided further,* That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this proviso against future year appropriations requests: *Provided further,* That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case less than 20 days following the date of enactment of this Act: *Provided further,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1992.

39 USC 403 note.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $40,575,000.

This title may be cited as the "Postal Service Appropriations Act, 1992".

Executive Office Appropriations Act, 1992.

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

3 USC 102 note.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,510,000 including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $34,885,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $8,362,000, of which $1,100,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the

Vice President, to be accounted for solely on his certificate; $324,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $2,932,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,345,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,701,000.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; $235,000: *Provided,* That the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further,* That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,145,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $51,934,000, of which not to exceed $5,000,000, shall be

available to carry out the provisions of 44 U.S.C. chapter 35: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further,* That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further,* That none of the funds made available by this or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcohol beverage and tobacco industries below fiscal year 1985 levels: *Provided further,* That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings, or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $3,058,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $105,122,000, of which $500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which $1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities and shall be available for transfer to other Federal agencies and departments and shall be available until expended; and, of which $86,000,000 shall be available for drug control activities which are consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas: *Provided,* That of the

$86,000,000 made available, up to $50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: *Provided further,* That not less than $36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further,* That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further,* That notwithstanding any other provision of law, the Department of the Treasury, is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $52,500,000 to be derived from deposits in the Special Forfeiture Fund; of which $19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided,* That $10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: *Provided further,* That $9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which $7,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided,* That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which $6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which $20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research to remain available until expended: *Provided further,* That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of $131,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists; expanding drug

treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1992".

Independent Agencies Appropriations Act, 1992.

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses; $2,227,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,330,000, and additional amounts, not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28; $1,446,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $18,808,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $271,000,000 to be deposited into said Fund. The revenues and collections deposited into said Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $4,152,613,000 of which (1) not to exceed $548,482,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, $11,047,000

Orange County, Courthouse, $250,000

District of Columbia:

U.S. Secret Service, consolidation, $4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, $977,000

Tallahassee, U.S. Courthouse Annex, $3,764,000

Georgia:

Albany, U.S. Courthouse, design, $921,000

Atlanta, Centers for Disease Control, $5,000,000

Augusta, U.S. Courthouse, $3,500,000

Indiana:

Hammond, Courthouse and Federal Building, $5,000,000

Kansas:

Wichita, U.S. Courthouse, $9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, $10,575,000

Maryland:

Bureau of the Census, Computer Center, planning and design, $2,700,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $200,000,000

Prince George's County, U.S. Courthouse, $10,747,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, $3,100,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, $30,000,000

Nevada:

Reno, C. Clifton Young Federal Building, United States Courthouse Annex, design and site acquisition, $6,321,000

New York:

Brooklyn, U.S. Courthouse, $10,000,000

North Carolina:

Asheville, U.S. Courthouse and Federal Building, $29,791,000

Tennessee:

Knoxville, U.S. Courthouse-Post Office, $36,616,000

United States Virgin Islands:

Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, $8,524,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $25,000,000

Nonprospectus Construction Projects, $5,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects: *Provided further,* That the General Services Administration shall reprogram up to $16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further,* That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further,* That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for

obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed $569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

California:

Pasadena, Court of Appeals and Federal Building, $9,218,000

Sacramento, Federal Building, 801 I Street, $9,529,000

Santa Rosa, John F. Shaw Federal Building, $1,583,000

Connecticut:

Hartford, William R. Cotter Federal Building, $3,814,000

District of Columbia:

Federal Building 10A, $16,527,000

Herbert Clark Hoover Department of Commerce Building, $3,857,000

Housing and Urban Development Building, $5,365,000

Justice Building, $7,495,000

New Executive Office Building, $8,083,000

Old Executive Office Building, $19,000,000

Wilbur J. Cohen Federal Building, $15,000,000

Illinois:

Chicago, John C. Kluczynski Federal Building, $20,335,000

Kentucky:

Louisville, Federal Building, $15,470,000

Maryland:

Baltimore, Edward A. Garmatz Federal Building U.S. Courthouse, $6,311,000

Massachusetts:

Boston, John Fitzgerald Kennedy Federal Building and Government Center (phase 2), $36,800,000

Worcester, Harold D. Donahue Federal Building and United States Courthouse, $14,000,000

Missouri:

Kansas City, Federal Office Building, $5,256,000

Montana:

Billings, Federal Building U.S. Courthouse, $1,919,000

New Mexico:

Albuquerque, Dennis Chavez Federal Building and U.S. Courthouse, $3,846,000

New York:

Brooklyn, Emanuel Celler Federal Building and U.S. Courthouse (phase 1), $8,729,000

Buffalo, Michael J. Dillon Memorial United States Courthouse, $5,962,000

New York, Alexander Hamilton Custom House (phase 1), $20,273,000

New York, Jacob K. Javits Federal Building, $11,955,000

Ohio:

Cincinnati, John Weld Peck Federal Building, $2,537,000

Columbus, Federal Building and U.S. Courthouse, $3,348,000

Pennsylvania:

Philadelphia, Robert N. C. Nix, Sr., Federal Building and United States Post Office, $10,000,000

Scranton, Federal Building and U.S. Courthouse, $2,600,000

Texas:

Austin, IRS, Department of Veterans Affairs, Treasury Complex, $11,366,000

Galveston, Post Office and U.S. Courthouse, $3,310,000

Houston, Bob Casey Federal Building and U.S. Courthouse, $7,222,000

San Antonio, Federal Building, $4,084,000

Utah:

Salt Lake City, Frank E. Moss U.S. Courthouse, $4,872,000

Salt Lake City, Wallace F. Bennett Federal Building, $3,254,000

Minor Repairs and Alterations, $266,331,000: *Provided,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed $144,587,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed $1,568,900,000 for rental of space; (5) not to exceed $1,107,372,000 for real property operations of which $7,000,000 shall be available for the relocation of the National Science Foundation headquarters; (6) not to exceed $137,748,000 for program direction and centralized services; and (7) not to exceed $112,273,000 for design and construction services which shall remain available until expended: *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration, except for the Albany, Georgia U.S. Courthouse; the Augusta, Georgia U.S. Courthouse; the Wichita, Kansas U.S. Courthouse; the Portland, Maine Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina U.S. Courthouse and Federal Building; the Knoxville, Tennessee U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building

and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; and the Maryland, U.S. Census Bureau Computer Center; the District of Columbia, U.S. Secret Service consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 1992 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $4,152,613,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; $54,605,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $14,227,000, to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-5).

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, $12,000,000 to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further,* That nothing in this paragraph shall be construed as relieving the Administrator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property: *Provided further,* That $3,770,000 of the amount shall be made available to the National Archives and Records Administration to pay expenses related to the establishment and relocation of the National Long Term Records Center (which shall be known hereafter as the "Silvio O. Conte National Records Center"), authorized and directed by Public Law 101-509.

Federal buildings and facilities.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, $31,155,000: *Provided,* That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further,* That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; $46,014,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $35,994,000, of which not to exceed $2,400,000 shall remain available until expended for procurement and installment of an automation program in support of audits and investigations: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $2,129,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

Real property.

SEC. 1. Notwithstanding any other provision of law, the General Services Administration shall pay from funds made available to GSA in the Real Property Relocation account, not to exceed $8,000,000, for expenses related to the relocation of the U.S. Fish and Wildlife Service regional office authorized and directed by Public Law 101-136.

Maryland.

SEC. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the approprite authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

SEC. 3. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 4. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 5. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 6. Funds in the Federal Buildings Fund made available for fiscal year 1992 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

40 USC 490f.

SEC. 7. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

SEC. 8. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 10. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement

programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

Hawaii.

SEC. 12. The Administrator of General Services shall submit to the Congress no later than September 30, 1992, an inventory of all the real property in Hawaii that is owned or controlled by any agency of the Federal Government, including the United States Department of Defense: *Provided,* That the Administrator of General Services shall submit an interim report no later than June 1, 1992 and shall compile all information including that received from the United States Department of Defense: *Provided further,* That the State of Hawaii shall cooperate to the fullest extent in the preparation of the inventory: *Provided further,* That the inventory shall identify and include: (1) ceded lands—title vested in the then territory of Hawaii, and nonceded territorial lands, title vested in the then territory of Hawaii; (2) ceded lands, title vested in the United States, but controlled and used by the then territory of Hawaii; (3) ceded lands formally set aside by Presidential Executive orders for use by the United States Government; (4) then territorial lands formally set aside by gubernatorial executive orders for use by the United States Government; (5) ceded lands under the control of the then territory of Hawaii, but used by the United States Government under permits and licenses; (6) nonceded lands and private lands acquired and used by the United States Government: *Provided further,* That for each property identified, the inventory shall provide: (1) an explanation of how the land was acquired, including the date of acquisition, the history and the current status of the title, an identification of all current encumbrances and leases, the expiration date of all leases, contracts and other agreements, and a record of the ceded lease fee or any other sums paid for the use of or title to the land; (2) the identity of past and present Federal users of the land, and a description of past and current use specifying which United States Government agency or department of the military has control of the property; (3) the obligations of the controlling United States Government agency or department of the military for the management and maintenance of the land.

Iowa.

SEC. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one-half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

Federal buildings and facilities.

SEC. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

SEC. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed $7,000,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency

is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

Iowa.

SEC. 16. After certification by the City of Des Moines, Iowa (the City), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the City, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, the Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the City, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

California.

SEC. 17. Notwithstanding any other provision of law, funds previously provided under this heading in Public Law 101-136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: *Provided,* That the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: *Provided further,* That section 16, GSA General Provisions, Public Law 101-136, is hereby repealed.

103 Stat. 804.

SEC. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is $1,071,372,000.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $152,143,000, of which $5,400,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia

and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $6,303,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided,* That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts for goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1992. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $116,593,000, of which not less than $600,000 shall be made available for the establishment of Federal health promotion and disease prevention programs for Federal employees; and in addition $79,757,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs: *Provided further,* That amounts authorized to be transferred from the appropriate trust funds for implementation of the Federal Employees' Retirement System automated recordkeeping system in this or prior Acts, may be transferred at any time the Office of Personnel Management deems appropriate: *Provided further,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1992, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission:

Provided further, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not to exceed $253,000, to the National Advisory Council on the Public Service as established by Public Law 101-363, and of the funds appropriated to the Office of Personnel Management under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1991, the Director may transfer an amount to be determined, but not to exceed $84,000, to such Council, notwithstanding any other provision of this Act, to be available for expenditure no later than September 30, 1991.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: $4,018,000; and in addition, not to exceed $5,825,000 for administrative expenses to audit the Office of Personnel Management's insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided,* That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $2,503,535,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $14,249,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, $6,078,686,000: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

33 USC 776.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

SECTION 1. The allowances provided to employees at rates set under section 5941 of title 5, United States Code, and Executive Order Numbered 10000 as in effect on the date of the enactment of this Act may not be reduced during the period beginning on the date of the enactment of this Act through December 31, 1995: *Provided,* That no later than March 1, 1995, the Office of Personnel Management shall conduct a study and submit a report to the Congress proposing adjustments to the methodology for calculating allowances which take into account all costs of living in the geographic areas of the affected employees. 5 USC 5941 note. Reports.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $23,361,000, together with not to exceed $1,850,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,789,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $20,769,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as

authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

26 USC 7443 note.

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $32,050,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1992".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided,* That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

40 USC 490c.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be

obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 506. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds, is necessary to comply with a final order of the Federal court system.

SEC. 507. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.

SEC. 508. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 509. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 510. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 511. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 512. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Abortion.

SEC. 513. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection

with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

Abortion.

SEC. 514. The provision of section 513 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. 515. None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

SEC. 516. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to thirty years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

SEC. 517. Funds under this Act shall be available as authorized by sections 4501–4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1992.

SEC. 518. (a) Notwithstanding any other provision of law, during fiscal year 1992, the authority to establish higher rates of pay under section 5303 of title 5, United States Code, may—

(1) in addition to positions paid under any of the pay systems referred to in subsection (a) of section 5303 of title 5, United States Code, be exercised with respect to positions paid under any other pay system established by or under Federal statute for positions within the executive branch of the Government; and

(2) in addition to the circumstance described in the first sentence of subsection (a) of section 5303 of title 5, United States Code, be exercised based on—

(A) pay rates for the positions involved being generally less than the rates payable for similar positions held—

(i) by individuals outside the Government; or

(ii) by other individuals within the executive branch of the Government;

(B) the remoteness of the area or location involved;

(C) the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

(D) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subparagraph) may identify.

Nothing in paragraph (2) shall be considered to permit the exercise of any authority based on any of the circumstances under such paragraph without an appropriate finding that such circumstances are significantly handicapping the Government's recruitment or retention efforts.

(b)(1) A rate of pay established during fiscal year 1992 through the exercise of any additional authority under subsection (a) of section 5303 of title 5, United States Code—

(A) shall be subject to revision or adjustment,

(B) shall be subject to reduction or termination (including pay retention), and

(C) shall otherwise be treated,

in the manner as generally applies with respect to any rate otherwise established under section 5303 of title 5, United States Code.

(2) The President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subsection) may prescribe any regulations necessary to carry out this subsection.

(c) Any additional authority under this section may, during fiscal year 1992, be exercised only to the extent that amounts otherwise appropriated under this Act for purposes of section 5303 of title 5, United States Code, are available.

SEC. 519. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 520. The Office of Personnel Management may, during the fiscal year ending September 30, 1992, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. 521. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 522. The United States Secret Service may, during the fiscal year ending September 30, 1992, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 523. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 523A. (a)(1) In the cases of all appropriations accounts within this Act, with the exception of the Committee for Purchase from the Blind and Other Severely Handicapped, salaries and expenses, from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1992 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as of October 1, 1991,

(B) be planned to be obligated for such expenses after such date during fiscal year 1992, and

(C) result in total outlays of $15,733,000 in fiscal year 1992.

President. (2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1992, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

President. Reports. (b) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (a).

New Mexico. SEC. 524. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 525. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 526. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

Nebraska. Iowa. SEC. 527. No funds in this Act may be used to award a Federal agency lease in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, which does not meet the following criteria:

> Any Federal agency which leases commercial space in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, when entering into new leases, shall give preference to space available meeting standard government lease criteria, which is offered at the lowest cost per square foot within the geographical area, provided it also meets the occupying agency's mission requirement.

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

SEC. 529. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

West Virginia. SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in subsection (a) shall commence on or before September 30, 1992, and shall be complete by Decem-

ber 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

Government employees.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

SEC. 532. None of the funds made available to the United States Customs Service may be used to collect or impose any land border proceesing fee at ports of entry along the United States-Mexico border.

SEC. 533. Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) in the first sentence by inserting "or at an airport facility used for travel en route to or from such property" after "Public Law 94-524,";

(2) in the fourth sentence by inserting after "$300,000", "at the one nongovernmental property, and $70,000 at the airport facility,"; and

(3) by adding at the end thereof the following after "Governments": ": *Provided further,* That the airport facility is wholly or partially located in a municipality or political subdivison of any State where the permanent resident population is 7,000 or less, the airport is located within 25 nautical miles of the designated nongovernmental property, and where the absence of such Federal assistance would place an undue economic burden on the affected State and local governments".

SEC. 534. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of

employees serving abroad in cases of death or life threatening illness of said employee.

Drugs and drug abuse.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1992 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding any other provision of law, a Federal employing agency shall make the deposit from existing appropriations into the Federal Employees Compensation Account of the Unemployment Trust Fund, as required by section 8509 of title 5, United States Code, not later than thirty days after the Department of Labor has billed the agency for the amount to be deposited.

SEC. 604. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

31 USC 1343 note.

SEC. 605. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 606. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

5 USC 3101 note.

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act,

who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 608. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned:

Provided, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 612. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 613. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

Government employees. Labor. 5 USC 5343 note.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1992, or September 30, 1993, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1991, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1992, and that portion of fiscal year 1993, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1993, in an amount that exceeds, as a result of a wage survey adjustment,

the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1992, under section 5303 of title 5, United States Code.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1991, shall be determined under regulations prescribed by the Office of Personnel Management. Regulations.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1991, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1991.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each Reports. 5 USC prec. 3341 note.

fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1992 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 622. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, or section 607 of this Act, funds made available for fiscal year 1992 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 625. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1992, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-deter-

mining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 627. Section 4521 of title 5, United States Code, is amended to read as follows:

"SEC. 4521. DEFINITION.—For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).".

South Carolina. Real property.

SEC. 628. (a) Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the School District of Charleston County, South Carolina, a deed releasing the reversionary interest held by the United States to the property identified in paragraph (b).

(b) All that lot, piece or parcel of land, situated, lying and being on the west side of Chisolm Street, in ward 2, in the city of Charleston, County of Charleston, and State of South Carolina.

Measuring and containing in front on Chisolm Street 100 feet, and the same on the west or back line, and in depth on the northernmost line from east to west 150 feet and ½ inch, and the same on the southernmost line—be all the said dimensions a little more or less.

Butting and bounding to the north on lands now of Anderson Lumber Company, formerly of Mrs. E.C. Rennecker; east on Chisolm Street aforesaid; south on part of the original tract of land owned by the said A.B. Murray and West Point Mills Company, now reserved by the said grantors, and west on another part of the said original tract, formerly belonging to the

said A.B. Murray and West Point Mills Company, and conveyed by them to the United States of America.

The said lot of land hereby conveyed being the northernmost portion of that portion of the Chisolm's Mills Property, reserved by the A.B. Murray and West Point Mills Company after conveyance of the greater part of the said Chisolm's Mills property to the United States of America, by Deeds which are recorded and may be seen in book U-24, page 582 and page 585 in the R.M.C. Office for Charleston County, and all of which is more fully shown and delineated on a plat of the said Chisolm's Mills Property, dated April 23, 1914, and made and certified to by H.D. King, Inspector, United States Light House Department, which said plat is on record in plat book C, page 97, in the R.M.C. Office for Charleston County.

Being the same premises which were conveyed to the United States of America by deed of Andrew B. Murray dated October 23, 1916, and recorded in the Office of the R.M.C. for Charleston County in book U-24, page 587, and by deed of West Point Mill Company, dated November 20, 1916, and recorded in said office in book U-24, page 589.

SEC. 629. NEW COLLEGE OF CALIFORNIA, INC. Real property.

(a) RELEASE OF REVERSIONARY INTEREST.—Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the New College of California, Inc., a deed releasing the reversionary interest held by the United States to the property described in subsection (b).

(b) PROPERTY DESCRIPTION.—For the purpose of subsection (a), the property, sometimes known as 50 Fell Street, is described as: A parcel of land situated in the City and County of San Francisco, State of California, said parcel being described in the Judgment on Declaration of Taking entered 11 March 1946 in Civil Action No. 25791 in the District Court of the United States in and for the Northern District of California, Southern Division, which was filed March 22, 1946, in the Office of the Recorder, City and County of San Francisco, California. Beginning at a point on the northerly line of Fell Street distant therefrom 100 feet easterly from the easterly line of Van Ness Avenue and running thence easterly along said line of Fell Street 109 feet; thence at a right angle northerly 120 feet; thence at a right angle westerly 109 feet; thence at a right angle southerly 120 feet to the Point of Beginning, being a portion of Western Addition, Block No. 69, and known on the assessor's map as Lot 10, Block 814, City and County of San Francisco, California, containing 0.30 acres more or less. Improvements: One L-shaped Spanish-type building containing 27,020 square feet more or less.

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from Offices located in Phoenix, Arizona, to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 631. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incor-

porated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

28 USC 994 note.

SEC. 632. (1) Pursuant to its authority under section 994 of title 28, United States Code, the Sentencing Commission shall promulgate guidelines, or amend existing or proposed guidelines as follows:

(A) Guideline 2G2.2 to provide a base offense level of not less than 15 and to provide at least a 5 level increase for offenders who have engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

(B) Guideline 2G2.4 to provide that such guideline shall apply only to offense conduct that involves the simple possession of materials proscribed by chapter 110 of title 18, United States Code and guideline 2G2.2 to provide that such guideline shall apply to offense conduct that involves receipt or trafficking (including, but not limited to transportation, distribution, or shipping).

(C) Guideline 2G2.4 to provide a base offense level of not less than 13, and to provide at least a 2 level increase for possessing 10 or more books, magazines, periodicals, films, video tapes or other items containing a visual depiction involving the sexual exploitation of a minor.

(D) Section 2G3.1 to provide a base offense level of not less than 10.

(2)(A) Notwithstanding any other provision of law, the Sentencing Commission shall promulgate the amendments mandated in subsection (1) by November 1, 1991, or within 30 days after enactment, whichever is later. The amendments to the guidelines promulgated under subsection (1) shall take effect November 1, 1991, or 30 days after enactment, and shall supersede any amendment to the contrary contained in the amendments to the sentencing guidelines submitted to the Congress by the Sentencing Commission on or about May 1, 1991.

Effective date.

(B) The provisions of section 944(x) of title 28, United States Code, shall not apply to the promulgation or amendment of guidelines under this section.

Intergovernmental relations. AIDS. Health and health care. 42 USC 300ee-2 note.

SEC. 633. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with Federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the

time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2622:

HOUSE REPORTS: Nos. 102-109 (Comm. on Appropriations) and 102-234 (Comm. of Conference).
SENATE REPORTS: No. 102-95 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 18, considered and passed House.
July 11, 15, 18, considered and passed Senate, amended.
Oct. 3, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 28, Presidential statement.

Public Law 102-142
102d Congress

An Act

Oct. 28, 1991
[H.R. 2698]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, $2,282,000: *Provided,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided,* That the Secretary may transfer salaries and expenses funds sufficient to finance a total of not to exceed 50 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, $543,000: *Provided,* That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,149,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $51,203,000, of which $5,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, $25,700,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $2,038,000: *Provided,* That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $26,350,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, $25,014,000; and in addition, for payment of the USDA share of the National Communications System, $50,000; making a total of $25,064,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness

of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, $1,307,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,925,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $468,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $62,786,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $24,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $580,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, $58,720,000; of which $500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided,* That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further,* That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, $82,601,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $2,367,000: *Provided,* That

this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $560,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901-5908), $4,500,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $658,379,000: *Provided,* That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That appropriations hereunder shall be available to conduct marketing research: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further,* That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That the foregoing limitations shall not apply to the purchase of land or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome,

7 USC 2254.

7 USC 2254.

Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the use of proceeds from the sale, which shall be deposited in a trust fund in the United States Treasury and which shall remain available until expended, for acquisition of real property and equipment, for construction of replacement facilities, and for relocation costs; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities; and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas: *Provided further,* That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $50,564,000: *Provided,* That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities. 22 USC 191 note.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,785,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $18,533,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582-a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $27,400,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; $73,979,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as

amended (7 U.S.C. 450i); $97,500,000, of which $25,000,000 shall not be available for obligation until September 20, 1992, for competitive research grants, including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; $1,168,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); $400,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $4,000,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; $6,725,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101-624 (7 U.S.C. 5811), including administrative expenses; $400,000 for State agricultural weather information systems pursuant to section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854), and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318); and $20,795,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $8,580,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $430,711,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, $75,270,000.

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents

and State extension directors, $262,712,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,525,000; payments for the urban gardening program under section 3(d) of the Act, $3,557,000; payments for the pest management program under section 3(d) of the Act, $8,200,000; payments for the farm safety program under section 3(d) of the Act, $2,470,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,405,000; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99-198, $9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for extension work under section 209(c) of Public Law 93-471, $1,010,000; payments for a groundwater quality program under section 3(d) of the Act, $11,375,000; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100-219, $2,550,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 100-624 (7 U.S.C. 5926), $1,221,000; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; payments for a food safety program under section 3(d) of the Act, $1,500,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 under section 3(d) of the Act, $2,765,000; payments for Indian reservation agents under section 3(d) of the Act, $1,500,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, $24,730,000; in all, $407,978,000, of which not less than $79,400,000 is for Home Economics: *Provided,* That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,347,000, of which not less than $2,300,000 is for Home Economics.

National Agricultural Library

For necessary expenses of the National Agricultural Library, $17,715,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further,* That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service and Packers and Stockyards Administration, $550,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $430,939,000, of which $85,922,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $5,000,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided,* That $500,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That none of these funds shall be used to develop, establish, or operate any user fee program for agricultural quarantine and inspection to prevent the movement of exotic pests and diseases from Hawaii and Puerto Rico as authorized by 31 U.S.C. 9701.

21 USC 129.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $21,396,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $473,512,000: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $11,397,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $40,176,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided,* That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research

and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $5,640,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That $99,000 of these funds shall be available for a field office in Hawaii.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $56,636,000; of which not less than $2,313,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $50,735,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided,* That if crop size is understated and/or other uncontrollable events occur, the Agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,360,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,250,000.

MISCELLANEOUS TRUST FUNDS

For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $600,000, making a total of $1,850,000, under the Agricultural Marketing Act of 1946 (7 U.S.C. 1623).

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $12,009,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, $551,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); and laws pertaining to the Commodity Credit Corporation, $720,451,000; of which $719,289,000 is hereby

appropriated, and $573,000 is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided,* That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further,* That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations: *Provided further,* That funds contained herein shall be available for establishing and maintaining a National Appeals Division provided for under section 426 of the Agricultural Act of 1949.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $5,000: *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further,* That this amount shall be transferred to the Commodity Credit Corporation: *Provided further,* That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard

to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $322,870,000: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $260,500,000.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1992, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $9,000,000,000 in the President's fiscal year 1992 Budget Request (H. Doc. 102-3)), but not to exceed $8,450,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during prior fiscal years. Such losses for fiscal years 1990 and 1991 include $900,000,000 in connection with carrying out the Export Enhancement Program (EEP), $200,000,000 in connection with carrying out the Market Promotion Program (MPP), formerly the Targeted Export Assistance Program (TEA), $300,000,000 in connection with carrying out the Federal Crop Insurance Program, $445,773,000 in connection with domestic donations, $281,605,000 in connection with export donations, and $6,322,622,000 in connection with carrying out the commodity programs.

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed $7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1992, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided,* That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the General Sales Manager, $9,071,000, of which $5,098,000 may be transferred from Commodity Credit Corporation funds, $2,731,000 may be transferred from the Commodity Credit Corporation Program Account in this Act and $1,242,000 may be transferred from the Public Law 480 Program Account in this Act. Of these funds, up to $4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

Reports.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, $563,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $564,129,000, of which not less than $5,713,000 is for snow survey and water forecasting and not less than $8,064,000 is for operation and establishment of the plant materials centers: *Provided,* That of the foregoing amounts not less than $400,000,000 is for personnel compensation and benefits: *Provided further,* That except for $2,399,000 for

16 USC 590e-1.

improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further,* That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2). 16 USC 590e–2.

The Secretary of Agriculture is authorized to construct buildings and related facilities on federally owned land in Skagit County, Washington, for plant materials purposes: *Provided,* That the total amount of expenditures for the buildings and facilities on the site shall be derived from, and shall not exceed, the amount of money received from the exchange of lands in Skagit County, and Bellingham, Washington.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $13,251,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $9,545,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing

works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $205,266,000 (of which $36,091,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,028,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $32,516,000: *Provided,* That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,271,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as

amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $194,435,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided,* That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further,* That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further,* That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further,* That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further,* That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further,* That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any

manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further,* That not to exceed $6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), $18,620,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $6,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $14,783,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided,* That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further,* That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), $1,611,277,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided,* That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $46,357,000, to remain available until expended: *Provided,* That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: *Provided further,* That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, $572,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: $1,624,500,000 for loans to section 502 borrowers, as determined by the Secretary, of which $329,500,000 shall be for unsubsidized guaranteed loans; $11,330,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; $573,900,000 for section 515 rental housing; $600,000 for site loans; and $250,000,000 for credit sales of acquired property: *Provided,* That up to $35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: low-income housing

section 502 loans, $287,591,000, of which $3,723,000 shall be for guaranteed loans; section 504 housing repair loans, $4,999,000; section 514 farm labor housing, $9,002,000; section 515 rental housing, $248,499,000; credit sales of acquired property, $36,725,000; and site loans, $9,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $427,111,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, $319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $11,800,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $128,158,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That $174,728,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1992 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1988, 1989, 1990, and 1991 may also be extended beyond five years to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $500,000.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, $43,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $21,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $555,500,000, of which $488,750,000 shall be for guaranteed loans; operating loans, $2,832,140,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans; $7,000,000 for water development, use, and conservation loans, of which $1,500,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured and guaranteed loans, $600,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property,

$200,000,000: *Provided,* That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: Farm ownership loans, $39,786,000, of which $24,545,000 shall be for guaranteed loans; operating loans, $168,277,000, of which $22,455,000 shall be for unsubsidized guaranteed loans and $15,350,000 shall be for subsidized guaranteed loans; $499,000 for water development, use, and conservation loans, of which $43,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $253,000; for emergency insured and guaranteed loans, $55,000,000 to meet the needs resulting from natural disasters; for watershed, flood and resource conservation loans, $2,000; and for credit sales of acquired property, $59,880,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $230,179,000.

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Agricultural Credit Insurance Fund at levels other than those provided for in advance in appropriations Acts. 7 USC 1929-1.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), $3,750,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661-664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, $635,000,000, of which $35,000,000 shall be for guaranteed loans; community facility loans, $125,000,000, of which $25,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $100,000,000: *Provided,* That none of the funds made available in this Act may be used to make transfers between the above limitations.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: water and sewer facility loans, $90,510,000, of which $630,000 shall be for guaranteed loans; community facility loans, $12,519,000, of which $508,000 shall be for guaranteed loans; and guaranteed industrial development loans, $5,870,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $52,286,000.

RURAL DEVELOPMENT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $16,260,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $32,500,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $689,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $350,000,000, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided,* That these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $8,750,000.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $20,750,000: *Provided,* That

$500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: *Provided further,* That $2,000,000 shall be available for grants to statewide private, nonprofit public television systems in predominantly rural States to provide information and services on rural economics and agriculture: *Provided further,* That, effective for fiscal year 1991 and thereafter, grants made pursuant to this appropriation shall not be subject to any dollar limitation unless such limitation is set forth in law.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, $3,000,000: *Provided,* That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided,* That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III-A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, $748,584,000; of which $38,298,000 is hereby appropriated, $427,111,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account and merged with this account, $230,179,000 shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account and merged with this account, $52,286,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account and merged with this account, $21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account, and $689,000 shall be derived by transfer from the Rural Development Loans Program Account and merged with this account: *Provided,* That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109:

Provided further, That not to exceed $3,985,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided,* That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

7 USC 1981a note.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $622,050,000 nor more than $933,075,000; and rural telephone loans, not less than $239,250,000 nor more than $311,025,000; to remain available until expended: *Provided,* That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1992 total commitments to guarantee loans pursuant to section 306 shall be not less than $933,075,000 nor more than $2,100,615,000 of contingent liability for total loan principal: *Provided further,* That loans may be modified in an amount not to exceed $493,700,000: *Provided further,* That as a condition of approval of insured electric loans during fiscal 1992, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: *Provided further,* That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds: *Provided further,* That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $157,609,000, and cost of loans guaranteed pursuant to section 306, $14,152,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,163,000.

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts. 7 USC 931a.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1992 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $177,045,000 nor more than $210,540,000.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $3,629,000.

In addition, for administrative expenses necessary to carry out the loan programs, $8,632,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331-2335 of Public Law 101-624, $5,000,000, to remain available until expended.

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $8,406,000.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, $2,546,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, $243,000: *Provided,* That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1992, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of

the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $37,795,000; of which $29,163,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account and $8,632,000 shall be derived by transfer from the Rural Telephone Bank Program Account: *Provided,* That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank: *Provided further,* That not less than $500,000 nor more than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs to rural electric and telephone systems by Rural Electrification Administration employees who are located within REA and whose full-time responsibilities are to administer such community and economic development programs: *Provided further,* That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

TITLE IV—DOMESTIC FOOD PROGRAMS

Office of the Assistant Secretary for Food and Consumer Services

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, $542,000.

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788-1789), $6,068,315,000, to remain available through September 30, 1993, of which $1,393,223,000 is hereby appropriated and $4,675,092,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the

42 USC 1776a.

42 USC 1776b.

State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further,* That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further,* That up to $4,083,000 shall be available for independent verification of school food service claims: *Provided further,* That $1,322,000 shall be available to operate the Food Service Management Institute. Claims.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $23,011,000, to remain available through September 30, 1993. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary. Claims.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $2,600,000,000, to remain available through September 30, 1993, of which up to $3,000,000 may be used to carry out the farmer's market coupon demonstration project.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $90,000,000: *Provided,* That funds provided herein shall remain available through September 30, 1993: *Provided further,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2029), $23,362,975,000; of which $1,500,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided,* That funds provided herein shall remain available through September 30, 1992, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further,* That $345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further,* That $1,013,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028; of which $10,825,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $233,437,000.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $32,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, $45,000,000: *Provided,* That, in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $103,535,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C.

2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, and nutrition monitoring, $10,788,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $125,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $110,023,000: *Provided,* That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AMERI FLORA '92 EXPOSITION

To enable the Secretary to meet any extra expenses of participating in the planning, organizing and carrying out of the Ameri Flora '92 Exposition, the first international horticulture and environment exposition to be held in the United States, $500,000 as authorized by section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) $511,619,000 for Public Law 480 title I credit, including Food for Progress credit; (2) $52,185,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $710,087,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $333,594,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided,* That not to exceed 10 per centum of the funds made

available to carry out any title of said Act may be used to carry out any other title of said Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $388,319,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,815,000.

COMMODITY CREDIT CORPORATION

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101-624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Agricultural Trade Act of 1978, as amended, such sums as necessary.

In addition, for administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,320,000.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and

international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), $7,247,000: *Provided,* That not to exceed $3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further,* That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further,* That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided,* That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $725,962,000, of which $188,858,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided,* That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further,* That of the sums provided herein, not to exceed $2,000,000 shall remain available

until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

21 USC 348 note. Section 3 of the Saccharin Study and Labeling Act (21 U.S.C. 348 nt.) is amended by striking out "May 1, 1992" and inserting in lieu thereof "May 1, 1997".

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,350,000: *Provided,* That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $25,612,000: *Provided,* That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

Payments to the Farm Credit System Financial Assistance Corporation

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1992, as authorized, $112,606,000: *Provided,* That not to exceed $2,175,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further,* That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

12 USC 2278a-3 note.

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C.

3109; $47,300,000, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed $40,290,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed $1,500 shall be available for official reception and representation expenses.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Hereafter, the expenditure of any appropriation for the Department of Agriculture for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts. Public information. 7 USC 2225a.

SEC. 702. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1992 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 442 passenger motor vehicles, of which 439 shall be for replacement only, and for the hire of such vehicles.

SEC. 703. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 704. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter. 7 USC 1623a.

SEC. 705. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations. Drugs and drug abuse.

SEC. 706. Hereafter, advances of money to chiefs of field parties from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture. 7 USC 2209a.

SEC. 707. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided,* That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 708. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Devel- 7 USC 2209b.

opment; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, Integrated Systems Acquisition Project, the reserve fund for the Grasshopper and Mormon Cricket Control Programs, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities; Cooperative State Research Service, buildings and facilities; Office of International Cooperation and Development, Middle-Income Country Training Program; Dairy Indemnity Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University; and buildings and facilities, Food and Drug Administration: *Provided,* That, hereafter, such appropriations are authorized to remain available until expended.

SEC. 709. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 710. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Disaster assistance.
Labor.
7 USC 2224a.

SEC. 711. Hereafter, notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 712. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 713. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 714. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 715. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions

when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 716. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 717. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 718. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture. 7 USC 612c note.

SEC. 719. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1991 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 720. In fiscal year 1992, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 721. Hereafter, funds appropriated to the Department of Agriculture by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest. 7 USC 2242b.

SEC. 722. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 723. Hereafter, provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis. 7 USC 2225b.

SEC. 724. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 8,259; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 725. Hereafter, funds appropriated to the Department of Agriculture and the Food and Drug Administration may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated. 7 USC 2209c.

SEC. 726. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 727. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 728. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 729. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 730. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1992 shall be first offered to the borrowers for prepayment.

SEC. 731. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

SEC. 732. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

7 USC 2209d.

SEC. 733. Hereafter, the Department of Agriculture, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SEC. 734. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total direct costs under each award.

SEC. 735. None of the funds in this Act may be used to establish any new office, organization or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.

SEC. 736. Of the $200,000,000 made available for the Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, $70,000,000 shall not become available for obligation until September 30, 1992.

SEC. 737. Funds available to the Animal and Plant Health Inspection Service (APHIS) under this and subsequent appropriations shall be available for contracting with individuals for services to be performed outside of the United States, as determined by APHIS to be necessary or appropriate for carrying out programs and activities abroad. Such individuals shall not be regarded as officers or employees of the United States under any law administered by the Office of Personnel Management. 7 USC 2277.

SEC. 738. Hereafter, notwithstanding any other provision of law, any appropriations or funds available to the agencies of the Department of Agriculture may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Department of Agriculture position and that are necessary to comply with State laws, regulations, and requirements. 7 USC 2231a.

SEC. 739. Hereafter, funds appropriated to the Department of Agriculture may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of 7 U.S.C. 2272, when such volunteers are engaged in the work of the U.S. Department of Agriculture; and for promotional items of nominal value relating to the U.S. Department of Agriculture Volunteer Programs. 7 USC 2272a.

SEC. 740. Hereafter, the Secretary shall complete the sales of Farmers Home Administration inventory farms, in accordance with the law and regulations in effect before November 28, 1990, in situations in which a County Committee, acting pursuant to section 335 of the Consolidated Farm and Rural Development Act, had made its initial selection of a buyer before November 28, 1990. Such sales shall be completed as soon as the selection decision is administratively final and all terms and conditions have been agreed to. In carrying out sales of inventory property, priority shall be given to the former owner and members of the immediate family. 7 USC 1985 note.

SEC. 741. None of the funds appropriated or otherwise made available by this Act shall be used to exclude from coverage under section 2244 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) any crop of valencia oranges that, regardless of harvest year, was destroyed or damaged by freeze or related condition in 1990 and is otherwise covered by that section.

SEC. 742. Notwithstanding any other provision of law, loan subsidy rates used in carrying out loan programs provided for in this Act shall not exceed those estimated by the Office of Management and Budget and published in the Budget of the United States Government for fiscal year 1992. Loans.

EXTENSIONS OF PROVISIONS OF THE HOUSING ACT OF 1949

SEC. 743. (a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

(b) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 (42 U.S.C. 1490c(f)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

Section 502(h)(3)(C) of the Housing Act of 1949 (42 U.S.C. 1472 note) is amended by striking all that follows "rural area" and by inserting a "." "after rural area". 42 USC 1472.

SEC. 744. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended,

shall be used in a manner that differs from the Department's policies or practices in effect on July 1, 1991.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2698:

HOUSE REPORTS: Nos. 102-119 (Comm. on Appropriations) and 102-239 (Comm. of Conference).
SENATE REPORTS: No. 102-116 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed House.
July 29, 30, considered and passed Senate, amended.
Oct. 8, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 16, Senate agreed to conference report; concurred in House amendments.

Public Law 102-143
102d Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Oct. 28, 1991
[H.R. 2942]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

Department of Transportation and Related Agencies Appropriations Act, 1992.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

For necessary expenses of the Immediate Office of the Secretary, $1,435,000.

Immediate Office of the Deputy Secretary

For necessary expenses of the Immediate Office of the Deputy Secretary, $550,000.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $7,000,000.

Office of the Assistant Secretary for Policy and International Affairs

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, $8,733,000.

Office of the Assistant Secretary for Budget and Programs

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,726,000, including not to exceed $40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

Office of the Assistant Secretary for Governmental Affairs

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,320,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $30,262,000, of which $6,323,000 shall remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,546,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $965,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $590,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,462,000.

OFFICE OF ESSENTIAL AIR SERVICE

For necessary expenses of the Office of Essential Air Service, $1,545,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $3,527,000, of which $2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided,* That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,300,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $3,100,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,275,000, of which $1,400,000 shall remain available until expended: *Provided,* That notwithstanding any other provision of law, there may be credited to

this account up to $300,000 received from user fees established for regulatory services.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $88,000,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $38,600,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $38,600,000 for the Payments to Air Carriers program in fiscal year 1992: *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: *Provided further*, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of initiation of the increased level of service.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $111,970,000: *Provided*, That of this amount, $16,225,000 shall be derived from the Highway Trust Fund, $29,887,000 shall be derived from the Airport and Airway Trust Fund, $481,000 shall be derived from the Pipeline Safety Fund, and $16,000 shall be derived from the Harbor Maintenance Trust Fund.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,320,272,000, of which $31,876,000 shall be derived from the Oil Spill Liability Trust Fund

14 USC 92 note.

and $35,000,000 shall be expended from the Boat Safety Account: *Provided,* That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of planes and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $390,000,000, of which $33,822,000 shall be derived from the Oil Spill Liability Trust Fund; of which $144,150,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1996; $60,350,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1994; $48,750,000 shall be available for other equipment, to remain available until September 30, 1994; $102,750,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1994; and $34,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1992: *Provided,* That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further,* That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further,* That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further,* That the requirements for such written warranties shall not cover combat damage: *Provided further,* That none of the funds provided herein for Acquisition, Construction and Improvements shall be made available for personnel compensation and benefits in excess of six hundred and twenty-one full time equivalent staff years.

Regulations. Contracts. 10 USC 2403 note.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,500,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $11,100,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $487,700,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $25,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $29,150,000, to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation and maintenance of aircraft, reimbursement at the discretion of the Administrator for travel, transportation, and subsistence expenses for the training of non-Federal domestic and foreign personnel whose services will contribute significantly to carrying out air transportation security programs under section 316(c) of the Federal Aviation Act of 1958, as amended, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,360,000,000, of which $2,109,625,000 shall be

derived from the Airport and Airway Trust Fund: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That none of these funds shall be available for new applicants for the second career training program: *Provided further,* That, of the funds available under this head, $2,000,000 shall be made available for the Federal Aviation Administration to enter into contractual agreement with the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further,* That funds may be used to enter into a grant agreement with a non-profit standard setting organization to assist in the development of aviation safety standards.

Contracts.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,394,000,000, including $2,244,052,000 to remain available until September 30, 1994, and including $149,948,000 to remain available until September 30, 1993: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That with appropriations made for the Airway Science program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the construction, purchase, or lease with option to purchase, of buildings and associated facilities, and (b) instructional materials and equipment. Such funds are hereby authorized to be appropriated and may remain available until expended. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 50 percent: *Provided further,* That the $35,000,000 provided under this head for the precision runway monitor program shall be available

49 USC app. 1354a.

only for the procurement of not less than five commissionable systems of the electronic scan (E-scan) design: *Provided further,* That for each seven-day period following March 31, 1992, that the E-scan precision runway monitor production contract is not signed, the funds made available for facilities and equipment-related personnel compensation and benefits shall be reduced by 1 per centum: *Provided further,* That a stand alone directional finder FAA-5530 receiver indicator system is to be installed at the Salisbury, Maryland airport flight service station within 180 days of enactment of this Act: *Provided further,* That funds appropriated under this heading for this or prior years are available for the Federal Aviation Administration to enter into a sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, Kentucky to design and construct an air traffic control tower at Standiford Field, using current Federal Aviation Administration control tower specifications.

Maryland.

Contracts.
Kentucky.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $218,135,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $1,520,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,900,000,000 in fiscal year 1992 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended, of which not to exceed $156,564,400 shall be available for letters of intent issued prior to July 31, 1991.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the

Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

49 USC app. 1324 note.

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of $9,970,000 during fiscal year 1992. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States. For the settlement of promissory notes issued to the Secretary of the Treasury, $1,200,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed $419,000,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That not to exceed $206,800,000 of the amount provided herein shall remain available until expended: *Provided further,* That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act

of 1964, as amended, $5,000,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account).

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $20,000,000 to be derived from the Highway Trust Fund: *Provided,* That not to exceed $350,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1992 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $12,005,000, of which $8,003,333 shall be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $16,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1992. 23 USC 104 note.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $15,400,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS AND LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

During fiscal year 1992 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000. For payment of obligations incurred in carrying out the provisions of section 107 of title 23, United States Code, $40,000,000 to be derived from the Highway Trust Fund and to remain available until expended.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), $47,600,000, of which $3,579,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424 $62,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $65,000,000 for "Motor Carrier Safety Grants".

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, $19,800,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $9,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, $19,800,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, $16,350,000, to remain available until expended.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, $4,500,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY WIDENING DEMONSTRATION PROJECT

For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, $1,800,000, to remain available until expended.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

For up to 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, $7,200,000, to remain available until expended.

CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, $6,300,000, to remain available until expended.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for an improved route between Logansport and Peru, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, $3,600,000, to remain available until expended.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, $9,000,000, to remain available until expended.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, $4,500,000, to remain available until expended.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between U.S. Route 50 and U.S. Route 29 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, $5,400,000, to remain available until expended.

URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

For 80 percent of the expenses necessary to improve and upgrade the M-59 urban highway corridor in southeast Michigan for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system, $9,630,000, to remain available until expended, together with $900,000, to remain available until expended, to provide for 80 percent of the expenses necessary for a bicycle transportation demonstration project in Macomb County, Michigan.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, $9,000,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

PENNSYLVANIA RECONSTRUCTION DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to upgrade, widen, and reconstruct the sections of Pennsylvania Route 56 known as Haws Pike and the Windber By-Pass, for the purpose of demonstrating methods of promoting economic development and highway safety, $8,100,000, to remain available until expended.

PENNSYLVANIA TOLL ROAD DEMONSTRATION PROJECT

For necessary expenses for the Monongahela Valley Expressway, $1,800,000, to remain available until expended: *Provided,* That these funds, together with funds made available from the Highway Trust Fund, for Federal participation in the toll highway project being carried out under section 129(j) of title 23, United States Code, in the State of Pennsylvania shall be subject to section 129(j) of such title, relating to Federal share limitation.

HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Prunedale, California, that demonstrates methods of accelerating right-of-way acquisition and construction of a highway bypass, $9,000,000, to remain available until expended.

HIGHWAY DEMONSTRATION PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For up to 80 percent of the expenses necessary for certain highway and bicycle transportation projects and parking facilities, including feasibility and environmental studies, that demonstrate methods of improving safety, reducing congestion, or promoting economic development $249,146,000 together with $4,628,000 to be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project", to remain available until expended.

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, $18,448,000, to remain available until expended.

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $148,500,000, to remain available until expended: *Provided,* That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of continuing a demonstration of traffic safety and flow improvement, there is hereby appropriated $12,600,000, to remain available until expended: *Provided,* That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

TURQUOISE TRAIL PROJECT

For necessary expenses to carry out a demonstration project known as the Turquoise Trail Project, that demonstrates methods of enhancing safety and promoting economic development through converting a dirt roadway into an all weather, two lane highway, there is hereby appropriated $2,700,000, to remain available until expended: *Provided,* That such sums appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

OTTUMWA ROAD EXTENSION PROJECT

For the purpose of carrying out a demonstration of economic growth and development benefits of a four lane highway in areas with industry producing heavy traffic, there is hereby appropriated $7,200,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the upgrading and construction of a portion of a four lane facility between Prairie City and Ottumwa along existing State highways and new highway alignments: *Provided,* That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NORTH CAROLINA CONNECTOR PROJECT

For necessary expenses to carry out site selection, preliminary engineering and design work related to construction of a new four-lane highway at interstate standards from Rocky Mount, North Carolina, to Elizabeth City, North Carolina, including extensions to Raleigh, North Carolina, and Portsmouth, Virginia, there is hereby appropriated $4,800,000 to remain available until expended: *Provided,* That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $78,528,000, to remain available until September 30, 1994.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, $44,172,000, to remain available until September 30, 1994.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, $130,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $118,000,000 in fiscal year 1992 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further,* That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $20,000,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further,* That not to exceed $5,153,000 may be available for administering the provisions of 23 U.S.C. 402: *Provided further,* That notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1992.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $16,442,000, of which $2,168,000 shall remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

40 USC 817 note.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $11,500,000, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $37,706,000, of which $1,220,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $22,331,000, to remain available until expended: *Provided,* That up to $500,000 of the funds made available in fiscal year 1991 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further,* That $150,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

Grants.

Of the funds provided under this head, $2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: *Provided,* That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $205,000,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 601, to remain available until expended, $506,000,000, of which $331,000,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $175,000,000 shall be available for capital improvements: *Provided,* That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further,* That the Secretary

shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1992: *Provided further,* That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further,* That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 75 per centum of the short-term avoidable costs of operating such service in the third year of operation: *Provided further,* That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $145,000,000, to remain available until expended: *Provided,* That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1992 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1992 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That no new loan guarantee commitments shall be made during fiscal year 1992: *Provided further,* That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

CONRAIL COMMUTER TRANSITION ASSISTANCE

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $13,600,000, to remain available until expended.

AMTRAK CORRIDOR IMPROVEMENT LOANS

For loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet and Granite City, Illinois, $3,500,000: *Provided,* That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further,* That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further,* That any such loan shall be matched on a dollar for dollar basis by the State of Illinois: *Provided further,* That any such loan shall be made available no later than thirty days after enactment of this Act.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $37,000,000.

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $26,000,000, of which $5,000,000 shall be available to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $1,520,000,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, of the funds provided under this head for formula grants no more than $802,278,000 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of $1,900,000,000 in fiscal year 1992 for grants under the contract authority authorized in section 21 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, $1,500,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $160,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $124,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,550,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,000,000, of which $1,302,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further,* That not less than $1,900,000 in fees shall be collected under section 106(c)(11) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 App. U.S.C. 1805(c)(11)) and deposited in the general fund of the Treasury as offsetting receipts.

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, $2,495,000: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further,* That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, $927,000, of which $90,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,516,000, of which $702,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, $5,428,000, of which $165,000 shall be derived from the Pipeline Safety Fund: *Provided,* That there may be credited to this appropriation funds received from the States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further,* That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, $13,553,000, to be derived from the Pipeline Safety Fund, of which $7,850,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $37,005,000.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $2,940,000: *Provided,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $34,676,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, $40,923,000: *Provided,* That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further,* That not to exceed $5,500,000 in fees collected in fiscal year 1992 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1992.

49 USC 10344 note.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $49,497,000, to be derived from the Panama Canal Revolving Fund: *Provided,* That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of $509,500,000 in fiscal year 1992: *Provided further,* That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama) the purchase price of which shall not exceed $16,500 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $10,250,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $170,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided,* That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis. 20 USC 241 note.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided,* That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided,* That any such planning does not alter the Federal status of the Center's research and development operation.

Contracts.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Intergovernmental relations.
23 USC 104 note.

SEC. 310. (a) For fiscal year 1992 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1991, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection: *Provided,* That this subsection shall not apply to funds obligated for the Kennedy Expressway rehabilitation project in Chicago, Illinois.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1992, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program, the intelligent vehicle-highway systems program, the strategic highway research program and amounts

made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1992 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 23, United States Code; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1992 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1992, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1992, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in fiscal year 1992 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1992, has the amount distributed to such State under paragraph (a) for fiscal year 1992 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation.

SEC. 312. Not to exceed $800,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under sections 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation. 49 USC app. 1617 note.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any

other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Federal Register, publication.

SEC. 316. Every 30 days, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

SEC. 317. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, training, salaries, or research, and related costs thereof including necessary capital expenses, including site acquisition, construction and equipment, are available for such purposes to be conducted through contracts, grants, or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

Florida.

SEC. 318. The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

SEC. 319. ESSENTIAL AIR SERVICE COMPENSATION.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

49 USC app. 2212 note.

SEC. 320. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided,* That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 321. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided,* That no appropriation shall be increased or decreased by more than 5 per centum by all such transfers: *Provided further,* That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 322. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 323. VESSEL TRAFFIC SAFETY FAIRWAY.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than

five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 324. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria. 49 USC app. 2205 note.

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101-516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue. Contracts. Grants. Oregon.

SEC. 326. NATIONAL WEATHER GRAPHICS SYSTEM.—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.

SEC. 327. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided,* That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 328. From funds appropriated to the Department of Transportation or made available by this Act or any other Act, the Secretary of Transportation shall, notwithstanding any other provision of this Act or any other Act, make available not to exceed $2,000,000 for the planning of a multimodal transportation center in St. Louis, Missouri. Missouri.

SEC. 329. None of the funds in this Act shall be available to close the Federal Aviation Administration's airport facilities equipment

office in Little Rock, Arkansas, or to transfer or reduce personnel therefrom.

Contracts. Massachusetts.

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

Reports.

SEC. 331. None of the funds provided in this Act for Coast Guard Acquisition, Construction and Improvements shall be available for any quarter of any fiscal year beginning after December 31, 1991, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy: *Provided,* That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: *Provided further,* That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded.

23 USC 154 note.

SEC. 332. NATIONAL 55 MPH SPEED LIMIT ENFORCEMENT PENALTIES.—Notwithstanding sections 141(a) and 154 of title 23, United State Code, none of the funds in this or any previous or subsequent Act shall be used for the purpose of reducing or reserving any portion of a State's apportionment of Federal-aid highway funds as required by section 154(f) of title 23, United States Code, for reason of noncompliance with the criteria of that subsection during fiscal year 1990. The Secretary shall promptly restore any apportionments which, prior to enactment of this Act, were reduced or reserved from obligation for reason of noncompliance under section 154(f) during said fiscal year.

Intergovernmental relations.

SEC. 333. REVOCATION OR SUSPENSION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) AFTER SECOND CALENDAR YEAR.—For each fiscal year the Secretary shall withhold 5 percent of the amount required to be

apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

"(2) AFTER FOURTH CALENDAR YEAR.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

"(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substances Act, or

"(II) any drug offense; and

"(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

"(B) the Governor of the State—

"(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NON-COMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds which would have been originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds which would have been originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) DEFINITIONS.—For purposes of this section—

"(1) DRIVER'S LICENSE.—The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) DRUG OFFENSE.—The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any sub-

stance the possession of which is prohibited under the Controlled Substances Act; or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) CONVICTED.—The term 'convicted' includes adjudicated under juvenile proceedings.".

(b) CONFORMING AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 159 and inserting the following: 23 USC prec. 101.

"159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses.".

(c) REPEAL OF FORMER PROVISION.—Section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184-2186) is repealed. 23 USC 104 and note.

(d) TREATMENT OF AMENDMENTS MADE BY FORMER PROVISION.—The amendments made by section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184-2186) shall be treated as having not been enacted into law. 23 USC 104 note.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall take effect November 5, 1990. 23 USC 159 note.

SEC. 334. Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation shall increase the grant AIP3-19-0004-7 by up to $141,713.

SEC. 335. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.).

SEC. 336. Section 104(c)(3) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 2104(c)(3)) is amended by deleting the word "public" before the word "building". 49 USC app. 2104.

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

SEC. 338. The Secretary of Transportation shall be authorized to enter into a sole source contract with the Puerto Rico Ports Authority for purposes of constructing an air traffic control tower at Luis Munoz Marin Airport with fiscal year 1991 and fiscal year 1992 appropriations provided under this section: *Provided,* That the Puerto Rico Ports Authority shall procure such construction services consistent with Department of Transportation acquisition Contracts. Puerto Rico.

regulations, part 1201 et seq., chapter 48 of the Code of Federal Regulations.

SEC. 339. Notwithstanding any other provision of law, the Niagara Frontier Transportation Authority may provide transportation services in support of the 1993 World University Games.

New York.

SEC. 340. Notwithstanding any other provision of law, of the amounts available to New York State under section 3 of the Urban Mass Transportation Act of 1964, as amended, such sums as may be necessary shall be made available to the Secretary for the purpose of conducting a study of the feasibility and cost of adding air conditioning to Pennsylvania Station in New York City.

District of Columbia.

SEC. 341. Notwithstanding any other provision of law, of the discretionary funds available to the District of Columbia under the Interstate Transfer Grants-Highway Program of the Federal-Aid Highways account of this Act, $5,000,000 in contract authority and in liquidation of contract authority shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Union Station Parking Project in the District of Columbia.

Federal Register, publication.

SEC. 342. The Secretary of Transportation shall publish by January 15, 1992, a notice of proposed rulemaking with regard to amending the Federal Motor Carrier Safety regulations to prohibit the use of radar detectors in operating commercial motor vehicles. Such notice shall solicit testimony regarding the safety, economic, and operational aspects of prohibiting radar detectors in commercial operations.

49 USC 10903 note.

SEC. 343. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

SEC. 344. Notwithstanding any other provision of law, the Federal Aviation Administration may use funds from both the facilities and equipment program and the airport improvement formula grant funds to fund the relocation of an ASR-9 radar facility at Nashville International Airport: *Provided,* That Nashville International Airport may use airport improvement formula grant funds to purchase a VORTAC system for the airport.

New York. Connecticut.

SEC. 345. (a) The Administrator of the Federal Aviation Administration shall conduct an aircraft noise mitigation review, to include that airspace over the States of New York and Connecticut lying within a fifty-five nautical mile radius of LaGuardia Airport:

(1) By November 1, 1991, a plan shall be developed by the Administrator to carry out the aircraft noise mitigation review required by this section.

(2) By January 1, 1992, at least 6 public meetings shall be held, with 3 such meetings to be held in each of the States of New York and Connecticut within the study area.

(3) By May 31, 1992, the Administrator shall identify those actions that would be needed to implement air traffic changes that are determined by the Administrator to be appropriate to reduce the effects of aircraft noise within the study area, and to be consistent with the safe and efficient management of air traffic, as provided in the Federal Aviation Act of 1958, as amended, and shall include those identified actions in the

Report to Congress required pursuant to section 9119(c) of Public Law 101-508.

(b) There is hereby established the Metropolitan New York Aircraft Noise Mitigation Committee to review aircraft noise complaints within the study area and advise the Administrator of the locations and boundaries of noise impact areas defined by such complaints. The Committee shall consist of nine members, with three members each from the States of Connecticut, New York, and New Jersey, such members to be appointed by the Governor of each State. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in the study area, and shall make recommendations to the Administrator regarding the organizations. These recommendations shall be submitted to the Administrator in accordance with the schedule he establishes in the plan required under subsection (a)(1). Establishment.

(c) This section shall not apply to the Federal Aviation Administration's field testing and evaluation of any new noise abatement departure procedures for Runway Thirteen at LaGuardia Airport. Implementation of new procedures, if appropriate, shall be in accordance with all applicable Federal requirements.

SEC. 346. Not later than 180 days after the date of the enactment of this legislation, the Administrator shall issue regulations as may be necessary to carry out section 316(g) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357), as amended. The processing of criminal history record checks contained in section 316(g) shall begin not later than 60 days after the issuance of the final regulations. Regulations. 49 USC app. 1357 note.

SEC. 347. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming.

SEC. 348. The Secretary shall advance emergency relief funds to the State of Washington for the replacement of a bridge on the interstate system damaged by November 1990 storms notwithstanding the provisions of section 125 of title 23, United States Code: *Provided,* That this provision shall be subject to the Federal Share provisions of section 120, title 23, of the United States Code. The State of Washington shall repay such advances to the extent that a final court judgment declares that damage to such bridges was a result of human error. Washington.

SEC. 349. (a) Section 9308(d) of Public Law 101-508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following: "Except for Hawaiian operations described in and provided for in subsection (i), this". 49 USC app. 2157.

(b) Section 9308 of Public Law 101-508 is amended by adding a new subsection (i), to read as follows:

"(i) HAWAIIAN OPERATIONS.—

"(1)(A) An air carrier or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States a greater number of Stage 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States on November 5, 1990.

"(B) An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

"(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

"(3) For the purpose of this subsection, 'turnaround service' means the operation of a flight between two or more points, all of which are within the State of Hawaii.".

SEC. 350. Unobligated funds in the amount of $170,000 authorized and appropriated under Public Law 101-516 for a highway grade crossing demonstration project in White River Junction, Vermont shall be made available to the State of Vermont Agency of Transportation without regard to whether or not such expenses are incurred in accordance with section 106 of title 23 of the United States Code.

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance Act.

23 USC 154 note.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100-102, is amended by striking "and 1991" and inserting "1991, and 1992".

SEC. 352. TELECOMMUTING STUDY.—The Secretary, in consultation with the Secretary of Energy, shall conduct a study of the potential costs and benefits to the energy and transportation sectors of telecommuting. The study shall include—

(1) an estimation of the amount and type of reduction of commuting by form of transportation type and numbers of commuters;

(2) an estimation of the potential number of lives saved;

(3) an estimation of the reduction in environmental pollution, in consultation with the Environmental Protection Agency;

(4) an estimation of the amount and type of reduction of energy use and savings by form of transportation type; and

(5) an estimation of the social impact of widespread use of telecommuting.

Reports.

(b) This study shall be completed no more than one hundred and eighty days after the date of enactment of this Act. A report, summarizing the results of the study, shall be transmitted to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no more than sixty days after completion of this study.

SEC. 353. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code, until June 30, 1992.

SEC. 354. (a) In light of recent positive changes in the Union of Soviet Socialist Republics, Congress finds that the Secretary of Defense and the Commandant of the Coast Guard should reexamine policies of the United States regarding the restricted use of certain ports of entry by ships, and crew members thereof, of the Union of Soviet Socialist Republics, including commercial cargo, passenger, fishing and fisheries support vessels. The Secretary of Defense and the Commandant of the Coast Guard shall jointly report back to Congress within 30 days following the date of the enactment of this Act regarding their examination of such policies, together with their recommendations. Reports.

(b) For purposes of this section, the term "ships" means ships owned by, under the flag of, or operated by crew members of, the Union of Soviet Socialist Republics.

SEC. 355. For purposes of the Act of June 30, 1982 (96 Stat. 150), giving the consent of Congress to a compact relating to the establishment of a commission to study the feasibility of rapid rail transit service between certain States; the Congress authorizes the parties to such compact to change the name of such compact, including the name or names of any commission or other entity thereunder.

TITLE IV—AGING AIRCRAFT SAFETY

Aging Aircraft Safety Act of 1991. 49 USC app. 1421 note.

SEC. 401. SHORT TITLE.

This title may be cited as the "Aging Aircraft Safety Act of 1991".

SEC. 402. AGING AIRCRAFT RULEMAKING PROCEEDING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Administrator shall initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

(b) INSPECTIONS AND RECORD REVIEWS.—

(1) GENERAL REQUIREMENT.—The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each aircraft used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such aircraft is in safe condition and is properly maintained for operation in air transportation.

(2) PART OF HEAVY MAINTENANCE CHECKS.—The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the aircraft conducted on or after the first day of the 15th year in which the aircraft is in service.

(3) APPLICABILITY OF FEDERAL AVIATION ACT.—The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

(c) DEMONSTRATION OF STRUCTURAL AND PARTS MAINTENANCE.—The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the

aircraft's structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety.

(d) PROCEDURES.—The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections required by the rule.

(e) AVAILABILITY OF AIRCRAFT.—The rule issued pursuant to this section shall require the air carrier to make available to the Administrator the aircraft and such inspection, maintenance, and other records pertaining to the aircraft as the Administrator may require for carrying out reviews required by the rule.

SEC. 403. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

Not later than 180 days after the date of the enactment of this title, the Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft in accordance with maintenance programs approved by the Federal Aviation Administration;

(2) a program—

(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of such inspectors and engineers in such inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of aircraft operated by such carriers.

SEC. 404. FOREIGN AIR TRANSPORTATION.

(a) GENERAL RULE.—The Administrator shall take all possible steps to encourage foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of safety as will be afforded passengers of air carriers by implementation of this title.

(b) REPORT.—Not later than the last day of the second fiscal year beginning after the date of the enactment of this title, the Administrator shall report to Congress on implementation of this section.

SEC. 405. ADMINISTRATOR DEFINED.

As used in this title, the term "Administrator" means the Administrator of the Federal Aviation Administration.

TITLE V—OMNIBUS TRANSPORTATION EMPLOYEE TESTING

Omnibus Transportation Employee Testing Act of 1991.
Drugs and drug abuse.
Safety.
49 USC app. 1301 note.
49 USC app. 1434 note.

SHORT TITLE

SEC. 1. This title may be cited as the "Omnibus Transportation Employee Testing Act of 1991".

FINDINGS

SEC. 2. The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) millions of the Nation's citizens utilize transportation by aircraft, railroads, trucks, and buses, and depend on the operators of aircraft, trains, trucks, and buses to perform in a safe and responsible manner;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of aircraft, trains, trucks, and buses;

(4) the use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to have been a critical factor in transportation accidents;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

TESTING TO ENHANCE AVIATION SAFETY

SEC. 3. (a) Title VI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421 et seq.) is amended by adding at the end thereof the following:

"SEC. 614. ALCOHOL AND CONTROLLED SUBSTANCES TESTING. 49 USC app. 1434.

"(a) TESTING PROGRAM.—

"(1) PROGRAM FOR EMPLOYEES OF CARRIERS.—The Administrator shall, in the interest of aviation safety, prescribe regulations within 12 months after the date of enactment of this section. Such regulations shall establish a program which requires air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as determined by the Administrator) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation. Regulations.

"(2) PROGRAM FOR FAA EMPLOYEES.—The Administrator shall establish a program applicable to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Administrator may

also prescribe regulations, as the Administrator considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

"(3) SUSPENSION; REVOCATION; DISQUALIFICATION; DISMISSAL.—In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to such an individual, or the disqualification or dismissal of any such individual, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such individual has used, in violation of law or Federal regulation, alcohol or a controlled substance.

"(b) PROHIBITION ON SERVICE.—

"(1) PROHIBITED ACT.—It is unlawful for a person to use, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section and serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions.

"(2) EFFECT OF REHABILITATION.—No individual who is determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section shall serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

"(3) PERFORMANCE OF PRIOR DUTIES PROHIBITED.—Any such individual determined by the Administrator to have used, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section who—

"(A) engaged in such use while on duty;

"(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (c);

"(C) following such determination refuses to undertake such a rehabilitation program; or

"(D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties relating to air transportation which such individual performed prior to the date of such determination.

"(c) PROGRAM FOR REHABILITATION.—

Regulations.

"(1) PROGRAM FOR EMPLOYEES OF CARRIERS.—The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (a)(1) in need of assistance in resolving problems with the use, in violation of law or Federal regulation, of alcohol or controlled substances. Each air carrier and foreign air carrier is encouraged to make such a program available to all of its employees in addition to those employees referred to in

subsection (a)(1). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any air carrier or foreign air carrier from establishing a program under this subsection in cooperation with any other air carrier or foreign air carrier.

"(2) PROGRAM FOR FAA EMPLOYEES.—The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

"(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a), the Administrator shall develop requirements which shall—

"(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

"(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

"(B) establish the minimum list of controlled substances for which individuals may be tested; and

"(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

"(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

"(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including

urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

"(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(e) EFFECT ON OTHER LAWS AND REGULATIONS.—

"(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section, except that the regulations promulgated under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public.

"(2) OTHER REGULATIONS ISSUED BY ADMINISTRATOR.—Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before the date of enactment of this section that govern the use of alcohol and controlled substances by airmen, crewmembers, airport security screening contract personnel, air carrier employees responsible for safety-sensitive functions (as determined by the Administrator), or employees of the Federal Aviation Administration with responsibility for safety-sensitive functions.

"(3) INTERNATIONAL OBLIGATIONS.—In prescribing regulations under this section, the Administrator shall only establish requirements applicable to foreign air carriers that are consistent with the international obligations of the United States, and the Administrator shall take into consideration any applicable laws and regulations of foreign countries. The Secretary of State and the Secretary of Transportation, jointly, shall call on the member countries of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit the use, in violation of law or Federal regulation, of alcohol or a controlled substance by crew members in international civil aviation.

"(f) DEFINITION.—For the purposes of this section, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.".

(b) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by adding at the end thereof the following:

"Sec. 614. Alcohol and controlled substances testing.
"(a) Testing program.
"(b) Prohibition on service.
"(c) Program for rehabilitation.

"(d) Procedures.
"(e) Effect on other laws and regulations.
"(f) Definition.".

TESTING TO ENHANCE RAILROAD SAFETY

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following:

"(r)(1) In the interest of safety, the Secretary shall, within twelve months after the date of enactment of this subsection, issue rules, regulations, standards, and orders relating to alcohol and drug use in railroad operations. Such regulations shall establish a program which— Regulations.

"(A) requires railroads to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance;

"(B) requires, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used or to have been impaired by alcohol while on duty; and

"(C) requires, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, standards, or orders issued under this title.

The Secretary may also issue rules, regulations, standards, and orders, as the Secretary considers appropriate in the interest of safety, requiring railroads to conduct periodic recurring testing of railroad employees responsible for such safety sensitive functions, for use of alcohol or a controlled substance in violation of law or Federal regulation. Nothing in this subsection shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any rules, regulations, standards, and orders governing the use of alcohol and controlled substances in railroad operations issued before the date of enactment of this subsection.

"(2) In carrying out the provisions of this subsection, the Secretary shall develop requirements which shall—

"(A) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(B) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

"(i) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this subsection, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

"(ii) establish the minimum list of controlled substances for which individuals may be tested; and

"(iii) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this subsection;

"(C) require that all laboratories involved in the controlled substances testing of any employee under this subsection shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(D) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any employee shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(E) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

"(F) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

"(G) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this subparagraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this subsection; and

"(H) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

Regulations.

"(3) The Secretary shall issue rules, regulations, standards, or orders setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of railroad employees responsible for safety-sensitive functions (as determined by the Secretary) in need of assistance in resolving problems with the use, in violation of law or Federal regulation, of alcohol or a controlled substance. Each railroad is encouraged to make such a program available to all of its employees in addition to those employees responsible for safety sensitive functions. The Secretary shall determine the circumstances under which such employees shall be required to participate in such program. Nothing in this paragraph shall preclude a railroad from establishing a program under this paragraph in cooperation with any other railroad.

"(4) In carrying out the provisions of this subsection, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

"(5) For the purposes of this subsection, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Secretary.".

TESTING TO ENHANCE MOTOR CARRIER SAFETY

SEC. 5. (a)(1) The Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.) is amended by adding at the end the following new section:

"SEC. 12020. ALCOHOL AND CONTROLLED SUBSTANCES TESTING. 49 USC app. 2717.

"(a) REGULATIONS.—The Secretary shall, in the interest of commercial motor vehicle safety, issue regulations within twelve months after the date of enactment of this section. Such regulations shall establish a program which requires motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of the operators of commercial motor vehicles for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such operators for such use in violation of law or Federal regulation.

"(b) TESTING.—

"(1) POST-ACCIDENT TESTING.—In issuing such regulations, the Secretary shall require that post-accident testing of the operator of a commercial motor vehicle be conducted in the case of any accident involving a commercial motor vehicle in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

"(2) TESTING AS PART OF MEDICAL EXAMINATION.—Nothing in subsection (a) of this section shall preclude the Secretary from providing in such regulations that such testing be conducted as part of the medical examination required by subpart E of part 391 of title 49, Code of Federal Regulations, with respect to those operators of commercial motor vehicles to whom such part is applicable.

"(c) PROGRAM FOR REHABILITATION.—The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such operators shall be required to participate in such program. Nothing in this subsection shall preclude a motor carrier from establishing a program under this subsection in cooperation with any other motor carrier. Regulations.

"(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a) of this section, the Secretary shall develop requirements which shall—

"(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

"(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

"(B) establish the minimum list of controlled substances for which individuals may be tested; and

"(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

"(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

"(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

"(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(e) EFFECT ON OTHER LAWS AND REGULATIONS.—

"(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to commercial motor vehicle employees, or to the general public.

"(2) OTHER REGULATIONS ISSUED BY SECRETARY.—Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by commercial motor vehicle employees issued before the date of enactment of this section.

"(3) INTERNATIONAL OBLIGATIONS.—In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

"(f) APPLICATION OF PENALTIES.—

"(1) EFFECT ON OTHER PENALTIES.—Nothing in this section shall be construed to supersede any penalty applicable to the operator of a commercial motor vehicle under this title or any other provision of law.

"(2) DETERMINATION OF SANCTIONS.—The Secretary shall determine appropriate sanctions for commercial motor vehicle operators who are determined, as a result of tests conducted and confirmed under this section, to have used, in violation of law or Federal regulation, alcohol or a controlled substance but are not under the influence of alcohol or a controlled substance, as provided in this title.

"(g) DEFINITION.—For the purposes of this section, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Secretary.".

(2) The table of contents of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570; 100 Stat. 5223) is amended by adding at the end thereof the following:

"Sec. 12020. Alcohol and controlled substances testing.".

(b)(1) The Secretary of Transportation shall design within nine months after the date of enactment of this Act, and implement within fifteen months after the date of enactment of this Act, a pilot test program for the purpose of testing the operators of commercial motor vehicles on a random basis to determine whether an operator has used, in violation of law or Federal regulation, alcohol or a controlled substance. The pilot test program shall be administered as part of the Motor Carrier Safety Assistance Program. 49 USC app. 2717 note.

(2) The Secretary shall solicit the participation of States which are interested in participating in such program and shall select four States to participate in the program.

(3) The Secretary shall ensure that the States selected pursuant to this subsection are representative of varying geographical and population characteristics of the Nation and that the selection takes into consideration the historical geographical incidence of commercial motor vehicle accidents involving loss of human life.

(4) The pilot program authorized by this subsection shall continue for a period of one year. The Secretary shall consider alternative methodologies for implementing a system of random testing of operators of commercial motor vehicles.

(5) Not later than thirty months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the results of the pilot program conducted under this subsection. Such report shall include any recommendations of the Secretary concerning the desirability and Reports.

implementation of a system for the random testing of operators of commercial motor vehicles.

(6) For purposes of carrying out this subsection, there shall be available to the Secretary $5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2304) for fiscal year 1992.

(7) For purposes of this subsection, the term "commercial motor vehicle" shall have the meaning given to such term in section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2716(6)).

TESTING TO ENHANCE MASS TRANSPORTATION SAFETY

49 USC app. 1618a.

SEC. 6. (a) As used in this section, the term—

(1) "controlled substance" means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary has determined has a risk to transportation safety;

(2) "person" includes any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States, or any State, territory, district, or possession thereof, or of any foreign country;

(3) "Secretary" means the Secretary of Transportation; and

(4) "mass transportation" means all forms of mass transportation except those forms that the Secretary determines are covered adequately, for purposes of employee drug and alcohol testing, by either the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) or the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.).

Regulations.

(b)(1) The Secretary shall, in the interest of mass transportation safety, issue regulations within twelve months after the date of enactment of this Act. Such regulations shall establish a program which requires mass transportation operations which are recipients of Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

(2) In issuing such regulations, the Secretary shall require that post-accident testing of such a mass transportation employee be conducted in the case of any accident involving mass transportation in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

Regulations.

(c) The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of mass transportation employees referred to in subsection (b)(1) who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such employees shall be required to partici-

pate in such program. Nothing in this subsection shall preclude a mass transportation operation from establishing a program under this section in cooperation with any other such operation.

(d) In establishing the program required under subsection (b), the Secretary shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within three days after being advised of the results of the confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(e)(1) No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to mass transportation employees, or to the general public.

(2) Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by mass transportation employees issued before the date of enactment of this Act.

(3) In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

(f)(1) As the Secretary considers appropriate, the Secretary shall require—

(A) disqualification for an established period of time or dismissal of any employee referred to in subsection (b)(1) who is determined to have used or to have been impaired by alcohol while on duty; and

(B) disqualification for an established period of time or dismissal of any such employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law or any regulations.

(2) Nothing in this section shall be construed to supersede any penalty applicable to a mass transportation employee under any other provision of law.

(g) A person shall not be eligible for Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, if such person—

(1) is required, under regulations prescribed by the Secretary under this section, to establish a program of alcohol and controlled substances testing; and

(2) fails to establish such a program in accordance with such regulations.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2942:

HOUSE REPORTS: Nos. 102-156 (Comm. on Appropriations) and 102-243 (Comm. of Conference).
SENATE REPORTS: No. 102-148 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 24, considered and passed House.
Sept. 17, considered and passed Senate, amended.
Oct. 9, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 16, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 28, Presidential statement.

○

Public Law 102-144
102d Congress

Joint Resolution

Oct. 28, 1991
[H.J. Res. 340]

To designate October 19 through 27, 1991 as "National Red Ribbon Week for a Drug-Free America".

Whereas alcohol and other drug abuse has reached epidemic proportions and is of major concern to all Americans;

Whereas alcohol and other drug abuse is a major public health threat and is one of the largest causes of preventable disease, disability and death in the United States today;

Whereas illegal drug use is not limited to persons of a particular age, gender, or socioeconomic status;

Whereas the drug problem appears to be insurmountable, but the United States has begun to lay the foundation to combat the use of illegal drugs;

Whereas the United States must continue the important strides made to combat alcohol and other drug abuse;

Whereas it has been demonstrated through public opinion polls that the American people consider drug abuse one of the most serious domestic problems facing the United States and have begun to take steps against it;

Whereas the National Federation of Parents for Drug Free Youth has declared October 19–October 27, 1991 as "National Red Ribbon Week", has organized the National Red Ribbon Campaign to coordinate the week's activities, has established the theme, "Neighbors—Drug Free and Proud" for the week, and has called for a comprehensive public awareness, prevention, and education program involving thousands of parent and community groups across the country;

Whereas the National Red Ribbon Campaign is headed by President and Mrs. George Bush and national honorary chairmen;

Whereas any use of an illegal drug is unacceptable and the illegal use of a legal drug cannot be tolerated; and

Whereas alcohol and other drug abuse destroys lives, spawns crime, undermines our economy, and threatens our security as a Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the period of October 19–27, 1991 is designated as "National Red Ribbon Week for a Drug Free America";

(2) the President is authorized and directed to issue a proclamation calling on the people of the United States—

(A) to observe the week by holding conferences, meetings and other activities to support community and alcohol education, and with other appropriate activities, events and educational campaigns; and

(B) both during the week and thereafter, to wear and display red ribbons to present and symbolize commitment to a healthy, drug-free life style, and to develop an attitude of intolerance concerning the use of drugs; and

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(3) Congress recognizes and commends the hard work and dedication of concerned parents, youth, law enforcement officials, educators, business leaders, religious leaders, private sector organizations, and Government leaders in combatting the abuse of alcohol and other drugs.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.J. Res. 340:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 17, considered and passed House.
Oct. 22, considered and passed Senate.

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Public Law 102-145
102d Congress

Joint Resolution

Oct. 28, 1991
[H.J. Res. 360]

Making further continuing appropriations for the fiscal year 1992, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1992, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1991 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 201 of Public Law 99-64 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1992, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1992;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992;

The Military Construction Appropriations Act, 1992;

The Department of Transportation and Related Agencies Appropriations Act, 1992;

The Treasury, Postal Service, and General Government Appropriations Act, 1992; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

59-139 O - 91 (145)

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1991, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1991, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided,* That where an item is funded in applicable appropriations Acts for the fiscal year 1991 and not included in the version passed by the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1991, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1991 or prior years, for the increase in production rates above those sustained with fiscal year 1991 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1991, except projects, activities, operations, or organizations relating to "Operation Desert Shield/Desert Storm": *Provided,* That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume

any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1991.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1991, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

Termination date.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to section 101 of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) November 14, 1991, except for the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, for which date shall be March 31, 1992, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1992 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

38 USC 1710 note.

SEC. 111. Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall remain in effect through the period covered by this joint resolution.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the National Science Foundation's United States Antarctic Logistical Support Activities

account shall be maintained at the current rate of operations.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Federal Communications Commission's Salaries and Expenses account shall be maintained at the current rate of operations.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.J. Res. 360:

HOUSE REPORTS: No. 102-266 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 24, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 28, Presidential statement.

Public Law 102-146
102d Congress

Joint Resolution

Oct. 28, 1991
[S.J. Res. 131]

Designating October 1991 as "National Down Syndrome Awareness Month".

Whereas a more enlightened attitude has emerged during the past 15 years in the care and training of the developmentally disabled;

Whereas one disability which has undergone considerable reevaluation is Down syndrome;

Whereas approximately 4,000 babies are born with Down syndrome annually in the United States;

Whereas, until recently, Down syndrome was stigmatized as a mentally and physically retarding condition that required institutionalization and restricted its victims to lives of passivity;

Whereas remaining ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas, through the efforts of concerned physicians, teachers, and parent groups, such as the National Down Syndrome Congress and the National Down Syndrome Society, programs are being put into place to educate the parents of babies with Down syndrome, to develop special education classes for individuals with Down syndrome within mainstreamed school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the workforce, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas the cost of programs designed to help individuals with Down syndrome enter their rightful place in society as productive citizens is a small fraction of the cost of institutionalization;

Whereas advancements in genetic research are also offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many children with Down syndrome who attend regular schools, play on Little League teams, and enjoy basketball and golf demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

59-139 O - 91 (146)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Approved October 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 131:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 1, considered and passed Senate.
Oct. 17, considered and passed House.

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Public Law 102-147
102d Congress

Joint Resolution

Oct. 28, 1991
[S.J. Res. 192]

Designating October 30, 1991 as "Refugee Day".

Whereas in the past decade, the plight of refugees world wide has been deepening as the world refugee population has more than doubled from 7,300,000 to 16,000,000;

Whereas more than 80 percent of these refugees are women and children;

Whereas one-third of the refugee population is found in Africa where the host countries have the weakest infrastructure and are the least able to sustain such large numbers of destitute people in flight;

Whereas the international effort to respond to the refugee crisis worldwide with the formulation of the United Nations Convention on Refugees and the founding of the Office of the United Nations High Commissioner for Refugees (UNHCR) marks its fortieth anniversary in 1991;

Whereas the United States has always played a leading role in refugee matters worldwide;

Whereas the origins of the United States as a land of refuge for those escaping persecution and the development of the United States as a nation of immigrants gives the country a deep understanding of and sympathy for the plight of the 16,000,000 refugees in the world;

Whereas refugees who have come to the United States have made significant contributions to the country;

Whereas the United States has consistently encouraged other countries to expand the effort to help the needy population of refugees and has worked to find both short-term and long-term solutions to the refugee crisis; and

Whereas the current world refugee situation requires that the United States continue to be a leader in refugee affairs and in the efforts to meet the growing challenges of the refugee crisis: Now, therefore, be it

59-139 O - 91 (147)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) October 30, 1991 is designated as "Refugee Day"; and

(2) the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Approved October 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 192:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 2, considered and passed Senate.
Oct. 24, considered and passed House.

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Public Law 102-148
102d Congress

An Act

Oct. 30, 1991
[H.R. 470]

To authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 U.S.C. App. 1622c), and the provisions of subsection (c), to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, Lake County, Indiana, dated May 29, 1947.

(b) DESCRIPTION OF PROPERTY.—Those lands incorporated in the Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the east one-half of section 35, township 37, range 9 west of the second principal meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the west one-half of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 26, township 37, range 9 west, lying between the C.L.S. & E. Railroad and United States Highway 12, all in the city of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain warranty deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as document number 742127, in book number 666, page 278, and that certain warranty deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as document number 82584, in book 670, page 68.

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(c) LIMITATION ON USE OF AMOUNTS RECEIVED.—Any amounts received by the city of Gary, Indiana, for use of property governed by a release granted by the Secretary of Transportation under this section shall be used by the city for development, improvement, operation, or maintenance of the Gary Regional Airport.

Approved October 30, 1991.

LEGISLATIVE HISTORY—H.R. 470:

HOUSE REPORTS: No. 102-102 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 102-193 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, considered and passed House.
Oct. 23, considered and passed Senate.

○

Public Law 102-149
102d Congress

Joint Resolution

Oct. 30, 1991
[S.J. Res. 160]

Designating the week beginning October 20, 1991, as "World Population Awareness Week".

Whereas the population of the world today exceeds 5,000,000,000 and is growing at an unprecedented rate of approximately 90,000,000 per year;

Whereas virtually all of this growth is occurring in the poorest countries, those countries least able to provide even basic services for their current citizens;

Whereas the demands of growing populations have contributed substantially to enormous environmental devastation and pose threats of even greater harm to the world;

Whereas one-half of the 10,000,000 infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded;

Whereas research reveals that one-half of the women of reproductive age in the developing world want to limit the size of their families but lack the means or ability to gain access to family planning;

Whereas the global community has for more than 20 years recognized that it is a fundamental human right for people to voluntarily and responsibly determine the number and spacing of their children and the United States has been a leading advocate of this right;

Whereas the demands of growing populations force many countries to borrow heavily and sell off their natural resources to cover the interest on their debt;

Whereas selling off natural resources in such circumstances often causes irretrievable losses, such as the destruction of the tropical rain forests at a rate of 50,000 acres per day;

Whereas the reliance of a rapidly growing world population on burning fuels is a critical factor in the emission of carbon dioxide into the atmosphere, which many scientists believe has already catalyzed a warming of the Earth's climate;

Whereas pollution is damaging the ozone layer to such an extent that within 40 years the amount of ultraviolet light reaching our planet is expected to increase by as much as 20 percent; and

Whereas in 1990, the President proclaimed "World Population Awareness Week" nationally, and 38 State Governors proclaimed "World Population Awareness Week" in their respective States, to call attention to the consequences of rapid population growth, and the Congress also passed a resolution to that effect: Now, therefore, be it

59-139 O - 91 (149)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 20, 1991, is designated as "World Population Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved October 30, 1991.

LEGISLATIVE HISTORY—S.J. Res. 160:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 8, considered and passed Senate.
Oct. 22, considered and passed House.

○

Public Law 102-150
102d Congress

An Act

To amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes.

Oct. 31, 1991
[H.R. 1720]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Mental Health Program Assistance Act of 1991.
24 USC 225 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Mental Health Program Assistance Act of 1991".

SEC. 2. CAPITAL IMPROVEMENTS RELATING TO MENTAL HEALTH SERVICES IN THE DISTRICT OF COLUMBIA.

24 USC 225b.

Section 4(f)(2) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (sec. 32-623(f)(2), D.C. Code) is amended—

(1) in subparagraph (A), by striking "and complete" and inserting "and, except as provided under an agreement entered into pursuant to subparagraph (C), complete"; and

(2) by adding at the end the following new subparagraph:

"(C) The Secretary may enter into an agreement with the Mayor under which the Secretary shall provide funds to the Mayor to complete the repairs and renovations described in subparagraph (A) and to make other capital improvements that are necessary for the safe and cost effective delivery of mental health services in the District, except that $7,500,000 of the funds provided to the Mayor under such an agreement shall be used to make capital improvements to facilities not located at Saint Elizabeths Hospital. Of the $7,500,000 provided for improvements to facilities not located at the Hospital, not less than $5,000,000 shall be used to make capital improvements to housing facilities for seriously and chronically mentally ill individuals.".

SEC. 3. EXTENSION OF DEADLINE FOR DISTRICT ASSUMPTION OF MENTAL HEALTH FUNCTIONS, RESOURCES, AND PROGRAMS.

24 USC 225, 225b.

(a) IN GENERAL.—The Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (sec. 32-621 et seq., D.C. Code) is amended by striking "October 1, 1991," and inserting "October 1, 1993," each place it appears in section 2(b)(1) and subsections (a)(2) and (f)(2)(A) of section 4.

24 USC 225f.

(b) CONGRESSIONAL AUTHORIZATION OF TRANSFER OF SAINT ELIZABETHS CAMPUS TO DISTRICT; SUBMISSION OF MASTER PLAN FOR USE OF REAL PROPERTY.—Section 8(b) of such Act (sec. 32-627, D.C. Code) is amended—

(1) by striking "October 1, 1991" and inserting "October 1, 1992"; and

(2) by striking "twelve-month" and inserting "2-year".

SEC. 4. BUY AMERICAN PROVISIONS.

The Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (sec. 32-621 et seq., D.C. Code) is amended—

(1) by redesignating section 11 as section 12; and 24 USC 225 note.

(2) by inserting after section 10 the following new section:

"SEC. 11. BUY AMERICAN PROVISIONS. 24 USC 225h.

"(a) The Mayor shall insure that the requirements of the Buy American Act of 1933, as amended, apply to all procurements made under this Act.

"(b) DETERMINATION BY THE MAYOR.—(1) If the Mayor, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the United States Trade Representative shall rescind the waiver of the Buy American Act with respect to such types of products produced in that foreign country.

"(2) An agreement referred to in paragraph (1) is any agreement, between the United States and a foreign country pursuant to which the head of an agency of the United States Government has waived the requirements of the Buy American Act with respect to certain products produced in the foreign country.

"(c) REPORT TO CONGRESS.—The Mayor shall submit to Congress a report on the amount of purchases from foreign entities under this Act from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

"(d) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"(e) RESTRICTIONS ON CONTRACT AWARDS.—No contract or subcontract made with funds authorized under this title may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)). Any such determination shall be made in accordance with section 305.

"(f) PROHIBITION AGAINST FRAUDULENT USE OF 'MADE IN AMERICA' LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning,

to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract under this Act, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.".

Approved October 31, 1991.

LEGISLATIVE HISTORY—H.R. 1720:

HOUSE REPORTS: No. 102-91 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 11, considered and passed House.
Oct. 16, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 31, Presidential statement.

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CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED SECOND CONGRESS
OF THE UNITED STATES OF AMERICA

1991

AND

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PUBLIC LAWS

(CONTINUED)

Public Law 102-151
102d Congress

An Act

To amend the Veterans' Benefit and Services Act of 1988 to authorize the Department of Veterans Affairs to use for the operation and maintenance of the National Memorial Cemetery of Arizona funds appropriated during fiscal year 1992 for the National Cemetery System.

Nov. 5, 1991
[S. 1823]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MEMORIAL CEMETERY OF ARIZONA.

(a) IN GENERAL.—Subsection (f) of section 346 of the Veterans' Benefits and Services Act of 1988 (102 Stat. 541) is amended—

(1) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as redesignated by paragraph (1) of this section)—

(A) by striking out subparagraph (B);

(B) by striking out "(A) Subject to subparagraph (B), in" and all that follows through "section 903(b)(1)" and inserting in lieu thereof "In addition to amounts made available to carry out chapter 24 of title 38, United States Code, in the three-year period beginning on the date on which the conveyance under subsection (a) is made, the Secretary shall use amounts available for payments under section 2303(b)(1) of such title"; and

(C) by adding at the end thereof the following:

"The amount the Secretary may use under such section 2303(b)(1) during a year for the purposes of this subsection may not exceed the greater of—

"(A) the amount that the Secretary estimates would have been obligated for payment during that year pursuant to such section 2303(b)(1) in connection with the burial of deceased veterans had the cemetery not been transferred to the Department of Veterans Affairs; or

"(B) the amount obligated for the purposes of such payment during fiscal year 1987.".

(b) TECHNICAL AMENDMENT.—Section 346 of the Veterans' Benefits and Services Act of 1988 (102 Stat. 541) is amended—

(1) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "Administrator" each subsequent place it appears and inserting in lieu thereof "Secretary".

Approved November 5, 1991.

LEGISLATIVE HISTORY—S. 1823:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 8, considered and passed Senate.
Oct. 22, considered and passed House, amended.
Oct. 28, Senate concurred in House amendment.

Public Law 102-152
102d Congress

An Act

To amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

Nov. 12, 1991
[H.R. 1046]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation Rate Amendments of 1991.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 3.7-PERCENT INCREASE.—Section 1114 is amended—

(1) by striking out "$80" in subsection (a) and inserting in lieu thereof "$83";

(2) by striking out "$151" in subsection (b) and inserting in lieu thereof "$157";

(3) by striking out "$231" in subsection (c) and inserting in lieu thereof "$240";

(4) by striking out "$330" in subsection (d) and inserting in lieu thereof "$342";

(5) by striking out "$470" in subsection (e) and inserting in lieu thereof "$487";

(6) by striking out "$592" in subsection (f) and inserting in lieu thereof "$614";

(7) by striking out "$748" in subsection (g) and inserting in lieu thereof "$776";

(8) by striking out "$865" in subsection (h) and inserting in lieu thereof "$897";

(9) by striking out "$974" in subsection (i) and inserting in lieu thereof "$1,010";

(10) by striking out "$1,620" in subsection (j) and inserting in lieu thereof "$1,680";

(11) in subsection (k)—

(A) by striking out "$66" both places it appears and inserting in lieu thereof "$68"; and

(B) by striking out "$2,014" and "$2,823" and inserting in lieu thereof "$2,089" and "2,927", respectively;

(12) by striking out "$2,014" in subsection (l) and inserting in lieu thereof "$2,089";

(13) by striking out "$2,220" in subsection (m) and inserting in lieu thereof "$2,302";

(14) by striking out "$2,526" in subsection (n) and inserting in lieu thereof "$2,619";

(15) by striking out "$2,823" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,927";

(16) by striking out "$1,212" and "$1,805" in subsection (r) and inserting in lieu thereof "$1,257" and "$1,872", respectively; and

(17) by striking out "$1,812" in subsection (s) and inserting in lieu thereof "$1,879".

38 USC 1114 note.

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(l) is amended—

(1) by striking out "$96" in clause (A) and inserting in lieu thereof "$100";

(2) by striking out "$163" and "$50" in clause (B) and inserting in lieu thereof "$169" and "$52", respectively;

(3) by striking out "$67" and "$50" in clause (C) and inserting in lieu thereof "$69" and "$52", respectively;

(4) by striking out "$77" in clause (D) and inserting in lieu thereof "$80";

(5) by striking out "$178" in clause (E) and inserting in lieu thereof "$185"; and

(6) by striking out "$149" in clause (F) and inserting in lieu thereof "$155".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$436" and inserting in lieu thereof "$452".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$616	W-4	$884
E-2	635	O-1	780
E-3	652	O-2	805
E-4	693	O-3	862
E-5	711	O-4	912
E-6	727	O-5	1,005
E-7	762	O-6	1,134
E-8	805	O-7	1,225
E-9	[1] 841	O-8	1,343
W-1	780	O-9	1,440
W-2	811	O-10	[2] 1,580
W-3	835		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $907.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,693.";

(2) by striking out "$68" in subsection (b) and inserting in lieu thereof "$71";

(3) by striking out "$178" in subsection (c) and inserting in lieu thereof "$185"; and

(4) by striking out "$87" in subsection (d) and inserting in lieu thereof "$90".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "$299" in clause (1) and inserting in lieu thereof "$310";

(2) by striking out "$431" in clause (2) and inserting in lieu thereof "$447";

(3) by striking out "$557" in clause (3) and inserting in lieu thereof "$578"; and

(4) by striking out "$557" and "$110" in clause (4) and inserting in lieu thereof "$578" and "$114", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "$178" in subsection (a) and inserting in lieu thereof "$185";

(2) by striking out "$299" in subsection (b) and inserting in lieu thereof "$310"; and

(3) by striking out "$151" in subsection (c) and inserting in lieu thereof "$157".

38 USC 1114 note.

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this Act shall take effect on December 1, 1991.

Approved November 12, 1991.

LEGISLATIVE HISTORY—H.R. 1046:

HOUSE REPORTS: No. 102-164 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
Oct. 28, considered and passed Senate, amended.
Oct. 30, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Nov. 12, Presidential statement.

Public Law 102-153
102d Congress

Joint Resolution

To designate the week beginning November 10, 1991, as "Hire a Veteran Week".

Nov. 12, 1991
[H.J. Res. 280]

Whereas the people of the United States have both a deep appreciation and respect for the men and women who serve our Nation in the armed forces;

Whereas, although veterans possess special qualities and skills which make them ideal candidates for employment, many veterans encounter difficulties in securing employment; and

Whereas the Department of Veterans Affairs, the Department of Labor, the Office of Personnel Management, and many State and local governments administer veterans programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 10, 1991, is hereby designated as "Hire a Veteran Week", and the President is authorized and requested to issue a proclamation calling upon employers, labor organizations, veterans organizations, and Federal, State, and local governmental agencies to lend their support to the campaign to increase employment of the men and women who have served our Nation in the armed forces.

Approved November 12, 1991.

LEGISLATIVE HISTORY—H.J. Res. 280 (S.J. Res. 157):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 31, considered and passed House.
Nov. 1, S.J. Res. 157 and H.J. Res. 280 considered and passed Senate.

Public Law 102-154
102d Congress

An Act

Nov. 13, 1991
[H.R. 2686]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Department of the Interior and Related Agencies Appropriations Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $538,940,000 of which the following amounts shall remain available until expended: not to exceed $1,400,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-6a(i)), and $23,500,000 for the Automated Land and Mineral Record System Project: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.

Notwithstanding any other provision of law, none of the funds in this or any other Act shall be available before October 1, 1992, to accept or process applications for patent for any oil shale mining claim located pursuant to the general mining laws or to issue a patent for any such oil shale mining claim, unless the holder of a valid oil shale mining claim has received first half final certificate for patent by date of enactment of this Act.

FIREFIGHTING

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire presuppression, and other related emergency actions by the Department of the Interior, $122,010,000, to remain available until expended: *Provided,* That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND 43 USC 1474a.

For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $100,869,000, to remain available until expended: *Provided,* That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $14,318,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, $25,322,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $90,274,000, to remain available until expended: *Provided,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,687,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further,* That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

43 USC 1735 note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to

$25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Public lands.
43 USC 1752 note.

Contracts.
Printing.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $518,437,000 of which $10,806,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which $1,000,000 shall be for contaminant sample analysis, and shall remain available until expended: *Provided,* That none of the

funds in this Act may be expended to reintroduce wolves in Yellowstone National Park and Central Idaho.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $114,895,000 to remain available until expended, of which $400,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g) and of which $13,000,000 for Walnut Creek NWR, IA shall be made available on September 30, 1992: *Provided,* That hereinafter notwithstanding any other provision of law, procurements for the Patuxent Wildlife Research Center, the National Education and Training Center, and the replacement laboratory for the National Fisheries Research Center—Seattle, Washington, may be issued which include the full scope of the facility: *Provided further,* That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.

43 USC 1474b.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); $4,370,000 to remain available until expended: *Provided,* That notwithstanding any other provision of law, in fiscal year 1991 and thereafter, sums provided by any party, including sums provided in advance or as a reimbursement for natural resource damage assessments, may be credited to this appropriation and shall remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $100,117,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, $6,705,000 for Grants to States, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $12,000,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), $1,201,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

43 USC 1474c.

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, in fiscal year 1992 and thereafter, amounts above $1,000,000 received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, but not to exceed $12,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 145 passenger motor vehicles, of which 129 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided,* That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further,* That hereafter the Tinicum National Environmental Center in Philadelphia, Pennsylvania, shall be known as the John Heinz National Wildlife Refuge at Tinicum.

Federal buildings and facilities. Pennsylvania. 16 USC 668dd note.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Fish and Wildlife Service is hereafter authorized to negotiate and enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement on a public-private cost sharing basis, the North American Wetlands Conservation Act and the North American Waterfowl Management Plan: *Provided,* That the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided further,* That interest earned by the Foundation and its subgrantees on funds drawn down to date but not immediately disbursed shall be used to fund direct projects and programs as approved by the Foundation's Board of Directors.

Contracts. Grants. 31 USC 6305 note.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $566,000 for the Roosevelt Campobello International Park Commission, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $965,665,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $59,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided,* That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further,* That of the funds provided herein, $700,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further,* That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further,* That notwithstanding any other provision of law, hereafter the National Park Service may make road improvements for the purpose of public safety on Route 25 in New River Gorge National River between the towns of Glen Jean and Thurmond: *Provided further,* That none of the funds appropriated to the National Park Service in this Act may be used to construct horse stables or any other facilities for the housing of horses at the Manassas National Battlefield Park: *Provided further,* That of the funds provided herein, $65,000 is available for a cooperative agreement with the Susan LaFlesche Picotte Center: *Provided further,* That none of the funds appropriated in this Act may be used to implement any increase in Government housing rental rates in excess of ten per centum more than the rental rates which were in effect on September 1, 1991, for such housing: *Provided further,* That of the funds provided under this heading, not to exceed $500,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further,* That the aforementioned sum and any sums hereinafter provided in subsequent Acts for said project are to be considered non-Federal monies for the purpose of title I of Public Law 99-662.

16 USC 20b note.

16 USC 460ff-3 note.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and

review, and grant administration, not otherwise provided for, $23,090,000: *Provided,* That no funds appropriated under this head for the Calumet Historic District may be obligated until funds provided for the Calumet Historic District under construction planning are specifically authorized.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $35,931,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1993: *Provided,* That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further,* That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $275,801,000, to remain available until expended: *Provided,* That not to exceed $8,440,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further,* That none of the funds under this head may be expended for the Calumet Historic District unless specifically authorized: *Provided further,* That of the funds provided under this heading, $1,400,000 shall be available for site acquisition and site preparation for the Lincoln Center in Springfield, Illinois: *Provided further,* That up to $376,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for emergency stabilization of the Kennicott, Alaska copper mine, such funds to be transferred to the Alaska State Historic Preservation Office: *Provided further,* That of the funds provided under this heading, $2,000,000 shall be available for a grant to restore the Chicago Public Library, Central Building as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)): *Provided further,* That notwithstanding any other provision of law, $1,000,000 shall be made available for renovation of Tad Gormley Stadium: *Provided further,* That of the funds provided under this heading, up to $100,000 shall be available to assist the Town of Provincetown, Massachusetts with planning and construction of a solid waste transfer station on town-owned land provided that the Town and the National Park Service enter into an agreement for shared use of the facility for its lifetime at a rate based on actual operating costs and percentages of total contribution of solid waste by the National Park Service: *Provided further,* That of the funds provided under this heading, $3,650,000 shall be available for construction of a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor: *Provided further,* That until March 1, 1992, none of the funds

appropriated under this head may be expended for the Steamtown National Historic Site unless specifically authorized.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625) $5,000,000, to remain available until expended.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $106,570,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $23,500,000 is for the State assistance program including $3,500,000 to administer the State assistance program: *Provided,* That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $14,000 shall be available in 1992 for administrative expenses of the State grant program.

Notwithstanding any other provisions in this Act, funds in this Act for National Park Service Land Acquisition may be used for acquisition of property by condemnation at Santa Monica Mountains National Recreational Area under the condition that zoning permits or variances for such property shall not have changed since those in place on September 19, 1991.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

16 USC 460*l*-10a note.

The contract authority provided for fiscal year 1992 by 16 U.S.C. 460l-10a is rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $22,945,000, of which $16,000,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 465 passenger motor vehicles, of which 322 shall be for replacement only, including not to exceed 355 for police-type use, 11 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized

recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided,* That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further,* That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further,* That Federal funds available to the National Park Service may be used for improvements to the National Park Service rail excursion line between milepost 132.7 and 120.55 located in Northeastern Pennsylvania: *Provided further,* That the Secretary of the Interior, acting through the Director of the National Park Service, may enter into a cooperative agreement with the William O. Douglas Outdoor Classroom under which the Secretary may expend Federal funds on non-Federal property for environmental education purposes.

Reports.

Notwithstanding any Master Plan, Development Concept Plan or policy of the Olympic National Park, nor any Federal regulation, to the contrary, the Superintendent of the Olympic National Park, located in the State of Washington, is authorized and directed to issue a ten-year, special use permit for the continued operation of Kamp Kiwanis by the Hoquiam Kiwanis Club and the Hoquiam Y.M.C.A., and for reconstruction of the main lodge at Kamp Kiwanis, at the location described below within the boundary of the Olympic National Park:

Washington.
National parks, monuments, memorials.

A plot of land in Section 13, Township 23 N., Range 10 W., W.M. described as follows:

Beginning at an iron pipe which is on the section line and south 860 feet from the south 1/16 corner of Sections 14 and 13 in Township 23 north, Range 10 W., W.M.; thence north 13½ degrees east 572 feet to an iron pipe; thence south 55 degrees east 319 feet to an iron pipe; thence south 16 degrees west 458 feet to an iron pipe; thence north 75½ degrees west 277 feet to point of beginning, containing 3.43 acres, more or less; also a right-of-way for a pipeline from Higley Creek to the above area

about 2,000 feet along the section line between Sections 13 and 14, T. 23 N., Range 10 W., W.M.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $590,054,000, of which $62,058,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

43 USC 50.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 26 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224: *Provided further,* That the Geological Survey (43 U.S.C. 31(a)) shall hereafter be designated the United States Geological Survey.

Nomenclature.
43 USC 31 note.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $207,070,000, of which not less than $66,584,000 shall be available for royalty management activities: *Provided,* That $1,500,000 for computer acquisitions shall remain available until September 30, 1993: *Provided further,* That funds

appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $10,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further,* That notwithstanding any other provision of law, $68,200,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury: *Provided further,* That notwithstanding any other provision of law, for fiscal year 1992 and each year thereafter, the Secretary of the Interior or his designee is authorized to— 30 USC 196.

(a) enter into a cooperative agreement or agreements with any State or Indian tribe to share royalty management information, to carry out inspection, auditing, investigation or enforcement (not including the collection of royalties, civil penalties, or other payments) activities in cooperation with the Secretary, except that the Secretary shall not enter into such cooperative agreement with a State with respect to any such activities on Indian lands except with the permission of the Indian tribe involved; and

(b) upon written request of any State, to delegate to the State all or part of the authorities and responsibilities of the Secretary under the authorizing leasing statutes, leases, and regulations promulgated pursuant thereto to conduct audits, investigations, and inspections, except that the Secretary shall not undertake such a delegation with respect to any Indian lands except with permission of the Indian tribe involved,

with respect to any lease authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands or Indian lands within the State or with respect to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)), on the same terms and conditions as those authorized for oil and gas leases under sections 202, 203, 205, and 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1733, 1735, and 1736) and the regulations duly promulgated with respect thereto: *Provided further,* That section 204 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1734) shall apply to leases authorizing exploration for or development of coal, any other solid mineral, or geothermal steam on any Federal lands, or to any lease or portion of a lease subject to section 8(g) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1337(g)): *Provided further,* That the Secretary shall compensate any State or Indian tribe for those costs which are necessary to carry out activities conducted pursuant to such cooperative agreement or delegation. Intergovernmental relations. Indians. Contracts.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing,

use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $176,690,000, of which $101,682,000 shall remain available until expended: *Provided,* That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

43 USC 1473a.

The Secretary is authorized to accept lands, buildings, equipment, other contributions and, heretofore and hereafter, fees to be deposited in the contributed funds account from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles, of which 11 shall be for replacement only; $111,100,000 and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, from performance bond forfeitures in fiscal year 1992: *Provided,* That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1992 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further,* That notwithstanding the requirements of section 705 of Public Law 95-87 (30 U.S.C. 1295) appropriations herein shall be available to fund the full costs to the States to implement the Applicant Violator System in compliance with the January 24, 1990 Settlement Agreement between Save Our Cumberland Mountains, Inc. and Manuel Lujan, Jr., Secretary, United States Department of the Interior, et al.

30 USC 1211 note.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles, of which 16 shall be for replacement only, $190,200,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That of the funds herein provided up to $22,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 20 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $15,000,000: *Provided further,* That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office: *Provided further,* That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further,* That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $1,236,078,000, including $248,152,000 for school operations costs of Bureau-funded schools

and other education programs which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which, funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and of which not to exceed $75,912,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1993; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which $2,021,000 for litigation support shall remain available until expended, $5,000,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which $1,139,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), shall remain available until expended: *Provided,* That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further,* That $200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further,* That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That $300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further,* That until such time as legislation is enacted to the contrary, none of the funds appropriated in this or any other Act for the benefit of Indians residing within the jurisdictional service area of the Cherokee Nation of Oklahoma shall be expended by other than the Cherokee Nation, nor shall any funds be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without the consent of the Cherokee Nation: *Provided further,* That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: *Provided further,* That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and

Claims.

Government organization.

approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees: *Provided further,* That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further,* That within available funds $100,000 is available to lease space in a facility to be constructed by the Nez Perce Tribe in Lapwai, Idaho: *Provided further,* That the Bureau of Indian Affairs will incorporate General Services Administration Market Survey findings into the final lease agreement: *Provided further,* That notwithstanding any other provision of law, $150,000 shall be provided to the Blackfeet Tribe for a model trust department pilot program.

CONSTRUCTION

(INCLUDING RESCISSION)

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $213,163,000, to remain available until expended: *Provided,* That of the funds previously provided under this head for construction contract support, $7,000,000 is hereby rescinded: *Provided further,* That $1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further,* That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of understanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation: *Provided further,* That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of the Bureau of Reclamation: *Provided further,* That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 100-580, 101-618, 101-602, 101-628, 101-486, and 100-585, including funds for necessary administrative expenses, $87,617,000, to remain available until expended: *Provided,* That income earned on funds appropriated by Public Law 101-121, October 23, 1989, 103 Stat. 701, 715 for the

25 USC 1773d note.

purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41, June 21, 1989, 103 Stat. 83, may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities: *Provided further,* That no more than 5 per centum of the income in any year may be utilized for such purposes: *Provided further,* That of the funds included for Public Law 101-602, $5,000,000 shall be made available on September 30, 1992; of the funds included for Public Law 101-628, $23,000,000 shall be made available on September 30, 1992; and of the funds included for Public Law 101-618, $12,500,000 shall be made available on September 30, 1992.

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, $4,000,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,000,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $3,039,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,735,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Indian Financing Act of 1974, as amended, $8,512,000: *Provided,* That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $56,432,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

MISCELLANEOUS PERMANENT APPROPRIATIONS

48 USC 50e note.

Beginning October 1, 1991, and thereafter, amounts collected by the Secretary in connection with the Alaska Resupply Program (Public Law 77-457) shall be deposited into a special fund to be established in the Treasury, to be available to carry out the provisions of the Alaska Resupply Program, such amounts to remain available until expended: *Provided,* That unobligated balances of amounts collected in fiscal year 1991 and credited to the Operation of Indian Programs account as offsetting collections, shall be transferred and credited to this account.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 188 passenger carrying motor vehicles, of which not to exceed 147 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, $93,477,000, of which (1) $89,447,000 shall be available until expended for technical assistance, including maintenance assistance, drug interdiction and abuse prevention, and brown tree snake control and research; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $4,030,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided,* That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but

48 USC 1401f, 1423*l*, 1665.

48 USC 1469b.

only by Act of Congress as required by Public Law 99-396: *Provided further,* That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $24,451,000 to remain available until expended including $17,651,000 for operations of the Government of Palau: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further,* That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further,* That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1992, shall be credited as an offset against fiscal year 1992 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1992: *Provided further,* That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

48 USC 1683.

48 USC 1682.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, $25,010,000, to remain available until expended, as authorized by Public Law 99-239: *Provided,* That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219: *Provided further,* That the language in the third proviso under this head in Public Law 100-446

Effective date.

102 Stat. 1798.

is amended by striking the word "Ejit" and inserting the word "Majuro": *Provided further,* That $2,000,000 shall be available on an ex gratia basis for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further,* That such funds shall remain available for deposit into a Rongelap Resettlement Trust Fund to be used by the people of Rongelap under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Rongelap Local Government Council subject only to the disapproval of the Secretary of the Interior: *Provided further,* That the Government of the Republic of the Marshall Islands and the Rongelap Local Government Council shall provide for the creation of the Rongelap Resettlement Trust Fund to assist in the resettlement of Rongelap Atoll by the people of Rongelap, and the employment of the manager of the Rongelap fund established pursuant to the section 177 Agreement (pursuant to section 177 of Public Law 99-239) as trustee and manager of the Rongelap Resettlement Trust Fund, or, should the manager of the Rongelap fund not be acceptable to the people of Rongelap, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of $250,000,000, subject only to the disapproval of the Secretary of the Interior: *Provided further,* That such funds shall be available only for costs directly associated with the resettlement of Rongelap by the people of Rongelap and for projects on Mejatto: *Provided further,* That the Secretary may approve expenditures of up to $500,000 in fiscal year 1992 for projects on Mejatto benefitting the people of Rongelap presently residing on the island of Mejatto: *Provided further,* That after fiscal year 1992, such projects on Mejatto benefitting the people of Rongelap may be funded only from the interest and earnings generated by the trust fund corpus: *Provided further,* That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided further,* That the Governments of the United States and the Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $64,445,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $31,525,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,044,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,243,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, $2,190,000.

OILSPILL EMERGENCY FUND

For necessary expenses for contingency planning, response, natural resource damage assessment and restoration activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction; $3,900,000, which shall remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; re-

sponse and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Notwithstanding any other provisions of law, in fiscal year 1992 and thereafter, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 108. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 145 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 113. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 114. The provision of section 113 shall not apply if the transfer of management or control is ratified by law.

43 USC 1473b.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, any appropriations or funds available to the Department of the Interior in this Act may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Department of the Interior programs.

43 USC 1473c.

SEC. 116. Appropriations under this title in fiscal year 1992 and thereafter, may be made available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work for units of the Department of the Interior.

102 Stat. 4002.

SEC. 117. Section 105 of Public Law 100-675 is hereby amended by adding the following new subsection:

"(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority,

hereinafter referred to as the 'Authority', funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the 'Fund'. The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 17, 1991.".

SEC. 118. Notwithstanding section 7(b) of Public Law 99-647, the Secretary may approve the extension of the Blackstone Commission on or before November 10, 1991, to accomplish the purposes of that subsection. 16 USC 461 note.

SEC. 119. None of the funds appropriated in the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 120. (a) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (H.R. 2608), is amended as follows:

(1) The third paragraph in title I (under the headings "Justice Assistance" and "Office of Justice Programs" within amounts for the Department of Justice) is amended by striking out the period at the end and inserting in lieu thereof ": *Provided,* That of the $76,000,000 appropriated herein, $4,000,000 shall be derived from deobligated funds previously awarded under part B and subparts I and II of part C of title II of said Act.". *Ante*, p. 783.

(2) The paragraph in title I under the heading "Salaries and Expenses" under the heading "Federal Communications Commission" is amended by striking out "For total obligations" and inserting in lieu thereof "For necessary expenses". *Ante*, p. 797.

(3) The paragraph in title IV under the heading "Payment to the Legal Services Corporation" under the heading "Legal Services Corporation" is amended by inserting ", coordinated through the national Legal Services Corporation office," in the proviso after "such Institutes". *Ante*, p. 813.

(b) The amendments made by subsection (a) shall take effect as if included in the Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 1992, on the date of the enactment of such Act. Effective date.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $182,812,000 to remain available until September 30, 1993.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $184,107,000, to remain available until expended, as authorized by law: *Provided,* That a grant of $550,000 shall be available to Berkeley County, South Carolina: *Provided further,* That $5,000,000 shall be available for necessary expenses of the Forest Legacy Program, as authorized by section 1217 of Public Law 101-624, the Food, Agriculture, Conservation and Trade Act of 1990: *Provided further,* That the Forest Service shall not, under authority provided by this section, enter into any commitment to fund the purchase of interests in lands, the purchase of which would exceed the level of appropriations provided by this section.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Firefighting", and "Land Acquisition", $1,359,662,000 to remain available for obligation until September 30, 1993, including $26,968,000 for wilderness management, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)): *Provided,* That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1991, shall be merged with and made a part of the fiscal year 1992 National Forest System appropriation, and shall remain available for obligation until September 30, 1993: *Provided further,* That timber volume authorized or scheduled for sale during fiscal year 1991, but which remains unsold at the end of fiscal year 1991 shall be offered for sale during fiscal year 1992 in addition to the fiscal year 1992 timber sale volume to the extent possible: *Provided further,* That within available funds, up to $238,000 shall be available for a cooperative agreement with Alabama A&M University: *Provided further,* That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

FOREST SERVICE FIREFIGHTING

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression, and emergency operations on, and the emergency rehabilitation of, National Forest System lands, $189,803,000, to remain available until expended: *Provided,* That such funds are also to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, $112,000,000, to remain available until expended: *Provided,* That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That hereafter, beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated. 16 USC 556e.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $275,178,000, to remain available until expended, of which $82,089,000 is for construction and acquisition of buildings and other facilities; and $193,089,000 is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1992 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further,* That not to exceed $113,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $89,433,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided,* That the Forest Service shall make a grant of $633,000 to the City of Missoula, Montana, from funds appropriated by Public Law 101-512 for direct acquisition of property known as Rattlesnake Greenway and currently under option to the City of Missoula, Montana: *Provided further,* That no funds shall be available to purchase Special Improvement District permits and any remaining funds shall be available to acquire additional properties for recreation and open space in the same vicinity.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,148,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $97,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 207 passenger motor vehicles of which 17 will be used primarily for law enforcement purposes and of which 176 shall be for replacement only, of which acquisition of 137 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 68 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and

may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided,* That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: *Provided,* That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1992 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 102-116.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement

of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

31 USC 6305 note.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized hereafter to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to print educational materials and to continue the Challenge Cost-Share Program.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided,* That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further,*

Landscaping.

That landscape architects shall be used to maintain a visually pleasing forest.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided,* That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until ex-

pended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek. Disaster assistance. Labor.

As a pilot effort, for the purpose of achieving ecologically defensible management practices, the Kaibab and Dixie National Forests are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects. Timber removed shall count toward meeting the Congressional expectations for the annual timber harvest.

The Forest Service shall conduct a below-cost timber sales study on the Shawnee National Forest, Illinois, in fiscal year 1992.

The Forest Service shall work with the purchasers of sales already under contract on the Shawnee National Forest to achieve mutually acceptable modifications to said contracts so that the harvest of timber under such contracts may occur consistent with the expected management prescriptions and/or practices envisioned in the Draft Amendment to the Forest Plan for the Shawnee National Forest issued in 1991. Contracts.

To the greatest extent possible, and pending final approval of the Draft Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101-512 is amended by striking the phrase "$150,000,000 on October 1, 1991, $225,000,000 on October 1, 1992" and inserting "$100,000,000 on October 1, 1991, $275,000,000 on October 1, 1992". 104 Stat. 1944.

Notwithstanding the issuance date for the fifth general request for proposals under this head in Public Law 101-512, such request for proposals shall be issued not later than July 6, 1992, and notwithstanding the proviso under this head in Public Law 101-512 regarding the time interval for selection of proposals resulting from such solicitation, project proposals resulting from the fifth general request for proposals shall be selected not later than ten months after the issuance date of the fifth general request for proposals: *Provided,* That hereafter the fifth general request for proposals shall be subject to all provisos contained under this head in previous appropriations Acts unless amended by this Act. 42 USC 5903d note.

Notwithstanding the provisos under this head in previous appropriations Acts, projects selected pursuant to the fifth general re-

quest for proposals shall advance significantly the efficiency and environmental performance of coal-using technologies and be applicable to either new or existing facilities: *Provided,* That budget periods may be used in lieu of design, construction, and operating phases for cost-sharing calculations: *Provided further,* That the Secretary shall not finance more than 50 per centum of the total costs of any budget period: *Provided further,* That project specific development activities for process performance definition, component design verification, materials selection, and evaluation of alternative designs may be funded on a cost-shared basis up to a limit of 10 per centum of the Government's share of project cost: *Provided further,* That development activities eligible for cost-sharing may include limited modifications to existing facilities for project related testing but do not include construction of new facilities.

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements for use on projects for which cooperative agreements are in place, within the limitations and proportions of Government financing increases currently allowed by law: *Provided,* That hereafter, the Department of Energy, for a period of up to five years after completion of the operations phase of a cooperative agreement may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from demonstration activities conducted under the Clean Coal Technology Program and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a Clean Coal Technology project: *Provided further,* That hereafter, in addition to the full-time permanent Federal employees specified in section 303 of Public Law 97-257, as amended, no less than 90 full-time Federal employees shall be assigned to the Assistant Secretary for Fossil Energy for carrying out the programs under this head using funds available under this head in this and any other appropriations Act and of which not less than 35 shall be for PETC and not less than 30 shall be for METC: *Provided further,* That hereafter reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of each session of Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.

Privacy.

Reports.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisi-

tion of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $458,104,000, to remain available until expended, of which $338,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909) and of which $3,100,000 is available for the fuels program: *Provided,* That none of the funds made available under this head may be managed by any individual who is not subject to the "employment floor" provisions in Public Law 97-257 as amended or, in the alternate, who is not the Acting Assistant Secretary for Fossil Energy: *Provided further,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That the funds provided under this head in fiscal year 1991 for the purchase of supercomputer time needed for Fossil Energy programmatic purpose shall be provided as a grant to the University of Nevada-Las Vegas: *Provided further,* That disbursements pursuant to such a grant shall be made only upon the actual use of such supercomputer time upon request by Fossil Energy and receipt by Fossil Energy of the products therefrom.

Of the funds provided herein, $2,000,000 shall be available for a grant for the National Research Center for Coal and Energy, and $1,500,000 shall be for a grant to be matched on an equal basis from other sources for the University of North Dakota Energy and Environmental Research Center.

Of the funds herein provided, $40,800,000 is for implementation of the June 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided,* That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1992, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further,* That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expended in normal business practice: *Provided further,* That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further,* That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

Funds in the amount of $8,000,000 provided under this head in Public Law 101-512 to initiate a ten-year industry/government cooperative agreement to design, construct, and operate a proof-of-concept oil shale facility employing modified in-situ retorting and surface processing of mined shale and waste at Federal Prototype Oil Shale Lease Tract Cb near Meeker, Colorado, are rescinded.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North

Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided,* That the Department of Energy shall not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) upon modification of the Trust Agreement the Department shall immediately transfer $20,000,000 from the Reserve Account to the Environmental Account, both established pursuant to section 2(b) of the Trust Agreement, and shall provide a loan from the Reserve Account for 40 per centum of the remaining project costs after the disbursement of funds from the Environmental Account in an amount not to exceed $30,000,000 and at the rate of interest specified in sections 1 and 7(b) of the Trust Agreement; (3) no disbursements for construction shall be made from either the Reserve Account or from funds which have been transferred to the Environmental Account from the Reserve Account prior to receipt by Dakota Gasification Company of an amended Permit to Construct from the North Dakota State Department of Health; (4) the Government contribution from the Reserve Account shall be disbursed on a concurrent and proportional basis with the contribution from the Dakota Gasification Company; (5) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account, for any increased revenues or profits realized as a result of the sulfur control project; and (6) such contributions from the Reserve Account, including funds to be transferred to the Environmental Account, shall be made available contingent upon a finding by the Secretary, in the form of a report to Congress submitted not later than March 1, 1992, that such planned project modifications are cost effective and are expected to meet such environmental emissions requirements as may exist.

Reports.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $235,300,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserves Numbered 1, 2, and 3 and the Naval Oil Shale Reserves and estimated to total $523,000,000 for fiscal year 1992 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in carrying out naval petroleum and oil shale reserve activities: *Provided further,* That the sum herein appropriated shall be reduced as such revenues are received so as to result in a final fiscal year 1992 appropriation estimated at not more than $0.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $543,166,000, to remain available until expended, including,

notwithstanding any other provision of law, the excess amount for fiscal year 1992 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided,* That $243,433,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same proportion for each program as in fiscal year 1991: *Provided further,* That of the sums for weatherization assistance for low-income persons, $3,000,000 shall be for the incentive program authorized by section 415d of the Energy Conservation and Production Act, as amended by Public Law 101-440: *Provided further,* That $2,000,000 of the amount under this heading shall be for metal casting research consistent with the provisions of Public Law 101-425: *Provided further,* That $1,500,000 of the amount provided under this head shall be available for a grant to the National Center for Alternate Transportation Fuels: *Provided further,* That $3,000,000 of the amount provided under this head, and such amounts as may be provided hereafter in appropriations Acts, shall be available to continue a contract funded in Public Law 101-512 for the development of an Integrated Management Information System for the steel industry, and the Government's share of the cost of such project shall not exceed 50 per centum using the same criteria for acceptance of contributions as for steel and aluminum research below: *Provided further,* That $17,968,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided further,* That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further,* That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further,* That up to $27,000,000 of the amount provided under this head is for electric and hybrid vehicle battery research to be conducted on a cooperative basis with non-Federal entities, such amounts to be available only as matched on an equal basis by such entities: *Provided further,* That section 303 of Public Law 97-257 is further amended by changing the number for the Office of the Assistant Secretary for Conservation and Renewables from "352" to "397". 96 Stat. 873.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $14,771,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,300,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $185,858,000, to remain available until expended, including $122,685,000 to be derived by transfer from funds deposited in the "SPR petroleum account" as a result of the test sale of the Strategic Petroleum Reserve begun on September 26, 1990, as authorized under 42 U.S.C. 6241(g)(1): *Provided,* That the provisions of 42 U.S.C. 6241(g)(6)(B) shall not apply to the use of these funds: *Provided further,* That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses as authorized under 42 U.S.C. 6247, $15,100,000, to remain available until expended: *Provided,* That notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided further,* That no funds available in fiscal year 1992 in this, or any previous or subsequent appropriations Act, or made available in this account pursuant to 42 U.S.C. 6247(b) as a result of any test drawdown or drawdown and distribution of the Reserve under the provisions of 42 U.S.C. 6241 may be used in fiscal year 1992 for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either: *Provided further,* That the Secretary of Energy may negotiate contracts pursuant to the provisions of part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101-383: *Provided further,* That restrictions on leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either which are contained under this head in Public Law 101-512 are hereby repealed: *Provided further,* That the running of the 12 month period described in section 161(g)(6)(B) of the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6241(g)(6)(B)), shall be suspended during fiscal year 1992: *Provided further,* That outlays in fiscal year 1992 resulting from the use of funds in this account other than those deposited as a result of a test sale or drawdown of the Reserve shall not exceed $137,000,000.

104 Stat. 1948.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $77,233,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project. Reports.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract, agreement, or arrangement, including, but not limited to, a Management and Operating Contract as defined in the Federal Acquisition Regulations (17.601), with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVI and section 208 of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; $1,449,871,000, of which $5,000,000 shall be available on September 30, 1992 and shall remain available until expended for the Morris K. Udall Scholarship Foundation subject to the passage of authorizing legislation, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided,* That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further,* That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $301,311,000 for contract medical care shall remain available for expenditure until September 30, 1993: *Provided further,* That of the funds provided, not less than $5,990,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $35,000 per year of obligated service in return for full-time clinical service: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That of the funds provided, $2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain avail-

able for expenditure until September 30, 1993: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended. Reports.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $277,852,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That the Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Standing Rock Sioux Tribe for use solely as the Aberdeen Area's Youth Regional Treatment Center, and may use funds appropriated to the Indian Health Service to renovate the buildings for that purpose.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That no later than 30 days after the end of each quarter of the fiscal year, the Indian Health Service is to report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on any proposed adjustments to existing leases involving additional space or proposed additional leases for permanent structures to be used in the delivery of Indian health care services: *Provided further,* That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Services facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service Reports. Contracts. 25 USC 1681.

shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further,* That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further,* That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, $77,547,000, of which $57,692,000 shall be for subpart 1 and $16,596,000 shall be for subparts 2 and 3: *Provided,* That $1,570,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1993.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $26,172,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided*

further, That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), $6,612,000, of which not to exceed $350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided,* That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further,* That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $283,961,000, of which not to exceed $25,839,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That none of the funds appropriated herein shall be made available for acquisition of land at the Smithsonian Environmental Research Center before the date of the enactment of an Act authorizing the use of funds for that purpose.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

Funds previously appropriated in this account for the American Institute of Indian Studies Forward Funded Reserve may be invested in India by the United States Embassy in India in interest bearing accounts with the interest to be used along with other funds in the account to support the ongoing programs of the American Institute of Indian Studies.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $8,000,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,710,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $19,400,000, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be made available for construction of the East Court Building project, National Museum of Natural History before the date of the enactment of an Act authorizing the use of funds for that purpose.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of

Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $49,192,000, of which not to exceed $3,120,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $3,600,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,744,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $147,700,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act: *Provided,* That none of the funds made available in this Act for the National Endowment for the Arts may be used to fund any application for a grant that is not submitted to the Endowment pursuant to existing law as contained in section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(d)), for which terms are defined in section 3 of that Act (20 U.S.C. 952).

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $30,500,000, to remain available until September 30, 1993 to the National Endowment for the Arts, of which $13,000,000 shall be available for purposes of section 5(l): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding

fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $152,650,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which $1,000,000 for the dissertation fellowship program and $5,700,000 for the Office of Preservation shall remain available until September 30, 1993.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $25,550,000, to remain available until September 30, 1993, of which $12,550,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $27,344,000, including not to exceed $250,000 as authorized by 20 U.S.C. 965(b).

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $722,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $2,623,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $4,775,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $33,000, to remain available until September 30, 1993.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,807,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $5,126,000, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, $11,005,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

TITLE III—GENERAL PROVISIONS

Contracts. Public information.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agri-

culture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

Labor.

SEC. 308. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

42 USC 1856a-1.

SEC. 309. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 310. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 311. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

Conservation. Environmental protection.

SEC. 312. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 313. None of the funds made available by this or any other Act with respect to any fiscal year may be used by the Department of the Interior or the Forest Service, Department of Agriculture to make any reimbursements to any other Federal department for litigation costs associated with the Prince William Sound oilspill.

SEC. 314. None of the funds provided in this Act may be expended by the Forest Service or the Bureau of Land Management to increase fees charged for communication site use of lands administered by the Forest Service or Bureau of Land Management by more than 15 per centum per user in fiscal year 1992 over the levels in effect on January 1, 1989.

SEC. 315. None of the funds appropriated by this Act may be used to ensure that hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture.

Conservation.
Wildlife.
Intergovernmental relations.

SEC. 316. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1992 receipts shall not be less than 90 per centum of the average annual payments to States, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided,* That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1992.

Oregon.
California.
Public lands.

SEC. 317. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1992 receipts derived from the Oregon and California grant lands shall not be less than 90 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided,* That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1992.

SEC. 318. With the exception of budget authority for "Miscellaneous payments to Indians", Bureau of Indian Affairs, Department of the Interior; "Salaries and expenses", National Indian Gaming Commission, Department of the Interior; "Payment to the Institute", Institute of American Indian and Alaska Native Culture and Arts Development; "Salaries and expenses", Woodrow Wilson International Center for Scholars; "Salaries and expenses" and "National capital arts and cultural affairs", Commission on Fine Arts; "Salaries and expenses", Advisory Council on Historic Preservation; "Salaries and expenses", National Capital Planning Commission; "Salaries and expenses", Franklin Delano Roosevelt Memorial Commission; and "Salaries and expenses" and "Public development", Pennsylvania Avenue Development Corporation, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act, for payments not required by law is hereby reduced by 1.26 per centum: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

LAND TRANSFER AND CONVEYANCE, PEASE AIR FORCE BASE, NEW HAMPSHIRE

16 USC 668dd note.

SEC. 319. (a) TRANSFER BY THE AIR FORCE.—Notwithstanding any other provision of law, the Secretary of the Air Force shall transfer to the Department of the Interior a parcel of real property located west of McIntyre Road at the site of former Pease Air Force Base, New Hampshire: *Provided,* That the Secretary of the Air Force shall retain responsibility for any hazardous substances which may be found on the property so transferred.

Hazardous substances.

(b) ESTABLISHMENT OF NATIONAL WILDLIFE REFUGE.—Except as provided in subsection (c), the Secretary of the Interior shall designate the parcel of land transferred under subsection (a) as an area in the National Wildlife Refuge System under the authority of section 4 of the Act of October 15, 1966 (16 U.S.C. 688dd).

(c) CONVEYANCE TO STATE OF NEW HAMPSHIRE.—

(1) CONVEYANCE.—Subject to paragraphs (2) through (5), the Secretary of the Interior shall convey to the State of New Hampshire, without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of not more than 100 acres that is a part of the real property transferred to the Secretary under subsection (a) and that the Secretary determines to be suitable for use as a cemetery.

(2) CONDITION OF CONVEYANCE.—The conveyance under paragraph (1) shall be subject to the condition that the State of New Hampshire use the property conveyed under that paragraph only for the purpose of establishing and operating a State cemetery for veterans.

(3) REVERSION.—If the Secretary determines at any time that the State of New Hampshire is not complying with the condition specified in paragraph (2), all right, title, and interest in and to the property conveyed pursuant to paragraph (1), including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms or conditions in connection with the conveyance under this subsection that the Secretary determines appropriate to protect the interests of the United States.

(d) The purposes for which this national wildlife refuge is established are—

(1) to encourage the natural diversity of plant, fish, and wildlife species within the refuge, and to provide for their conservation and management;

(2) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) to preserve and enhance the water quality of aquatic habitat within the refuge; and

(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife.

43 USC 1611 note.

SEC. 320. Amend section 12(d)(2) of Public Law 94-204 (The Act of January 2, 1976) as follows:

(a) In the second sentence of the first proviso, following the words "public purposes" insert a period. Following the period add the following: "An area encompassing approximately sixty-two acres and depicted on the map entitled 'Native Heritage Park Proposal' and on file with the Secretary shall be managed".

(b) At the end of this section, add a new proviso: ": *Provided further,* That to the extent necessary, any and all conveyance documents executed concerning the conveyance of the lands referred to in this proviso shall be deemed amended accordingly to conform to this proviso".

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1992".

Approved November 13, 1991.

LEGISLATIVE HISTORY—H.R. 2686:

HOUSE REPORTS: Nos. 102-116 (Comm. on Appropriations) and 102-256 (Comm. of Conference).
SENATE REPORTS: No. 102-122 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, 25, considered and passed House.
Sept. 12, 13, 16-19, considered and passed Senate, amended.
Oct. 24, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments; and disagreed to others.
Oct. 30, 31, Senate agreed to conference report; receded and concurred in certain House amendments, in another with an amendment.
Nov. 1, House disagreed to Senate amendment. Senate receded and concurred in House amendment.

Public Law 102-155
102d Congress

Joint Resolution

Nov. 13, 1991
[H.J. Res. 175]

To designate the weeks beginning December 1, 1991, and November 29, 1992, as "National Home Care Week".

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning December 1, 1991, and November 29, 1992, are each designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

Approved November 13, 1991.

LEGISLATIVE HISTORY—H.J. Res. 175 (S.J. Res. 81):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 31, considered and passed House.
Nov. 1, S.J. Res. 81 and H.J. Res. 175 considered and passed Senate.

Public Law 102-156
102d Congress

Joint Resolution

To designate November 16, 1991, as "Dutch-American Heritage Day".

Nov. 13, 1991
[H.J. Res. 177]

Whereas, on November 16, 1776, the batteries at the Dutch port of St. Eustatius fired the 1st salute to the flag of the newly independent United States;

Whereas the firing by the Dutch of the 1st salute to the flag of the United States uplifted the morale and determination of the individuals who were fighting for American independence;

Whereas commemoration of Dutch-American Heritage Day provides an opportunity for approximately 8,000,000 Dutch Americans to celebrate their Dutch roots and the extraordinary contributions their ancestors made to the political, economic, and cultural development of the United States; and

Whereas commemoration of Dutch-American Heritage Day promotes awareness by the people of the United States of the essential role performed by the Dutch people in securing American independence and in aiding the development of the United States for the past 215 years: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 16, 1991, is designated as "Dutch-American Heritage Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Approved November 13, 1991.

LEGISLATIVE HISTORY—H.J. Res. 177 (S.J. Res. 206):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 31, considered and passed House.
Nov. 1, S.J. Res. 206 and H.J. Res. 177 considered and passed Senate.

Public Law 102-157
102d Congress

Joint Resolution

Nov. 13, 1991
[H.J. Res. 281]

Approving the extension of nondiscriminatory treatment with respect to the products of the Mongolian People's Republic.

19 USC 2434 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of nondiscriminatory treatment to the products of the Mongolian People's Republic transmitted by the President to the Congress on June 25, 1991.

Approved November 13, 1991.

LEGISLATIVE HISTORY—H.J. Res. 281 (S.J. Res. 168):

HOUSE REPORTS: No. 102-263 (Comm. on Ways and Means).
SENATE REPORTS: No. 102-186 accompanying S.J. Res. 168 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 29, considered and passed House.
Oct. 31, considered and passed Senate.

Public Law 102-158
102d Congress

Joint Resolution

Approving the extension of nondiscriminatory treatment with respect to the products of the People's Republic of Bulgaria.

Nov. 13, 1991
[H.J. Res. 282]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of nondiscriminatory treatment to the products of the People's Republic of Bulgaria transmitted by the President to the Congress on June 25, 1991.

19 USC 2434 note.

Approved November 13, 1991.

LEGISLATIVE HISTORY—H.J. Res. 282 (S.J. Res. 169):

HOUSE REPORTS: No. 102-264 (Comm. on Ways and Means).
SENATE REPORTS: No. 102-187 accompanying S.J. Res. 169 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 29, considered and passed House.
Oct. 31, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Nov. 13, Presidential statement.

Public Law 102-159
102d Congress

An Act

Nov. 13, 1991
[S. 1848]

To restore the authority of the Secretary of Education to make certain preliminary payments to local educational agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Dropout Prevention Technical Correction Amendment of 1991.
20 USC 236 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dropout Prevention Technical Correction Amendment of 1991".

SEC. 2. TECHNICAL AMENDMENT.

Paragraph (2) of section 5(b) of the Act entitled "To provide financial assistance to local educational agencies in areas affected by Federal activities and for other purposes", approved September 30, 1950 (20 U.S.C. 240(b)(2)) is amended to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local education agency that was eligible for a payment for the preceding fiscal year on the basis of entitlements established under section 2 or 3, make such a preliminary payment—

"(A) to any agency for whom the number of children determined under section 3(a) amounts to at least 20 per centum of such agency's total average daily attendance, of 75 per centum of the amount that such agency received for such preceding fiscal year on the basis of such entitlements; and

"(B) to any other agency, of 50 per centum of the amount that such agency received for such preceding fiscal year on the basis of such entitlements.".

Approved November 13, 1991.

LEGISLATIVE HISTORY—S. 1848:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 25, considered and passed Senate.
Nov. 1, considered and passed House.

Public Law 102-160
102d Congress

Joint Resolution

To designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month".

Nov. 13, 1991
[S.J. Res. 36]

Whereas over 4 million United States citizens are affected by Alzheimer's disease, a surprisingly common degenerative disease which attacks the brain, impairs memory and thinking, alters behavior, and renders its victims incapable of self care;

Whereas it is estimated that by the middle of the 21st century, Alzheimer's disease will strike 14 million United States citizens, affecting one in every three families;

Whereas Alzheimer's disease is not a normal consequence of aging, but a disorder of the brain for which no cause has been determined and no treatment or cure has been found;

Whereas Alzheimer's disease is the quintessential long-term care problem, requiring constant full-time care for its victims, who can suffer from the disease for 3 to 20 years, at a total annual cost to the Nation of at least $90 billion;

Whereas families of Alzheimer's patients bear the overwhelming physical, emotional, and financial burden of care, and neither public programs, including medicare, nor private insurance provide protection for most of these families;

Whereas 80 percent of all Alzheimer's patients receive care in their own homes;

Whereas nearly half of all residents of nursing homes suffer from Alzheimer's disease or some other form of dementia; and

Whereas increased national awareness of Alzheimer's disease and recognition of national organizations such as the Alzheimer's Association may stimulate increased commitment to long-term care services to support Alzheimer's patients and their families and a greater investment in research to discover methods to prevent the disease, delay its onset, and eventually to find a cure for the disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of

November 1991, and November 1992, are designated as "National Alzheimer's Disease Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.

Approved November 13, 1991.

LEGISLATIVE HISTORY—S.J. Res. 36:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Nov. 6, considered and passed House.

Public Law 102-161
102d Congress

Joint Resolution

Designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week".

Nov. 13, 1991
[S.J. Res. 145]

Whereas there are more than 1,200,000 women veterans in the United States representing 4.2 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas women are performing a wider range of tasks in the United States Armed Forces, as demonstrated by the participation of women in the military actions taken in Panama and the Persian Gulf region;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 10, 1991, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Approved November 13, 1991.

LEGISLATIVE HISTORY—S.J. Res. 145:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 1, considered and passed Senate.
Nov. 6, considered and passed House.

Public Law 102-162
102d Congress

Joint Resolution

Designating November 1991 as "National Red Ribbon Month".

Nov. 13, 1991
[S.J. Res. 188]

Whereas the most frequently committed crime in America is drunk driving;

Whereas each year on our Nation's highways more than forty-five thousand people lose their lives due to auto crashes, approximately half of these involving alcohol;

Whereas more than three hundred and forty-five thousand people are injured in alcohol-related crashes each year;

Whereas Mothers Against Drunk Driving (MADD) is an organization of nearly three million members and supporters across the Nation which has had a major impact on reducing death on our highways;

Whereas in November 1991 MADD will launch a major holiday public awareness campaign by asking America to "Tie One On For Safety" this holiday season; and

Whereas beginning in November MADD and other concerned groups will distribute more than ninety million red ribbons nationwide to create awareness about the dangers of drinking and driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1991 is designated as "National Red Ribbon Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate activities devoted to reducing death and injury on our Nation's highways due to drinking and driving.

Approved November 13, 1991.

LEGISLATIVE HISTORY—S.J. Res. 188:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 1, considered and passed Senate.
Nov. 6, considered and passed House.

Public Law 102-163
102d Congress

Joint Resolution

Nov. 15, 1991
[H.J. Res. 374]

Making further continuing appropriations for the fiscal year 1992, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 102-145 is amended by striking out "November 14, 1991" and inserting in lieu thereof "November 26, 1991".

Ante, p. 970.

Approved November 15, 1991.

LEGISLATIVE HISTORY—H.J. Res. 374:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 12, considered and passed House.
Nov. 13, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Nov. 15, Presidential statement.

Public Law 102-164
102d Congress

An Act

To provide a program of emergency unemployment compensation, and for other purposes.

Nov. 15, 1991
[H.R. 3575]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Emergency Unemployment Compensation Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Act of 1991".

TITLE I—EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 101. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (hereafter in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law,

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law), and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada, and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 106(a)(2)).

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period, or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment,

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act, and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 102 shall not exceed the amount established in such account for such individual.

(e) ELECTION.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State in a 20-week period or a 13-week period, as defined in section 102, is authorized to and may elect to trigger off an extended compensation period in order to provide payment of emergency unemployment compensation to individuals who have exhausted their rights to regular compensation under State law.

SEC. 102. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) APPLICABLE LIMIT.—For purposes of this section—

(A) IN GENERAL.—Except as otherwise provided in this paragraph—

(i) In the case of weeks beginning during a 20-week period, the applicable limit is 20.

(ii) In the case of weeks beginning during a 13-week period, the applicable limit is 13.

(iii) In the case of weeks not beginning in a 20-week period or 13-week period, the applicable limit is 6.

(B) APPLICABLE LIMIT NOT REDUCED.—An individual's applicable limit for any week shall in no event be less than

the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) INCREASE IN APPLICABLE LIMIT.—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment compensation was paid to the individual from the account involved.

(3) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) 20-WEEK PERIOD.—For purposes of this section—

(1) IN GENERAL.—The term "20-week period" means, with respect to any State, the period which—

(A) begins with the third week after the first week for which the requirements of paragraph (2) are satisfied, and

(B) ends with the third week after the first week for which the requirements of paragraph (2) are not satisfied.

(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements of this paragraph are satisfied for any week if—

(A) the adjusted rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is at least 5 percent, or

(B) the average rate of total unemployment in such State for the period consisting of the most recent 6-calendar month period (for which data are published before the close of such week) is at least 9 percent.

(d) 13-WEEK PERIOD.—For purposes of this section—

(1) IN GENERAL.—The term "13-week period" means, with respect to any State, the period which—

(A) begins with the third week after the first week for which the requirements of paragraph (2) are satisfied, and

(B) ends with the third week after the first week for which the requirements of paragraph (2) are not satisfied.

(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements of this paragraph are satisfied for any week—

(A) if the adjusted rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is at least 4 percent, or

(B) if—

(i) the adjusted rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is at least 2.5 percent, and

(ii) the exhaustion rate in the State for the most recent month for which data are available before the close of such week is at least 29 percent.

(e) SPECIAL RULES.—

(1) COORDINATION BETWEEN PERIODS.—A 13-week period shall not be in effect for any week if a 20-week period is in effect for such week.

(2) SPECIAL RULES FOR DETERMINING PERIODS.—

(A) MINIMUM PERIOD.—Except as provided in subparagraph (B), a 20-week period or 13-week period shall last for not less than 13 weeks.

(B) EXCEPTION.—If, but for subparagraph (A), a 20-week period would be in effect for a State, such period shall take effect without regard to subparagraph (A).

Federal Register, publication.

(3) NOTIFICATION BY SECRETARY.—When a determination has been made that a 20-week period or 13-week period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this Act for any week—

(A) beginning before the later of—

(i) November 17, 1991, or

(ii) the first week following the week in which an agreement under this Act is entered into, or

(B) beginning after July 4, 1992.

(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.

(3) REACHBACK PROVISIONS.—

(A) IN GENERAL.—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after February 28, 1991, and before the first week following November 16, 1991 (or, if later, the first week following the week in which the agreement under this Act is entered into), and

(ii)(I) the adjusted rate of insured unemployment (determined on the basis of the information referred to in subsection (g)(2)) in such State for the 13-week period ending on October 19, 1991, is at least 3 percent, or (II) a 20-week period or 13-week period is in effect in such State for the 1st week for which emergency unemployment compensation may be payable in such State under this title,

such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) LIMITATION OF BENEFITS.—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

(g) TRANSITIONAL RULES.—

(1) IN GENERAL.—For purposes of determining whether a 20-week period or 13-week period is in effect with respect to any State for the 1st week for which emergency unemployment compensation may be payable under this title in such State, this Act shall be treated as having been in effect for all weeks ending on or after October 19, 1991. Effective date.

(2) SPECIAL RULES.—A 20-week period or 13-week period shall begin in any State with the 1st week for which emergency unemployment compensation may be payable in such State under this title if, on the basis of information submitted to the Committee on Ways and Means of the House of Representatives by the Department of Labor on November 7, 1991, the requirements of subsection (c)(2) or (d)(2), as the case may be, are satisfied by such State for the week which ends on October 19, 1991. For purposes of the preceding sentence, the exhaustion rate shall be determined on the basis of (A) the monthly average number of individuals exhausting their rights to regular compensation during the 8-month period ending with September of 1991, and (B) the monthly average number of individuals receiving first payments of regular compensation during the 8-month period ending with March of 1991.

SEC. 103. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 104. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) ASSISTANCE TO STATES.—There are hereby authorized to be appropriated, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are authorized to be appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as may be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code, and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 105. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation, and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemploy-

ment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 106. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act:

(1) IN GENERAL.—The terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) PERIOD OF ELIGIBILITY.—An individual's period of eligibility consists of any week which begins on or after November 17, 1991, and which (except as provided in section 102(f)(2)) begins before July 4, 1992; except that an individual shall not have any period of eligibility unless his benefit year ends on or after November 16, 1991.

(3) ADJUSTED RATE OF INSURED UNEMPLOYMENT.—The adjusted rate of insured unemployment for any period shall be determined in the same manner as the rate of insured unemployment is determined under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; except that individuals exhausting their rights to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.

(4) EXHAUSTION RATE.—The exhaustion rate for any month is the percentage obtained by dividing—

(A) the monthly average number of individuals exhausting their rights to regular compensation under the State law during the 12-month period ending with such month, by

(B) the monthly average number of individuals receiving first payments of regular compensation under the State law during the 12-month period ending with the 6th month of the 12-month period referred to in subparagraph (A).

(5) RATE OF TOTAL UNEMPLOYMENT.—The term "rate of total unemployment" means, with respect to any period, the average unadjusted total rate of unemployment (as determined by the Secretary) for a State for such period.

(b) ROUNDING.—For purposes of this Act, any rate determined under paragraph (3), (4), or (5) of subsection (a) shall be rounded to the nearest 1/10th of a percent.

TITLE II—DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE

Contracts.

SEC. 201. DEMONSTRATION PROGRAM TO PROVIDE JOB SEARCH ASSISTANCE.

(a) GENERAL RULE.—The Secretary of Labor (hereafter in this title referred to as the "Secretary") shall carry out a demonstration program under this title for purposes of determining the feasibility of implementing job search assistance programs. To carry out such demonstration program, the Secretary shall enter into agreements with 3 States which—

(1) apply to participate in such program, and

(2) demonstrate to the Secretary that they are capable of implementing the provisions of an agreement under this section.

(b) SELECTION OF STATES.—

(1) IN GENERAL.—In determining whether to enter into an agreement with a State under this section, the Secretary shall take into consideration at least—

(A) the size, geography, and occupational and industrial composition of the State,

(B) the adequacy of State resources to carry out a job search assistance program,

(C) the range and extent of specialized services to be provided by the State to individuals covered by the agreement, and

(D) the design of the evaluation to be applied by the State to the program.

(2) REPLICATION OF PRIOR DEMONSTRATION PROJECT.—At least 1 of the States selected by the Secretary under subsection (a) shall be a State which has operated a successful demonstration project with respect to job search assistance under a contract with the Department of Labor. The demonstration program under this title of any such State shall, at a minimum, replicate the project it operated under such contract in the same geographic areas.

(c) PROVISIONS OF AGREEMENT.—Any agreement entered into with a State under this section shall—

(1) provide that the State will implement a job search assistance program during the 1-year period specified in such agreement,

(2) provide that such implementation will begin not later than the date 18 months after the date of the enactment of this Act,

(3) contain such provisions as may be necessary to ensure an accurate evaluation of the effectiveness of a job search assistance program, including—

(A) random selection of eligible individuals for participation in the program and for inclusion in a control group, and

(B) collection of data on participants and members of a control group as of the close of the 1-year period and 2-year period after the operations of the program cease,

(4) provide that not more than 5 percent of the claimants for unemployment compensation under the State law shall be selected as participants in the job search assistance program, and

(5) contain such other provisions as the Secretary may require.

SEC. 202. JOB SEARCH ASSISTANCE PROGRAM.

(a) GENERAL RULE.—For purposes of this title, a job search assistance program shall provide that—

(1) eligible individuals who are selected to participate in the program shall be required to participate in a qualified intensive job search program after receiving compensation under such State law during any benefit year for at least 6 but not more than 10 weeks,

(2) every individual required to participate in a job search program under paragraph (1) shall be entitled to receive an intensive job search program voucher, and

(3) any individual who is required under paragraph (1) to participate in a qualified intensive job search program and who does not satisfactorily participate in such program shall be disqualified from receiving compensation under such State law for the period (of not more than 10 weeks) specified in the agreement under section 201.

(b) ELIGIBLE INDIVIDUAL.—For purposes of this title—

(1) IN GENERAL.—The term "eligible individual" means any individual receiving compensation under the State law during any benefit year if, during the 3-year period ending on the last day of the base period for such benefit year, such individual had at least 126 weeks of employment at wages of $30 or more a week with such individual's last employer in such base period (or, if data with respect to weeks of employment with such last employer are not available, an equivalent amount of employment computed under regulations prescribed by the Secretary).

(2) EXCEPTION.—Such term shall not include any individual if—

(A) such individual has a definite date for recall to his former employment,

(B) such individual seeks employment through a union hall or similar arrangement, or

(C) the State agency—

(i) waives the requirements of subsection (a)(1) for good cause shown by such individual, or

(ii) determines that such participation would not be appropriate for such individual.

(c) QUALIFIED INTENSIVE JOB SEARCH PROGRAM.—For purposes of this section, the term "qualified intensive job search program" means any intensive job search assistance program which—

(1) is approved by the State agency,

(2) is provided by an organization qualified to provide job search assistance programs under any other Federal law, and

(3) includes—

(A) all basic employment services, such as orientation, testing, a job-search workshop, and an individual assessment and counseling interview, and

(B) additional services, such as ongoing contact with the program staff, followup assistance, resource centers, and job search materials and equipment.

(d) INTENSIVE JOB SEARCH VOUCHER.—For purposes of this section, the term "intensive job search voucher" means any voucher which entitles the organization (including the State employment service) providing the qualified intensive job search assistance program to a payment from the State agency equal to the lesser of—

(1) the reasonable costs of providing such program, or

(2) the average weekly benefit amount in the State.

SEC. 203. ADMINISTRATIVE PROVISIONS.

(a) FINANCING PROVISIONS.—

(1) PAYMENTS TO STATES.—There shall be paid to each State which enters into an agreement under section 201 an amount equal to the lesser of the reasonable costs of operating the job search assistance program pursuant to such agreement or the State's average weekly benefit amount for each individual selected to participate in the job search assistance program operated by such State pursuant to such agreement. Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) shall be used for purposes of making such payments.

(2) PAYMENTS ON CALENDAR MONTH BASIS.—There shall be paid to each State either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this subsection for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such method as may be agreed upon by the Secretary and the State agency.

(3) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this subsection. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(4) SPECIAL RULE.—Notwithstanding any other provision of law, amounts in the account of a State in the Unemployment Trust Fund may be used for purposes of making payments pursuant to intensive job search vouchers provided pursuant to an agreement under this title.

(b) REPORTS TO CONGRESS.—

(1) INTERIM REPORTS.—The Secretary shall submit 2 interim reports to the Congress on the effectiveness of the demonstration program carried out under this title. The 1st such report shall be submitted before the date 2 years after operations under the demonstration program commenced and the 2d such report shall be submitted before the date 4 years after such commencement.

(2) FINAL REPORT.—Not later than the date 5 years after the commencement referred to in paragraph (1), the Secretary shall submit a final report to the Congress on the demonstration program carried out under this title. Such report shall include estimates of program impact, such as—

(A) changes in duration of unemployment, earnings, and hours worked of participants,

(B) changes in unemployment compensation outlays,

(C) changes in unemployment taxes,

(D) net effect on the Unemployment Trust Fund,

(E) net effect on Federal unified budget deficit, and

(F) net social benefits or costs of the program.

(c) DEFINITIONS.—For purposes of this title, the terms "compensation", "benefit year", "State", "State agency", "State law", "base period", and "week" have the respective meanings given such terms by section 106.

TITLE III—OTHER PROVISIONS

SEC. 301. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) REPEAL OF CERTAIN LIMITATIONS.—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY BY RESERVES.—Paragraph (1) of section 8521(a) of such title 5 is amended by striking "180 days" and inserting "90 days".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 302. OPTIONAL BENEFITS FOR CERTAIN SCHOOL EMPLOYEES.

(a) IN GENERAL.—

(1) Subclause (I) of section 3304(a)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking "shall be denied" and inserting "may be denied". 26 USC 3304.

(2) Subparagraph (A) of section 3304(a)(6) of such Code is amended by striking "and" at the end of clauses (iii) and (iv) and by inserting after clause (v) the following new clause:

"(vi) with respect to services described in clause (ii), clauses (iii) and (iv) shall be applied by substituting 'may be denied' for 'shall be denied', and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the date of the enactment of this Act.

SEC. 303. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

Section 908 of the Social Security Act is amended to read as follows: 42 USC 1108.

"ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

"SEC. 908. (a) ESTABLISHMENT.—Not later than February 1, 1992, and every 4th year thereafter, the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the 'Council').

"(b) FUNCTION.—It shall be the function of each Council to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program and to make recommendations for improvement.

"(c) MEMBERS.—

"(1) IN GENERAL.—Each Council shall consist of 11 members as follows:

President.

"(A) 5 members appointed by the President, to include representatives of business, labor, State government, and the public.

"(B) 3 members appointed by the President pro tempore of the Senate, in consultation with the Chairman and ranking member of the Committee on Finance of the Senate.

"(C) 3 members appointed by the Speaker of the House of Representatives, in consultation with the Chairman and ranking member of the Committee on Ways and Means of the House of Representatives.

"(2) QUALIFICATIONS.—In appointing members under subparagraphs (B) and (C) of paragraph (1), the President pro tempore of the Senate and the Speaker of the House of Representatives shall each appoint—

"(A) 1 representative of the interests of business,

"(B) 1 representative of the interests of labor, and

"(C) 1 representative of the interests of State governments.

"(3) VACANCIES.—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

President.

"(4) CHAIRMAN.—The President shall appoint the Chairman of the Council from among its members.

"(d) STAFF AND OTHER ASSISTANCE.—

"(1) IN GENERAL.—Each Council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

"(2) ASSISTANCE FROM SECRETARY OF LABOR.—The Secretary of Labor shall provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

"(e) COMPENSATION.—Each member of any Council—

"(1) shall be entitled to receive compensation at the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

"(2) while engaged in the performance of such duties away from such member's home or regular place of business, shall be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(f) REPORT.—

"(1) IN GENERAL.—Not later than February 1 of the 2d year following the year in which any Council is required to be established under subsection (a), the Council shall submit to the President and the Congress a report setting forth the findings

and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.

"(2) REPORT OF FIRST COUNCIL.—The Council shall include in its report required to be submitted by February 1, 1994, the Council's findings and recommendations with respect to determining eligibility for extended unemployment benefits on the basis of unemployment statistics for regions, States, or subdivisions of States.".

SEC. 304. REPORT ON METHOD OF ALLOCATING ADMINISTRATIVE FUNDS AMONG STATES.

(a) IN GENERAL.—The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report setting forth a proposal for revising the method of allocating grants among the States under section 302 of the Social Security Act.

(b) SPECIFIC REQUIREMENTS.—The report required by subsection (a) shall include an analysis of—

(1) the use of unemployment insurance workload levels as the primary factor in allocating grants among the States under section 302 of the Social Security Act,

(2) ways to ensure that each State receive not less than a minimum grant amount for each fiscal year,

(3) the use of nationally available objective data to determine the unemployment compensation administrative costs of each State, with consideration of legitimate cost differences among the States,

(4) ways to simplify the method of allocating such grants among the States,

(5) ways to eliminate the disincentives to productivity and efficiency which exist in the current method of allocating such grants among the States,

(6) ways to promote innovation and cost-effective practices in the method of allocating such grants among the States, and

(7) the effect of the proposal set forth in such report on the grant amounts allocated to each State.

(c) CONGRESSIONAL REVIEW PERIOD.—The Secretary of Labor may not revise the method in effect on the date of the enactment of this Act for allocating grants among the States under section 302 of the Social Security Act, until after the expiration of the 12-month period beginning on the date on which the report required by subsection (a) is submitted to the Congress.

TITLE IV—FINANCING PROVISIONS

SEC. 401. PERMANENT EXTENSION OF PROVISIONS RELATING TO COLLECTION OF NONTAX DEBTS OWED TO FEDERAL AGENCIES.

(a) IN GENERAL.—Subsection (c) of section 2653 of the Deficit Reduction Act of 1984 is amended by striking ", and on or before January 10, 1994". 26 USC 6402 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1991.

SEC. 402. EXTENSION OF FUTA SURTAX.

Section 3301 of the Internal Revenue Code of 1986 (relating to rate of unemployment tax) is amended— 26 USC 3301.

(1) by striking "1995" in paragraph (1) and inserting "1996", and

(2) by striking "1996" in paragraph (2) and inserting "1997".

SEC. 403. MODIFICATION TO INDIVIDUAL ESTIMATED TAX REQUIREMENTS.

(a) GENERAL RULE.—Paragraph (1) of section 6654(d) of the Internal Revenue Code of 1986 (relating to amount of required installments) is amended by adding at the end thereof the following new subparagraphs:

26 USC 6654.

"(C) LIMITATION ON USE OF PRECEDING YEAR'S TAX.—

"(i) IN GENERAL.—In any case to which this subparagraph applies, clause (ii) of subparagraph (B) shall be applied as if it read as follows:

" '(ii) the greater of—

" '(I) 100 percent of the tax shown on the return of the individual for the preceding taxable year, or

" '(II) 90 percent of the tax shown on the return for the current year, determined by taking into account the adjustments set forth in subparagraph (D).'

"(ii) CASES TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply if—

"(I) the modified adjusted gross income for the current year exceeds the amount of the adjusted gross income shown on the return of the individual for the preceding taxable year by more than $40,000 ($20,000 in the case of a separate return for the current year by a married individual),

"(II) the adjusted gross income shown on the return for the current year exceeds $75,000 ($37,500 in the case of a married individual filing a separate return), and

"(III) the taxpayer has made a payment of estimated tax (determined without regard to subsection (g) and section 6402(b)) with respect to any of the preceding 3 taxable years (or a penalty has been previously assessed under this section for a failure to pay estimated tax with respect to any of such 3 preceding taxable years).

This subparagraph shall not apply to any taxable year beginning after December 31, 1996.

"(iii) MAY USE PRECEDING YEAR'S TAX FOR FIRST INSTALLMENT.—This subparagraph shall not apply for purposes of determining the amount of the 1st required installment for any taxable year. Any reduction in an installment by reason of the preceding sentence shall be recaptured by increasing the amount of the 1st succeeding required installment (with respect to which the requirements of clause (iv) are not met) by the amount of such reduction.

"(iv) ANNUALIZATION EXCEPTION.—This subparagraph shall not apply to any required installment if the individual establishes that the requirements of subclauses (I) and (II) of clause (ii) would not have been satisfied if such subclauses were applied on the basis of—

"(I) the annualized amount of the modified adjusted gross income for months in the current year ending before the due date for the installment determined by assuming that all items referred to in clause (i) of subparagraph (D) accrued ratably during the current year, and

"(II) the annualized amount of the adjusted gross income for months in the current year ending before the due date for the installment.

Any reduction in an installment under the preceding sentence shall be recaptured by increasing the amount of the 1st succeeding required installment (with respect to which the requirements of the preceding sentence are not met) by the amount of such reduction.

"(D) MODIFIED ADJUSTED GROSS INCOME FOR CURRENT YEAR.—For purposes of this paragraph, the term 'modified adjusted gross income' means the amount of the adjusted gross income shown on the return for the current year determined with the following modifications:

"(i) The qualified pass-thru items shown on the return for the preceding taxable year shall be treated as also shown on the return for the current year (and the actual qualified pass-thru items (if any) for the current year shall be disregarded).

"(ii) The amount of any gain from any involuntary conversion (within the meaning of section 1033) which is shown on the return for the current year shall be disregarded.

"(iii) The amount of any gain from the sale or exchange of a principal residence (within the meaning of section 1034) which is shown on the return for the current year shall be disregarded.

"(E) QUALIFIED PASS-THRU ITEM.—For purposes of this paragraph—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'qualified pass-thru item' means any item of income, gain, loss, deduction, or credit attributable to an interest in a partnership or S corporation. Such term shall not include any gain or loss from the disposition of an interest in an entity referred to in the preceding sentence.

"(ii) 10-PERCENT OWNERS AND GENERAL PARTNERS EXCLUDED.—The term 'qualified pass-thru item' shall not include, with respect to any year, any item attributable to—

"(I) an interest in an S corporation, if at any time during such year the individual was a 10-percent owner in such corporation, or

"(II) an interest in a partnership, if at any time during such year the individual was a 10-percent owner or general partner in such partnership.

"(iii) 10-PERCENT OWNER.—The term '10-percent owner' means—

"(I) in the case of an S corporation, an individual who owns 10 percent or more (by vote or value) of the stock in such corporation, and

"(II) in the case of a partnership, an individual who owns 10 percent or more of the capital interest (or the profits interest) in such partnership.

"(F) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) CURRENT YEAR.—The term 'current year' means the taxable year for which the amount of the installment is being determined.

"(ii) SPECIAL RULE.—If no return is filed for the current year, any reference in subparagraph (C) or (D) to an item shown on the return for the current year shall be treated as a reference to the actual amount of such item for such year.

"(iii) MARITAL STATUS.—Marital status shall be determined under section 7703.".

(b) TECHNICAL AMENDMENTS.—

26 USC 6654.

(1) Subparagraph (C) of section 6654(i)(1) of such Code is amended to read as follows:

"(C) the amount of such installment shall be equal to the required annual payment determined under subsection (d)(1)(B) by substituting '66⅔ percent' for '90 percent' and without regard to subparagraph (C) of subsection (d)(1), and".

(2) Subparagraph (A) of section 6654(j)(3) of such Code is amended by inserting before the period at the end thereof the following: "and subsection (d)(1)(C)(iii) shall not apply".

(3) Paragraph (4) of section 6654(l) of such Code is amended by striking "subsection (d)(2)(B)(i)" and inserting "paragraphs (1)(C)(iv) and (2)(B)(i) of subsection (d)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE V—RAILROAD UNEMPLOYMENT INSURANCE

SEC. 501. EXTENDED RAILROAD UNEMPLOYMENT INSURANCE BENEFITS DURING PERIODS OF HIGH NATIONAL UNEMPLOYMENT.

(a) IN GENERAL.—For purposes of section 2(h) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(2)), a "period of high unemployment" includes any month during the period November 1991 through July 1992.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no employee shall have an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act beginning before November 17, 1991, or after July 4, 1992.

(2) TRANSITION.—If an employee has established an extended benefit period under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act and the last day of such extended benefit period, as established, is after July 4, 1992, such employee shall continue to be entitled to extended unemployment benefits for days of unemployment in registration periods included in such extended benefit period, provided that

such employee meets the eligibility requirements of this section and the Railroad Unemployment Insurance Act.

(3) REACHBACK PROVISIONS.—If an employee has exhausted that employee's rights to normal unemployment benefits under section 2(c) of the Railroad Unemployment Insurance Act after February 28, 1991, but before November 17, 1991, such employee shall, for the purposes of the application of this section, be deemed to have exhausted such rights after November 17, 1991.

(c) LIMITATION ON PAYMENT.—Extended benefits under this section shall be payable for a maximum of 65 days of unemployment, including any extended benefits payable by reason of the application of the reachback provisions.

TITLE VI—GUARANTEED STUDENT LOANS

SEC. 601. CREDIT CHECKS; COSIGNERS.

(a) FISL PROGRAM.—Section 427(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), hereafter in this title referred as "the Act", is amended to read as follows:

"(A) is made without security and without endorsement, except that prior to making a loan insurable by the Secretary under this part a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of $25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or nonexistent credit history may not be considered to be an adverse credit history;".

(b) GSL PROGRAM.—Section 428(b)(1) of the Act is amended— 20 USC 1078.

(1) in subparagraph (U), by striking "and" at the end thereof;

(2) in subparagraph (V), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(W) provides that prior to making a loan made, insured, or guaranteed under this part (other than a loan made in accordance with section 428C), a lender shall—

"(i) obtain a credit report, from at least one national credit bureau organization, with respect to a loan applicant who will be at least 21 years of age as of July 1 of the award year for which assistance is being sought, for which the lender may charge the applicant an amount not to exceed the lesser of $25 or the actual cost of obtaining the credit report; and

"(ii) require an applicant of the age specified in clause (i) who, in the judgment of the lender in accordance with the regulations of the Secretary, has an

adverse credit history, to obtain a credit worthy cosigner in order to obtain the loan, provided that, for purposes of this clause, an insufficient or nonexistent credit history may not be considered to be an adverse credit history.".

SEC. 602. BORROWER INFORMATION.

20 USC 1077.

(a) FISL PROGRAM.—Section 427 of the Act is amended by adding at the end thereof the following new subsection:

"(d) BORROWER INFORMATION.—The lender shall obtain the borrower's driver's license number, if any, at the time of application for the loan.".

20 USC 1078.

(b) GSL PROGRAM.—Section 428 of the Act is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i)(I), by striking out "and" at the end thereof;

(B) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iii) have provided to the lender at the time of application for a loan made, insured, or guaranteed under this part, the student's driver's number, if any.".

SEC. 603. ADDITIONAL BORROWER INFORMATION.

20 USC 1092.

Section 485(b) of the Act is amended—

(1) by striking the subsection heading and inserting "EXIT COUNSELING FOR BORROWERS; BORROWER INFORMATION.—"; and

(2) by adding at the end thereof the following: "Each eligible institution shall require that the borrower of a loan made under part B, part D, or part E submit to the institution, during the exit interview required by this subsection, the borrower's expected permanent address after leaving the institution, regardless of the reason for leaving; the name and address of the borrower's expected employer after leaving the institution; and the address of the borrower's next of kin. In the case of a loan made under part B, the institution shall then submit this information to the holder of the loan.".

SEC. 604. CONFESSION OF JUDGMENT.

Section 428(b)(1) of the Act is further amended—

(1) in subparagraph (V), by striking "and" at the end thereof;

(2) in subparagraph (W), by striking the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(X) provides that the lender shall obtain, as part of the note or written agreement evidencing the loan, the borrower's authorization for entry of judgment against the borrower in the event of default.".

SEC. 605. WAGE GARNISHMENT.

(a) AMENDMENT.—Part G of title IV of the Act is amended by inserting immediately following section 488 the following new section:

"WAGE GARNISHMENT REQUIREMENT

"SEC. 488A. (a) GARNISHMENT REQUIREMENTS.—Notwithstanding any provision of State law, a guaranty agency, or the Secretary in the case of loans made, insured or guaranteed under this title that are held by the Secretary, may garnish the disposable pay of an individual to collect the amount owed by the individual, if he or she is not currently making required repayment under a repayment agreement with the Secretary, or, in the case of a loan guaranteed under part B on which the guaranty agency received reimbursement from the Secretary under section 428(c), with the guaranty agency holding the loan, as appropriate, provided that—

"(1) the amount deducted for any pay period may not exceed 10 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual involved;

"(2) the individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the guaranty agency or the Secretary, as appropriate, informing such individual of the nature and amount of the loan obligation to be collected, the intention of the guaranty agency or the Secretary, as appropriate, to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this section;

"(3) the individual shall be provided an opportunity to inspect and copy records relating to the debt;

"(4) the individual shall be provided an opportunity to enter into a written agreement with the guaranty agency or the Secretary, under terms agreeable to the Secretary, or the head of the guaranty agency or his designee, as appropriate, to establish a schedule for the repayment of the debt;

"(5) the individual shall be provided an opportunity for a hearing in accordance with subsection (b) on the determination of the Secretary or the guaranty agency, as appropriate, concerning the existence or the amount of the debt, and, in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), concerning the terms of the repayment schedule;

"(6) the employer shall pay to the Secretary or the guaranty agency as directed in the withholding order issued in this action, and shall be liable for, and the Secretary or the guaranty agency, as appropriate, may sue the employer in a State or Federal court of competent jurisdiction to recover, any amount that such employer fails to withhold from wages due an employee following receipt of such employer of notice of the withholding order, plus attorneys' fees, costs, and, in the court's discretion, punitive damages, but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph;

"(7) if an individual has been reemployed within 12 months after having been involuntarily separated from employment, no amount may be deducted from the disposable pay of such individual until such individual has been reemployed continuously for at least 12 months; and

"(8) an employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual

subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action. The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

"(b) HEARING REQUIREMENTS.—A hearing described in subsection (a)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (a)(2), and in accordance with such procedures as the Secretary or the head of the guaranty agency, as appropriate, may prescribe, files a petition requesting such a hearing. If the individual does not file a petition requesting a hearing prior to such date, the Secretary or the guaranty agency, as appropriate, shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order. A hearing under subsection (a)(5) may not be conducted by an individual under the supervision or control of the head of the guaranty agency, except that nothing in this sentence shall be construed to prohibit the appointment of an administrative law judge. The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(c) NOTICE REQUIREMENTS.—The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(d) DEFINITION.—For the purpose of this section, the term 'disposable pay' means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by law to be withheld.".

(b) ABOLITION OF ADDITIONAL COST PAYMENTS.—

20 USC 1078-5.

(1) Section 428E of the Act is repealed.

20 USC 1078.

(2) Section 428(c)(6) of the Act is amended by striking subparagraph (D).

SEC. 606. DATA MATCHING.

Part G of title IV of the Act is further amended by inserting immediately following section 489 the following new section:

"DATA MATCHING

"SEC. 489A. (a)(1) The Secretary is authorized to obtain information from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States concerning the most recent address of an individual obligated on a loan held by the Secretary or a loan made in accordance with part B of this title held by a guaranty agency, or an individual owing a refund of an overpayment of a grant awarded under this title, and the name and address of such individual's employer, if the Secretary determines that such information is needed to enforce the loan or collect the overpayment.

"(2) The Secretary is authorized to provide the information described in paragraph (1) to a guaranty agency holding a loan made under part B of this title on which such individual is obligated.

"(b)(1) Notwithstanding any other provision of law, whenever the head of any department, agency, or instrumentality of the United States receives a request from the Secretary for information authorized under this section, such individual or his designee shall promptly cause a search to be made of the records of the agency to determine whether the information requested is contained in those records.

"(2)(A) If such information is found, the individual shall, in conformance with the provisions of the Privacy Act of 1974, as amended, immediately transmit such information to the Secretary, except that if disclosure of this information would contravene national policy or security interests of the United States, or the confidentiality of census data, the individual shall immediately so notify the Secretary and shall not transmit the information.

"(B) If no such information is found, the individual shall immediately so notify the Secretary.

"(3)(A) The reasonable costs incurred by any such agency of the United States in providing any such information to the Secretary shall be reimbursed by the Secretary, and retained by the agency.

"(B) Whenever such information is furnished to a guaranty agency, that agency shall be charged a fee to be used to reimburse the Secretary for the expense of providing such information.".

Approved November 15, 1991.

LEGISLATIVE HISTORY—H.R. 3575 (S.J. Res. 232) (S. 1945):

HOUSE REPORTS: No. 102-273 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 14, considered and passed House.
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Joint Resolution

Nov. 18, 1991
[H.J. Res. 140]

Designating November 19, 1991, as "National Philanthropy Day".

Whereas as of 1989 there were more than 800,000 nonprofit philanthropic organizations in the United States;

Whereas such philanthropic organizations employ approximately 6,000,000 individuals, and use the services of approximately 4,500,000 volunteers;

Whereas in 1989 the people of the United States contributed approximately $114,000,000,000 to support such philanthropic organizations;

Whereas philanthropic organizations are responsible for enhancing the quality of life of people throughout the world;

Whereas the people of the United States owe a great debt to the schools, churches, museums, art and music centers, youth groups, hospitals, research institutions, community service institutions, and institutions and organizations which aid and comfort disadvantaged, sick, or elderly individuals; and

Whereas the people of the United States should demonstrate gratitude and support for philanthropic organizations and for the efforts, skills, and resources of individuals who carry out the missions of such organizations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 19, 1991, is designated as "National Philanthropy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved November 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 140 (S.J. Res. 96):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 31, considered and passed House.
Nov. 1, S.J. Res. 96 and H.J. Res. 140 considered and passed Senate.

Public Law 102-166
102d Congress

An Act

To amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

Nov. 21, 1991
[S. 1745]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil Rights Act of 1991.
42 USC 1981 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1991".

42 USC 1981 note.

SEC. 2. FINDINGS.

The Congress finds that—

(1) additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace;

(2) the decision of the Supreme Court in Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989) has weakened the scope and effectiveness of Federal civil rights protections; and

(3) legislation is necessary to provide additional protections against unlawful discrimination in employment.

42 USC 1981 note.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace;

(2) to codify the concepts of "business necessity" and "job related" enunciated by the Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989);

(3) to confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

SEC. 101. PROHIBITION AGAINST ALL RACIAL DISCRIMINATION IN THE MAKING AND ENFORCEMENT OF CONTRACTS.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end the following new subsections:

"(b) For purposes of this section, the term 'make and enforce contracts' includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

"(c) The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.".

SEC. 102. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION.

The Revised Statutes are amended by inserting after section 1977 (42 U.S.C. 1981) the following new section:

42 USC 1981a.

"SEC. 1977A. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION IN EMPLOYMENT.

"(a) RIGHT OF RECOVERY.—

"(1) CIVIL RIGHTS.—In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act (42 U.S.C. 2000e–2 or 2000e–3), and provided that the complaining party cannot recover under section 1977 of the Revised Statutes (42 U.S.C. 1981), the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

"(2) DISABILITY.—In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 or 717 of the Civil Rights Act of 1964 (as provided in section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)), and section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)), respectively) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and the regulations implementing section 501, or who violated the requirements of section 501 of the Act or the regulations implementing section 501 concerning the provision of a reasonable accommodation, or section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112), or committed a violation of section 102(b)(5) of the Act, against an individual, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

"(3) REASONABLE ACCOMMODATION AND GOOD FAITH EFFORT.—In cases where a discriminatory practice involves the provision of a reasonable accommodation pursuant to section 102(b)(5) of the Americans with Disabilities Act of 1990 or regulations implementing section 501 of the Rehabilitation Act of 1973, damages may not be awarded under this section where the covered entity demonstrates good faith efforts, in consultation with the person with the disability who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such individual

with an equally effective opportunity and would not cause an undue hardship on the operation of the business.

"(b) COMPENSATORY AND PUNITIVE DAMAGES.—

"(1) DETERMINATION OF PUNITIVE DAMAGES.—A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or political subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual.

"(2) EXCLUSIONS FROM COMPENSATORY DAMAGES.—Compensatory damages awarded under this section shall not include backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964.

"(3) LIMITATIONS.—The sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this section, shall not exceed, for each complaining party—

"(A) in the case of a respondent who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $50,000;

"(B) in the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $100,000; and

"(C) in the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $200,000; and

"(D) in the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, $300,000.

"(4) CONSTRUCTION.—Nothing in this section shall be construed to limit the scope of, or the relief available under, section 1977 of the Revised Statutes (42 U.S.C. 1981).

"(c) JURY TRIAL.—If a complaining party seeks compensatory or unitive damages under this section—

"(1) any party may demand a trial by jury; and

"(2) the court shall not inform the jury of the limitations described in subsection (b)(3).

"(d) DEFINITIONS.—As used in this section:

"(1) COMPLAINING PARTY.—The term 'complaining party' means—

"(A) in the case of a person seeking to bring an action under subsection (a)(1), the Equal Employment Opportunity Commission, the Attorney General, or a person who may bring an action or proceeding under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

"(B) in the case of a person seeking to bring an action under subsection (a)(2), the Equal Employment Opportunity Commission, the Attorney General, a person who may bring an action or proceeding under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)), or a person who may bring an action or proceeding under title I of the

Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(2) DISCRIMINATORY PRACTICE.—The term 'discriminatory practice' means the discrimination described in paragraph (1), or the discrimination or the violation described in paragraph (2), of subsection (a).

SEC. 103. ATTORNEY'S FEES.

The last sentence of section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting ", 1977A" after "1977".

SEC. 104. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end the following new subsections:

"(l) The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this title.

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) The term 'respondent' means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 717.".

SEC. 105. BURDEN OF PROOF IN DISPARATE IMPACT CASES.

(a) Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end the following new subsection:

"(k)(1)(A) An unlawful employment practice based on disparate impact is established under this title only if—

"(i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or

"(ii) the complaining party makes the demonstration described in subparagraph (C) with respect to an alternative employment practice and the respondent refuses to adopt such alternative employment practice.

"(B)(i) With respect to demonstrating that a particular employment practice causes a disparate impact as described in subparagraph (A)(i), the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a respondent's decisionmaking process are not capable of separation for analysis, the decisionmaking process may be analyzed as one employment practice.

"(ii) If the respondent demonstrates that a specific employment practice does not cause the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity.

"(C) The demonstration referred to by subparagraph (A)(ii) shall be in accordance with the law as it existed on June 4, 1989, with respect to the concept of 'alternative employment practice'.

"(2) A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this title.

"(3) Notwithstanding any other provision of this title, a rule barring the employment of an individual who currently and knowingly uses or possesses a controlled substance, as defined in schedules I and II of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act or any other provision of Federal law, shall be considered an unlawful employment practice under this title only if such rule is adopted or applied with an intent to discriminate because of race, color, religion, sex, or national origin.".

(b) No statements other than the interpretive memorandum appearing at Vol. 137 Congressional Record S 15276 (daily ed. Oct. 25, 1991) shall be considered legislative history of, or relied upon in any way as legislative history in construing or applying, any provision of this Act that relates to Wards Cove—Business necessity/cumulation/alternative business practice. 42 USC 1981 note.

SEC. 106. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by section 105) is further amended by adding at the end the following new subsection:

"(l) It shall be an unlawful employment practice for a respondent, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race, color, religion, sex, or national origin.".

SEC. 107. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 105 and 106) is further amended by adding at the end the following new subsection:

"(m) Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.".

(b) ENFORCEMENT PROVISIONS.—Section 706(g) of such Act (42 U.S.C. 2000e-5(g)) is amended—

(1) by designating the first through third sentences as paragraph (1);

(2) by designating the fourth sentence as paragraph (2)(A) and indenting accordingly; and

(3) by adding at the end the following new subparagraph:

"(B) On a claim in which an individual proves a violation under section 703(m) and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

"(i) may grant declaratory relief, injunctive relief (except as provided in clause (ii)), and attorney's fees and costs dem-

onstrated to be directly attributable only to the pursuit of a claim under section 703(m); and

"(ii) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment, described in subparagraph (A).".

SEC. 108. FACILITATING PROMPT AND ORDERLY RESOLUTION OF CHALLENGES TO EMPLOYMENT PRACTICES IMPLEMENTING LITIGATED OR CONSENT JUDGMENTS OR ORDERS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 105, 106, and 107 of this title) is further amended by adding at the end the following new subsection:

"(n)(1)(A) Notwithstanding any other provision of law, and except as provided in paragraph (2), an employment practice that implements and is within the scope of a litigated or consent judgment or order that resolves a claim of employment discrimination under the Constitution or Federal civil rights laws may not be challenged under the circumstances described in subparagraph (B).

"(B) A practice described in subparagraph (A) may not be challenged in a claim under the Constitution or Federal civil rights laws—

"(i) by a person who, prior to the entry of the judgment or order described in subparagraph (A), had—

"(I) actual notice of the proposed judgment or order sufficient to apprise such person that such judgment or order might adversely affect the interests and legal rights of such person and that an opportunity was available to present objections to such judgment or order by a future date certain; and

"(II) a reasonable opportunity to present objections to such judgment or order; or

"(ii) by a person whose interests were adequately represented by another person who had previously challenged the judgment or order on the same legal grounds and with a similar factual situation, unless there has been an intervening change in law or fact.

"(2) Nothing in this subsection shall be construed to—

"(A) alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure or apply to the rights of parties who have successfully intervened pursuant to such rule in the proceeding in which the parties intervened;

"(B) apply to the rights of parties to the action in which a litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal Government;

"(C) prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, or is transparently invalid or was entered by a court lacking subject matter jurisdiction; or

"(D) authorize or permit the denial to any person of the due process of law required by the Constitution.

"(3) Any action not precluded under this subsection that challenges an employment consent judgment or order described in paragraph (1) shall be brought in the court, and if possible before the judge, that entered such judgment or order. Nothing in this subsec-

tion shall preclude a transfer of such action pursuant to section 1404 of title 28, United States Code.".

SEC. 109. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT.

(a) DEFINITION OF EMPLOYEE.—Section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)) and section 101(4) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(4)) are each amended by adding at the end the following: "With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.".

(b) EXEMPTION.—

(1) CIVIL RIGHTS ACT OF 1964.—Section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) is amended—

(A) by inserting "(a)" after "SEC. 702."; and

(B) by adding at the end the following:

"(b) It shall not be unlawful under section 703 or 704 for an employer (or a corporation controlled by an employer), labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to take any action otherwise prohibited by such section, with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer (or such corporation), such organization, such agency, or such committee to violate the law of the foreign country in which such workplace is located.

"(c)(1) If an employer controls a corporation whose place of incorporation is a foreign country, any practice prohibited by section 703 or 704 engaged in by such corporation shall be presumed to be engaged in by such employer.

"(2) Sections 703 and 704 shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

"(3) For purposes of this subsection, the determination of whether an employer controls a corporation shall be based on—

"(A) the interrelation of operations;

"(B) the common management;

"(C) the centralized control of labor relations; and

"(D) the common ownership or financial control,

of the employer and the corporation.".

(2) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) COVERED ENTITIES IN FOREIGN COUNTRIES.—

"(1) IN GENERAL.—It shall not be unlawful under this section for a covered entity to take any action that constitutes discrimination under this section with respect to an employee in a workplace in a foreign country if compliance with this section would cause such covered entity to violate the law of the foreign country in which such workplace is located.

"(2) CONTROL OF CORPORATION.—

"(A) PRESUMPTION.—If an employer controls a corporation whose place of incorporation is a foreign country, any practice that constitutes discrimination under this section

and is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(B) EXCEPTION.—This section shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

"(C) DETERMINATION.—For purposes of this paragraph, the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control,

of the employer and the corporation.".

42 USC 2000e note.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall not apply with respect to conduct occurring before the date of the enactment of this Act.

SEC. 110. TECHNICAL ASSISTANCE TRAINING INSTITUTE.

(a) TECHNICAL ASSISTANCE.—Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

Establishment.

"(j)(1) The Commission shall establish a Technical Assistance Training Institute, through which the Commission shall provide technical assistance and training regarding the laws and regulations enforced by the Commission.

"(2) An employer or other entity covered under this title shall not be excused from compliance with the requirements of this title because of any failure to receive technical assistance under this subsection.

Appropriation authorization.

"(3) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1992.".

42 USC 2000e-4 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 111. EDUCATION AND OUTREACH.

Section 705(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following new paragraph:

"(2) In exercising its powers under this title, the Commission shall carry out educational and outreach activities (including dissemination of information in languages other than English) targeted to—

"(A) individuals who historically have been victims of employment discrimination and have not been equitably served by the Commission; and

"(B) individuals on whose behalf the Commission has authority to enforce any other law prohibiting employment discrimination,

concerning rights and obligations under this title or such law, as the case may be.".

SEC. 112. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended—

(1) by inserting "(1)" before "A charge under this section"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this section, an unlawful employment practice occurs, with respect to a seniority system that has been adopted for an intentionally discriminatory purpose in violation of this title (whether or not that discriminatory purpose is apparent on the face of the seniority provision), when the seniority system is adopted, when an individual becomes subject to the seniority system, or when a person aggrieved is injured by the application of the seniority system or provision of the system.".

SEC. 113. AUTHORIZING AWARD OF EXPERT FEES.

(a) REVISED STATUTES.—Section 722 of the Revised Statutes is amended— 42 USC 1988.

(1) by designating the first and second sentences as subsections (a) and (b), respectively, and indenting accordingly; and

(2) by adding at the end the following new subsection:

"(c) In awarding an attorney's fee under subsection (b) in any action or proceeding to enforce a provision of section 1977 or 1977A of the Revised Statutes, the court, in its discretion, may include expert fees as part of the attorney's fee.".

(b) CIVIL RIGHTS ACT OF 1964.—Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)) is amended by inserting "(including expert fees)" after "attorney's fee".

SEC. 114. PROVIDING FOR INTEREST AND EXTENDING THE STATUTE OF LIMITATIONS IN ACTIONS AGAINST THE FEDERAL GOVERNMENT.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended—

(1) in subsection (c), by striking "thirty days" and inserting "90 days"; and

(2) in subsection (d), by inserting before the period ", and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties.".

SEC. 115. NOTICE OF LIMITATIONS PERIOD UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

Section 7(e) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(e)) is amended—

(1) by striking paragraph (2);

(2) by striking the paragraph designation in paragraph (1);

(3) by striking "Sections 6 and" and inserting "Section"; and

(4) by adding at the end the following:

"If a charge filed with the Commission under this Act is dismissed or the proceedings of the Commission are otherwise terminated by the Commission, the Commission shall notify the person aggrieved. A civil action may be brought under this section by a person defined in section 11(a) against the respondent named in the charge within 90 days after the date of the receipt of such notice.".

SEC. 116. LAWFUL COURT-ORDERED REMEDIES, AFFIRMATIVE ACTION, AND CONCILIATION AGREEMENTS NOT AFFECTED. 42 USC 1981 note.

Nothing in the amendments made by this title shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements, that are in accordance with the law.

Government employees.
2 USC 60*l*.

SEC. 117. COVERAGE OF HOUSE OF REPRESENTATIVES AND THE AGENCIES OF THE LEGISLATIVE BRANCH.

(a) COVERAGE OF THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

(2) EMPLOYMENT IN THE HOUSE.—

(A) APPLICATION.—The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) ADMINISTRATION.—

(i) IN GENERAL.—In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) RESOLUTION.—The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI, or any other provision that continues in effect the provisions of such resolution.

(C) EXERCISE OF RULEMAKING POWER.—The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(b) INSTRUMENTALITIES OF CONGRESS.—

(1) IN GENERAL.—The rights and protections under this title and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) ESTABLISHMENT OF REMEDIES AND PROCEDURES BY INSTRUMENTALITIES.—The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees, in section 301(c)(1).

(3) REPORT TO CONGRESS.—The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) DEFINITION OF INSTRUMENTALITIES.—For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Office of Technology Assessment, and the United States Botanic Garden.

(5) CONSTRUCTION.—Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for the Civil Rights Act of 1964 (42 U.S.C. 2000e-16).

SEC. 118. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.

42 USC 1981 note.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Acts or provisions of Federal law amended by this title.

TITLE II—GLASS CEILING

Glass Ceiling Act of 1991. Women. Minorities.

SEC. 201. SHORT TITLE.

42 USC 2000e note.

This title may be cited as the "Glass Ceiling Act of 1991".

SEC. 202. FINDINGS AND PURPOSE.

42 USC 2000e note.

(a) FINDINGS.—Congress finds that—

(1) despite a dramatically growing presence in the workplace, women and minorities remain underrepresented in management and decisionmaking positions in business;

(2) artificial barriers exist to the advancement of women and minorities in the workplace;

(3) United States corporations are increasingly relying on women and minorities to meet employment requirements and are increasingly aware of the advantages derived from a diverse work force;

(4) the "Glass Ceiling Initiative" undertaken by the Department of Labor, including the release of the report entitled "Report on the Glass Ceiling Initiative", has been instrumental in raising public awareness of—

(A) the underrepresentation of women and minorities at the management and decisionmaking levels in the United States work force;

(B) the underrepresentation of women and minorities in line functions in the United States work force;

(C) the lack of access for qualified women and minorities to credential-building developmental opportunities; and

(D) the desirability of eliminating artificial barriers to the advancement of women and minorities to such levels;

(5) the establishment of a commission to examine issues raised by the Glass Ceiling Initiative would help—

(A) focus greater attention on the importance of eliminating artificial barriers to the advancement of women and minorities to management and decisionmaking positions in business; and

(B) promote work force diversity;

(6) a comprehensive study that includes analysis of the manner in which management and decisionmaking positions are filled, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement, and the compensation programs and reward structures utilized in the corporate sector would assist in the establishment of practices and policies promoting opportunities for, and eliminating artifi-

cial barriers to, the advancement of women and minorities to management and decisionmaking positions; and

(7) a national award recognizing employers whose practices and policies promote opportunities for, and eliminate artificial barriers to, the advancement of women and minorities will foster the advancement of women and minorities into higher level positions by—

(A) helping to encourage United States companies to modify practices and policies to promote opportunities for, and eliminate artificial barriers to, the upward mobility of women and minorities; and

(B) providing specific guidance for other United States employers that wish to learn how to revise practices and policies to improve the access and employment opportunities of women and minorities.

(b) PURPOSE.—The purpose of this title is to establish—

(1) a Glass Ceiling Commission to study—

(A) the manner in which business fills management and decisionmaking positions;

(B) the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions; and

(C) the compensation programs and reward structures currently utilized in the workplace; and

(2) an annual award for excellence in promoting a more diverse skilled work force at the management and decisionmaking levels in business.

42 USC 2000e note.

SEC. 203. ESTABLISHMENT OF GLASS CEILING COMMISSION.

(a) IN GENERAL.—There is established a Glass Ceiling Commission (referred to in this title as the "Commission"), to conduct a study and prepare recommendations concerning—

(1) eliminating artificial barriers to the advancement of women and minorities; and

(2) increasing the opportunities and developmental experiences of women and minorities to foster advancement of women and minorities to management and decisionmaking positions in business.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 21 members, including—

(A) six individuals appointed by the President;

(B) six individuals appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(C) one individual appointed by the Majority Leader of the House of Representatives;

(D) one individual appointed by the Minority Leader of the House of Representatives;

(E) one individual appointed by the Majority Leader of the Senate;

(F) one individual appointed by the Minority Leader of the Senate;

(G) two Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(H) two Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(I) the Secretary of Labor.

(2) CONSIDERATIONS.—In making appointments under subparagraphs (A) and (B) of paragraph (1), the appointing authority shall consider the background of the individuals, including whether the individuals—

(A) are members of organizations representing women and minorities, and other related interest groups;

(B) hold management or decisionmaking positions in corporations or other business entities recognized as leaders on issues relating to equal employment opportunity; and

(C) possess academic expertise or other recognized ability regarding employment issues.

(3) BALANCE.—In making the appointments under subparagraphs (A) and (B) of paragraph (1), each appointing authority shall seek to include an appropriate balance of appointees from among the groups of appointees described in subparagraphs (A), (B), and (C) of paragraph (2).

(c) CHAIRPERSON.—The Secretary of Labor shall serve as the Chairperson of the Commission.

(d) TERM OF OFFICE.—Members shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) MEETINGS.—

(1) MEETINGS PRIOR TO COMPLETION OF REPORT.—The Commission shall meet not fewer than five times in connection with and pending the completion of the report described in section 204(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) MEETINGS AFTER COMPLETION OF REPORT.—The Commission shall meet once each year after the completion of the report described in section 204(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(g) QUORUM.—A majority of the Commission shall constitute a quorum for the transaction of business.

(h) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each

day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(3) EMPLOYMENT STATUS.—A member of the Commission, who is not otherwise an employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(A) the tort claims provisions of chapter 171 of title 28, United States Code; and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

42 USC 2000e note.

SEC. 204. RESEARCH ON ADVANCEMENT OF WOMEN AND MINORITIES TO MANAGEMENT AND DECISIONMAKING POSITIONS IN BUSINESS.

(a) ADVANCEMENT STUDY.—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. In conducting the study, the Commission shall—

(1) examine the preparedness of women and minorities to advance to management and decisionmaking positions in business;

(2) examine the opportunities for women and minorities to advance to management and decisionmaking positions in business;

(3) conduct basic research into the practices, policies, and manner in which management and decisionmaking positions in business are filled;

(4) conduct comparative research of businesses and industries in which women and minorities are promoted to management and decisionmaking positions, and businesses and industries in which women and minorities are not promoted to management and decisionmaking positions;

(5) compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to management and decisionmaking positions in business, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(6) examine any other issues and information relating to the advancement of women and minorities to management and decisionmaking positions in business.

(b) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions described in paragraph (1) relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including recommendations for—

(A) policies and practices to fill vacancies at the management and decisionmaking levels;

(B) developmental practices and procedures to ensure that women and minorities have access to opportunities to

gain the exposure, skills, and expertise necessary to assume management and decisionmaking positions;

(C) compensation programs and reward structures utilized to reward and retain key employees; and

(D) the use of enforcement (including such enforcement techniques as litigation, complaint investigations, compliance reviews, conciliation, administrative regulations, policy guidance, technical assistance, training, and public education) of Federal equal employment opportunity laws by Federal agencies as a means of eliminating artificial barriers to the advancement of women and minorities in employment.

(c) ADDITIONAL STUDY.—The Commission may conduct such additional study of the advancement of women and minorities to management and decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

SEC. 205. ESTABLISHMENT OF THE NATIONAL AWARD FOR DIVERSITY AND EXCELLENCE IN AMERICAN EXECUTIVE MANAGEMENT.

42 USC 2000e note.

(a) IN GENERAL.—There is established the National Award for Diversity and Excellence in American Executive Management, which shall be evidenced by a medal bearing the inscription "Frances Perkins-Elizabeth Hanford Dole National Award for Diversity and Excellence in American Executive Management". The medal shall be of such design and materials, and bear such additional inscriptions, as the Commission may prescribe.

(b) CRITERIA FOR QUALIFICATION.—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Commission, at such time, in such manner, and containing such information as the Commission may require, including at a minimum information that demonstrates that the business has made substantial effort to promote the opportunities and developmental experiences of women and minorities to foster advancement to management and decisionmaking positions within the business, including the elimination of artificial barriers to the advancement of women and minorities, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Commission determines to be appropriate.

(c) MAKING AND PRESENTATION OF AWARD.—

(1) AWARD.—After receiving recommendations from the Commission, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

President.

(2) PRESENTATION.—The President or the designated representative of the President shall present the award with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

President.

(3) PUBLICITY.—A business that receives an award under this section may publicize the receipt of the award and use the award in its advertising, if the business agrees to help other United States businesses improve with respect to the promotion of opportunities and developmental experiences of women and minorities to foster the advancement of women and minorities to management and decisionmaking positions.

(d) BUSINESS.—For the purposes of this section, the term "business" includes—

(1)(A) a corporation including nonprofit corporations;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in subparagraphs (A) through (D);

(2) an education referral program, a training program, such as an apprenticeship or management training program or a similar program; and

(3) a joint program formed by a combination of any entities described in paragraph (1) or (2).

42 USC 2000e note.

SEC. 206. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(d) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(e) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

42 USC 2000e note.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

(a) INDIVIDUAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding section 552 of title 5, United States Code, in carrying out the duties of the Commission, including the duties described in sections 204 and 205, the Commission shall maintain the confidentiality of all information that concerns—

(A) the employment practices and procedures of individual businesses; or

(B) individual employees of the businesses.

(2) CONSENT.—The content of any information described in paragraph (1) may be disclosed with the prior written consent of the business or employee, as the case may be, with respect to which the information is maintained.

(b) AGGREGATE INFORMATION.—In carrying out the duties of the Commission, the Commission may disclose—

(1) information about the aggregate employment practices or procedures of a class or group of businesses; and

(2) information about the aggregate characteristics of employees of the businesses, and related aggregate information about the employees.

SEC. 208. STAFF AND CONSULTANTS. 42 USC 2000e note.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS. 42 USC 2000e note.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this title. The sums shall remain available until expended, without fiscal year limitation.

SEC. 210. TERMINATION. 42 USC 2000e note.

(a) COMMISSION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 4 years after the date of the enactment of this Act.

(b) AWARD.—The authority to make awards under section 205 shall terminate 4 years after the date of the enactment of this Act.

Government Employee Rights Act of 1991.

TITLE III—GOVERNMENT EMPLOYEE RIGHTS

2 USC 1201.

SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

(a) SHORT TITLE.—This title may be cited as the "Government Employee Rights Act of 1991".

(b) PURPOSE.—The purpose of this title is to provide procedures to protect the right of Senate and other government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(c) DEFINITIONS.—For purposes of this title:

(1) SENATE EMPLOYEE.—The term "Senate employee" or "employee" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(C) any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A) or (B); or

(D) any individual who was formerly an employee described in subparagraph (A) or (B) and whose claim of a violation arises out of the individual's Senate employment.

(2) HEAD OF EMPLOYING OFFICE.—The term "head of employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of the Senate employment of an employee.

(3) VIOLATION.—The term "violation" means a practice that violates section 302 of this title.

2 USC 1202.

SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

All personnel actions affecting employees of the Senate shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102–104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

2 USC 1203.

SEC. 303. ESTABLISHMENT OF OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.

(a) IN GENERAL.—There is established, as an office of the Senate, the Office of Senate Fair Employment Practices (referred to in this title as the "Office"), which shall—

(1) administer the processes set forth in sections 305 through 307;

(2) implement programs for the Senate to heighten awareness of employee rights in order to prevent violations from occurring.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader. The appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Director is appointed. A Director may be reappointed at the termination of any term of service. The President pro tempore, upon the joint recommendation of the Majority Leader in consultation with the Minority Leader, may remove the Director at any time.

(2) SALARY.—The President pro tempore, upon the recommendation of the Majority Leader in consultation with the Minority Leader, shall establish the rate of pay for the Director. The salary of the Director may not be reduced during the employment of the Director and shall be increased at the same time and in the same manner as fixed statutory salary rates within the Senate are adjusted as a result of annual comparability increases.

(3) ANNUAL BUDGET.—The Director shall submit an annual budget request for the Office to the Committee on Appropriations.

(4) APPOINTMENT OF DIRECTOR.—The first Director shall be appointed and begin service within 90 days after the date of enactment of this Act, and thereafter the Director shall be appointed and begin service within 30 days after the beginning of the session of the Congress immediately following the termination of a Director's term of service or within 60 days after a vacancy occurs in the position.

(c) STAFF OF THE OFFICE.—

(1) APPOINTMENT.—The Director may appoint and fix the compensation of such additional staff, including hearing officers, as are necessary to carry out the purposes of this title.

(2) DETAILEES.—The Director may, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(3) CONSULTANTS.—In carrying out the functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(d) EXPENSES OF THE OFFICE.—In fiscal year 1992, the expenses of the Office shall be paid out of the Contingent Fund of the Senate from the appropriation account Miscellaneous Items. Beginning in fiscal year 1993, and for each fiscal year thereafter, there is authorized to be appropriated for the expenses of the Office such sums as shall be necessary to carry out its functions. In all cases, expenses shall be paid out of the Contingent Fund of the Senate upon vouchers approved by the Director, except that a voucher shall not be required for—

Appropriation authorization.

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; and

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out this title. Expenses of the Office shall include authorized travel for personnel of the Office.

(e) RULES OF THE OFFICE.—The Director shall adopt rules governing the procedures of the Office, including the procedures of hearing boards, which rules shall be submitted to the President pro tempore for publication in the Congressional Record. The rules may be amended in the same manner. The Director may consult with the Chairman of the Administrative Conference of the United States on the adoption of rules.

(f) REPRESENTATION BY THE SENATE LEGAL COUNSEL.—For the purpose of representation by the Senate Legal Counsel, the Office shall be deemed a committee, within the meaning of title VII of the Ethics in Government Act of 1978 (2 U.S.C. 288, et seq.).

2 USC 1204.

SEC. 304. SENATE PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The Senate procedure for consideration of alleged violations consists of 4 steps as follows:

(1) Step I, counseling, as set forth in section 305.

(2) Step II, mediation, as set forth in section 306.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 307.

(4) Step IV, review of a hearing board decision, as set forth in section 308 or 309.

2 USC 1205.

SEC. 305. STEP I: COUNSELING.

(a) IN GENERAL.—A Senate employee alleging a violation may request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred. No request for counseling may be made until 10 days after the first Director begins service pursuant to section 303(b)(4).

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL AND CAPITOL POLICE.—In the case of an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police, the Director may refer the employee to the Architect of the Capitol or the Capitol Police Board for resolution of the employee's complaint through the internal grievance procedures of the Architect of the Capitol or the

Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this title.

SEC. 306. STEP II: MEDIATION. 2 USC 1206.

(a) IN GENERAL.—Not later than 15 days after the end of the counseling period, the employee may file a request for mediation with the Office. Mediation may include the Office, the employee, and the employing office in a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 307. STEP III: FORMAL COMPLAINT AND HEARING. 2 USC 1207.

(a) FORMAL COMPLAINT AND REQUEST FOR HEARING.—Not later than 30 days after receipt by the employee of notice from the Office of the end of the mediation period, the Senate employee may file a formal complaint with the Office. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 305 and 306.

(b) HEARING BOARD.—A board of 3 independent hearing officers (referred to in this title as "hearing board"), who are not Senators or officers or employees of the Senate, chosen by the Director (one of whom shall be designated by the Director as the presiding hearing officer) shall be assigned to consider each complaint filed under this section. The Director shall appoint hearing officers after considering any candidates who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. A hearing board shall act by majority vote.

(c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) HEARING.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board;

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing; and

(3) except as specifically provided in this title and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) SUBPOENA.—

(1) AUTHORIZATION.—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board, for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records.

(2) OBJECTIONS.—If a witness refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with the proceedings of a hearing board, the hearing board shall rule on the objection. At the request of the witness, the employee, or employing office, or on its own initiative, the hearing board may refer the objection to the Select Committee on Ethics for a ruling.

(3) ENFORCEMENT.—The Select Committee on Ethics may make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement by or on behalf of the Office, which the Select Committee on Ethics may consider appropriate with respect to—

(A) the failure or refusal of any person to appear in proceedings under this or to produce records in obedience to a subpoena or order of the hearing board; or

(B) the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under this section.

For purposes of section 1365 of title 28, United States Code, the Office shall be deemed to be a committee of the Senate.

(g) DECISION.—The hearing board shall issue a written decision as expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation has occurred.

(h) REMEDIES.—If the hearing board determines that a violation has occurred, it shall order such remedies as would be appropriate if awarded under section 706 (g) and (k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5 (g) and (k)), and may also order the award of such compensatory damages as would be appropriate if awarded under section 1977 and section 1977A (a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981A (a) and (b)(2)). In the case of a determination that a violation based on age has occurred, the hearing board shall order such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)). Any order requiring the payment of money must be approved by a Senate resolution reported by the Committee on Rules and Administration. The hearing board shall have no authority to award punitive damages.

(i) PRECEDENT AND INTERPRETATIONS.—Hearing boards shall be guided by judicial decisions under statutes referred to in section 302 and subsection (h) of this section, as well as the precedents developed by the Select Committee on Ethics under section 308, and other Senate precedents.

2 USC 1208.

SEC. 308. REVIEW BY THE SELECT COMMITTEE ON ETHICS.

(a) IN GENERAL.—An employee or the head of an employing office may request that the Select Committee on Ethics (referred to in this section as the "Committee"), or such other entity as the Senate may designate, review a decision under section 307, including any decision following a remand under subsection (c), by filing a request for review with the Office not later than 10 days after the receipt of the decision of a hearing board. The Office, at the discretion of the Director, on its own initiative and for good cause, may file a request

for review by the Committee of a decision of a hearing board not later than 5 days after the time for the employee or employing office to file a request for review has expired. The Office shall transmit a copy of any request for review to the Committee and notify the interested parties of the filing of the request for review.

(b) REVIEW.—Review under this section shall be based on the record of the hearing board. The Committee shall adopt and publish in the Congressional Record procedures for requests for review under this section.

(c) REMAND.—Within the time for a decision under subsection (d), the Committee may remand a decision no more than one time to the hearing board for the purpose of supplementing the record or for further consideration.

(d) FINAL DECISION.—

(1) HEARING BOARD.—If no timely request for review is filed under subsection (a), the Office shall enter as a final decision, the decision of the hearing board.

(2) SELECT COMMITTEE ON ETHICS.— Records.

(A) If the Committee does not remand under subsection (c), it shall transmit a written final decision to the Office for entry in the records of the Office. The Committee shall transmit the decision not later than 60 calendar days during which the Senate is in session after the filing of a request for review under subsection (a). The Committee may extend for 15 calendar days during which the Senate is in session the period for transmission to the Office of a final decision.

(B) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, unless a majority of the Committee votes to reverse or remand the decision of the hearing board within the time for transmission to the Office of a final decision.

(C) The decision of the hearing board shall be deemed to be a final decision, and entered in the records of the Office as a final decision, if the Committee, in its discretion, decides not to review, pursuant to a request for review under subsection (a), a decision of the hearing board, and notifies the interested parties of such decision.

(3) ENTRY OF A FINAL DECISION.—The entry of a final decision in the records of the Office shall constitute a final decision for purposes of judicial review under section 309.

(e) STATEMENT OF REASONS.—Any decision of the Committee under subsection (c) or subsection (d)(2)(A) shall contain a written statement of the reasons for the Committee's decision.

SEC. 309. JUDICIAL REVIEW. 2 USC 1209.

(a) IN GENERAL.—Any Senate employee aggrieved by a final decision under section 308(d), or any Member of the Senate who would be required to reimburse the appropriate Federal account pursuant to the section entitled "Payments by the President or a Member of the Senate" and a final decision entered pursuant to section 308(d)(2)(B), may petition for review by the United States Court of Appeals for the Federal Circuit.

(b) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under this section except that—

(1) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the Senate Legal Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 308(d);

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(5) the Office shall be the respondent in any proceeding under this section.

(c) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the decision, if any, of the Select Committee on Ethics.

(d) ATTORNEY'S FEES.—If an employee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

2 USC 1210.

SEC. 310. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 307, the employee and the head of the employing office resolve the issues involved, the employee may dismiss the complaint or the parties may enter into a written agreement, subject to the approval of the Director.

2 USC 1211.

SEC. 311. COSTS OF ATTENDING HEARINGS.

Subject to the approval of the Director, an employee with respect to whom a hearing is held under this title may be reimbursed for actual and reasonable costs of attending proceedings under sections 307 and 308, consistent with Senate travel regulations. Senate Resolution 259, agreed to August 5, 1987 (100th Congress, 1st Session), shall apply to witnesses appearing in proceedings before a hearing board.

2 USC 1212.

SEC. 312. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee by any Member, officer, or employee of the Senate, or by the Architect of the Capitol, or anyone employed by the Architect of the Capitol, as the case may be, because of the exercise of a right under this title constitutes an unlawful employment practice, which may be remedied in the same manner under this title as is a violation.

SEC. 313. CONFIDENTIALITY. 2 USC 1213.

(a) COUNSELING.—All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsection (d), the hearings, deliberations, and decisions of the hearing board and the Select Committee on Ethics shall be confidential.

(d) FINAL DECISION OF SELECT COMMITTEE ON ETHICS.—The final decision of the Select Committee on Ethics under section 308 shall be made public if the decision is in favor of the complaining Senate employee or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee on Ethics may decide to release any other decision at its discretion. In the absence of a proceeding under section 308, a decision of the hearing board that is favorable to the employee shall be made public.

(e) RELEASE OF RECORDS FOR JUDICIAL REVIEW.—The records and decisions of hearing boards, and the decisions of the Select Committee on Ethics, may be made public if required for the purpose of judicial review under section 309.

SEC. 314. EXERCISE OF RULEMAKING POWER. 2 USC 1214.

The provisions of this title, except for sections 309, 320, 321, and 322, are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. Notwithstanding any other provision of law, except as provided in section 309, enforcement and adjudication with respect to the discriminatory practices prohibited by section 302, and arising out of Senate employment, shall be within the exclusive jurisdiction of the United States Senate.

SEC. 315. TECHNICAL AND CONFORMING AMENDMENTS.

Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking "(2) and (6)(A)" and inserting "(2)(A)", as redesignated by subparagraph (B) of this paragraph; and

(ii) by striking "(3), (4), (5), (6)(B), and (6)(C)" and inserting "(2)"; and

(2) in subsection (c)(2), by inserting ", except for the employees who are defined as Senate employees, in section 301(c)(1) of the Civil Rights Act of 1991" after "shall apply exclusively".

SEC. 316. POLITICAL AFFILIATION AND PLACE OF RESIDENCE. 2 USC 1215.

(a) IN GENERAL.—It shall not be a violation with respect to an employee described in subsection (b) to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office,

of such an employee with respect to employment decisions.

(b) DEFINITION.—For purposes of this section, the term "employee" means—

(1) an employee on the staff of the Senate leadership;

(2) an employee on the staff of a committee or subcommittee;

(3) an employee on the staff of a Member of the Senate;

(4) an officer or employee of the Senate elected by the Senate or appointed by a Member, other than those described in paragraphs (1) through (3); or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

2 USC 1216.

SEC. 317. OTHER REVIEW.

No Senate employee may commence a judicial proceeding to redress discriminatory practices prohibited under section 302 of this title, except as provided in this title.

2 USC 1217.

SEC. 318. OTHER INSTRUMENTALITIES OF THE CONGRESS.

It is the sense of the Senate that legislation should be enacted to provide the same or comparable rights and remedies as are provided under this title to employees of instrumentalities of the Congress not provided with such rights and remedies.

2 USC 1218.

SEC. 319. RULE XLII OF THE STANDING RULES OF THE SENATE.

(a) REAFFIRMATION.—The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate, which provides as follows:

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

(b) AUTHORITY TO DISCIPLINE.—Notwithstanding any provision of this title, including any provision authorizing orders for remedies to Senate employees to redress employment discrimination, the Select Committee on Ethics shall retain full power, in accordance with its authority under Senate Resolution 338, 88th Congress, as amended, with respect to disciplinary action against a Member, officer, or employee of the Senate for a violation of Rule XLII.

2 USC 1219.

SEC. 320. COVERAGE OF PRESIDENTIAL APPOINTEES.

(a) IN GENERAL.—

(1) APPLICATION.—The rights, protections, and remedies provided pursuant to section 302 and 307(h) of this title shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—Any Presidential appointee may file a complaint alleging a violation, not later than 180 days after the occurrence of the alleged violation, with the Equal Employment Opportunity Commission, or such other entity as is designated by the President by Executive Order, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States

Code, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission, or such other entity as is designated by the President pursuant to this section, determines that a violation has occurred, the final order shall also provide for appropriate relief.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any party aggrieved by a final order under paragraph (2) may petition for review by the United States Court of Appeals for the Federal Circuit.

(B) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under this section except that the Equal Employment Opportunity Commission or such other entity as the President may designate under paragraph (2) shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(C) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under paragraph (2) if it is determined that the order was—

(i) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(ii) not made consistent with required procedures; or

(iii) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(D) ATTORNEY'S FEES.—If the presidential appointee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

(b) PRESIDENTIAL APPOINTEE.—For purposes of this section, the term "Presidential appointee" means any officer or employee, or an applicant seeking to become an officer or employee, in any unit of the Executive Branch, including the Executive Office of the President, whether appointed by the President or by any other appointing authority in the Executive Branch, who is not already entitled to bring an action under any of the statutes referred to in section 302 but does not include any individual—

(1) whose appointment is made by and with the advice and consent of the Senate;

(2) who is appointed to an advisory committee, as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.); or

(3) who is a member of the uniformed services.

SEC. 321. COVERAGE OF PREVIOUSLY EXEMPT STATE EMPLOYEES. 2 USC 1220.

(a) APPLICATION.—The rights, protections, and remedies provided pursuant to section 302 and 307(h) of this title shall apply with respect to employment of any individual chosen or appointed, by a person elected to public office in any State or political subdivision of any State by the qualified voters thereof—

(1) to be a member of the elected official's personal staff;

(2) to serve the elected official on the policymaking level; or

(3) to serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

(b) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

(1) IN GENERAL.—Any individual referred to in subsection (a) may file a complaint alleging a violation, not later than 180 days after the occurrence of the alleged violation, with the Equal Employment Opportunity Commission, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission determines that a violation has occurred, the final order shall also provide for appropriate relief.

(2) REFERRAL TO STATE AND LOCAL AUTHORITIES.—

(A) APPLICATION.—Section 706(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(d)) shall apply with respect to any proceeding under this section.

(B) DEFINITION.—For purposes of the application described in subparagraph (A), the term "any charge filed by a member of the Commission alleging an unlawful employment practice" means a complaint filed under this section.

(c) JUDICIAL REVIEW.—Any party aggrieved by a final order under subsection (b) may obtain a review of such order under chapter 158 of title 28, United States Code. For the purpose of this review, the Equal Employment Opportunity Commission shall be an "agency" as that term is used in chapter 158 of title 28, United States Code.

(d) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under subsection (b) if it is determined that the order was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) ATTORNEY'S FEES.—If the individual referred to in subsection (a) is the prevailing party in a proceeding under this subsection, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).

2 USC 1221.

SEC. 322. SEVERABILITY.

Notwithstanding section 401 of this Act, if any provision of section 309 or 320(a)(3) is invalidated, both sections 309 and 320(a)(3) shall have no force and effect.

2 USC 1222.

SEC. 323. PAYMENTS BY THE PRESIDENT OR A MEMBER OF THE SENATE.

The President or a Member of the Senate shall reimburse the appropriate Federal account for any payment made on his or her behalf out of such account for a violation committed under the provisions of this title by the President or Member of the Senate not later than 60 days after the payment is made.

SEC. 324. REPORTS OF SENATE COMMITTEES. 2 USC 1223.

(a) Each report accompanying a bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations and the Committee on the Budget) shall contain a listing of the provisions of the bill or joint resolution that apply to Congress and an evaluation of the impact of such provisions on Congress.

(b) The provisions of this section are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

SEC. 325. INTERVENTION AND EXPEDITED REVIEW OF CERTAIN APPEALS. 2 USC 1224.

(a) INTERVENTION.—Because of the constitutional issues that may be raised by section 309 and section 320, any Member of the Senate may intervene as a matter of right in any proceeding under section 309 for the sole purpose of determining the constitutionality of such section.

(b) THRESHOLD MATTER.—In any proceeding under section 309 or section 320, the United States Court of Appeals for the Federal Circuit shall determine any issue presented concerning the constitutionality of such section as a threshold matter.

(c) APPEAL.—

(1) IN GENERAL.—An appeal may by taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by the United States Court of Appeals for the Federal Circuit ruling upon the constitutionality of section 309 or 320.

(2) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in paragraph (1), advance the appeal on the docket and expedite the appeal to the greatest extent possible.

TITLE IV—GENERAL PROVISIONS

SEC. 401. SEVERABILITY. 42 USC 1981 note.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.

SEC. 402. EFFECTIVE DATE. 42 USC 1981 note.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect upon enactment.

(b) CERTAIN DISPARATE IMPACT CASES.—Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975, and for which an initial decision was rendered after October 30, 1983.

TITLE V—CIVIL WAR SITES ADVISORY COMMISSION

SEC. 501. CIVIL WAR SITES ADVISORY COMMISSION.

16 USC 1a-5 note.

Section 1205 of Public Law 101-628 is amended in subsection (a) by—

(1) striking "Three" in paragraph (4) and inserting "Four" in lieu thereof; and

(2) striking "Three" in paragraph (5) and inserting "Four" in lieu thereof.

Approved November 21, 1991.

LEGISLATIVE HISTORY—S. 1745:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 25, 29, 30, considered and passed Senate.
Nov. 7, considered and passed House.

○

Public Law 102-167
102d Congress

An Act

To extend the United States Commission on Civil Rights.

Nov. 26, 1991
[H.R. 3350]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States Commission on Civil Rights Reauthorization Act of 1991.
42 USC 1975 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commission on Civil Rights Reauthorization Act of 1991".

SEC. 2. ANNUAL REPORT.

Section 5 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975c) is amended by adding at the end the following: "The Commission shall, in addition to any other reports under this section, submit at least one annual report that monitors Federal civil rights enforcement efforts in the United States to Congress and to the President.".

SEC. 3. REAUTHORIZATION.

Section 7 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975e) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act, $7,159,000 for fiscal year 1992, and an additional $1,200,000 for fiscal year 1992 to relocate the headquarters office.".

SEC. 4. TERMINATION.

Section 8 of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975f) is amended by striking "1991" and inserting "1994".

SEC. 5. COMMISSION CHAIR AND VICE CHAIR.

Section 2(c), subsections (a), (d), and (f) of section 3 and section 6(f) of the United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975(c), 1975a (a), (d), and (f), and 1975d(f)) are amended by striking "Chairman" each place the term appears and inserting "Chairperson".

Approved November 26, 1991.

LEGISLATIVE HISTORY—H.R. 3350:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House.
Oct. 28, considered and passed Senate, amended.
Nov. 5, 6, House concurred in Senate amendment.

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59-139 O - 91 (167)

Public Law 102-168
102d Congress

An Act

Nov. 26, 1991
[H.R. 3402]

To amend the Public Health Service Act to revise and extend certain programs regarding health information, health promotion, and vaccine injury compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Health Information, Health Promotion, and Vaccine Injury Compensation Amendments of 1991.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Information, Health Promotion, and Vaccine Injury Compensation Amendments of 1991".

TITLE I—HEALTH INFORMATION AND HEALTH PROMOTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL AUTHORITY.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended to read as follows:

"(b) For the purpose of carrying out this section and sections 1702 through 1705, there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996.".

SEC. 102. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u-5(e)) is amended to read as follows:

"(e) For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996.".

(b) TECHNICAL AMENDMENT.—Section 1706(c) of the Public Health Service Act (42 U.S.C. 300u-5(c)) is amended—

(1) by striking "(c)(1) During fiscal year 1985" and all that follows through "(2)(A) In making grants" and inserting the following: "(c)(1) In making grants"; and

(2) by striking "(B) The Secretary" and inserting "(2) The Secretary".

TITLE II—VACCINE INJURY COMPENSATION

SEC. 201. VACCINE INJURY COMPENSATION.

(a) PROVISION REGARDING NATIONAL CHILDHOOD VACCINE INJURY ACT OF 1986.—Section 323 of the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa-1 note) is amended by striking out "(a) GENERAL RULE.—" and subsection (b).

(b) EVALUATION.—Section 6601(t) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 300aa-1(t) note) is amended by striking out "1992" and inserting in lieu thereof "1993".

(c) SUSPENSION OF PETITION PROCEEDINGS.—Section 2112(d)(3)(D) of the Public Health Service Act (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking out "180 days" and inserting in lieu thereof "540 days".

(d) ACTIONS BY PETITIONER.—

(1) Section 2112(g) of the Public Health Service Act (42 U.S.C. 300aa-12(g)) is amended by striking out "and the petition will be considered withdrawn under such section if the petitioner, the special master, or the court do not take certain actions" and inserting in lieu thereof "or the petitioner may choose under section 2121(b) to have the petition remain before the special master or court, as the case may be".

(2) Section 2116(c) of the Public Health Service Act (42 U.S.C. 300aa-16(c)) is amended by striking out ", (2)" and inserting in lieu thereof "or (2)" and by striking out ", or (3)" and all that remains in such section and inserting in lieu thereof a period.

(3) Section 2121(b) of the Public Health Service Act (42 U.S.C. 300aa-21(b)) is amended—

(A) in paragraph (1), by striking out "a notice in writing withdrawing the petition" and inserting in lieu thereof "a notice in writing choosing to continue or to withdraw the petition" and by striking out the last sentence,

(B) by striking out paragraph (2),

(C) by striking out "(1)" and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by running the text of paragraph (1) into the subsection heading and making the margin of the text full measure, and

(D) by amending the subsection heading to read "CONTINUANCE OR WITHDRAWAL OF PETITION".

(e) PAYMENT OF COMPENSATION.—

(1) Section 2115(f)(4) of the Public Health Service Act (42 U.S.C. 300aa(f)(4)) is amended— 42 USC 300aa-15.

(A) in subparagraph (A), by striking out "of the proceeds", and

(B) in subparagraph (B), by striking out "paid in 4 equal installments of which all or portion of the proceeds" and inserting in lieu thereof "shall be paid from appropriations made available under subsection (j) in a lump sum of which all or a portion".

(2) Section 2115(f)(4)(A) of the Public Health Service Act (42 U.S.C. 300aa(f)(4)(A)) is amended by striking "trust fund" and inserting the following: "Vaccine Injury Compensation Trust Fund established under section 9510 of the Internal Revenue Code of 1986".

(f) ANNUITY.—Section 2115(f)(4) of the Public Health Service Act (42 U.S.C. 300aa(f)(4)) is amended by adding at the end the following new subparagraph:

"(C) In purchasing an annuity under subparagraph (A) or (B), the Secretary may purchase a guarantee for the annuity, may enter into agreements regarding the purchase price for and rate of return of the annuity, and may take such other actions as may be necessary to safeguard the financial interests of the United States regarding the annuity. Any payment received by the Secretary pursuant to the preceding sentence shall be paid

to the Vaccine Injury Compensation Trust Fund established under section 9510 of the Internal Revenue Code of 1986, or to the appropriations account from which the funds were derived to purchase the annuity, whichever is appropriate.".

(g) ADVISORY COMMISSION.—Section 2119(c) of the Public Health Service Act (42 U.S.C. 300aa-19(c)) is amended by inserting before the period at the end of the section "present at the meeting".

(h) TECHNICALS.—Title XXI of the Public Health Service Act is amended as follows:

(1) The margins for clauses (i) and (ii) of section 2111(a)(2)(A) (42 U.S.C. 300aa-11(a)(2)(A)) are indented one em.

(2) The margin of subparagraph (D) of section 2112(d)(3) (42 U.S.C. 300aa-12(d)(3)) is indented to align with the margin of subparagraph (C).

(3) Section 2112(g) (42 U.S.C. 300aa-12(g)) is amended by striking out "NOTICE.— If" and inserting in lieu thereof "NOTICE.—If".

42 USC 300-11 note.

(i) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (d) and (f) shall take effect as if the amendments had been in effect on and after October 1, 1988.

Approved November 26, 1991.

LEGISLATIVE HISTORY—H.R. 3402:

HOUSE REPORTS: No. 102-270 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 5, considered and passed House.
Nov. 12, considered and passed Senate.

○

Public Law 102-169
102d Congress

Joint Resolution

Acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day".

Nov. 26, 1991
[H.J. Res. 215]

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas the people of the United States are particularly indebted to and respecting of the family members of the more than 500,000 military personnel activated for Operation Desert Shield and Operation Desert Storm;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 74 percent of officers and 53 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses or children) account for more than 2,770,000 of the more than 4,841,000 in the active duty community, and spouses and children of members of the Reserves in paid status account for more than 1,317,000 of the more than 2,346,000 in the Reserves community;

Whereas spouses, children, and other dependents living abroad with members of the Armed Forces total nearly 487,000, and these family members at times face feelings of cultural isolation and financial hardship; and

Whereas military families are devoted to the overall mission of the Department of Defense and have accepted the role of the United States as the military leader and protector of the free world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress acknowledges and appreciates the commitment and devotion of present and former military families and

the sacrifices that the families have made on behalf of the Nation; and

(2) November 25, 1991, is designated as "National Military Families Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Approved November 26, 1991.

LEGISLATIVE HISTORY—H.J. Res. 215:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 1, considered and passed House.
Nov. 12, considered and passed Senate.

Public Law 102-170
102d Congress

An Act

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

Nov. 26, 1991
[H.R. 3839]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992.
Department of Labor Appropriations Act, 1992.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $73,980,000, together with not to exceed $56,952,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, $3,861,338,000, plus reimbursements, to be available for obligation for the period July 1, 1992, through June 30, 1993, of which $63,000,000 shall be for carrying out section 401, $77,644,000 shall be for carrying out section 402, $9,120,000 shall be for carrying out section 441, $1,848,000 shall be for the National Commission for Employment Policy, $5,400,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and $3,900,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act; and, in addition, $187,700,000 is appropriated for part B of title II of the Job Training Partnership Act, as amended, in addition to amounts otherwise provided herein for part B of title II, to be available for obligation for the period October 1, 1992 through June 30, 1993; and, in addition, $73,000,000 is appropriated for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, as authorized by the Job Training Partnership Act, in addition to amounts otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1992 through June

30, 1995; and, in addition, $50,000,000 is appropriated for Clean Air Employment Transition Assistance under part B of title III of the Job Training Partnership Act, to be available for obligation for the period October 1, 1991 through June 30, 1993; and, in addition, $9,312,000 is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That funds appropriated under this heading in Public Law 100-436 to continue acquisition, rehabilitation, and construction of six new Job Corps centers shall be available for obligation through June 30, 1993.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $308,241,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $86,940,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $226,250,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235 and 243-244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212 (a), (5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, $24,038,000 together with not to exceed $3,148,655,000 (including not to exceed $2,080,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Un-

employment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1992, and of which $18,427,000 of the amount which may be expended from said trust fund shall be available for obligation for the period April 1, 1992, through December 31, 1992, for automation of the State activities under title III of the Social Security Act, as amended (42 U.S.C. 502-504 and 5 U.S.C. 8501-8523), and of which $21,838,000 together with not to exceed $799,770,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1992, through June 30, 1993, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $12,500,000 of the amount which may be expended from said trust fund shall be available for obligation for the period September 30, 1992, through June 30, 1993, for automation of the State activities under section 6 of the Act of June 6, 1933, as amended, and of which $440,703,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1992 is projected by the Department of Labor to exceed the 3.24 million level assumed in the President's fiscal year 1992 Budget Request, based on the Administration's December 1990 economic assumptions, an additional $30,000,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund. The Appropriations Committees shall be notified immediately of any request by the Department to the Office of Management and Budget to apportion any of these funds.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1993, $236,990,000.

LABOR-MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Services, $95,340,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1992, for such Corporation: *Provided,* That not to exceed $47,787,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $231,326,000, together with $1,035,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $192,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements from Federal Government agencies unobligated on September 30, 1991, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,*

That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1992.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $917,192,000, of which $861,135,000, shall be available until September 30, 1993, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $30,145,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $25,579,000 for transfer to Departmental Management, Salaries and Expenses, and $333,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $304,157,000, including $66,344,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with

respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $185,364,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $256,924,000, together with not to exceed $50,399,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of 5 sedans, and including $4,409,000 for the President's Committee on Employment of People With Disabilities, $141,053,000, together with not to exceed $332,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

Funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $174,759,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001-10 and 2021-26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $46,320,000, together with not to exceed $4,357,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

AIDS.
Diseases.
29 USC 655 note.

SEC. 100. (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had

been promulgated as a final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a).

(c) Nothing in this Act shall be construed to require the Secretary of Labor (acting through the Occupational Safety and Health Administration) to revise the employment accident reporting regulations published at 29 C.F.R. 1904.8.

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on workers health or safety.

SEC. 103. Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation Center of the Job Corps.

SEC. 104. None of the funds appropriated in this Act shall be used by the Job Corps program to pay the expenses of legal counsel or representation in any criminal case or proceeding for a Job Corps participant, unless certified to and approved by the Secretary of Labor that a public defender is not available.

This title may be cited as the "Department of Labor Appropriations Act, 1992".

Department of Health and Human Services Appropriations Act, 1992.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles III, VII, VIII, X, XII, XIX, XXVI, and XXVII of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101-527, Public Law 100-579, and the Native Hawaiian Health Care Act of 1988, $2,360,841,000, of which $450,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided,* That of the funds made available under this heading, $125,000,000, of which $25,000,000 shall be for the Healthy Start program, shall not become available for obligation until September 30, 1992: *Provided further,* That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further,* That user fees authorized by 31 U.S.C. 9701 may be credited to appropriations under this heading, notwithstanding 31 U.S.C. 3302.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $19,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by title VII of the Public Health Service Act, as amended, such sums as may be necessary to carry out the purpose of the program: *Provided,* That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $290,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,500,000.

VACCINE INJURY COMPENSATION

For payments from the Vaccine Injury Compensation Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $2,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

For compensation of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $80,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles III, section 794 of title VII, XV, XVII, XIX, and section 1102 of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $1,504,924,000, of which $25,600,000 shall remain available until expended for equipment and construction and renovation of facilities: *Provided,* That of the funds made available under this heading, $134,000,000 shall not become available for obligation until September 30, 1992: *Provided further,* That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further,* That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had

participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That collections from user fees may be credited to this appropriation: *Provided further,* That amounts received by the National Center for Health Statistics from reimbursable and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further,* That in addition to amounts provided herein, up to $29,400,000 shall be available from amounts available under section 2711 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further,* That employees of the Public Health Service, both civilian and Commissioned Officer, detailed to States or municipalities as assignees under authority of section 214 of the Public Health Service Act in the instance where in excess of 50 percent of salaries and benefits of the assignee is paid directly or indirectly by the State or municipality, and employees of the National Center for Health Statistics, who are assisting other Federal organizations on data collection and analysis and whose salaries are fully reimbursed by the organizations requesting the services, shall be treated as non-Federal employees for reporting purposes only.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $1,989,278,000: *Provided,* That of the funds made available under this heading, $223,446,000 shall not become available for obligation until September 30, 1992: *Provided further,* That the Director of the National Institutes of Health, within thirty days of enactment of this Act, may transfer such portion of $160,000,000 which becomes available on September 30, 1992 as she deems appropriate to other Institutes for research directly related to the prevention, treatment or cure of cancer: *Provided further,* That within the funds provided under this heading the Institute shall establish a Matsunaga-Conte Prostate Cancer Research Center.

Establishment.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,199,398,000: *Provided,* That of the funds made available under this heading, $54,555,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $160,493,000: *Provided,*

That of the funds made available under this heading, $7,903,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $664,080,000: *Provided,* That of the funds made available under this heading, $28,457,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $583,378,000: *Provided,* That of the funds made available under this heading, $27,357,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $971,111,000: *Provided,* That of the funds made available under this heading, $45,627,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $818,910,000: *Provided,* That of the funds made available under this heading, $48,104,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $524,452,000: *Provided,* That of the funds made available under this heading, $27,368,000 shall not become available for obligation until September 30, 1992: *Provided further,* That funds made available under this heading shall not be used to conduct the SHARP survey of adult sexual behavior and the American Teenage Survey of adolescent sexual behavior.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $271,002,000: *Provided,* That of the funds made available under this heading, $12,504,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, $253,902,000: *Provided,* That of the funds made available under this heading, $8,846,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $387,014,000: *Provided,* That of the funds made available under this heading, $31,308,000 shall not become available for obligation until September 30, 1992: *Provided further,* That the Director of the National Institutes of Health, within thirty days of enactment of this Act, may transfer such portion of $15,000,000 which becomes available on September 30, 1992 as she deems appropriate to other Institutes for research directly related to Alzheimer's disease.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $204,502,000: *Provided,* That of the funds made available under this heading, $7,593,000 shall not become available for obligation until September 30, 1992.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $149,830,000: *Provided,* That of the funds made available under this heading, $7,486,000 shall not become available for obligation until September 30, 1992.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $315,220,000: *Provided,* That of the funds made available under this heading, $15,000,000 shall not become available for obligation until September 30, 1992.

NATIONAL CENTER FOR NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $45,196,000: *Provided,* That of the funds made available under this heading, $2,646,000 shall not become available for obligation until September 30, 1992.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $105,261,000: *Provided,* That of the funds made available under this heading,

$10,000,000 shall not become available for obligation until September 30, 1992.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $19,922,000: *Provided,* That of the funds made available under this heading, $800,000 shall not become available for obligation until September 30, 1992.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $100,303,000: *Provided,* That of the funds made available under this heading, $3,500,000 shall not become available for obligation until September 30, 1992.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $143,313,000, of which $25,000,000 shall be for the support of the women's health study and shall remain available until September 30, 1993: *Provided,* That of the funds made available under this heading, $12,500,000 shall not become available for obligation until September 30, 1992: *Provided further,* That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further,* That $7,500,000 of this amount shall be available for extramural facilities construction grants if awarded competitively: *Provided further,* That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to emergency activities the Director may so designate: *Provided further,* That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $103,840,000 to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, section 3521 of Public Law 100-690, section 612 of Public Law 100-77, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, $3,081,119,000: *Provided,* That of the funds made available under this heading, $164,100,000 shall not become available until September 30, 1992, of which $5,000,000 for renovation of government owned or leased intramural research facilities shall remain available until expended.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, $66,035,000, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $101,870,000 together with not to exceed $4,880,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 1142 of the Social Security Act and not to exceed $1,012,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; and, in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $13,444,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $46,399,149,000, to remain available until expended.

For making, after May 31, 1992, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1992 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1993, $17,100,000,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such

quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $39,421,485,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101-508, and section 4005(e) of Public Law 100-203, not to exceed $2,274,055,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided,* That $257,000,000 of said trust funds shall be expended only to the extent necessary to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That the use of the term "unanticipated costs" in the foregoing proviso refers only to costs associated with unanticipated workloads: *Provided further,* That the Secretary shall make a recommendation upon enactment of this Act and thereafter prior to the first day of each following quarter of the fiscal year, about the extent to which contingency funds may be necessary to be expended: *Provided further,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation: *Provided further,* That all funds collected in accordance with section 353 of the Public Health Service Act are to be credited to this appropriation to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, and section 274A(d)(3)(E) of the Immigration and Nationality Act, $40,968,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico,

and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $617,336,000, to remain available until expended: *Provided,* That monthly benefit payments shall be paid consistent with section 215(g) of the Social Security Act.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1993, $198,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, title XI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $13,929,491,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further,* That for fiscal year 1992 and thereafter, all collections from repayments of overpayments shall be deposited in the general fund of the Treasury.

42 USC 1383 note.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1993, $5,240,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $4,582,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That travel expense payments under section 1631(h) of such Act for travel to hearings may be made only when travel of more than seventy-five miles is required: *Provided further,* That $100,000,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects and their impact on the work force, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That of the total amount provided, $80,000,000 shall not become available for obligation until September 19, 1992.

42 USC 1383 note.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $11,901,046,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1993, $4,000,000,000, to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,500,000,000, of which $80,000,000 is hereby designated by Congress to be an emergency requirement pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and of which $405,607,000 shall become available for making payments on September 30, 1992.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $300,000,000: *Provided,* That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), $410,630,000: *Provided,* That of the funds made available under this heading for State cash and medical assistance, $116,616,000 shall not become available for obligation until September 30, 1992: *Provided further,* That when sufficient funds have been made available to reimburse all allowable fiscal year 1991 claims for refugee cash assistance, refugee medical assistance, unaccompanied minors, and State and local administrative costs, fiscal year 1991 funds appropriated for cash and medical assistance may be used to supplement insufficient fiscal year 1990 grants to States for the programs of refugee cash assistance and refugee medical assistance.

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

8 USC 1255a note.

Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by striking "1992" and inserting in its place "1993".

Section 204(b) of the Immigration Reform and Control Act of 1986 is amended by adding the following paragraph:

"(5) For fiscal year 1993, the Secretary shall make allotments to States under paragraph (1) no later than October 15, 1992."

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and the Stewart B. McKinney Homeless Assistance Act, $437,418,000, of which $41,368,000 shall be for carrying out section 681(a) of the Community Services Block Grant Act, $4,050,000 shall be for carrying out section 408 of Public Law 99-425, and of which $7,000,000 shall be for carrying out section 681A of said Act with respect to the community food and nutrition program: *Provided,* That $29,124,000 made available under this heading shall not become available for obligation until September 30, 1992.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981, $825,000,000, which shall not become available for obligation until September 19, 1992. For carrying out section 402(g)(6) of the Social Security Act, no funds are provided for fiscal year 1992.

PROGRAM ADMINISTRATION

For necessary administrative expenses to carry out titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100-77, and section 126 and titles IV and V of Public Law 100-485, $92,500,000, together with such sums as may be collected, which shall be credited to this account as offsetting collections, from fees authorized under section 453 of the Social Security Act: *Provided,* That of the funds appropriated in Public Law 101-166 for the Commission on Interstate Child Support, $400,000 shall remain available through September 30, 1992.

SOCIAL SERVICES BLOCK GRANT

For monthly payments to States for carrying out the Social Services Block Grant Act, $2,800,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Older Americans Act of 1965, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the

Child Development Associate Scholarship Assistance Act of 1985, the Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Comprehensive Child Development Act, the Abandoned Infants Assistance Act of 1988, section 10404 of Public Law 101-239 (volunteer senior aides demonstration) and part B of title IV and section 1110 of the Social Security Act, $3,537,562,000, of which up to $6,225,000 shall remain available until expended for information resources management: *Provided,* That of the funds made available under this heading for carrying out the Older Americans Act of 1965, $25,000,000 shall not become available for obligation until September 30, 1992: *Provided further,* That of the amounts provided under this heading $2,000,000 shall be for the White House Conference on Aging, which shall only become available for obligation upon enactment into law of authorizing legislation and shall remain available until expended.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For carrying out part E of title IV of the Social Security Act, $2,614,005,000, of which $118,476,000 shall be for payment of prior years' claims.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $91,673,000, together with $31,001,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $60,794,000, together with not to exceed $37,833,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein: *Provided,* That funds appropriated for the Office of the Inspector General are further reduced by an additional $2,603,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,524,000, together with not to exceed $4,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $5,037,000

GENERAL PROVISIONS

SEC. 201. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director", may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 202. Appropriations in this or any other Act shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed 2,400 commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376.

Abortion.

SEC. 203. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 204. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 205. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 206. Amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts which finance the activities of the Public Health Service.

SEC. 207. None of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration.

SEC. 208. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

Children and youth.
AIDS.

SEC. 209. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

Science and technology.
Communications.
Government employees.

SEC. 210. For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act, and the computer centers to which such employees are assigned.

SEC. 211. None of the funds appropriated by this title shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

Regulations.

SEC. 212. None of the funds appropriated in this title for the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

Animals.

SEC. 213. No funds appropriated under this Act shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds on any project that entails the capture or procurement of chimpanzees obtained from the wild. For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

SEC. 214. Travel expenses of the Department of Health and Human Services are hereby reduced by $9,492,000: *Provided,* That the reduction for travel costs shall be from the amounts set forth therefor in the budget estimates submitted for the appropriations.

SEC. 215. During the twelve-month period beginning October 1, 1991, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State under part B or part E of title IV of the Social Security Act, by reason of a determination made in connection with any review of State compliance with the foster care

protections of section 427 of such Act for any Federal fiscal year preceding fiscal year 1992.

42 USC 290b.

SEC. 216. Section 499A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 289i(c)(1)(C)) is amended—

(1) by striking out "9" in the matter preceding clause (i) and inserting in lieu thereof "11"; and

(2) by striking out "3" in clause (iii) and inserting in lieu thereof "5".

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1992".

Department of Education Appropriations Act, 1992.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, $6,707,014,000, of which $152,000,000 shall become available on September 30, 1992 and shall remain available through September 30, 1993 and $6,524,351,000 shall become available on July 1, 1992 and shall remain available through September 30, 1993: *Provided,* That $5,525,000,000 shall be available for basic grants under section 1005, $610,000,000 shall be available for concentration grants under section 1006, $70,000,000 shall be available for the Even Start program under part B, of which not to exceed 2 percent shall be available for a national evaluation and not to exceed 5 percent shall be available for State administration, $308,298,000 shall be available for migrant education activities under subpart 1 of part D, $36,054,000 shall be available for delinquent and neglected education activities under subpart 3 of part D, $61,820,000 shall be for State administration under section 1404, and $25,125,000 shall be for program improvement activities under section 1405: *Provided further,* That no State shall receive less than $340,000 from the amounts made available under this appropriation for concentration grants under section 1006: *Provided further,* That no State shall receive less than $375,000 from the amounts made available under this appropriation for State administration grants under section 1404.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools as authorized by Public Laws 81-815 and 81-874, as amended, $771,708,000, of which $588,540,000 shall be for payments under section 3(a), $136,626,000 shall be for payments under section 3(b), $16,590,000 shall be for Federal property payments under section 2, $1,952,000, to remain available until expended, shall be for payments for decreases in Federal activities under section 3(e), $2,000,000 for section 10, which shall become available on September 30, 1992 and remain available until expended, and $26,000,000, to remain available until expended, shall be for construction and renovation of school facilities including $10,000,000 for awards under section 10, $10,000,000 for awards under sections 14(a) and 14(b), and $6,000,000 for awards under sections 5 and 14(c): *Provided,* That none of the funds available for section 3 shall be used for payments under section 5(b)(2): *Provided further,* That funds available for section 2 may be used for payments under section 5(b)(2) of 50 percent of a local educational agency's payment for the prior

fiscal year based on its entitlement established under section 2: *Provided further,* That all payments under section 3 shall be based on the number of children who, during the prior fiscal year, were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education: *Provided further,* That notwithstanding the provisions of section 3(d)(3)(A), aggregate current expenditure and average daily attendance data for the third preceding fiscal year shall be used to compute local contribution rates: *Provided further,* That notwithstanding the provisions of sections 3(d)(2)(B), 3(d)(3)(B)(ii), and 3(h)(2), eligibility and entitlement determinations for those sections shall be computed on the basis of data from the fiscal year preceding each fiscal year described in those respective sections for fiscal year 1991: *Provided further,* That none of the previous provisos related to revisions in the use of prior year data in determining payment amounts provided for under this account or related to preliminary payments shall be effective for fiscal year 1992 and preliminary payments shall be authorized on the same basis as provided for prior to the enactment of Public Law 102-103.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I and titles II, III, IV, V, without regard to sections 5112(a) and 5112(c)(2)(A), and VI of the Elementary and Secondary Education Act of 1965, as amended; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act, as amended; title IV of Public Law 100-297; title II of Public Law 102-62; and the Follow Through Act, $1,578,195,000, of which $1,236,963,000 shall become available on July 1, 1992, and remain available through September 30, 1993: *Provided,* That of the amount appropriated, $24,600,000 shall be for national programs under part B of chapter 2 of title I, $3,800,000 shall be for civic education programs under section 4609, $30,304,000 shall be for emergency grants under section 5136, up to $2,000,000 shall be available for the national evaluation of the dropout prevention demonstration program under title VI, and $240,000,000 shall be for State grants for mathematics and science education under part A of title II of the Elementary and Secondary Education Act of 1965, as amended.

EDUCATIONAL EXCELLENCE

(INCLUDING TRANSFER OF FUNDS)

For carrying out educational improvement activities authorized in law, including activities under the Head Start Act, sections 329 and 330 of the Public Health Service Act (Migrant and Community Health Centers), and section 670T of the Comprehensive Child Development Act, $425,000,000 which shall become available on July 1, 1992, and remain available through September 30, 1993: *Provided,* That the allocation of these funds, which may be transferred as necessary to other Department of Education accounts, shall be determined by the Secretary of Education in consultation with the Congress based on authorizing legislation enacted into law as of December 31, 1991: *Provided further,* That none of these funds shall be allocated to initiate programs proposed by the President in his budget amendments of June 7, 1991 unless these activities shall be

specifically authorized during 1991: *Provided further,* That not less than $250,000,000 of these funds shall be transferred to the Head Start program, not less than $55,000,000 of these funds shall be transferred to the Community and Migrant Health Centers programs, not less than $20,000,000 shall be transferred to the Comprehensive Child Development Centers and $100,000,000 shall be for new America 2000 educational excellence activities, if enacted into law: *Provided further,* That the December 31, 1991 deadline for enacting new authorizations for the America 2000 initiatives may be delayed by the Secretary until April 1, 1992 if he determines that sufficient progress is being made towards final approval of such legislation except that this delay shall not apply to programs administered by the Department of Health and Human Services.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, $225,407,000, of which $36,000,000 shall be for training activities under part C of title VII.

SPECIAL EDUCATION

For carrying out the Individuals With Disabilities Education Act and title I, chapter 1, part D, subpart 2 of the Elementary and Secondary Education Act of 1965, $2,854,895,000, of which $1,976,095,000 for section 611, $320,000,000 for section 619, $175,000,000 for section 685 and $143,000,000 for title I, chapter 1, part D, subpart 2 shall become available for obligation on July 1, 1992, and shall remain available through September 30, 1993.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, Public Law 100-407, and the Helen Keller National Center Act, as amended, $2,077,158,000, of which $31,103,000 shall be for special demonstration programs under sections 311 (a), (b), and (c), including $6,000,000, to remain available until expended, for a grant to a hearing research center to support applied and basic research activities, which shall be awarded competitively, and $6,000,000 for grants to establish regional comprehensive head injury prevention and rehabilitation centers, which shall be awarded competitively: *Provided,* That, until October 1, 1992, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support entities currently receiving grants under the section.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $5,900,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et

seq.), $39,439,000, of which $342,000 shall be for the endowment program as authorized under section 408 and shall be available until expended.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $76,540,000, of which $1,000,000 shall be for the endowment program as authorized under section 407 and shall be available until expended, and $2,500,000 shall be for construction and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the Stewart B. McKinney Homeless Assistance Act, $1,429,760,000 of which $3,000,000, to remain available until expended, shall be for the national assessment of vocational education, $2,500,000 shall become available on October 1, 1991, for tribally controlled postsecondary vocational institutions under title III, part H, and $60,000,000 shall become available on September 30, 1992 and remain available through September 30, 1993 and the remainder shall become available for obligation on July 1, 1992 and shall remain available through September 30, 1993: *Provided,* That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $29,000,000 shall be for national programs under title IV, including $12,000,000 for research, of which $6,000,000 shall be for the National Center for Research on Vocational Education and $2,000,000 shall be for technical assistance under section 404(d); $14,000,000 for demonstrations and $5,000,000 for data collection: *Provided further,* That of the amounts made available under the Adult Education Act, $1,000,000 shall be available only for demonstration programs under section 372(d), $4,000,000 shall be for national programs under section 383, $5,000,000 shall be for literacy clearinghouse activities under section 384, $5,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991, and $5,000,000 shall be for prison literacy activities as authorized under section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A and parts C, D, and E of title IV of the Higher Education Act, as amended, $62,000,000, which shall become available on September 30, 1992 and remain available through September 30, 1993, together with $6,822,880,000, which shall remain available through September 30, 1993, and of which $100,000,000 shall only be available if such funds are necessary to pay a maximum grant of $2,400 during the 1992-1993 program year, which shall be the maximum Pell grant that a student may receive: *Provided,* That notwithstanding section 479A of the Higher Education Act of 1965, as amended, student financial aid administrators shall be authorized, on the basis of adequate documentation, to make necessary adjustments to the cost of attendance and the expected student or parent contribution (or both) and

20 USC 1070a note.

to use supplementary information about the financial status or personal circumstances of eligible applicants only for purposes of selecting recipients and determining the amount of awards under subpart 2 of part A, and parts B, C, and E of title IV of the Act: *Provided further*, That notwithstanding section 411F(1) of the Higher Education Act of 1965, as amended, the term "annual adjusted family income" shall, under special circumstances prescribed by the Secretary, mean the sum received in the first calendar year of the award year from the sources described in that section: *Provided further*, That notwithstanding section 411(b)(6) of the Higher Education Act of 1965, no Pell grant for award year 1992-1993 shall be awarded to any student who is attending an institution of higher education on a less than half-time basis.

GUARANTEED STUDENT LOANS

(LIQUIDATION OF CONTRACT AUTHORITY)

For payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $3,105,711,000.

GUARANTEED STUDENT LOANS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for administrative expenses to carry out the guaranteed loan program, $45,000,000. In addition to amounts appropriated in this Act for liquidation of contract authority in the "Guaranteed Student Loans (Liquidation)" account, there is also provided for payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $1,114,748,000 which shall be transferred to the Guaranteed Student Loans (Liquidation) account.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, V, VI, VII, VIII, IX, X, XI-B, and XII of the Higher Education Act of 1965, as amended, the Mutual Educational and Cultural Exchange Act of 1961, the Excellence in Mathematics, Science and Engineering Education Act of 1990, and title XIII, part H, subpart 1 of the Education Amendments of 1980, and section 140(a) of Public Law 100-202, $827,523,000 of which $24,000,000 shall become available on September 30, 1992 and of which $7,500,000 for endowment activities under section 332 of part C of title III of the Higher Education Act, $2,000,000 for section 140(a) of Public Law 100-202, and $19,412,000 for interest subsidies under part D of title VII of the Higher Education Act shall remain available until expended and $300,000 shall be for section 775, part G, title VII: *Provided*, That $9,642,000 provided herein for carrying out subpart 6 of part A of title IV shall be available notwithstanding sections 419G(b) and

419I(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d-37(b) and 1070d-39(a)): *Provided further,* That $1,450,000 of the amount provided herein for subpart 4 of part A of title IV of the Higher Education Act shall be for an evaluation of Special Programs for the Disadvantaged to examine the effectiveness of current programs and to identify program improvements: *Provided further,* That funds appropriated for Special Programs for Students from Disadvantaged Backgrounds may be allocated notwithstanding section 417D(d)(6)(B) (20 U.S.C. 1070d) to the Ronald E. McNair Post-Baccalaureate Achievement Program.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $212,360,000, of which $2,928,000, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98-480), and $23,000,000, to remain available until expended, shall be for emergency construction needs.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year. For the fiscal year 1992, no new commitments for loans may be made from the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d-2).

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Contracts.

(LIQUIDATING)

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing and academic facilities loans program, the Secretary shall make expenditures, contracts, and commitments without regard to fiscal year limitation.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For the costs of direct loans, as authorized by title VII, part F, of the Higher Education Act, as amended, $7,539,000: *Provided,* That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and that these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $30,000,000: *Provided further,* That obligated balances of these appropriations will remain available until expended, notwithstanding the provisions of 31 U.S.C. 1552(a), as amended by Public Law 101-510. In addition, for administrative expenses to carry out the direct loan program, $566,000.

Contracts.

COLLEGE HOUSING LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out the activities authorized by section 405 and section 406 of the General Education Provisions Act, as amended; section 1562, section 2012, section 2016, and title IV of the Elementary and Secondary Education Act of 1965, as amended; part B of title III of Public Law 100-297; title V of the Higher Education Act, as amended; title IX of the Education for Economic Security Act; and section 6041 of Public Law 100-418, $258,684,000, of which $25,300,000 shall be for research centers; $35,049,000 shall be for regional laboratories including $10,000,000 for rural initiatives; $7,175,000 shall be for the Educational Resources Information Center; $976,000 shall be for field-initiated studies; $47,313,000 shall be for education statistics; $29,900,000 shall be for national assessment activities; $24,000,000 shall be for activities under the Fund for Innovation in Education, including $6,000,000 for a high technology demonstration grant, including equipment, which shall be awarded competitively; $5,495,000 shall be for Grants for Schools and Teachers under subpart 1, and $3,755,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100-297; $14,700,000 shall be for national diffusion activities under section 1562; $16,000,000 shall be for national programs under section 2012, including $3,500,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); $12,000,000 shall be for regional consortia under section 2016; $9,732,000 shall be for Javits gifted and talented students education; $18,417,000 shall be for star schools, of which $1,000,000 shall become available for obligation on September 30, 1992, and of which $4,000,000 shall be to establish a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county, which shall be awarded competitively; $4,233,000 shall be for educational partnerships; $1,769,000 shall be for territorial teacher training; and $370,000, which shall remain available until September 30, 1993, shall be for Leadership in Educational Administration.

In addition to these amounts $4,880,000 shall be available for teaching standards activities under the same terms, conditions and limitations applicable to funding made available for this purpose in fiscal year 1991.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, V, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and titles II and VI of the Higher Education Act,

$147,747,000 of which $2,500,000 shall be for a biotechnology information education demonstration project under the Higher Education Act, title II, part D, $16,718,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $5,000,000 shall be for section 222 and $325,000 shall be for section 223 of the Higher Education Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $299,000,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $26,932,000.

GENERAL PROVISIONS

SEC. 301. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

Civil rights.

SEC. 302. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Civil rights.

SEC. 303. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equip-

ment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Civil rights.

SEC. 304. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 305. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

20 USC 1221-1 note.

SEC. 306. Subsection (e) of section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1(e)) is amended by inserting at the end thereof the following new paragraph:

"(7) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of money, gifts or donations of services or property.".

This title may be cited as the "Department of Education Appropriations Act, 1992".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $198,592,000: *Provided,* That $32,688,000 shall be available for title I, section 102, and $1,225,000 shall be available for title I, part C.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1994, $275,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles, and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $28,118,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $4,357,000.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

For expenses necessary for the National Commission on Acquired Immune Deficiency Syndrome as authorized by subtitle D of title II of Public Law 100–607, $1,750,000.

NATIONAL COMMISSION ON CHILDREN

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Children, as established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100–203, $950,000 to remain available through December 31, 1992.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–845), $831,000.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

For necessary expenses of the National Commission to Prevent Infant Mortality, established by section 203 of the National Commission to Prevent Infant Mortality Act of 1986, Public Law 99–660, $440,000, which shall remain available until expended.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,569,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $162,000,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $6,775,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $6,497,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $4,398,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,030,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974,

$319,100,000 which shall include amounts becoming available in fiscal year 1992 pursuant to section 224(c)(1)(B) of Public Law 98-76: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $400,000, to remain available through September 30, 1993, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $3,264,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $72,287,000 to be derived from the railroad retirement accounts: *Provided,* That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further,* That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,263,000 shall be apportioned for fiscal year 1992 from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,395,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Armed Forces Retirement Home Trust Fund, $41,352,000: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Armed Forces Retirement Home Trust Fund, $4,220,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,000,000.

UNITED STATES NAVAL HOME

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Naval Home, to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $10,055,000, to remain available until September 30, 1993.

CAPITAL PROGRAM

For construction and renovation of the physical plant to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $1,253,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

Contracts. Public information.

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by an executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem

rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects

or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 512. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 513. (a) Notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $31,991,000; salaries and expenses of the Department of Education are hereby reduced by $10,660,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $142,349,000, including $8,000,000 of funds appropriated in this Act for travel costs of the Public Health Service: *Provided,* That the reduction for travel costs shall be from the amounts set forth therefor in the budget estimates submitted for the appropriations.

(b) Notwithstanding any other provision of this Act, there are hereby appropriated an additional $214,000 for "Salaries and expenses, Occupational Safety and Health Review Commission" and an additional $786,000 for "Salaries and expenses, Federal Mine Safety and Health Review Commission".

(c) Notwithstanding any other provision of this Act, appropriations in this Act for carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 shall not become available for obligation until September 30, 1992.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992".

Approved November 26, 1991.

LEGISLATIVE HISTORY—H.R. 3839:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 22, considered and passed House and Senate.

○

Public Law 102-171
102d Congress

An Act

To settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes.

Nov. 26, 1991
[S. 374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Aroostook Band of Micmacs Settlement Act. 25 USC 1721 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aroostook Band of Micmacs Settlement Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

25 USC 1721 note.

(a) FINDINGS AND POLICY.—Congress hereby finds and declares that:

(1) The Aroostook Band of Micmacs, as represented as of the time of passage of this Act by the Aroostook Micmac Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Micmac Nation which years ago claimed aboriginal title to certain lands in the State of Maine.

(2) The Band was not referred to in the Maine Indian Claims Settlement Act of 1980 because historical documentation of the Micmac presence in Maine was not available at that time.

(3) This documentation does establish the historical presence of Micmacs in Maine and the existence of aboriginal lands in Maine jointly used by the Micmacs and other tribes to which the Micmacs could have asserted aboriginal title but for the extinguishment of all such claims by the Maine Indian Claims Settlement Act of 1980.

(4) The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Maliseet Indians and would have received similar treatment under the Maine Indian Claims Settlement Act of 1980 if the information available today had been available to Congress and the parties at that time.

(5) It is now fair and just to afford the Aroostook Band of Micmacs the same settlement provided to the Houlton Band of Maliseet Indians for the settlement of that Band's claims, to the extent they would have benefited from inclusion in the Maine Indian Claims Settlement Act of 1980.

(6) Since 1820, the State of Maine has provided special services to the Indians residing within its borders, including the members of the Aroostook Band of Micmacs. During this same period, the United States provided few special services to the Band and repeatedly denied that it had jurisdiction over or responsibility for the Indian groups in Maine. In view of this provision of special services by the State of Maine, requiring substantial expenditures by the State of Maine and made by the State of Maine without being required to do so by Federal law, it

is the intent of Congress that the State of Maine not be required further to contribute directly to this settlement.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide Federal recognition of the Band;

(2) provide to the members of the Band the services which the United States provides to Indians because of their status as Indians; and

(3) place $900,000 in a land acquisition fund and property tax fund for the future use of the Aroostook Band of Micmacs; and

(4) ratify the Micmac Settlement Act, which defines the relationship between the State of Maine and the Aroostook Band of Micmacs.

25 USC 1721 note.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Band" means the Aroostook Band of Micmacs, the sole successor to the Micmac Nation as constituted in aboriginal times in what is now the State of Maine, and all its predecessors and successors in interest. The Aroostook Band of Micmacs is represented, as of the date of enactment of this Act, as to lands within the United States, by the Aroostook Micmac Council.

(2) The term "Band Tax Fund" means the fund established under section 4(b) of this Act.

(3) The term "Band Trust Land" means land or natural resources acquired by the Secretary of the Interior and held in trust by the United States for the benefit of the Band.

(4) The term "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including (but not limited to) minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights.

(5) The term "Land Acquisition Fund" means the fund established under section 4(a) of this Act.

(6) The term "laws of the State" means the constitution, and all statutes, regulations, and common laws of the State of Maine and its political subdivisions and all subsequent amendments thereto or judicial interpretations thereof.

(7) The term "Maine Implementing Act" means the Act entitled "Act to Implement the Maine Indian Claims Settlement" that was enacted by the State of Maine in chapter 732 of the Maine Public Laws of 1979, as amended by chapter 675 of the Maine Public Laws of 1981 and chapter 672 of the Maine Public Laws of 1985, and all subsequent amendments thereto.

(8) The term "Micmac Settlement Act" means the Act entitled "Act to implement the Aroostook Band of Micmacs Settlement Act" that was enacted by the State of Maine in chapter 148 of the Maine Public Laws of 1989, and all subsequent amendments thereto.

(9) The term "Secretary" means the Secretary of the Interior.

25 USC 1721 note.

SEC. 4. AROOSTOOK BAND OF MICMACS LAND ACQUISITION AND PROPERTY TAX FUNDS.

(a) LAND ACQUISITION FUND.—There is hereby established in the Treasury of the United States a fund to be known as the Aroostook Band of Micmacs Land Acquisition Fund, into which $900,000 shall

be deposited by the Secretary following the appropriation of sums authorized by section 10.

(b) BAND TAX FUND.—(1) There is hereby established in the Treasury of the United States a fund to be known as the Aroostook Band of Micmacs Tax Fund, into which shall be deposited $50,000 in accordance with the provisions of this Act.

(2) Income accrued on the Land Acquisition Fund shall be transferred to the Band Tax Fund until a total of $50,000 has been transferred to the Band Tax Fund under this paragraph. No transfer shall be made under this subsection if such transfer would diminish the Land Acquisition Fund to a balance of less than $900,000.

(3) Whenever funds are transferred to the Band Tax Fund under paragraph (2), the Secretary shall publish notice of such transfer in the Federal Register. Such notice shall specify when the total amount of $50,000 has been transferred to the Band Tax Fund. Federal Register, publication.

(4) The Secretary shall manage the Band Tax Fund in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a), and shall utilize the principal and interest of the Band Tax Fund only as provided in paragraph (5) and section 5(d) and for no other purpose.

(5) Notwithstanding the provisions of title 31, United States Code, the Secretary shall pay out of the Band Tax Fund, all valid claims for taxes, payments in lieu of property taxes, and fees, together with any interest and penalties thereon—

(A) for which the Band is determined to be liable;

(B) which are final and not subject to further administrative or judicial review; and

(C) which have been certified by the Commissioner of Finance in the State of Maine as valid claims that meet the requirements of this paragraph.

(c) SOURCE FOR CERTAIN PAYMENTS.—Notwithstanding any other provision of law, if—

(1) the Band is liable to the State of Maine or any county, district, municipality, city, town, village, plantation, or any other political subdivision thereof for any tax, payment in lieu of property tax, or fees, together with any interest and penalties thereon, and

(2) there are insufficient funds in the Band Tax Fund to pay such tax, payment, or fee (together with any interest or penalties thereon) in full,

the deficiency shall be paid by the Band only from income-producing property owned by the Band which is not held in trust for the Band by the United States and the Band shall not be required to pay such tax, payment, or fee (or any interest or penalty thereon) from any other source.

(d) PROCEDURE FOR FILING AND PAYMENT OF CLAIMS.—The Secretary shall, after consultation with the Commissioner of Finance of the State of Maine, and the Band, prescribe written procedures governing the filing and payment of claims under this section.

SEC. 5. AROOSTOOK BAND TRUST LANDS. 25 USC 1721 note.

(a) IN GENERAL.—Subject to the provisions of section 4, the Secretary is authorized and directed to expend, at the request of the Band, the principal of, and income accruing on, the Land Acquisition Fund for the purposes of acquiring land or natural resources for the Band and for no other purposes. Land or natural resources

acquired within the State of Maine with funds expended under the authority of this subsection shall be held in trust by the United States for the benefit of the Band.

(b) ALIENATION.—(1) Land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of the Band may be alienated only by—

(A) takings for public use pursuant to the laws of the State of Maine as provided in subsection (c);

(B) takings for public use pursuant to the laws of the United States; or

(C) transfers made pursuant to an Act or joint resolution of Congress.

All other transfers of land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of such Band shall be void ab initio and without any validity in law or equity.

(2) The provisions of paragraph (1) shall not prohibit or limit transfers of individual use assignments of land or natural resources from one member of the Band to another member of such Band.

(3) Land or natural resources held in trust for the benefit of the Band may, at the request of the Band, be—

(A) leased in accordance with the Act of August 9, 1955 (25 U.S.C. 415 et seq.);

(B) leased in accordance with the Act of May 11, 1938 (25 U.S.C. 396a et seq.);

(C) sold in accordance with section 7 of the Act of June 25, 1910 (25 U.S.C. 407);

(D) subjected to rights-of-way in accordance with the Act of February 5, 1948 (25 U.S.C. 323 et seq.);

(E) exchanged for other land or natural resources of equal value, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary for deposit in the land acquisition fund for the benefit of the Band, as the circumstances require, so long as payment does not exceed 25 percent of the total value of the interests in land to be transferred by the Band; and

(F) sold, only if at the time of sale the Secretary has entered into an option agreement or contract of sale to purchase other lands of approximate equal value.

(c) CONDEMNATION BY STATE OF MAINE AND POLITICAL SUBDIVISIONS THEREOF.—(1) Land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of the Band may be condemned for public purposes by the State of Maine, or any political subdivision thereof, only upon such terms and conditions as shall be agreed upon in writing between the State and such Band after the date of enactment of this Act.

(2) The consent of the United States is hereby given to the State of Maine to further amend the Micmac Settlement Act for the purpose of embodying the agreement described in paragraph (1).

(d) ACQUISITION.—(1) Lands and natural resources may be acquired by the Secretary for the Band only if the Secretary has, at any time prior to such acquisition—

(A) transmitted a letter to the Secretary of State of the State of Maine stating that the Band Tax Fund contains $50,000; and

(B) provided the Secretary of State of the State of Maine with a copy of the procedures for filing and payment of claims prescribed under section 4(d).

(2)(A) No land or natural resources may be acquired by the Secretary for the Band until the Secretary files with the Secretary of State of the State of Maine a certified copy of the deed, contract, or other conveyance setting forth the location and boundaries of the land or natural resources to be acquired.

(B) For purposes of subparagraph (A), a filing with the Secretary of State of the State of Maine may be made by mail and, if such method of filing is used, shall be considered to be completed on the date on which the document is properly mailed to the Secretary of State of the State of Maine.

(3) Notwithstanding the provisions of the first section of the Act of August 1, 1888 (40 U.S.C. 257) and the first section of the Act of February 26, 1931 (40 U.S.C. 258a), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General of the United States, in the United States and condemn interests adverse to the ostensible owner.

(4)(A) When trust or restricted land or natural resources of the Band are condemned pursuant to any law of the United States other than this Act, the proceeds paid in compensation for such condemnation shall be deposited into the Land Acquisition Fund and shall be reinvested in acreage within unorganized or unincorporated areas of the State of Maine. When the proceeds are reinvested in land whose acreage does not exceed that of the land taken, all the land shall be acquired in trust. When the proceeds are invested in land whose acreage exceeds the acreage of the land taken, the Band shall designate, with the approval of the United States, and within 30 days of such reinvestment, that portion of the land acquired by the reinvestment, not to exceed the area taken, which shall be acquired in trust. The land acquired from the proceeds that is not acquired in trust shall be held in fee by the Band. The Secretary shall certify, in writing, to the Secretary of State of the State of Maine the location, boundaries, and status of the land acquired from the proceeds.

(B) The State of Maine shall have initial jurisdiction over condemnation proceedings brought under this section. The United States shall be a necessary party to any such condemnation proceedings. After exhaustion of all State administrative remedies, the United States is authorized to seek judicial review of all relevant matters involved in such condemnation proceedings in the courts of the United States and shall have an absolute right of removal, at its discretion, over any action commenced in the courts of the State.

(5) Land or natural resources acquired by the Secretary in trust for the Band shall be managed and administered in accordance with terms established by the Band and agreed to by the Secretary in accordance with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or other applicable law.

25 USC 1721 note.

SEC. 6. LAWS APPLICABLE.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Aroostook Band of Micmacs. The Band shall be eligible to receive all of the financial benefits which the United States provides to Indians and Indian tribes to the same extent, and subject to the same eligibility criteria, generally applicable to other federally recognized Indians and Indian tribes.

(b) APPLICATION OF FEDERAL LAW.—For the purposes of application of Federal law, the Band and its lands shall have the same status as other tribes and their lands accorded Federal recognition under the terms of the Maine Indian Claims Settlement Act of 1980.

(c) ELIGIBILITY FOR SPECIAL SERVICES.—Notwithstanding any other provision of law authorizing the provision of special programs and services by the United States to Indians because of their status as Indians, any member of the Band in Aroostook County, Maine, shall be eligible for such services without regard to the existence of a reservation or the residence of members of the Band on or near a reservation.

(d) AGREEMENTS WITH STATE REGARDING JURISDICTION.—The State of Maine and the Band are authorized to execute agreements regarding the jurisdiction of the State of Maine over lands owned by, or held in trust for the benefit of, the Band or any member of the Band. The consent of the United States is hereby given to the State of Maine to amend the Micmac Settlement Act for this purpose: *Provided,* That such amendment is made with the agreement of the Aroostook Band of Micmacs.

25 USC 1721 note.

SEC. 7. TRIBAL ORGANIZATION.

(a) IN GENERAL.—The Band may organize for its common welfare and adopt an appropriate instrument in writing to govern the affairs of the Band when acting in its governmental capacity. Such instrument and any amendments thereto must be consistent with the terms of this Act. The Band shall file with the Secretary a copy of its organic governing document and any amendments thereto.

(b) MEMBERS.—For purposes of benefits provided by reason of this Act, only persons who are citizens of the United States may be considered members of the Band except persons who, as of the date of enactment of this Act, are enrolled members on the Band's existing membership roll, and direct lineal descendants of such members. Membership in the Band shall be subject to such further qualifications as may be provided by the Band in its organic governing document, or amendments thereto, subject to approval by the Secretary.

25 USC 1721 note.

SEC. 8. IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT.

For the purposes of this section, the Band is an "Indian tribe" within the meaning of section 4(8) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(8)), except that nothing in this section shall alter or affect the jurisdiction of the State of Maine over child welfare matters as provided by the Maine Indian Claims Settlement Act of 1980.

25 USC 1721 note.

SEC. 9. FEDERAL FINANCIAL AID PROGRAMS UNAFFECTED BY PAYMENTS UNDER THIS ACT.

(a) STATE OF MAINE.—No payments to be made for the benefit of the Band pursuant to this Act shall be considered by any agency or department of the United States in determining or computing the

eligibility of the State of Maine for participation in any financial aid program of the United States.

(b) BAND AND MEMBERS OF THE BAND.—(1) The eligibility for, or receipt of, payments from the State of Maine by the Band or any of its members shall not be considered by any department or agency of the United States in determining the eligibility of, or computing payments to, the Band or any of the members of the Band under any Federal financial aid program.

(2) To the extent that eligibility for the benefits of any Federal financial aid program is dependent upon a showing of need by the applicant, the administering agency shall not be barred by this subsection from considering the actual financial situation of the applicant.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

25 USC 1721 note.

There are authorized to be appropriated $900,000 for the fiscal year 1992 for transfer to the Aroostook Band of Micmacs Land Acquisition Fund.

SEC. 11. INTERPRETATION.

25 USC 1721 note.

In the event of a conflict of interpretation between the provisions of the Maine Implementing Act, the Micmac Settlement Act, or the Maine Indian Claims Settlement Act of 1980 and this Act, the provisions of this Act shall govern.

SEC. 12. LIMITATION OF ACTIONS.

25 USC 1721 note.

No provision of this Act may be construed to confer jurisdiction to sue, or to grant implied consent to the Band to sue, the United States or any of its officers with respect to the claims extinguished by the Maine Indian Claims Settlement Act of 1980.

Approved November 26, 1991.

LEGISLATIVE HISTORY—S. 374 (H.R. 932):

HOUSE REPORTS: No. 102-229, Pts. 1 and 2, both accompanying H.R. 932 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-136 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 19, considered and passed Senate.
Nov. 12, H.R. 932 considered and passed House; S. 374 passed in lieu.

Public Law 102-172
102d Congress

An Act

Nov. 26, 1991
[H.R. 2521]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

Department of Defense Appropriations Act, 1992.
Armed Forces.
Arms and munitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $24,176,100,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,602,967,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b)

of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,065,560,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $18,868,300,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,298,800,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,714,600,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $348,900,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $718,900,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $3,326,700,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,145,500,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $17,722,903,000: *Provided,* That $350,000 shall be made available for the 1992 Memorial Day Celebration and $350,000 shall be made available for the 1992

Capitol Fourth Project: *Provided further,* That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, $4,000,000 shall be made available only for a grant to the National D-Day Museum Foundation, and $4,000,000 shall be made available only for a grant to the Airborne and Special Operations Museum Foundation. These funds shall be made available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further,* That $350,000 shall be made available only to the Oregon Department of Economic Development: *Provided further,* That $38,000,000 shall be made available only for procurement of the Extended Cold Weather Clothing System (ECWCS) and $2,000,000 shall be made available only for the procurement of intermediate cold-wet weather boots: *Provided further,* That of the funds appropriated under this paragraph, the Secretary of the Army shall make a direct grant of $22,000,000 to the Silver Valley Unified School District, Yermo, California, and $10,000,000 to the Cumberland County School Board, Fayetteville, North Carolina, for support of the construction of public school structures, to be located on military facilities, sufficient to accommodate predominantly the dependents of members of the Armed Forces and dependents of Department of Defense employees employed at Fort Irwin, California, and Fort Bragg, North Carolina. The Secretary may require such terms and conditions in connection with the grants authorized by this section as the Secretary considers appropriate: *Provided further,* That of the funds appropriated under this heading, $250,000 shall be available only for the conduct of a study on the need for and feasibility of a joint military and civilian airport at Manhattan, Kansas: *Provided further,* That of the amount appropriated under this heading, $4,500,000 shall be available for the Army Environmental Policy Institute: *Provided further,* That $5,000,000 of the amount appropriated under this heading shall be available for the United States Office for POW/MIA Affairs in Hanoi: *Provided further,* That of the funds appropriated under this heading, $6,800,000 shall be available for the refurbishment and modernization at existing railyard facilities at Fort Riley, Kansas.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,609,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,079,548,000: *Provided,* That of the funds appropriated under this heading, $78,000,000 shall be available only for shipyard modernization projects to remain available for obligation until September 30, 1994: *Provided further,* That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code,

or to Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts: *Provided further,* That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels: *Provided further,* That not less than $2,000,000 shall be made available to the Secretary of the Navy for a study, to be submitted to the Committees on Appropriations no later than August 1, 1992, on the costs of improving the Port of Haifa, Israel, and facilities in the immediate vicinity, to accommodate the full complement of services required for the maintenance, repair and associated tasks needed to support a carrier battle group: *Provided further,* That of the funds appropriated under this heading, $300,000 shall be made available only for the deaccession, reinterment, and reburial of ancestral skeletal remains at Mokapu, Hawaii: *Provided further,* That of the funds appropriated under this heading, the Navy shall provide for the transportation of U.S.S. Bennington accoutrements from China Lake Naval Air Station, California, to Bennington, Vermont: *Provided further,* That the Navy should maintain the existing share of ship repair and maintenance work between public and private sector ship repair facilities, consistent with national security requirements: *Provided further,* That of the funds appropriated under this heading, $1,600,000 shall be made available only for the renovation of the submarine U.S.S. Blueback for use by the Oregon Museum of Science and Industry upon the determination of the Secretary of the Navy that the renovation is in the interest of national security: *Provided further,* That of the funds made available in Public Law 102-139, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, to the National Science Foundation, "Research and related activities", $5,000,000 is rescinded. In addition, an aggregate total of $70,000,000 of funds available to the National Science Foundation and the Department of Housing and Urban Development are hereby rescinded: *Provided,* That said $70,000,000 shall be derived in whole or in part from funds available in either or both of the following two sources: National Science Foundation, under the heading "Research and related activities" and the Department of Housing and Urban Development, under the heading "Annual contributions for assisted housing" from funds made available in prior years for nonincremental section 8 purposes and that were unreserved and unobligated at the end of fiscal year 1991: *Provided further,* That no funds available or provided for the National Science Foundation for Arctic research programs in the above Act or any other Act may be reduced or rescinded under the terms of this provision.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,892,110,000: *Provided,* That none of the funds appropriated in this paragraph may be used for the conversion of facilities maintenance, utilities, and motor transport functions at Cherry Point Marine Corps Air Station, North Carolina, to performance by private contractor under the procedures and requirements of OMB Circular

A-76 until the General Accounting Office completes their audit and validates the decision: *Provided further,* That of the funds appropriated in this paragraph, $3,000,000 shall be available for the New Parent Support Program.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,646,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $17,180,259,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $16,408,161,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $15,743,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That of the funds appropriated by this paragraph, $752,835,000 shall be made available for the Special Operations Command: *Provided further,* That of the funds appropriated in this paragraph, $37,000,000 shall be made available only to maintain the operations and personnel levels of a 100-bed facility at Letterman Hospital at the Presidio, in San Francisco, California, and $6,000,000 shall be made available for the San Francisco Medical Command to provide for angioplasty services, increased pharmacy costs, and a 100-mile catchment area for cardiac surgery at Oakland Naval Hospital to compensate for the reduced services at Letterman Hospital: *Provided further,* That of the funds appropriated under this heading, $1,000,000 shall be made available to the Office of the Secretary of Defense only for the development and establishment of gainsharing projects: *Provided further,* That of the funds appropriated under this heading, $750,000 shall be made available only for the conduct and preparation of an inventory of all the real property in the State of Hawaii that is owned or controlled by the United States Department of Defense and its components: *Provided further,* That of the funds appropriated under this heading, $5,000,000 shall be made available only for the establishment and administration of a commission, to be known as the "Defense Conversion Commission": *Provided further,* That:

Establishment.

(a) Of the funds appropriated under this heading not less than $25,000,000 shall be made available only for the continued implementation of the Legacy Resource Management Program: *Provided,* That of this amount, not less than $10,000,000 shall be made available only for use in implementing cooperative agreements to identify, document, and maintain biological diversity on military installations: *Provided further,* That funds appro-

priated for the Legacy Resource Management Program shall be made available for the purposes set forth in section 8120 of Public Law 101-511 as amended by this proviso and for implementing such cooperative agreements as may be concluded between the Department of Defense and other governmental and nongovernmental organizations or entities: *Provided further,* That the Deputy Assistant Secretary of Defense (Environment) shall provide the Committees on Appropriations with a report on the status of the Legacy Program and a five year plan for its development no later than June 30, 1992.

Reports.

(b) Sections 8120 (c) and (d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905) are each amended by striking out "Deputy Assistant Secretary of Defense for Environment" and inserting "Deputy Assistant Secretary of Defense (Environment)" in lieu thereof.

(c) Section 8120(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905), as amended by subsection (a), is further amended by—

(1) striking out "seek the participation of" and inserting "involve" in lieu thereof, and

(2) by adding the following new sentences at the end of such section: "He shall also involve State and local agencies and not-for-profit organizations with special expertise in areas related to the purposes of the Legacy Program. Services of State and local agencies and not-for-profit organizations may be obtained by contract, cooperative agreement, or grant to assist the Department of Defense in fulfilling the purposes of the Legacy Program.":

Provided further, That of the funds appropriated in this paragraph, $300,000 shall be provided to the Maryland Hospital Association for a demonstration project to assist military personnel in becoming health care employees: *Provided further,* That $600,000 shall be provided only for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders: *Provided further,* That not less than $2,000,000 shall be made available only for a feasibility study on the use of a rotary reactor thermal destruction technology in the treatment and disposal of waste regulated under the Resource Conservation and Recovery Act of 1976.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $968,200,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation;

care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $825,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $81,700,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,078,700,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,125,800,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,281,300,000.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $5,000,000 of which not to exceed $7,500 shall be available for incidental expenses of the National Board: *Provided,* That the President shall assess the contributions to military readiness provided by the National Board for the Promotion of Rifle Practice, and report to the Congress the anticipated impact of the termination of funding by the Department of Defense for the activities and operations of the National Board not later than March 1, 1992.

President. Reports.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $5,500,000, and not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,183,900,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; $15,000,000, to

remain available for obligation until September 30, 1993: *Provided,* That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives 15 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress.

WORLD UNIVERSITY GAMES

For logistical support and personnel services including initial planning for security needs (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the World University Games) provided by any component of the Department of Defense to the World University Games; $3,000,000.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $2,000,000.

REAL PROPERTY MAINTENANCE, DEFENSE

For the maintenance of real property of the Department of Defense, $500,000,000 to remain available for obligation until September 30, 1993: *Provided,* That such funds shall be available only for repairing property which has been defined by the Defense Department as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1992: *Provided further,* That such funds shall be allocated by the Comptroller, Department of Defense for the projects determined by the Department of Defense as the highest priority for repair.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses

necessary for the foregoing purposes; $1,692,800,000, to remain available for obligation until September 30, 1994.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,006,462,000, to remain available for obligation until September 30, 1994.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,111,096,000, to remain available for obligation until September 30, 1994.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,369,080,000, to remain available for obligation until September 30, 1994.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 225 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for

the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,063,799,000, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,948,620,000, to remain available for obligation until September 30, 1994: *Provided,* That $851,600,000 of the funds appropriated in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) under the heading "Research, Development, Test and Evaluation, Navy" shall be transferred to "Aircraft Procurement, Navy": *Provided further,* That the funds transferred are to be available for the same time period as the appropriation from which transferred and for the same purposes as the appropriation to which transferred.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Ballistic Missile Programs, $1,204,166,000;
Other Missile Programs, $2,203,324,000;
Torpedoes and Related Equipment, $689,456,000;
Other Weapons, $130,123,000;
Other Ordnance, $227,573,000;
Other, $107,979,000;

In all: $4,562,621,000, to remain available for obligation until September 30, 1994.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant

and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

SSN-21 attack submarine program, $1,903,225,000;

DDG-51 destroyer program, $4,107,688,000;

MHC coastal mine hunter program, $341,096,000;

T-AGOS surveillance ship program, $149,000,000;

AOE combat support ship program, $500,000,000;

LCAC landing craft air cushion program, $504,000,000;

Oceanographic ship program, $99,818,000;

TAGS 39/40 program, $55,000,000: *Provided,* That the Secretary of the Navy shall obligate $55,000,000 to increase the price of the TAGS 39 and 40 contract and pay the contractor which built and delivered the TAGS 39 and 40 if the Secretary reviews the matter and determines there is justification to make such payment;

Sealift ship program, $600,000,000;

For craft, outfitting, post delivery, and DBOF transfer, $423,921,000;

For escalation, $463,600,000;

For first destination transportation, $5,939,000;

In all: $9,153,287,000, to remain available for obligation until September 30, 1996: *Provided,* That additional obligations may be incurred after September 30, 1996, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 651 passenger motor vehicles of which 621 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,432,463,000, to remain available for obligation until September 30, 1994: *Provided,* That funds appropriated in this paragraph for procurement of the Enhanced Modular Signal Processor may be obligated for such procurement under a multiyear contract, in accordance with the requirements of section 8013 of this Act.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 45 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $1,079,951,000, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $10,412,350,000, to remain available for obligation until September 30, 1994.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $5,235,450,000, to remain available for obligation until September 30, 1994.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 408 passenger motor vehicles of which 285 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of

title; reserve plant and Government and contractor-owned equipment layaway; $8,068,104,000, to remain available for obligation until September 30, 1994.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $1,877,800,000, to remain available for obligation until September 30, 1994.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 337 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,250,826,000, to remain available for obligation until September 30, 1994, of which $981,730,000 shall be available for the Special Operations Command.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $6,562,672,000, to remain available for obligation until September 30, 1993, of which not less than $6,300,000 is available only for the Vectored Thrust Combat Agility Demonstrator flight test program utilizing the Vectored Thrust Ducted Propeller upon successful completion of Phase I of this demonstration project: *Provided*, That $2,000,000 shall be made available only to establish a Center for Prostate Disease Research at the Walter Reed Army Institute of Research: *Provided further*, That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Louisiana State University, Louisiana for the Neuroscience Center of Excellence for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense.

Establishment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,557,635,000, to remain available for obligation

until September 30, 1993: *Provided,* That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further,* That none of the funds appropriated in this paragraph are available for development of upgrades to the Surveillance Towed Array Sensor System that do not include the AN/UYS-2 Enhanced Modular Signal Processor: *Provided further,* That of the funds appropriated in this paragraph, $221,000,000 is available only for the Ship Self-Defense program which may be obligated only if it has a single program manager who is fully responsible and accountable for its execution: *Provided further,* That of the funds appropriated under this heading, $10,000,000 shall be available only for the Submarine Laser Communications project: *Provided further,* That of the funds appropriated under this heading, $5,134,000 shall be available only for the Gun Weapon System Advanced Technology program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $14,077,834,000, to remain available for obligation until September 30, 1993, of which not less than $30,000,000 is available only for the National Center for Manufacturing Sciences: *Provided,* That not less than $2,500,000 of the funds appropriated in this paragraph are available only for continuing the research program on development of coal-based, high thermal stability and endothermic jet fuels, including exploratory studies on direct conversion of coal to thermally stable jet fuels: *Provided further,* That $8,000,000 of the funds appropriated in this paragraph shall be made available only for a side-by-side evaluation of the ALR-56M and the ALR-62I radar warning receivers: *Provided further,* That none of the funds appropriated by this paragraph may be used for the B-1B ALQ-161 CORE program or an advanced radar warning receiver, except for costs associated with the side-by-side testing of the ALR-56M and the ALR-62I: *Provided further,* That $5,700,000 shall be made available only for the U.S./U.S.S.R. Joint Seismic Program administered by the Incorporated Research Institutions for Seismology: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to Marywood College, Pennsylvania for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for the modernization and upgrade of the Poker Flat Rocket Range: *Provided further,* That of

the funds appropriated in this paragraph, $19,500,000 shall be made available in the SPACETRACK program element only to establish an image information processing center, including a computing facility built around newly emerging massively parallel computing technology, collocated with the Air Force Maui Optical Station and the Maui Optical Tracking Facility.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,978,305,000, to remain available for obligation until September 30, 1993, of which $298,316,000 shall be available for the Special Operations Command: *Provided,* That not less than $171,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: *Provided further,* That not less than $60,000,000 of the funds appropriated in this paragraph are available only for the Arrow Continuation Experiments: *Provided further,* That not less than $145,500,000 of the funds appropriated in this paragraph are available only for the Patriot missile program: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant to the National Biomedical Research Foundation for laboratory efforts associated with major research programs in neurology, oncology, virology, cardiology, pediatrics and associated specialty areas of critical importance to the Veterans Administration and the Department of Defense: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph and not less than $7,000,000 of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies shall be available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all States eligible for the National Science Foundation Experimental Program to Stimulate Competitive Research: *Provided further,* That none of the funds in this paragraph may be obligated for the development of the Superconductive Magnetic Energy Storage system unless its processes, materials, and components are substantially manufactured in the United States: *Provided further,* That of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies, any unobligated funds provided for the Superconductive Magnetic Energy Storage system shall be obligated within 120 days after enactment of this Act: *Provided further,* That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage system within 60 days after enactment of this Act: *Provided further,* That of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies, $25,000,000 provided for the Strategic Environmental Research Program shall be obligated for the procurement, installation and operation of a supercomputer to support the Arctic Region Supercomputing Center: *Provided further,*

That not less than $6,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Texas at Austin for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $6,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Northeastern University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $5,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Texas Regional Institute for Environmental Studies for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $7,700,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Kansas State University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $1,600,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Wisconsin for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $29,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Boston University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $250,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Medical College of Ohio for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of South Carolina for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $750,000 of the funds appropriated in this paragraph shall be made available as a grant only to the George Mason University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,300,000 of the funds appropriated in this paragraph shall be made available as a grant only to Monmouth College for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Minnesota for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Saint Thomas in Saint Paul, Minnesota for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be

made available as a grant only to the Brandeis University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $3,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the New Mexico State University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $25,000,000 of the funds appropriated in this paragraph shall be available only for development of advanced superconducting multi-chip modules, superconducting materials, and diamond substrate material technologies.

GENERAL PROVISION

SEC. 401. Funds appropriated in this title that are directed to be made available for a grant to, or contract with, a college or university for the performance of research and development or for construction of a research or other facility shall be made available for that purpose without regard to, and (to the extent necessary) in contravention of, section 2361 of title 10, United States Code, which is hereby modified and superseded to the extent necessary to make each such grant or award each such contract, and any such grant or contract shall be made without regard to any of the conditions specified in subsection (b) of that section or section 2304 of title 10, United States Code: *Provided,* That funds appropriated in this title and in title IV of Public Law 101-511 to develop Global Positioning System range equipment under the auspices of the Range Applications Joint Program Office may not be used to purchase more than eight systems.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $211,277,000, to remain available for obligation until September 30, 1993.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $14,200,000, to remain available for obligation until September 30, 1993.

TITLE V

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $3,424,200,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, $208,698,000; for Procurement, $151,800,000 to remain available until September 30, 1994; for Research, development, test and evaluation, $13,900,000 to remain available until September 30, 1993; In all: $374,398,000: *Provided,* That none of the funds in this Act may be obligated or expended for the procurement of equipment for chemical weapon disposal facilities at Anniston Army Depot or Umatilla Army Depot until the Secretary of the Army certifies to the Congress that Phase III of Operational Verification Testing at the Johnston Atoll Chemical Agent Destruction Facility has begun.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $1,188,600,000: *Provided,* That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further,* That $60,000,000 shall be transferred from the MX Missile Program in "Missile Procurement, Air Force, 1991/1993" to the "Drug Interdiction and Counter-Drug Activities, Defense" account in order to procure no fewer than four aerostat radar surveillance systems. The amounts transferred shall be available for the same purposes as the appropriation to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That of the funds appropriated in this paragraph, not less than $7,500,000 shall be available only for the Gulf States Counter-Narcotics Initiative.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, $115,900,000; for Procurement, $300,000; In all: $116,200,000: *Provided,* That the amount provided for Procurement shall remain available until September 30, 1994.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $164,100,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $28,819,000.

NATIONAL SECURITY EDUCATION TRUST FUND

Of the funds appropriated in this Act, $150,000,000 shall be made available only for the National Security Education Trust Fund pursuant to the provisions of title VIII of the Intelligence Authorization Act (H.R. 2038), for fiscal year 1992.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided,* That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines and foreign national employees of the Department of Defense in the Republic of Turkey: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980.

Government employees. Wages.

Philippines. Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support

of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 8005. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided,* That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further,* That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

Foreign trade.

(TRANSFER OF FUNDS)

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the

same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

(b) None of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives: *Provided,* That this limitation shall apply to any authority granted pursuant to section 9008 of the Department of Defense Appropriations Act, 1990.

Germany.

(c) Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided,* That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further,* That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropria-

tions and Armed Services of the Senate and House of Representatives.

SEC. 8010. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8011. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1991 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on an analysis similar to that used pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent. The Secretary shall solicit public comment prior to promulgating regulations to implement this section.

SEC. 8012. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1994.

SEC. 8013. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK-48 ADCAP Torpedo;
UH-60 Black Hawk Helicopter; and
Army Tactical Missile.

(TRANSFER OF FUNDS)

SEC. 8014. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 71,168: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 48,093 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further,* That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

(b) None of the funds appropriated by this Act shall be used to include (civilian) military technicians in any administratively imposed freeze on civilian positions.

Indians.
Real property.

SEC. 8015A. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100-526.

SEC. 8016. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1992 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1992, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1993 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1993 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1993.

SEC. 8017. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8018. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

Petroleum. Israel.

SEC. 8018A. Funds made available by this Act shall be available to the Department of Defense for purchasing and storing petroleum products in Israel in order to meet emergency and other military needs of the United States as agreed to in a memorandum of agreement between the United States and Israel which should be concluded promptly on terms and conditions acceptable to the governments of both countries: *Provided,* That any memorandum of agreement entered into as described in this section shall be transmitted to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives and shall not take effect until 60 days after the date of the transmittal to such committees: *Provided further,* That in the event of a wartime emergency or a state of heightened military readiness on the part of Israel, all or part of the stock purchased pursuant to this section may be withdrawn and used by the armed forces of Israel (1) with the agreement of the governments of the United States and Israel as provided for in the memorandum of agreement, (2) with notification of the Congress in accordance with section 652 of the Foreign Assistance Act of 1961, and (3) subject to the requirement that the government of Israel promptly and fully reimburse the Government of the United States for each such withdrawal in accordance with the terms of the memorandum of agreement: *Provided further,* That section 8110 of Public Law 101-511 is hereby repealed.

104 Stat. 1903.

SEC. 8019. Notwithstanding any other provision of law, the Army Central Hospital Fund, a Non Appropriated Fund Instrumentality, shall be terminated upon enactment of this Act. All residual funds will, on that date, be transferred to an appropriated trust fund established by the Secretary of the Army for the operation and maintenance of "Fisher Houses" located in proximity to Army Medical Treatment Facilities. The Secretary shall promulgate regulations governing the expenditure and accountability of these funds.

Regulations.

SEC. 8020. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

10 USC 401 note.

SEC. 8021. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated

Reports.

Pacific Islands. Micronesia.

Territories.

states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Armed Forces reserves.

SEC. 8022. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8023. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 8024. (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided,* That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further,* That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *Provided further,* That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided,* That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further,* That this subsection applies only to active components of the Army.

SEC. 8025. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8026. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act or; (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8027. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

SEC. 8027A. Notwithstanding any other provision of law, section 8095 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1896) is hereby repealed. 50 USC 98e note.

SEC. 8028. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of $1,600,000,000 expressed in fiscal year 1986 constant dollars to be exceeded.

SEC. 8029. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8030. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 8031. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy

Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8032. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth: *Provided,* That notwithstanding any other provision of law, the CHAMPUS Reform Initiative contract for California and Hawaii shall be extended until February 1, 1994, within the limits and rates specified in the contract: *Provided further,* That the Department shall competitively award contracts for the geographic expansion of the CHAMPUS Reform Initiative in Florida (which may include Department of Veterans Affairs medical facilities with the concurrence of the Secretary of Veterans Affairs), Washington, Oregon, and the Tidewater region of Virginia: *Provided further,* That competitive expansion of the CHAMPUS Reform Initiative may occur in any other regions that the Assistant Secretary of Defense for Health Affairs deems appropriate.

California. Hawaii. 10 USC 1073 note.

Contracts.

SEC. 8033. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided,* That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8034. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided,* That this prohibition shall not apply to safety modifications: *Provided further,* That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8035. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1992, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided,* That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense

Appropriations Act: *Provided further,* That at the time the President submits his budget for fiscal year 1993, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1993.

SEC. 8036. Of the funds appropriated to the Army, $172,072,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided,* That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software; and

(8) unless RCAS performs its own classified information processing.

SEC. 8037. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of $10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided,* That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further,* That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental con-

tract and shall include in the notice an explanation of the reasons for the determination.

SEC. 8038. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8039. Not to exceed $20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

SEC. 8040. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8040A. The Secretary of Defense shall take such action as necessary to assure that a minimum of 75 percent of the coal and petroleum pitch carbon fiber requirement be procured from domestic sources by 1994.

(TRANSFER OF FUNDS)

SEC. 8041. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts: *Provided,* That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and

by the Budget Enforcement Act of 1990 (Public Law 101-508): *Provided further,* That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further,* That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8042. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8043. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service in excess of thirty days in any year, in the case of a patient nineteen years of age or older, forty-five days in any year in the case of a patient under nineteen years of age, or one hundred and fifty days in any year in the case of inpatient mental health services provided as residential treatment care, or for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided,* That these limitations do not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care: *Provided further,* That the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this provision or section 1086 of title 10, United States Code. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries: *Provided further,* That except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this provision or section 1086 of title 10, United States Code. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.

Handicapped.

SEC. 8044. The designs of the Army LH helicopter, the Navy A-X Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications and must fully comply with all DOD regulations requiring the use of the Ada computer programming language no later than 1998: *Provided,* That effective July 1, 1992 all new Department of Defense procurements shall

Transportation.

Computer technology.

separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

SEC. 8045. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided,* That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further,* That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: *Provided further,* That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

SEC. 8046. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $300,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1992, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided,* That this section does not apply to the reserve components.

Reports.

SEC. 8047. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8048. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 175,960 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

Reports.

SEC. 8049. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing or Information Technology Facility consolidation plans, or (2) to make reductions or transfers in personnel end strengths, billets or missions that affect the Naval Regional Data Automation Center, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center and related missions,

functions and commands until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfer, reductions, or consolidations in terms of (1) addressing the overall mission and operations staffing of all Naval Automatic Data Processing, Information Technology Facility, and Naval personnel functions for all active and reserve personnel commands and field activities and Automatic Data Processing commands and field activities; and (2) certifying that such reduction, transfer or consolidation plans or operations do not duplicate functions presently conducted; are cost effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and Naval Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceperson or have an adverse economic impact on a geographic area.

(TRANSFER OF FUNDS)

SEC. 8049A. In addition to the amounts appropriated or otherwise made available in this Act, $710,348,000 is appropriated for the operation, modernization, and expansion of automated data processing systems: *Provided,* That the Secretary of Defense shall, upon determining that such funds are necessary and further the objectives of the Corporate Information Management initiative, transfer such amounts as necessary to the appropriate appropriation provided in titles II, III, and IV of this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That obligation and expenditure of these funds are subject to the review and approval of the Defense Department's senior information resource management official: *Provided further,* That this transfer authority shall be in addition to any other transfer authority contained in this Act.

SEC. 8050. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 8051. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8052. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific

concern, or to insure that a new product or idea of a specific concern is given financial support:

Contracts.

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8053. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8054. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8055. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided,* That savings that result from this provision are represented as such in future budget proposals.

SEC. 8056. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment of the expenses under the Program for the first $150 of the charges for all types of care authorized under the provisions of section 1079(a) of title 10, United States Code, under plans contracted for under the provisions of section 1079 or section 1086 of title 10, United States Code, and received in an outpatient status after April 1, 1991: *Provided,* That the foregoing limitation shall not exceed the first $300 in the case of a family group of two or more persons covered by section 1079(a) of title 10, United States Code: *Provided further,* That higher deductible amounts and/or total or partial restrictions on the availability of care (other than emergency care) in facilities of the uniformed services may be prescribed by the Secretary of Defense in the case of beneficiaries eligible for enrollment under health care plans contracted for under section 1097 of title 10, United States Code, who chose not to enroll in such plans: *Provided further,* That the provisions of this section shall not apply in the case of dependents of military members in grades E–1 through E–4.

SEC. 8057. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

SEC. 8058. Of the funds appropriated by this Act, no more than $4,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98–525.

SEC. 8059. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8060. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8061. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That funds necessary for the care of animals covered by this contract are allowed.

Animals.
Reports.

SEC. 8062. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8063. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five-year period beginning on October 1, 1991, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

10 USC 2687 note.

SEC. 8064. The Secretary of Defense shall ensure that at least 50 percent of the Joint Service Missile Mission is in place at Letterkenny Army Depot by the time Systems Integration Management Activity and Depot Systems Command are scheduled to relocate to Rock Island Arsenal, Illinois. This provision is in no way intended to affect the move of the 2.5- and 5-ton truck maintenance mission from Letterkenny Army Depot to Tooele Army Depot.

SEC. 8064A. Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(a) by striking paragraph (2) and inserting:

"(2) The term 'disadvantaged small business concern' means:

"(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

"(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(13)); or

"(D) a qualified organization employing the severely disabled.";

(b) by adding the following new paragraphs:

"(6) The term 'qualified organization employing the severely disabled' means a business entity operated on a for-profit or nonprofit basis that—

"(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

"(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

"(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

"(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

"(7) The term 'severely disabled individual' means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for the Purchase From the Blind and Other Severely Handicapped established by section 46 of title 41, United States Code, is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment.".

SEC. 8065. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further,* That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

SEC. 8065A. Of the funds appropriated by this Act, no more than $14,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided,* That adjustments may be made for normal and reasonable price and program growth.

SEC. 8066. None of the funds appropriated in this Act shall be used to produce more than two-thirds of the liquid gas requirements in-house at Andersen Air Force Base on Guam. At least one-third of

Guam.

Andersen Air Force Base's liquid gas requirements shall be met by acquiring liquid gas from commercial sources on Guam.

SEC. 8067. (a) None of the funds appropriated by this Act shall be used to reduce the end strength of the National Guard and Reserve Components below the levels funded in this Act: *Provided,* That the Secretary of Defense may vary each such end strength by not more than 2 percent.

(b) None of the funds appropriated by this Act shall be used to reduce the force structure allowance (1) of the Army National Guard below 450,000, (2) of the Army Reserve below 310,000, and (3) of any other National Guard and Reserve Component below the end strength level supported by funds appropriated by this Act: *Provided,* That in the case of any National Guard or Reserve Component, the Secretary of Defense may vary such force structure allowance by a percentage not in excess of the percentage (if any) by which the end strength level of that component is varied pursuant to the authority provided in the proviso in subsection (a).

SEC. 8068. Funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia for the fiscal year ending September 30, 1992, may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8069. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8070. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.

Fellowships and scholarships.

SEC. 8070A. (a) Of the amounts available to the Department of Defense for fiscal year 1992, not less than $10,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

SEC. 8071. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8072. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during fiscal year 1992 may be obligated or expended to finance any grant or contract to conduct research, development, test, and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8072A. (a) As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

Contracts. Foreign relations.

(b)(1) Consistent with the policy referred to in subsection (a), no Department of Defense prime contract in excess of the small purchase threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), may be awarded to a foreign person, company, or entity unless that person, company, or entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) in specific instances when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each calendar quarter, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this paragraph during such quarter.

Reports.

(3) This provision does not apply to contracts for consumable supplies, provisions or services intended to be executed for the support of the United States or of allied forces in a foreign country, nor does it apply to contracts pertaining to any equipment, technology, data, or services for intelligence or classified purposes, or the acquisition or lease thereof by the United States Government in the interests of national security.

Computer technology. 10 USC 113 note.

SEC. 8073. Notwithstanding any other provision of law, after June 1, 1991, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the

absence of special exemption by an official designated by the Secretary of Defense.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 4107(g) of title 38, United States Code, as in existence on October 1, 1990.

SEC. 8075. None of the funds available to the Department of Defense shall be used for the training or utilization of psychologists in the prescription of drugs, except pursuant to the findings and recommendations of the Army Surgeon General's Blue Ribbon Panel as specified in its February and August 1990 meeting minutes: *Provided,* That this training will be performed at Walter Reed Army Medical Center.

SEC. 8076. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the military or civilian medical and medical support personnel end strength at a base undergoing a partial closure or realignment, where more than one joint command is located, below the September 30, 1991 level.

SEC. 8076A. During the current fiscal year and the following fiscal year, additional obligations may be incurred under fiscal year 1990 procurement appropriations for the installation of equipment when obligations were incurred during the period of availability of such appropriation for the procurement of such equipment but obligations for the installation of such equipment were not able to be incurred before the expiration of the period of availability of such appropriations.

(RESCISSIONS)

SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Procurement of weapons and tracked combat vehicles, Army, 1990/1992, $10,000,000;

Procurement of weapons and tracked combat vehicles, Army, 1991/1993, $114,000,000;

Procurement of ammunition, Army, 1991/1993, $23,700,000;

Other procurement, Army, 1990/1992, $10,300,000;

Other procurement, Army, 1991/1993, $26,800,000;

Weapons procurement, Navy, 1991/1993, $317,000,000;

Other procurement, Navy, 1991/1993, $6,200,000;

Procurement, Marine Corps, 1991/1993, $2,000,000;

Missile procurement, Air Force, 1990/1992, $16,000,000;

Missile procurement, Air Force, 1991/1993, $80,000,000;

National Guard and Reserve Equipment, 1991/1993, $8,000,000;

Research, Development, Test and Evaluation, Army, 1991/1992, $81,075,000;

Research, Development, Test and Evaluation, Navy, 1991/1992, $173,400,000;

Research, Development, Test and Evaluation, Air Force, 1991/1992, $232,310,000;

Research, Development, Test and Evaluation, Defense Agencies, 1991/1992, $1,800,000.

SEC. 8078. Section 8104 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1898) is amended— 50 USC 401 note.

Termination date.

(1) by amending section 3 by adding the following new sentence at the end thereof: "The Commission is established until 30 days following submission of the final report required by section 6 of this section.";

Reports.

(2) by amending section 6 as follows: (i) by amending subsection (b)—

(A) by striking out "SUBSEQUENT ANNUAL REPORTS" and inserting "FINAL REPORT" in lieu thereof;

(B) by striking out "an annual report for each of the first five years following the" and inserting "a final report one year following" in lieu thereof in the first sentence; and

(C) by striking out the second sentence; and

(ii) by amending subsection (c)—

(A) by striking out "Each report under this section" and inserting "The report under subsection (b)" in lieu thereof in the first sentence; and

(B) by striking out "Each such" and inserting "Such" in lieu thereof in the second sentence; and

(3) by amending section 8(c) to read as follows:

"(c) OBTAINING OFFICIAL DATA.—The Chairman or a designee on behalf of the Chairman may request information necessary to enable the Commission to carry out this Act directly from any department or agency of the United States.".

SEC. 8079. Of the funds made available in this Act, not less than $8,674,000 shall be available for the Civil Air Patrol, of which $4,400,000 shall be available for Operation and Maintenance.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Tactical Airlift Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8081. During the current fiscal year, after April 1, 1992, withdrawal credits may be made by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that becomes effective on April 1, 1992.

Handicapped. Contracts.

SEC. 8082. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

Small business.

(c) During fiscal year 1992, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to

section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

SEC. 8083. Of the funds appropriated in this Act for "Drug Interdiction and Counter-Drug Activities, Defense", $40,000,000 shall be available only for the National Drug Intelligence Center.

CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN

SEC. 8083A. (a) FUNDING LIMITATION.—Of the amount appropriated by this Act for the Central Intelligence Agency Program, not more than $10,000,000 is appropriated for costs associated with the land acquisition and related expenditures necessary to implement a plan for consolidation of Central Intelligence Agency facilities. None of such funds may be obligated to implement such plan until all of the conditions set forth in subsection (d) have been met and (except as provided in subsection (c)) a period of 60 days beginning on the date on which all of such conditions have been met has expired. Any certification or report required under that subsection shall be provided in writing to the intelligence committees and the appropriations committees. If any of the required certifications cannot be provided, then the Director of Central Intelligence shall reopen the planning process with respect to the consolidation plan to the extent required to address any procedures that were determined to be deficient. 50 USC 403 note. Reports.

(b) ADDITIONAL FUNDING.—Pursuant to the procedures set forth in the joint explanatory statement of managers to accompany the conference report on the bill H.R. 2521 of the 102d Congress, an amount not to exceed $20,000,000 is available if the Director determines that funds in addition to the amount specified in subsection (a) are required during fiscal year 1992 for costs associated with the land acquisition and related expenditures necessary to implement the consolidation plan.

(c) LIMITED WAIVER OF 60-DAY REVIEW PERIOD.—The Director may spend not to exceed $500,000 of the funds specified in subsection (a) for options and agreements to ensure the continued availability of property under consideration for the consolidation plan without regard to the 60-day period specified in subsection (a).

(d) CONDITIONS.—The following conditions and certifications must be met before the funds specified in subsection (a) may be obligated:

(1) The Director of Central Intelligence has certified—

(A) that with respect to procedures governing land acquisition by the Central Intelligence Agency—

(i) there are written procedures for such acquisition currently in effect;

(ii) those procedures are consistent with land acquisition procedures of the General Services Administration; and

(iii) the process used by the Central Intelligence Agency in developing the consolidation plan was in accordance with those written procedures; and

(B) that with respect to contracts of the Agency for construction and for the acquisition of movable property, equipment, and services, the procedures of the Agency are consistent with procedures under the Federal Acquisition Regulations.

Reports.

(2) The Administrator of General Services has provided a written report stating that in the opinion of the Administrator (A) implementing the consolidation plan will result in cost savings to the United States Government, and (B) the consolidation plan will conform to applicable local governmental regulations.

(3) The Director of the Office of Management and Budget has certified—

(A) that the consolidation plan (and associated costs) have been reviewed by the Office of Management and Budget;

(B) that the funding for such plan is consistent with the 1990 budget agreement; and

(C) that funding for such plan has been approved by the Administration for fiscal year 1992.

(4) The Inspector General of the Central Intelligence Agency has certified that corrective actions, if any, recommended as a result of the Inspector General's inquiry into the consolidation plan, and concurred in by the Director of Central Intelligence, will be implemented.

Reports.

(5) The Director of Central Intelligence has provided to the intelligence committees and appropriations committees a written report on the consolidation plan that includes—

(A) a comprehensive site evaluation, including zoning, site engineering, and environmental requirements, logistics, physical and technical security, and communications compatibility;

(B) a description of the anticipated effect of implementing the consolidation plan on personnel of the Central Intelligence Agency, including a discussion of the organizations and personnel that will be relocated and the rationale for such relocations and the Director's assurance that personnel are consulted and considered in the consolidaton effort; and

(C) the Director's assurances that the Director, in evaluating and approving the plan, has considered global changes and budget constraints that may have the effect of reducing Central Intelligence Agency personnel requirements in the future.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "appropriations committees" means the Committees on Appropriations of the Senate and the House of Representatives.

37 USC 301d note.

SEC. 8084. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.

10 USC 1079 note.

SEC. 8085. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) health care provider may voluntarily waive the patient copayment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided*, That the Government's share of medical services is not increased during the specified time period.

SEC. 8086. For fiscal year 1992, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to $209,700,000, of which not more than $188,300,000 may be provided by the funds appropriated by this Act.

SEC. 8087. During the current fiscal year, the Navy may provide notice to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

SEC. 8088. None of the funds available to the Department of Defense during fiscal year 1992 may be obligated or expended to develop for aircraft or helicopter weapons systems an airborne instrumentation system for flight test data acquisition other than the Common Airborne Instrumentation System under development in the Central Test and Evaluation Investment Development program element funded in the "Developmental Test and Evaluation, Defense" appropriations account.

SEC. 8089. During the current fiscal year and hereafter, none of the funds appropriated for intelligence programs to the Department of Defense which are transferred to another Federal agency for execution shall be expended by the Department of Defense in any fiscal year in excess of amounts required for expenditure during such fiscal year by the Federal agency to which such funds are transferred. 50 USC 414 note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. (a) Of the funds appropriated in this Act in title IV, Research, Development, Test and Evaluation, Navy, $625,000,000 shall be available only for the V-22 aircraft program.

(b) Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 101-511) for fiscal year 1991 under the heading, "Aircraft Procurement, Navy" for the V-22 Osprey program, $165,000,000 shall be transferred to "Research, Development, Test and Evaluation, Navy, 1992/1993", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred, subject to the provisions of subparagraph (c).

(c) Funds described in subparagraphs (a) and (b) of this section shall be obligated for a Phase II V-22 Full Scale Engineering Development program to provide new production representative aircraft which will have an objective to demonstrate the full operational requirements of the Joint Services Operational Requirement (JSOR) not later than December 31, 1996: *Provided*, That to the extent practicable, the production representative V-22 aircraft shall be produced on tooling which qualifies production design.

(d) The Secretary of Defense shall provide to the Congress, within 60 days of enactment of this Act, the total funding plan and schedule to complete the Phase II V-22 Full Scale Engineering Development program.

(e) The Secretary of Defense shall take no action which will delay obligation of these funds.

SEC. 8091. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility

of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

(TRANSFER OF FUNDS)

SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

T-AO fleet oiler program, $3,523,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LCAC landing craft air cushion program, $2,225,000;

For outfitting and post delivery, $2,669,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, $9,656,000;

LSD-41 dock landing ship cargo variant program, $655,000;

MHC coastal mine hunter program, $4,509,000;

T-AGOS surveillance ship program, $665,000;

Coast Guard patrol boat program, $4,223,000;

For craft, outfitting, post delivery, and ship special support equipment, $2,653,000;

LCAC landing craft air cushion program, $2,953,000;

Under the heading, "Aircraft Procurement, Navy, 1990/1992", $893,500,000;

Under the heading, "Weapons Procurement, Navy, 1990/1992", $12,800,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $44,687,000;

DDG-51 destroyer program, $64,900,000;

LSD-41 dock landing ship cargo variant program, $1,303,000;

MHC coastal mine hunter program, $3,142,000;

AOE combat support ship program, $161,200,000;

Oceanographic ship program, $43,100,000;

LCAC landing craft air cushion program, $4,137,000;

For craft, outfitting and post delivery, $12,391,000;

Under the heading, "Aircraft Procurement, Navy, 1991/1993", $81,600,000;

Under the heading, "Weapons Procurement, Navy, 1991/1993", $49,900,000;

Under the heading, "Other Procurement, Navy, 1991/1993", $60,900,000;

Under the heading, "Procurement, Marine Corps, 1991/1993", $29,300,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

Trident submarine program, $14,318,000;

SSN-688 nuclear attack submarine program, $35,000,000;

MCM mine countermeasures ship program, $5,082,000;
T-AO fleet oiler ship program, $29,616,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

TRIDENT ballistic missile submarine program, $1,000,000;
SSN-688 attack submarine program, $32,112,000;
LSD-41 landing ship dock program, $2,454,000;
MHC coastal mine hunter program, $9,900,000;
T-AO fleet oiler program, $460,000;
T-AG acoustic research ship program, $4,400,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, $9,600,000;
SSN-688 attack submarine program, $116,641,000;
DDG-51 destroyer program, $90,093,000;
AO conversion program, $400,000;
T-AGOS surveillance ship program, $825,000;
T-AO fleet oiler program, $460,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, $66,469,000;
SSN-688 attack submarine program, $29,600,000;
CVN nuclear aircraft carrier program, $95,230,000;
LSD-41 cargo variant ship program, $7,261,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

TRIDENT ballistic missile submarine program, $71,800,000;
SSN-688 attack submarine program, $19,125,000;
SSN-21 attack submarine program, $97,658,000;
MHC coastal mine hunter program, $25,920,000;
AO conversion program, $5,949,000;
T-AGOS surveillance ship program, $15,800,000;
T-AO fleet oiler program, $118,881,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic missile submarine program, $36,271,000;
ENTERPRISE refueling/modernization program, $100,100,000;
Aircraft carrier service life extension program, $57,178,000;
DDG-51 destroyer program, $146,788,000;
MCM mine countermeasures program, $4,170,000;
AO conversion program, $4,500,000;
Moored training ship demonstration program, $9,000,000;
Oceanographic ship program, $8,530,000;
Coast Guard icebreaker ship program, $59,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

LHD-1 amphibious assault ship program, $165,000,000.

SEC. 8093. None of the funds in this Act shall be obligated for the procurement of a Multibeam Sonar Mapping System not manufactured in the United States: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and

that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8093A. (a) Except as provided in this section, none of the funds available to the Department of Defense from any source during fiscal year 1992 may be obligated or expended for any activities to support the objective of launching Strategic Target System (STARS) rockets from the Navy Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii.

(b) The restriction in subsection (a) does not apply to any funds required to prepare or issue an environmental impact statement on the Strategic Target System Program, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and in accordance with any Executive orders issued, and any regulations promulgated to implement such Act.

(c) The restriction in subsection (a) does not apply to any funds required for STARS program activities conducted in the continental United States or for STARS program management related activities conducted outside the continental United States.

(d) The restriction in subsection (a) does not apply to any funds required to maintain the safety, security, reliability, and basic condition of the Strategic Target System launch complex and equipment at the Pacific Missile Range Facility, nor does it apply to funds required to finance measures taken in the State of Hawaii or elsewhere for purposes of range safety or environmental protection.

(e) The restriction in subsection (a) does not apply to any funds required to maintain or store Strategic Target System boosters and equipment or to ensure the safety and reliability of such boosters and equipment or to operate the Strategic Target System program office.

(f) Except as stated elsewhere in this section, the exceptions in subsection (e) shall apply only to activities carried out within the continental United States.

(g) The restriction in subsection (a) extends to any activity relating to the storage of live STARS boosters and components thereof or STARS liquid rocket fuel at the Pacific Missile Range Facility.

(h) Any live STARS boosters may not be transported to the Pacific Missile Range Facility before, at the earliest, the date referred to in subsection (i) below.

(i) The restrictions under this section shall remain in effect until the date of the issuance of an environmental impact statement and a formal Record of Decision with respect to this environmental impact statement, upon completion of a formal process that complies with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the Executive orders issued, and regulations promulgated to implement such Act.

(j) The director of the Strategic Defense Initiative Organization shall notify the Congressional defense committees upon the completion of the STARS environmental impact statement and Record of Decision process.

50 USC 98e note.

SEC. 8094. Using funds available in the National Defense Stockpile Transaction Fund, during the period of fiscal years 1992 through 1994 and using procedures covered by section 3301 of the National Defense Authorization Act, 1991 (Public Law 101-510; 104 Stat. 1844-45), the President may acquire 50,000 kilograms of germanium to be held in the National Defense Stockpile.

SEC. 8095. None of the funds appropriated in this Act may be used to implement any catchment area management demonstration

projects except those projects approved by the Assistant Secretary of Defense for Health Affairs before the demonstration begins: *Provided,* That any approved projects must be consistent with the Coordinated Care initiative: *Provided further,* That this provision does not apply to the Tidewater TRI-CAM demonstration project.

SEC. 8096. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, $20,000,000 shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability: *Provided,* That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further,* That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8098. From the amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101-511), Other Procurement, Air Force, funds may be used to purchase not more than 300 passenger motor vehicles, of which 290 shall be for replacement only.

Korea. Government employees.

SEC. 8099. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of Korean national employees, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided,* That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

Reports.

(TRANSFER OF FUNDS)

SEC. 8100. In addition to amounts appropriated or otherwise made available by this Act, $188,700,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, of which $50,000,000 shall be available solely for the purposes of "Reserve Training" for fiscal year 1992 and $138,700,000 shall be merged with and be available for the same purposes and same time period as "Operating Expenses": *Provided,* That the foregoing transfers shall be made immediately upon enactment of this Act.

SEC. 8101. None of the funds available during fiscal year 1992 to the Department of Defense, any of its components, or any other Federal department, agency, or entity may be obligated or expended

for research, development, test, and evaluation for the space-based wide area surveillance projects or activities in the following Air Force program elements: Geophysics; Materials; Aerospace propulsion; Rocket propulsion and astronautics technology; Command, control, communications; and space surveillance technology, and for the Navy's program addressing the same requirements.

SEC. 8102. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of 80 percent of sales from such stock funds during the current fiscal year: *Provided,* That in determining the amount of obligations against, and sales from the stock funds, obligations and sales for fuel, subsistence, commissary items, retail operations, the cost of operations, and repair of spare parts shall be excluded: *Provided further,* That upon a determination by the Secretary of Defense that such action is critical to the national security of the United States, the Secretary may waive the provisions of this section: *Provided further,* That if the provisions of this section are waived, the Secretary shall immediately notify the Congress of the waiver and the reasons for such a waiver.

SEC. 8103. None of the funds appropriated by this Act shall be available for the compensation of military and civilian personnel assigned to each of the headquarters of the Naval Sea Systems Command, Naval Air Systems Command, Space and Naval Warfare Systems Command, Naval Supply Systems Command and Naval Facilities Engineering Command in excess of 90 percent of the number of personnel assigned to each such command headquarters as of September 30, 1991.

SEC. 8103A. Of the funds appropriated under the heading "Drug Interdiction, Defense" in Public Law 101-165, $2,500,000 of funds previously transferred to the Department of the Treasury shall, upon enactment of this Act, be transferred to the "Emergency Management Planning and Assistance" appropriation account of the Federal Emergency Management Agency.

SEC. 8104. (a) None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the P-3 squadrons of the Navy Reserve below the levels funded in this Act.

(b) The Secretary of the Navy shall obligate funds appropriated for fiscal years 1991 and 1992 for modernization of P-3B aircraft of the Navy Reserve on those P-3B aircraft which the Secretary of the Navy intends to keep in the fleet for more than five years: *Provided,* That the provision of section 1437 of the National Defense Authorization Act, 1991 (Public Law 101-510) shall not be considered in, or have any effect on, making any determination whether such aircraft shall be kept in the fleet for more than five years.

SEC. 8104A. None of the funds available to the Department of Defense may be used for research, development, test, evaluation, installation, integration, or procurement of an advanced radar warning receiver for the B-1B aircraft: *Provided,* That this limitation shall not apply to the side-by-side testing of the ALR-62I and the ALR-56M radar warning receivers: *Provided further,* That notwithstanding section 132 of the National Defense Authorization Act for fiscal years 1992 and 1993 (H.R. 2100), $8,000,000 is available only for, and shall be expended for, the side-by-side testing of the ALR-62I and the ALR-56M radar warning receivers.

SEC. 8105. Notwithstanding any other provision of law, none of the funds made available to the Department of the Army for fiscal years

1990, 1991, and 1992 for C-23 aircraft which remain available for obligation may be obligated or expended except to maintain commonality with C-23 Sherpa aircraft already in the Army National Guard fleet, and such funds may not be obligated for acquisition of modified commercial aircraft, unless the modifications are performed in the United States under a license agreement with the original manufacturer and are in accordance with the SD3-30 aircraft type specification as modified for Army mission requirements.

SEC. 8105A. In addition to amounts appropriated elsewhere in this Act, $100,000,000 is appropriated for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines: *Provided,* That an additional $25,000,000 is appropriated to be available only for the relocation of Air Force units from Clark Air Force Base, of which $8,500,000 shall be available until September 30, 1994 only for the construction and modification of F-16 facilities for the Cope Thunder and other missions at Eielson Air Force Base and $2,500,000 shall be available until September 30, 1994 only for the construction and modification of squadron operation facilities at Elmendorf Air Force Base: *Provided further,* That an additional $25,000,000 is appropriated, to remain available until expended, for the unanticipated costs of disaster relief activities of the Department of Defense and the military services overseas, and that funds allocated under this proviso shall be expended at the direction of the Unified Commander-in-Chief responsible for the locations to which United States military personnel are deployed for disaster relief missions. Philippines. Claims.

SEC. 8106. None of the funds appropriated in this Act may be obligated or expended for any contract or grant with a university or other institution of higher learning unless such contract or grant is audited in accordance with the Federal Acquisition Regulation and the Department of Defense Federal Acquisition Regulation Supplement or any other applicable auditing standards and requirements and the institution receiving the contract or grant fully responds to all formal requests for financial information made by responsible Department of Defense officials: *Provided,* That if an institution does not provide an adequate financial response within 12 months, the Secretary of Defense shall terminate that and all other Department of Defense contracts or grants with the institution.

SEC. 8107. Funds appropriated in this Act to finance activities of Department of Defense (DOD) federally-funded research and development centers (FFRDCs)—

(a) are limited to 4 percent less than the amount appropriated for FFRDCs in fiscal year 1991 and therefore are reduced by $133,300,000; and

(b) may not be obligated or expended for an FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD-approved conflict of interest policy for its members: *Provided,* That section (a) of this provision shall not apply to the Software Engineering Institute or to certain classified activities conducted by the Institute for Defense Analyses.

SEC. 8108. Section 361 of Public Law 101-510 is hereby repealed. 104 Stat. 1541.

SEC. 8108A. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the

transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to:

(1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or

(2) any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8109. None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

SEC. 8110. None of the funds appropriated in this Act shall be available to comply with, or to implement any provision issued in compliance with, the August 27, 1984 memorandum of the Deputy Secretary of Defense entitled "Debarment from Defense Contracts for Felony Criminal Convictions".

Contracts. Employment. Intergovernmental relations.

SEC. 8110A. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1992 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8111. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

10 USC 2488 note.

SEC. 8111A. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages

sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided,* That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further,* That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: *Provided further,* That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8112. (a) During fiscal year 1992, the Critical Technologies Institute shall conduct a special study of the issues regarding the production and use of machine tools necessary to support the national defense. For the purposes of this section—

(1) "critical technology" means the act of a domestic industry in producing a product without which machine tools necessary to support the national defense could not be produced;

(2) "domestic producer" means those producers, situated within the United States, or its territories, wherein over 50 percent of the total voting stock of such producer is owned and controlled by citizens of the United States; and

(3) "national security" means the interest of the United States Government to preserve those basic conditions necessary to a domestic producer, using a critical technology, that are adequate to permit capital investment for needed improvements in technology that will enable the overall domestic industry to remain competitive.

(b) No later than one calendar year from the date of enactment of this Act, the Critical Technologies Institute shall prepare and deliver to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate, the Ways and Means Committee of the House of Representatives, and the Finance Committee of the Senate a report providing— Reports.

(1) a listing and detailing of those products determined to be within the definition of "critical technology";

(2) a summary of the general economic condition of domestic industries producing a product used in a critical technology in the United States (including, but not limited to, productivity, exportation of products, capacity, and profitability);

(3) a summary of—

(A) current and prospective trends in the ability to compete by such industries; and

(B) the effect of such trends on employment and unemployment, individual and corporate income levels, private capital accumulation and investment, the balance of payments, revenues and expenditures of the Federal Government, and other relevant indicators of the economic health of such industries;

(4) a detailed review of policies, programs, and activities of the Federal Government, State and local governments, and nongovernmental entities that adversely affect the economic health (and ability to produce) of domestic industries using a critical technology;

(5) recommendations to—

(A) minimize or eliminate the adverse effects of Federal policies, programs, and activities affecting such industries; and

(B) encourage State and local governments and non-governmental entities to minimize or eliminate the adverse effects of their policies, programs, and activities affecting such domestic industries;

(6) a detailed review of policies, programs, and activities of foreign governments, particularly major trading partners of the United States, that adversely affect domestic industries using a critical technology in the United States and in the international marketplace, and such policies or activities that would act to impair or threaten to impair our national security; and

(7) recommendations to encourage foreign governments to modify or eliminate policies, programs, and activities that adversely affect such industries.

SEC. 8112A. (a) Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

Regulations.

25 USC 1301 note.

(b) Section 8077(d) of Public Law 101-511 (104 Stat. 1892) is amended by striking out "1991" and inserting in lieu thereof "1993".

SEC. 8113. (a) Notwithstanding any other provision of law, none of the funds available to the Secretary of Defense shall be used to purchase bridge or machinery control systems, or interior communications equipment, for the Sealift Program unless, in each case—

(1) the system or equipment is manufactured in the United States; or

(2) more than half of the value in terms of costs has been added in the United States by a United States company under license from a foreign company.

(b) The Secretary may waive the requirement of subsection (a) of this section if, in each case—

(1) the system or equipment described in subsection (a) is not available; or

(2) the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

SEC. 8113A. (a) Notwithstanding any other provision of law, cooperative agreements and other transactions undertaken pursuant to section 2371 of title 10, United States Code, may during fiscal year 1992 be entered into only by the Defense Advanced Research Projects Agency.

(b) Of the funds appropriated to the Department of Defense during fiscal year 1992, not more than $75,000,000 may be obligated or expended for Department of Defense dual-use critical technology partnerships: *Provided,* That such partnerships may be entered into only by the Defense Advanced Research Projects Agency during fiscal year 1992.

(c) Of the funds appropriated to the Department of Defense during fiscal year 1992, other than amounts in the "pre-competitive technology development" program element referred to in subsection (b), not more than $37,500,000 may be obligated or expended by the

Defense Advanced Research Projects Agency for research, development, test, and evaluation activities undertaken pursuant to section 2371 of title 10, United States Code.

(TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated in this Act for "Operation and Maintenance, Defense Agencies", $30,000,000 shall be transferred to the "Radiation Exposure Compensation Trust Fund" established by section 3 of the Radiation Exposure Compensation Act (Public Law 101-426; 104 Stat. 920) to be available for the same purpose and same time period as that Fund.

SEC. 8115. Notwithstanding section 2805 of title 10, of the funds appropriated in this Act for "Operation and Maintenance, Navy", $2,100,000 shall be available for a grant to the Naval Undersea Museum Foundation for the completion of the Naval Undersea Museum at Keyport, Washington: *Provided,* That these funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project.

SEC. 8115A. The Department of Defense and the Military Services may take no action to prohibit, impede or otherwise interfere with construction of conventionally powered submarines by nonpublic owned and operated ship construction and repair entities in the United States for sale to nations with which the United States maintains bilateral or multilateral mutual security agreements, or nations which currently receive foreign military sales credits or economic support funds from the United States: *Provided,* That the Department of Defense may provide recommendations to the Department of State regarding the national security implications of proposed foreign military sales.

SEC. 8116. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, the Committee on Appropriations, subcommittees on Defense of the Senate and the House of Representatives.

SEC. 8117. Notwithstanding any other provision of law, no more than fifteen percent of the funds available to the Department of Defense for sealift may be used to acquire through charter or purchase, ships constructed in foreign shipyards: *Provided,* That ships acquired as provided above shall be necessary to satisfy the shortfalls identified in the Mobility Requirements Study: *Provided further,* That any work required to convert foreign built ships acquired as provided above to United States Coast Guard and American Bureau of Shipping standards, or conversion to a more useful military configuration, must be accomplished in United States domestic shipyards: *Provided further,* That no foreign built ships may be acquired, through charter or purchase, until submission of the Mobility Requirements Study to the congressional defense committees.

SEC. 8117A. None of the funds made available by this Act shall be available for any Military Department of the United States to conduct bombing training, gunnery training, or similar munitions delivery training on the parcel of land known as Kahoolawe Island, Hawaii.

SEC. 8118. (a) Funds shall be made available to the Secretary of Defense for the study of: Israel.

(1) Israeli aerospace and avionics technology and its potential applications to ATF, NATF, CAS and LH aircraft programs, as well as other anticipated aircraft programs.

(2) Potential areas of joint United States-Israel collaboration in technology research and development projects including, but not limited to, tactical directed energy weapons; camouflage, concealment, deception and stealth measures; aerial and wide-area munitions; fiber optic guided missiles (FOG–M); and the adaption of the HAVE NAP to the B–1 and B–2 bombers.

(3) The features and possible contributions of Israeli space technology to Department of Defense programs including, but not limited to, Israeli launchers, and including, but not limited to, cost-effectiveness in design and production of such technologies and systems.

(4) Israeli antiterrorism technologies, and their potential applications to Department of Defense programs and operations, including, but not limited to, remote-controlled robots, security fences of all types, specialized x-ray and detection machines, and fast patrol boats. The Secretary of Defense shall work with the Office of Technology Assessment in conducting an examination of these subjects.

(5) Possible applications of Israeli interdiction technologies to American efforts at drug interdiction, including, but not limited to, unmanned aerial vehicles, fast patrol boats, state-of-the-art ship and coastal radars, integrated command and control systems, and land interdiction systems such as visual and infra-red cameras, motion sensors and electronic fences.

(6) Applications of environmental technologies and manufacturing capabilities to include, but not limited to, energy storage, energy conversion and renewable energy technologies.

(7) Applications of critical technologies and manufacturing capabilities as defined by the Department of Defense's Critical Technologies Plan.

Reports.

(b) The Secretary of Defense shall submit a final report with concrete recommendations and plans for implementation as appropriate to the Committees on Appropriations of the Senate and the House no later than August 1, 1992.

SEC. 8119. None of the funds appropriated or made available in this Act or any prior Acts shall be obligated or expended to implement the United States Army Corps of Engineers Reorganization Study until such reorganization proposed is specifically authorized by law after the date of enactment of this Act.

SEC. 8120. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

10 USC 2208 note.

SEC. 8121. (a) There is established on the books of the Treasury a fund entitled the "Defense Business Operations Fund" (hereinafter referred to as the "Fund") to be operated as a working capital fund under the provisions of section 2208 of title 10, United States Code.

Existing organizations which shall operate as part of the Fund shall include, but not be limited to, (1) The Defense Finance and Accounting Service; (2) The Defense Commissary Agency; (3) The Defense Technical Information Center; (4) The Defense Reutilization and Marketing Service; and (5) The Defense Industrial Plant Equipment Service.

(b) Upon the enactment of this Act, there shall be transferred to the Fund all assets and balances of working capital funds heretofore established under the provisions of section 2208 of title 10, United States Code.

(c) Amounts charged for supplies and services provided by the Fund shall include capital asset charges which shall be calculated so that the total amount of the charges assessed during any fiscal year shall equal the total amount of (1) the costs of equipment purchased during that fiscal year by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs, other than costs of military construction, of capital improvements made for the purpose of providing services by the Fund.

(d) Capital asset charges collected pursuant to the provisions of subsection (c) shall be credited to a subaccount of the Fund which shall be available only for the payment of: (1) the costs of equipment purchased by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs other than costs of military construction, of capital improvements made for the purposes of providing services by the Fund.

Contracts.
10 USC 2341 note.

SEC. 8122. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: *Provided,* That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1992, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

Israel.

(c) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for nonrestrictive, nondiscriminatory contract competition under the Overseas Workload Program.

(d) No funds appropriated for the Overseas Workload Program for fiscal year 1992 or thereafter shall be used for contracts awarded in fiscal year 1992 or thereafter which have not been opened for competition in a manner consistent with this provision.

41 USC 10b-2.

SEC. 8123. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the

United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

Reports.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

10 USC 114 note.

SEC. 8124. The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 2521 of the One Hundred Second Congress and transmitted to the President is hereby incorporated into this Act: *Provided,* That the amounts specified in the Classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further,* That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

President.

SEC. 8125. (a) Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense Agencies" in title IV of this Act, not less than $27,000,000 shall be available only for the Flexible Computer Integrated Manufacturing (FCIM) Systems Programs.

(b) Of the amount made available by subsection (a) above, not less than $4,000,000 shall be made available only as a grant to the Institute for Advanced Flexible Manufacturing Systems.

(c) The grant made available by subsection (b) above shall be administered by the Defense Advanced Research Projects Agency through the National Center for Manufacturing Sciences.

(d) Of the amount made available by subsection (a) above, not less than $11,500,000 shall be made available to the Secretary of the Navy only for the continuation of the Rapid Acquisition of Manufactured Parts program (RAMP) and for establishing a RAMP-FCIM Center for Manufacturing Excellence.

(e) Of the amount made available by subsection (a) above, not less than $11,500,000 shall be made available to the Secretary of the Army only for application of RAMP-FCIM technology to selected Army depots.

Alaska.
Real property.

SEC. 8126. (a) Property as defined in section 8133 of the Department of Defense Appropriations Act of 1991 (104 Stat. 1909) held by Federal agencies or instrumentalities and which is not scheduled for disposition by sale prior to October 1, 1996, as determined by such agencies or instrumentalities shall be, except as provided in subsection (b) of this section, transferred to the Secretary of the Interior, at his request, without compensation or reimbursement, for the purpose of entering into a land exchange or exchanges with the Calista Corporation, a corporation organized under the laws of the State of Alaska. The Secretary is authorized to exchange such property for the lands and interests in lands (which for purposes of this section include lands, partial estates, and land selection rights) of equal value identified in the document entitled "The Calista Conveyance

and Relinquishment Document", dated October 28, 1991. The value of the lands and interests in lands included in that document shall be determined by the Secretary of the Interior not later than nine months after the date of enactment of this section. In making such value determination, the Secretary shall consider, in addition to the "Uniform Appraisal Standards for Federal Land Acquisitions", the public interest values of such lands and interests in lands, including, but not limited to, the location of such lands and interests in lands within the boundary of a national wildlife refuge, and statutorily authorized or mandated exchanges with and acquisitions by the Federal Government of lands and interests in lands in Alaska. In the event that the parties cannot agree on the value of such lands and interests in land, the procedures specified in subsection 206(d), of Public Law 94-579, as amended, shall be used to establish the value: *Provided,* That the average value per acre of such lands and interests in lands shall be no more than $300. Property exchanged and conveyed by the United States pursuant to this section shall be considered and treated as conveyances of land entitlements under 43 U.S.C. 1601 through 1642 (except for subsections (a) through (c) and (f) through (j) of section 1620, section 1627(b), and section 1636(d)).

(b) Prior to October 1, 1996, no property held for sale by the Resolution Trust Corporation or the Federal Deposit Insurance Corporation shall be transferred to the Secretary of the Interior to carry out the purposes of this section. Real property.

(c) The Secretary of the Interior shall maintain an accounting of the value of lands and interests in lands remaining to be conveyed or relinquished by Calista Corporation pursuant to this section. On October 1, 1996, the Secretary of the Treasury shall establish a property account with an initial balance equal to the value of lands and interests in lands which Calista Corporation has not then conveyed or relinquished to the United States pursuant to this section. Subject to reduction upon conveyances pursuant to subsection (a) of this section, said account shall be available on or after October 1, 1996, for the sale of property by all agencies or instrumentalities of the United States, to the same extent as is separately authorized to the accounts described in subsection 9102(a)(2) of the Department of Defense Appropriations Act, 1990 (103 Stat. 1151).

SEC. 8127. None of the funds appropriated or made available in this Act or any Act making appropriations for the Department of Defense for fiscal year 1992 may be obligated for procurement of ball bearings or roller bearings other than in accordance with the provisions of subpart 208.79 of the Defense Federal Acquisition Regulation Supplement (DFARS) as promulgated effective on July 11, 1989.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8128. Notwithstanding any other provision of law, $105,000,000 made available in the fiscal year 1991 Department of Defense Appropriations Act for "Aircraft Carrier Service Life Extension Program" under the heading "Shipbuilding and Conversion, Navy, 1991/1995" shall be utilized only for a large scale industrial availability, presumed to be 24 months, of the USS JOHN F. KENNEDY at the Philadelphia Naval Shipyard: *Provided,* That at least $23,000,000 shall be transferred to "Other Procurement, Navy, 1992/1994" for the purchase of items to be used for a large scale industrial availability of the USS JOHN F. KENNEDY at the

Philadelphia Naval Shipyard: *Provided further,* That the remaining funds shall be retained in the "Aircraft Carrier Service Life Extension Program" until required for transfer for the purpose of planning, scheduling, and any other such work as is necessary to prepare for and execute a large scale industrial availability of the USS JOHN F. KENNEDY at the Philadelphia Naval Shipyard.

Environmental protection. California.

SEC. 8129. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed $26,000,000, to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in the Agreement, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification shall come from the funds made available to the Department of Defense by this Act.

(c) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of the Sale Parcel.

Reports.

SEC. 8130. The Comptroller General of the United States, in conjunction with the Department of the Navy, shall issue a report no later than July 1, 1992, on the Navy's accounting practices at its nuclear shipyards. The report shall include a detailed review of the Navy's current plan for the handling and disposal of all nuclear materials and radioactively contaminated materials of nuclear powered vessels. The report shall include cost evaluations and projections for the next twenty years based on the current Navy plan.

10 USC 2687 note.

SEC. 8131. It is the sense of the Congress that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendation, the Congress takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply Congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission.

NATIONAL COMMISSION ON THE FUTURE ROLE OF UNITED STATES NUCLEAR WEAPONS, PROBLEMS OF COMMAND, CONTROL, AND SAFETY OF SOVIET NUCLEAR WEAPONS, AND REDUCTION OF NUCLEAR WEAPONS

50 USC 404a note.

SEC. 8132. (a) ESTABLISHMENT.—There is hereby established a National Commission on the Future Role of United States Nuclear Weapons, Problems of Command, Control, and Safety of Soviet Nuclear Weapons, and Reduction of Nuclear Weapons (hereafter in this section referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of twelve members, appointed as follows:

President.

(A) 4 members shall be appointed by the President.

(B) 4 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) 4 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate.

(2) The members of the Commission shall be appointed on a nonpartisan basis from among persons having knowledge and experience in defense, foreign policy, nuclear weapons, and arms control matters.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) The members of the Commission shall be appointed not later than March 1, 1992. The Commission may not begin to carry out its duties under this section until seven members of the Commission have been appointed.

(5) The Chairman of the Commission shall be elected by and from the members of the Commission.

(c) DUTIES.—The Commission shall assess, report on, and issue recommendations regarding—

(1) the role of, and requirements for, nuclear weapons in the security strategy of the United States as a result of the significant changes in the former Warsaw Pact, the former Soviet Union, and the Third World;

(2) actions the United States should take with respect to such weapons in its national security posture by reason of such changes;

(3) the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union;

(4) identification of possibilities for international cooperation between the United States and the Soviet Union and among other countries regarding such problems;

(5) the implications of the changes in the Soviet Union on the policy of the United States regarding the problems of command, control, and safety of Soviet nuclear weapons and on the possibilities for international cooperation regarding such problems;

(6) future actions by the United States regarding the matters referred to in paragraphs (3)–(5) above;

(7) what safeguards, including the possible deployment of limited defenses, to protect against the threat of accidental or unauthorized use of nuclear weapons;

(8) what specific goals, consistent with the principle of maintaining deterrence and strategic stability at the lowest levels of armament, should be established for the reduction of strategic and tactical nuclear weapons; and

(9) what techniques for dismantling nuclear warheads and disposing of nuclear materials could be incorporated into future arms control agreements.

(d) To assist it in carrying out its duties with respect to the matters listed in subsection (c) (3)–(6) above, the Commission is requested to obtain a study from the National Academy of Sciences on these matters. Such a study would be a follow-on endeavor to the

study concluded by the National Academy in September, 1991, on the nuclear relationship of the United States and the Soviet Union.

(e) To assist it in carrying out its duties with respect to the matters listed in subsection (c) (7)–(9) above, the Commission shall request the President to establish and support a joint working group, to be comprised of experts from governments of the United States and from the former Soviet Union, who shall meet on a regular basis in order to discuss and provide specific recommendations regarding these matters. The joint working group shall be comprised—

(1) on the United States side, of such governmental experts as the President may deem appropriate; and

(2) such governmental representatives from the former Soviet Union as the President may arrange.

(f) It is the sense of the Congress that the Presidents of both the United States and the former Soviet Union should encourage their respective defense departments and related intelligence agencies to examine what relevant information should be declassified or otherwise shared within the joint working group discussed in subsection (e) above in order to support the fulfillment of its mandate.

(g) REPORT.—(1) The Commission shall submit to the President and the relevant Congressional committees a final report on the assessments and recommendations referred to in subsection (c) not later than May 1, 1993. The report shall be submitted in unclassified and classified versions.

(2) The Commission shall provide the President and the relevant Congressional committees reports on a quarterly basis which elaborate on the Commission's progress in fulfilling its duties and on the use of the funds available to the Commission.

(3) For the purposes of this section, the relevant Congressional committees are the Committees on Appropriations and Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) POWERS.—(1) The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this section, as may be necessary to carry out such duties. Upon request of the Chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(4) The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request. The Secretary shall provide similar services to the joint working group referred to in subsection (e) as the working group may request.

(i) COMMISSION PROCEDURES.—(1) The Commission shall meet on a regular basis (as determined by the Chairman) and at the call of the Chairman or a majority of its members.

(2) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(j) PERSONNEL MATTERS.—(1) Each Member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(2) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this section without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this paragraph (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(3) Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

(k) TERMINATION OF THE COMMISSION.—The Commission shall terminate upon submission of the final report required by subsection (g).

(l) APPROPRIATIONS.—Of the funds available to the Department of Defense, $1,500,000 shall be made available to the Commission to carry out the provisions of this section.

SEC. 8133. (a) Congress finds that:

(1) The NATO Alliance has been a cornerstone of United States and world security since its foundation in 1949.

(2) All America's NATO allies have in the past been supportive of the objects and purposes of the ABM Treaty.

(3) Two of America's NATO allies have strategic forces of their own, which would be directly affected by significant changes to the ABM Treaty.

(4) Changes in the ABM Treaty would have profound political and security implications for every member of the NATO Alliance and other allies of the United States.

(b) Before initiating negotiations with the Soviet Union with the objective of making significant modifications to the Anti-Ballistic Missile Treaty, and its associated protocol, the President should consult with the allies of the United States in the North Atlantic Treaty Organization, Japan, and other allies as appropriate and seek a consensus on negotiating objectives concerning defensive systems that would enhance the security interests of the member states of NATO and other allies and strengthen the NATO Alliance as a whole.

SEC. 8134. Notwithstanding any other law, the Secretary of Commerce is authorized to accept the transfer of funds from other departments and agencies of the Federal Government as he or she may deem appropriate to carry out the objectives of the Public

Works and Development Act of 1965, as amended: *Provided,* That such funds are used for the purposes for which they are specifically appropriated: *Provided further,* That such transferred funds shall remain available until obligated and expended.

37 USC 301b note.

SEC. 8135. (a) Notwithstanding any provision of section 301b of title 37, United States Code, of section 611 of Public Law 100-456 as in effect at any time prior to the date of enactment of this Act, in the case of any officer described in subsection (b), who was entitled to special pay under an agreement authorized by one of those sections, who was not paid the full amount due under such agreement, the unpaid balance shall be paid as part of the settlement of the officer's final military pay account.

(b) An officer to whom subsection (a) is an aviation officer who died as a result of flight operations on or after January 17, 1991, in those areas of the Arabian Peninsula, airspace, and adjacent waters designated by the President in Executive Order 12744 on 21 January 1991 as a combat zone and prior to cessation of hostilities as declared by competent authority, before completing the full period of aviation service agreed to in his or her agreement to remain on active duty in aviation service under section 302b of title 37, United States Code, or section 611 of Public Law 100-456.

SEC. 8136. Up to $20,000,000 in unobligated and unexpended funds in any appropriation made for Air Force programs in the Department of Defense Appropriations Act, 1991, shall be available to provide reimbursements for launch services costs authorized to be waived by the 1988 Amendments to the Commercial Space Launch Act: *Provided,* That the Department of Defense shall notify the Committees on Appropriations of the House and Senate not less than 30 calendar days in session prior to the obligation of funds for this purpose.

SEC. 8137. Section 2208 of title 10, United States Code, is amended to redesignate the current subsection (j) to subsection (k) and add a new subsection (j) as follows:

"(j) The Secretary of the Army may authorize a working capital funded Army industrial facility to manufacture or remanufacture articles and sell these articles, as well as manufacturing or remanufacturing services provided by such facilities, to persons outside the Department of Defense if—

"(1) the person purchasing the article or service is fulfilling a Department of Defense contract; and

"(2) the Department of Defense solicitation for such contract is open to competition between Department of Defense activities and private firms.".

10 USC 2774 note.

SEC. 8138. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided,* That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

(TRANSFER OF FUNDS)

SEC. 8139. In addition to the amount appropriated in Public Law 102-140 for United States Information Agency "Salaries and ex-

penses", $5,600,000 shall be derived by transfer from unobligated balances of Board for International Broadcasting, "Israel Relay Station", to be available for the costs of the participation of the United States in 1992 Columbus Quincentennial Expositions in Seville, Spain, and Genoa, Italy.

SEC. 8140. Notwithstanding any other law or regulation, the segregative effect of the withdrawal application filed by the United States Forest Service with the Bureau of Land Management on March 9, 1953, or the withdrawals effected by Public Land Order 3502 and Public Land Order 3556, the Secretary of the Interior, acting through the Director, Bureau of Land Management, is directed to issue a patent to the Shiny Rock Mining Corporation for the Santiam No. 1 lode mining claim, situated within Sections 19 and 30, T. 8 B., R. 5 E., W.M., Marion County, Oregon, pursuant to the April 22, 1991, Order of the Interior Board of Land Appeals in the case of United States v. Shiny Rock Mining Corporation, docket number IBLA 88-41.

SEC. 8141. Notwithstanding any other provision of law, the Department of the Navy shall obligate not less than $10,000,000 of the funds appropriated in this Act for Research, Development, Test, and Evaluation, Navy to develop an integrated display station as an engineering change to the Advanced Video Processor and for the reestablishment of the CI Mode integration testing: *Provided*, That the funds appropriated in fiscal year 1991 for the procurement of the Advanced Video Processor units and associated display heads shall be made available to the Department of the Navy, obligated not later than sixty days from the enactment of this Act, and used for no other purpose: *Provided further*, That none of the funds appropriated in this, or any other Act, shall be made available for the OJ-XXX Anti-Submarine Warfare Display Station.

SEC. 8142. None of the funds in this Act may be used to order from the Desktop III contract, except for contract maintenance, service, peripheral equipment and necessary spare parts to ensure system operability, at the time that the Desktop IV contract is available to receive customer orders.

(TRANSFER OF FUNDS)

SEC. 8143. In addition to any other transfer authority contained in this Act, amounts from working capital funds shall be transferred to appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: from the Defense Business Operations Fund, not less than $300,000,000 shall be transferred as follows: $150,000,000 to Foreign Currency Fluctuations, Defense; $60,000,000 to Pentagon Reservation Maintenance Fund; $20,000,000 to Operation and Maintenance, Army Reserve; $20,000,000 to Operation and Maintenance, Navy Reserve; $10,000,000 to Operation and Maintenance, Marine Corps Reserve; $15,000,000 to Operation and Maintenance, Air Force Reserve; and $25,000,000 to Operation and Maintenance, Army National Guard.

SEC. 8144. The Secretary of Defense may not withhold assistance, furnished using funds appropriated or otherwise made available to the Secretary of Defense under this Act or made available to the Secretary under the Department of Defense Base Closure Account 1990, from a community reuse task force or committee established in connection with the closure of a military installation under the

Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) on the basis of a lack of unanimity among the members of the task force or committee if at least 90 percent of the members of the task force or committee support the application for such assistance.

SEC. 8145. (a) Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete aircraft carrier Oriskany (CV 34) to the nonprofit organization, "City of America", for cultural and educational purposes.

(b) The transfer authorized by subsection (a) may be made only if the Secretary of the Navy determines that the vessel is of no further use to the United States for national security purposes.

Kentucky.

SEC. 8146. For the purpose of determining the benefit/cost ratio for the South Frankfort, Kentucky flood control project, no expenditures made prior to fiscal year 1992 shall be considered to be preliminary design and engineering costs.

SEC. 8147. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

Maryland.
Highways.

SEC. 8148. For purposes of funds provided for the Defense access road for Andrews Air Force Base, Maryland, the Suitland Parkway shall be considered as fully meeting the certification requirements specified in section 210 of title 23 of the United States Code.

10 USC 2391 note.

SEC. 8149. (a) The Secretary of Defense, during the current fiscal year or at any time thereafter, may make a donation to an entity described in subsection (b) of a parcel of real property (including structures on such property) under the jurisdiction of the Secretary that is not currently required for the needs of the Department and that the Secretary determines is needed and appropriate for the activities of that entity.

(b) A donation under subsection (a) may be made to a nonprofit entity which provides medical, educational, and emotional support in a recreational setting to children with life-threatening diseases and their families.

George D. Hand, Jr.

SEC. 8150. (a) The Secretary of the Treasury shall pay, out of funds in the Treasury not otherwise appropriated, to George D. Hand, Jr., the amount of $220,000 for damages sustained by George D. Hand, Jr., as a result of the scuttling of the F/V SHINNECOCK I off Shinnecock Harbor, New York, on March 14, 1991.

(b) The payment to George D. Hand, Jr., pursuant to subsection (a) shall satisfy in full all claims of George D. Hand, Jr., against the United States for any loss, injury, or other damages resulting from the scuttling of the vessel described in subsection (a).

(c) It shall be unlawful for more than 10 percent of the amount paid to George D. Hand, Jr., pursuant to subsection (a) to be paid to or received by any agent or attorney of George D. Hand, Jr., in connection with the claim referred to in subsection (b). Any person who violates subsection (a) shall be fined under title 18, United States Code.

Pennsylvania.

SEC. 8151. Of the funds transferred to the Department of Energy pursuant to section 8089 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1896), not to exceed $1,000,000 shall be made available in fiscal year 1992 to the Commonwealth of Pennsylvania for independent monitoring and

testing of onsite activities in the decommissioning at the Apollo, Pennsylvania site, except that such monitoring and testing shall not interfere with the conduct of site decommissioning activities or affect Nuclear Regulatory Commission authority over the decommissioning: *Provided,* That the date for completion of cleanup at the Apollo site provided in section 8089 of the Department of Defense Appropriations Act of 1991 is rescinded.

SEC. 8152. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Government of Japan for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operations and maintenance appropriations available for the salaries and benefits of local national employees, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided,* That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

Japan.
Government employees.
Wages.

Reports.

(TRANSFER OF FUNDS)

SEC. 8153. From the funds made available for Repair and Restoration of Buildings of the Smithsonian Institution in the fiscal year 1992 Department of the Interior and Related Agencies Appropriations Act, $800,000 is hereby appropriated by transfer to the Salaries and expenses account of the Smithsonian Institution, such sum to remain available until expended.

SEC. 8154. None of the funds appropriated or made available by this Act may be used to implement a realignment or consolidation of the Naval Facilities Engineering Command that would affect elements of the Northern Division of that command until sixty days after the consolidation or realignment plan is approved by the Secretary of Defense and submitted to the Committees on Appropriations of the House and Senate.

SEC. 8155. Notwithstanding any other provision of law or regulation, the Department of Defense shall have the authority to charter one or more presently existing United States flag tankers for a firm lease period not exceeding five years, with provision for further renewal at the Department's option: *Provided,* That any such charter contains no penalty payable upon failure to exercise any renewal option: *Provided further,* That the charter contains no agreement to indemnify any person for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954: *Provided further,* That any such tanker was built after December 31, 1980: *Provided further,* That no funds shall be available for any such charter without previously having been submitted to the congressional defense committees.

SEC. 8156. Section 355(b) of Public Law 101-510 is amended by striking "92" and inserting in lieu thereof "77".

104 Stat. 1540.

SEC. 8157. The Secretary of Defense is authorized to provide optional summer school programs in addition to the programs otherwise authorized by the Defense Dependents Education Act of 1978 (Public Law 95-561), and to charge a fee for participation in such

optional education programs. Optional summer school program fees shall be made available for use by the Secretary to defray the costs of summer school operations.

This Act may be cited as the "Department of Defense Appropriations Act, 1992".

Approved November 26, 1991.

LEGISLATIVE HISTORY—H.R. 2521:

HOUSE REPORTS: Nos. 102-95 (Comm. on Appropriations) and 102-328 (Comm. of Conference).
SENATE REPORTS: No. 102-154 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 7, considered and passed House.
Sept. 23, 25, 26, considered and passed Senate, amended.
Nov. 20, House agreed to conference report.
Nov. 23, Senate agreed to conference report.

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Public Law 102-173
102d Congress

An Act

To amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize programs under such Act, and for other purposes.

Nov. 27, 1991
[S. 1475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991.
42 USC 10801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. FINDINGS.

Section 101(a) (42 U.S.C. 10801(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following new paragraph:

"(2) family members of individuals with mental illness play a crucial role in being advocates for the rights of individuals with mental illness where the individuals are minors, the individuals are legally competent and choose to involve the family members, and the individuals are legally incompetent and the legal guardians, conservators, or other legal representatives are members of the family;".

SEC. 4. DEFINITIONS.

Section 102 (42 U.S.C. 10802) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) The term 'facilities' may include, but need not be limited to, hospitals, nursing homes, community facilities for individuals with mental illness, board and care homes, homeless shelters, and jails and prisons.".

SEC. 5. USE OF ALLOTMENTS.

Section 104 (42 U.S.C. 10804) is amended by adding at the end thereof the following new subsection:

"(c) An eligible system may use its allotment under this title to provide representation to individuals with mental illness in Federal facilities who request representation by the eligible system. Representatives of such individuals from such system shall be accorded

all the rights and authority accorded to other representatives of residents of such facilities pursuant to State law and other Federal laws.".

SEC. 6. SYSTEMS REQUIREMENTS.

(a) ACCESS TO RECORDS.—Section 105(a)(4) (42 U.S.C. 10805(a)(4)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B)(iii)—

(A) by inserting "as a result of monitoring or other activities (either of which result from a complaint or other evidence)" before "there is"; and

(B) by adding "and" at the end thereof; and

(3) by adding at the end thereof the following new subparagraph:

"(C) any individual with a mental illness, who has a legal guardian, conservator, or other legal representative, with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy, whenever—

"(i) such representative has been contacted by such system upon receipt of the name and address of such representative;

"(ii) such system has offered assistance to such representative to resolve the situation; and

"(iii) such representative has failed or refused to act on behalf of the individual;".

(b) ADVISORY COUNCIL.—Section 105(a)(6) (42 U.S.C. 10805(a)(6)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B), by striking out "one-half" and inserting in lieu thereof "60 percent"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) which shall be chaired by an individual who has received or is receiving mental health services or who is a family member of such an individual;".

(c) GRIEVANCE PROCEDURE.—Section 105(a)(9) (42 U.S.C. 10805(a)(9)) is amended by inserting before the period the following: "and for individuals who have received or are receiving mental health services, family members of such individuals with mental illness, or representatives of such individuals or family members to assure that the eligible system is operating in compliance with the provisions of this title and title III".

(d) GOVERNING AUTHORITY.—Section 105(c)(1)(B) (42 U.S.C. 10805(c)(1)(B)) is amended by adding at the end thereof the following new sentence: "As used in this subparagraph, the term 'members who broadly represent or are knowledgeable about the needs of the clients served by the system' shall be construed to include individuals who have received or are receiving mental health services and family members of such individuals.".

SEC. 7. TRAINING.

Section 111 (42 U.S.C. 10821) is amended—

(1) in subsection (a)(2), by inserting before the semicolon the following: "and to work with family members of clients served by the system where the individuals with mental illness are minors, legally competent and do not object, and legally incompetent and the legal guardians, conservators, or other legal representatives are family members";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a), the following new subsection:

"(b) The assurance required under subsection (a)(2) regarding trained staff may be satisfied through the provision of training by individuals who have received or are receiving mental health services and family members of such individuals.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 117 (42 U.S.C. 10827) is amended to read as follows:

"SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for allotments under this title, $19,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 9. REGULATIONS.

Section 116 (42 U.S.C. 10826) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(b) REGULATIONS.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall promulgate final regulations to carry out this title and title III.".

SEC. 10. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 10801 et seq.) is amended—

(1) by striking out "mentally ill individual" each place that such occurs and inserting in lieu thereof "individual with mental illness"; and

(2) by striking out "mentally ill individuals" each place that such occurs and inserting in lieu thereof "individuals with mental illness".

Approved November 27, 1991.

LEGISLATIVE HISTORY—S. 1475:

HOUSE REPORTS: No. 102-319 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 102-114 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 31, considered and passed Senate.
Nov. 19, considered and passed House.

○

Public Law 102-174
102d Congress

Joint Resolution

Nov. 27, 1991
[S.J. Res. 207]

To designate the period commencing on November 24, 1991, and ending on November 30, 1991, and the period commencing on November 22, 1992, and ending on November 28, 1992, each as "National Adoption Week".

Whereas Thanksgiving week has been commemorated as "National Adoption Week" for the past 13 years;

Whereas the Congress recognizes that belonging to a secure, loving, and permanent family is every child's right;

Whereas the President of the United States has actively promoted the benefits of adoption by implementing a Federal program to encourage Federal employees to consider adoption;

Whereas approximately 36,000 children who may be characterized as having special needs such as being of school age, being members of a sibling group, being members of a minority group, or having physical, mental, and emotional disabilities are now in foster care or in institutions financed at public expense and are legally free for adoption;

Whereas public and private barriers inhibiting the placement of special needs children must be reviewed and removed where possible to assure their adoption;

Whereas the adoption of institutionalized or foster care children by capable parents into permanent homes would ensure an opportunity for their continued happiness and long-range well-being;

Whereas the public and prospective parents must be informed that there are children available for adoption;

Whereas media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will provide publicity and information to heighten community awareness of the crucial needs of children available for adoption; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and in the best interest of the public generally: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on November 24, 1991, and ending on November 30, 1991, and the period commencing on November 22, 1992, and ending

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on November 28, 1992, are each designated as "National Adoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe each week with appropriate ceremonies and activities.

Approved November 27, 1991.

LEGISLATIVE HISTORY—S.J. Res. 207:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 4, considered and passed Senate.
Nov. 22, considered and passed House.

○

Public Law 102-175
102d Congress

An Act

Dec. 2, 1991
[H.R. 2270]

Amending certain provisions of title 5, United States Code, relating to the Senior Executive Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Senior Executive Service Improvements Act.
5 USC 3301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Executive Service Improvements Act".

SEC. 2. PROTECTION AGAINST PAY REDUCTION UPON ENTERING THE SES.

Section 5383 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) This subsection applies to—

"(A) any individual who, after serving at least 5 years of current continuous service in 1 or more positions in the competitive service, is appointed, without any break in service, as a career appointee; and

"(B) any individual who—

"(i) holds a position which is converted from the competitive service to a career reserved position in the Senior Executive Service; and

"(ii) as of the conversion date, has at least 5 years of current continuous service in 1 or more positions in the competitive service.

"(2)(A) The initial rate of pay for a career appointee who is appointed under the circumstances described in paragraph (1)(A) may not be less than the rate of basic pay last payable to that individual immediately before being so appointed.

"(B) The initial rate of pay for a career appointee following the position's conversion (as described in paragraph (1)(B)) may not be less than the rate of basic pay last payable to that individual immediately before such position's conversion.".

SEC. 3. LIMITATION ON AUTHORITY TO REASSIGN.

Section 3395(e) of title 5, United States Code, is amended—

(1) by amending clause (ii) of paragraph (1)(B) to read as follows:

"(ii) has the authority to make an initial appraisal of the career appointee's performance under subchapter II of chapter 43."; and

(2) by adding at the end of the following new paragraph:

"(3) For the purpose of applying paragraph (1) to a career appointee, any days (not to exceed a total of 60) during which such career appointee is serving pursuant to a detail or other temporary assignment apart from such appointee's regular position shall not be counted in determining the number of days that have elapsed since an appointment referred to in subparagraph (A) or (B) of such paragraph.".

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SEC. 4. ENCOURAGEMENT OF SABBATICALS AND OTHER FORMS OF PROFESSIONAL DEVELOPMENT BY CAREER APPOINTEES.

Section 3396(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) In order to promote the professional development of career appointees and to assist them in achieving their maximum levels of proficiency, the Office shall, in a manner consistent with the needs of the Government provide appropriate informational services and otherwise encourage career appointees to take advantage of any opportunities relating to—

"(A) sabbaticals;

"(B) training; or

"(C) details or other temporary assignments in other agencies, State or local governments, or the private sector.".

SEC. 5. AUTHORITY TO MITIGATE.

Section 7701(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) With respect to an appeal from an adverse action covered by subchapter V of chapter 75, authority to mitigate the personnel action involved shall be available, subject to the same standards as would apply in an appeal involving an action covered by subchapter II of chapter 75 with respect to which mitigation authority under this section exists.".

Approved December 2, 1991.

LEGISLATIVE HISTORY—H.R. 2270:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 12, considered and passed House.
Nov. 20, considered and passed Senate.

○

Public Law 102-176
102d Congress

Joint Resolution

Dec. 2, 1991
[H.J. Res. 125]

To designate the week beginning November 24, 1991, and the week beginning November 22, 1992, each as "National Family Caregivers Week".

Whereas the number of Americans who are age 65 or older is growing dramatically, with an unprecedented increase in the number of frail elderly age 85 or older;

Whereas approximately 5,200,000 older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide help to older persons with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities, and therefore need information about available community resources for respite care and other support services;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing older persons: Now, therefore, be it

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Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 24, 1991, and the week beginning November 22, 1992, are each designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

Approved December 2, 1991.

LEGISLATIVE HISTORY: H.J. Res. 125 (S.J. Res. 99):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 6, considered and passed House.
Nov. 23, considered and passed Senate.

○

Public Law 102-177
102d Congress

Joint Resolution

Dec. 2, 1991
[H.J. Res. 130]

Designating January 1, 1992, as "National Ellis Island Day".

Whereas the immigrant station at Ellis Island, New York, opened on January 1, 1892, admitting 700 immigrants to the United States on its 1st day of operation;

Whereas approximately 17,000,000 immigrants were admitted through Ellis Island between 1892 and 1954;

Whereas Ellis Island was reopened in the fall of 1990 as a historic site of interest to tourists;

Whereas January 1, 1992, will mark the centennial of the opening of Ellis Island;

Whereas approximately 40 percent of all people of the United States today can trace their heritage to an immigrant ancestor who was admitted through Ellis Island;

Whereas Ellis Island is a reminder of the hope for freedom and prosperity that the United States offered to the poor, tired, hungry, and downtrodden of the world;

Whereas the people of the United States should recognize the time, commitment, and great efforts of the many dedicated citizens who made the refurbishing of Ellis Island the largest historic renovation project in the history of the United States; and

Whereas the people of the United States have a responsibility to maintain awareness of, and respect for, Ellis Island: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 1, 1992, is designated as "National Ellis Island Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Approved December 2, 1991.

LEGISLATIVE HISTORY—H.J. Res. 130 (S.J. Res. 190):

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 10, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 102-178
102d Congress

Joint Resolution

Designating 1992 as the "Year of the Gulf of Mexico".

Dec. 2, 1991
[H.J. Res. 327]

Whereas the Gulf of Mexico, which is bordered by the United States on 3 sides, is a national treasure deserving of our time, attention, and best stewardship efforts;

Whereas, although the Gulf of Mexico is a body of water that is of prime economic importance to the United States and is a recreational retreat for millions of Americans, there are signs of serious long-term environmental damage appearing throughout the marine ecosystem of the Gulf of Mexico;

Whereas commercial fishing in the Gulf of Mexico accounts for more than 20 percent of the total commercial fish yield of the United States, and the Gulf of Mexico currently yields close to twice the amount of shrimp than all other United States fisheries combined;

Whereas the estuaries, wetlands, and barrier islands of the Gulf of Mexico provide critical habitat for large populations of finfish, shellfish, waterfowl, shorebirds, colonial nesting birds, and 75 percent of the migratory waterfowl traversing the United States;

Whereas the Gulf of Mexico is an economic cornerstone for the States that border it, in that 90 percent of domestic offshore production of oil and gas comes from the Gulf of Mexico and close to 50 percent of the United States shipping tonnage passes through Gulf of Mexico ports;

Whereas it is estimated that tourism-related dollars in States that border the Gulf of Mexico contribute an estimated $20,000,000,000 to the economy of the United States, drawing millions of sport fishermen and beach users annually;

Whereas during the past few decades the Gulf of Mexico has begun to show signs of deteriorating environmental quality, including excess nutrients, toxic substance and pesticide contamination, and the presence of human pathogens, which are contributing to the deteriorating water quality and closed fishing and shellfish areas in the Gulf of Mexico;

Whereas shoreline development, canal and channel dredging, and alterations of freshwater flow into the Gulf of Mexico estuaries are causing extensive losses of marshes, mangroves, and seagrass beds, which are critical and highly productive habitats to a wide variety of estuarine and marine organisms; and

Whereas it is in the best interest of the United States to preserve and enhance the natural and economic resources of the Gulf of Mexico by heightening awareness of the need for active participation in the protection of the Gulf of Mexico: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) 1992 is designated as the "Year of the Gulf of Mexico";

(2) all Federal and State agencies which have responsibility for matters affecting the Gulf of Mexico should take a responsible role in the cooperative effort to increase the awareness of

the public regarding the immeasurable value of this resource and the current conditions which threaten its aesthetic and economic value; and

(3) the President is authorized and requested to issue a proclamation recognizing such year and calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

Approved December 2, 1991.

LEGISLATIVE HISTORY—H.J. Res. 327 (S.J. Res. 194):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 22, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 102-179
102d Congress

An Act

To amend the Act incorporating The American Legion so as to redefine eligibility for membership therein.

Dec. 2, 1991
[S. 1568]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to incorporate The American Legion", approved September 16, 1919 (41 Stat. 285; 36 U.S.C. 45), is hereby amended to read as follows:

"SEC. 5. No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.".

Approved December 2, 1991.

LEGISLATIVE HISTORY—S. 1568:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed Senate.
Nov. 18, considered and passed House.

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Public Law 102-180
102d Congress

An Act

Dec. 2, 1991
[S. 1720]

To amend Public Law 93-531 (25 U.S.C. 640d et seq.) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program for fiscal years 1992, 1993, 1994, and 1995.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991.
25 USC 640d note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991".

SEC. 2. REAUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 25 of Public Law 93-531 (25 U.S.C. 640d-24(a)) is amended by striking out "and 1991." in paragraph (8) and inserting in lieu thereof "1991, 1992, 1993, 1994, and 1995.".

SEC. 3. NAVAJO-HOPI RELOCATION.

(a) AMENDMENT.—Section 12(b)(2) of the Act of December 22, 1974 (25 U.S.C. 640d-11(b)(2)), is amended by adding at the end thereof the following new sentence: "The Commissioner serving at the end of a term shall continue to serve until his or her successor has been confirmed in accordance with paragraph (1) of this subsection.".

(b) EMPLOYEES.—Section 12(b)(3) of the Act of December 22, 1974 (25 U.S.C. 640d-11(b)(3)) is amended to read as follows:

"(3) The Commissioner shall be a full-time employee of the United States, and shall be compensated at the rate of basic pay payable for level IV of the Executive Schedule.".

(c) POWERS.—(1) Section 12(d)(1) of the Act of December 22, 1974 (25 U.S.C. 640d-11(d)) is amended to read as follows:

"(d) POWERS OF COMMISSIONER.—(1) Subject to such rules and regulations as may be adopted by the Office of Navajo and Hopi Indian Relocation, the Commissioner shall have the power to—

"(A) appoint and fix the compensation of such staff and personnel as the Commissioner deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not in excess of a position classified above a GS-15 of the General Schedule under section 5108 of such title; and

"(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.".

25 USC 640d-11 note.

(d) The amendments made by this section shall not cause any employee of the Office of Navajo and Hopi Indian Relocation to be separated or reduced in grade or compensation for 12 months after the date of enactment of this Act.

25 USC 640d-11 note.

(e) The position of Executive Director of the Office of Navajo and Hopi Indian Relocation and Deputy Executive Director of such Office shall on and after the date of the enactment of this Act, be in the Senior Executive Service.

(f) Any employee of the Office of Navajo and Hopi Indian Relocation on the date of the enactment of this Act shall be considered an employee as defined in section 2105 of title 5, United States Code. 25 USC 640d-11 note.

(g) COMMISSIONER.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Commissioner, Office of Navajo and Hopi Indian Relocation.".

Approved December 2, 1991.

LEGISLATIVE HISTORY—S. 1720:

HOUSE REPORTS: No. 102-321 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-176 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 25, considered and passed Senate.
Nov. 18, considered and passed House.

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Public Law 102-181
102d Congress

An Act

Dec. 3, 1991
[H.R. 3728]

To provide for a 6-month extension of the Commission on the Bicentennial of the Constitution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 6-MONTH EXTENSION OF COMMISSION.

97 Stat. 722.

Section 7 of the Act entitled "An Act to provide for the establishment of a Commission on the Bicentennial of the Constitution", approved September 29, 1983 (Public Law 98-101), is amended by striking "December 31, 1991" and inserting "June 30, 1992".

Approved December 3, 1991.

LEGISLATIVE HISTORY—H.R. 3728:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 18, considered and passed House.
Nov. 21, considered and passed Senate.

59-139 O - 91 (181)

Public Law 102-182
102d Congress

An Act

To provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary.

Dec. 4, 1991
[H.R. 1724]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND PREPARATORY PRESIDENTIAL ACTION.

19 USC 2434 note.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that the Czech and Slovak Federal Republic and the Republic of Hungary both have—

(1) dedicated themselves to respect for fundamental human rights;

(2) accorded to their citizens the right to emigrate and to travel freely;

(3) reversed over 40 years of communist dictatorship and embraced the establishment of political pluralism, free and fair elections, and multi-party political systems;

(4) introduced far-reaching economic reforms based on market-oriented principles and have decentralized economic decisionmaking; and

(5) demonstrated a strong desire to build friendly relationships with the United States.

(b) PREPARATORY PRESIDENTIAL ACTION.—The Congress notes that the President in anticipation of the enactment of section 2, has directed the United States Trade Representative to negotiate with the Czech and Slovak Federal Republic and the Republic of Hungary, respectively, in order to—

(1) preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the General Agreement on Tariffs and Trade; and

(2) obtain other appropriate commitments.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO CZECHOSLOVAKIA AND HUNGARY.

19 USC 2434 note.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary, or to both; and

(2) after making a determination under paragraph (1) with respect to a country, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscrim-

inatory treatment to the products of a country, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 3. MODIFICATION OF THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991.

(a) TWO-TIER APPLICABLE LIMIT.—

(1) Section 102(b)(2)(A) of the Emergency Unemployment Compensation Act of 1991 is amended by striking clauses (ii) and (iii) and inserting the following new clause:

Ante, p. 1050.

"(ii) In the case of a 13-week period, the applicable limit is 13."

(2) Section 102(d) of the Emergency Unemployment Compensation Act of 1991 is amended to read as follows:

"(d) 13-WEEK PERIOD.—For purposes of this section, the term '13-week period' means with respect to any State any period which is not a 20-week period."

(3) Section 102(f)(3)(A) of the Emergency Unemployment Compensation Act of 1991 is amended to read as follows:

"(A) IN GENERAL.—If any individual has a benefit year which ends after February 28, 1991, such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of the first week following November 16, 1991.".

(4) Section 102(g)(2) of the Emergency Unemployment Compensation Act of 1991 is amended to read as follows:

"(2) SPECIAL RULES.—A 20-week period shall begin in any State with the 1st week for which emergency unemployment compensation may be payable in such State under this title if, on the basis of information submitted to the Committee on Ways and Means of the House of Representatives by the Department of Labor on November 7, 1991, the requirements of subsection (c)(2) are satisfied by such State for the week which ends October 19, 1991."

Ante, p. 1055.

(5) Section 106(a) is amended by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

Ante, p. 1064.

(6) Sections 102(f)(1)(B), 102(f)(2), 106(a)(2), and 501(b) (1) and (2) of the Emergency Unemployment Compensation Act of 1991 are each amended by striking "July 4, 1992" and inserting "June 13, 1992".

(7) Section 501(a) of the Emergency Unemployment Compensation Act of 1991 is amended by striking "July, 1992" and inserting "June, 1992".

26 USC 3304 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the provisions of and the amendments made by the "Emergency Unemployment Compensation Act of 1991."

SEC. 4. REPEAL OF THE PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS.

Section 510 of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5100) is repealed.

TITLE I—EXTENSION OF NONDISCRIMINATORY TREATMENT TO ESTONIA, LATVIA, AND LITHUANIA.

19 USC 2434 note.

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) The Government of the United States extended full diplomatic recognition to Estonia, Latvia, and Lithuania in 1922.

(2) The Government of the United States entered into agreements extending most-favored-nation treatment with the Government of Estonia on August 1, 1925, the Government of Latvia on April 30, 1926, and the Government of Lithuania on July 10, 1926.

(3) The Union of Soviet Socialist Republics incorporated Estonia, Latvia, and Lithuania involuntarily into the Union as a result of a secret protocol to a German-Soviet agreement in 1939 which assigned those three states to the Soviet sphere of influence; and the Government of the United States has at no time recognized the forcible incorporation of those states into the Union of Soviet Socialist Republics.

(4) The Trade Agreements Extension Act of 1951 required the President to suspend, withdraw, or prevent the application of trade benefits, including most-favored-nation treatment, to countries under the domination or control of the world Communist movement.

(5) In 1951, responsible representatives of Estonia, Latvia, and Lithuania stated that they did not object to the imposition of "such controls as the Government of the United States may consider to be appropriate" to the products of those countries, for such time as those countries remained under Soviet domination or control.

(6) In 1990, the democratically elected governments of Estonia, Latvia, and Lithuania declared the restoration of their independence from the Union of Soviet Socialist Republics.

(7) The Government of the United States established diplomatic relations with Estonia, Latvia, and Lithuania on September 2, 1991, and on September 6, 1991, the State Council of the transitional government of the Union of Soviet Socialist Republics recognized the independence of Estonia, Latvia, and Lithuania, thereby ending the involuntary incorporation of those countries into, and the domination of those countries by, the Soviet Union.

(8) Immediate action should be taken to remove the impediments, imposed in response to the circumstances referred to in paragraph (5), in United States trade laws to the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of those countries.

(9) As a consequence of establishment of United States diplomatic relations with Estonia, Latvia, and Lithuania, these independent countries are eligible to receive the benefits of the Generalized System of Preferences provided for in title V of the Trade Act of 1974.

SEC. 102. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA.

(a) IN GENERAL.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) or any other provision of law, nondiscriminatory treatment (most-favored-nation treatment) applies to the products of Estonia, Latvia, and Lithuania.

(b) CONFORMING TARIFF SCHEDULE AMENDMENTS.—General Note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking out "Estonia", "Latvia", and "Lithuania".

(c) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (b) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 103. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE BALTICS.

Title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to Estonia, Latvia, and Lithuania effective as of the 15th day after the date of the enactment of this Act.

SEC. 104. SENSE OF THE CONGRESS REGARDING PROMPT PROVISION OF GSP TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Congress that the President should take prompt action under title V of the Trade Act of 1974 to provide preferential tariff treatment to the products of Estonia, Latvia, and Lithuania pursuant to the Generalized System of Preferences.

Andean Trade Preference Act.

TITLE II—TRADE PREFERENCE FOR THE ANDEAN REGION

19 USC 3201 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Andean Trade Preference Act".

19 USC 3201.

SEC. 202. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

President. 19 USC 3202.

SEC. 203. BENEFICIARY COUNTRY.

(a) DEFINITIONS.—For purposes of this title—

(1) The term "beneficiary country" means any country listed in subsection (b)(1) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title.

(2) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) The term "HTS" means Harmonized Tariff Schedule of the United States.

(b) COUNTRIES ELIGIBLE FOR DESIGNATION; CONGRESSIONAL NOTIFICATION.—(1) In designating countries as beneficiary countries under this title, the President shall consider only the following countries or successor political entities:

Bolivia
Ecuador

Colombia
Peru.

(2) Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(c) LIMITATIONS ON DESIGNATION.—The President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association, which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, and if

such preferential treatment has, or is likely to have, a significant adverse effect on United States commerce, unless the President—

(A) has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and

(B) reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent or such country fails to work towards the provision of adequate and effective protection of intellectual property rights;

(6) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens; and

(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).

Paragraphs (1), (2), (3), (5), and (7) shall not prevent the designation of any country as a beneficiary country under this title if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(d) FACTORS AFFECTING DESIGNATION.—In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to protect its own economic development;

(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights;

(9) the extent to which such country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights;

(10) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent;

(11) whether such country has met the narcotics cooperation certification criteria set forth in section 481(h)(2)(A) of the Foreign Assistance Act of 1961 for eligibility for United States assistance; and

(12) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this Act.

(e) WITHDRAWAL OR SUSPENSION OF DESIGNATION.—(1) The President may—

(A) withdraw or suspend the designation of any country as a beneficiary country, or

(B) withdraw, suspend, or limit the application of duty-free treatment under this title to any article of any country,

if, after such designation, the President determines that as a result of changed circumstances such a country should be barred from designation as a beneficiary country.

(2)(A) The President shall publish in the Federal Register notice of the action the President proposes to take under paragraph (1) at least 30 days before taking such action. Federal Register, publication.

(B) The United States Trade Representative shall, within the 30-day period beginning on the date on which the President publishes under subparagraph (A) notice of proposed action—

(i) accept written comments from the public regarding such proposed action,

(ii) hold a public hearing on such proposed action, and

(iii) publish in the Federal Register—

(I) notice of the time and place of such hearing prior to the hearing, and

(II) the time and place at which such written comments will be accepted.

(f) TRIENNIAL REPORT.—On or before the 3rd, 6th, and 9th anniversaries of the date of the enactment of this title, the President shall submit to the Congress a complete report regarding the operation of this title, including the results of a general review of beneficiary countries based on the considerations described in subsections (c) and (d). In reporting on the considerations described in subsection (d)(11), the President shall report any evidence that the crop eradication and crop substitution efforts of the beneficiary are directly related to the effects of this title.

SEC. 204. ELIGIBLE ARTICLES. 19 USC 3203.

(a) IN GENERAL.—(1) Unless otherwise excluded from eligibility by this title, the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of—

(i) the cost or value of the materials produced in a beneficiary country or 2 or more beneficiary countries under this Act, or a beneficiary country under the Caribbean Basin Economic Recovery Act or 2 or more such countries, plus

(ii) the direct costs of processing operations performed in a beneficiary country or countries (under this Act or the Caribbean Basin Economic Recovery Act),

is not less than 35 percent of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

Regulations.

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subsection (a) including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expense of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, interest, and salesmen's salaries, commissions or expenses.

(4) If the President, pursuant to section 223 of the Caribbean Basin Economic Recovery Expansion Act of 1990, considers that the implementation of revised rules of origin for products of beneficiary countries designated under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) would be appropriate, the President may include similarly revised rules of origin for products of beneficiary countries designated under this title in any suggested legislation transmitted to the Congress that contains such rules of origin for products of beneficiary countries under the Caribbean Basin Economic Recovery Act.

(b) EXCEPTIONS TO DUTY-FREE TREATMENT.—The duty-free treatment provided under this title shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers;

(4) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

(5) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

(6) articles to which reduced rates of duty apply under subsection (c);

(7) sugars, syrups, and molasses classified in subheadings 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS; or

(8) rum and tafia classified in subheading 2208.40.00 of the HTS.

(c) DUTY REDUCTIONS FOR CERTAIN GOODS.—(1) Subject to paragraph (2), the President shall proclaim reductions in the rates of duty on handbags, luggage, flat goods, work gloves, and leather wearing apparel that— President.

(A) are the product of any beneficiary country; and

(B) were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

(2) The reduction required under paragraph (1) in the rate of duty on any article shall—

(A) result in a rate that is equal to 80 percent of the rate of duty that applies to the article on December 31, 1991, except that, subject to the limitations in paragraph (3), the reduction may not exceed 2.5 percent ad valorem; and

(B) be implemented in 5 equal annual stages with the first ⅕ of the aggregate reduction in the rate of duty being applied to entries, or withdrawals from warehouse for consumption, of the article on or after January 1, 1992.

(3) The reduction required under this subsection with respect to the rate of duty on any article is in addition to any reduction in the rate of duty on that article that may be proclaimed by the President as being required or appropriate to carry out any trade agreement entered into under the Uruguay Round of trade negotiations; except that if the reduction so proclaimed—

(A) is less than 1.5 percent ad valorem, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed 3.5 percent ad valorem, or

(B) is 1.5 percent ad valorem or greater, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed the proclaimed reduction plus 1 percent ad valorem.

(d) SUSPENSION OF DUTY-FREE TREATMENT.—(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is proclaimed under chapter 1 of

title II of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962.

(2) In any report by the United States International Trade Commission to the President under section 202(f) of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of section 203 of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation providing solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be taken under section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 202(b) of the Trade Act of 1974, determines in the course of its investigation under such section that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(5)(A) Any action taken under section 203 of the Trade Act of 1974 that is in effect when duty-free treatment is proclaimed under section 202 of this title shall remain in effect until modified or terminated.

(B) If any article is subject to any such action at the time duty-free treatment is proclaimed under section 202 of this title, the President may reduce or terminate the application of such action to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of section 204 of the Trade Act of 1974.

(e) EMERGENCY RELIEF WITH RESPECT TO PERISHABLE PRODUCTS.—(1) If a petition is filed with the United States International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within 14 days after the filing of a petition under paragraph (1) of this subsection —

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within 7 days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation

withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the taking of action under section 203 of the Trade Act of 1974,

(B) on the day a determination by the President not to take action under section 203(b)(2) of such Act becomes final,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day of the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants and fresh cut flowers provided for in chapter 6 of the HTS;

(B) fresh or chilled vegetables provided for in headings 0701 through 0709 (except subheading 0709.52.00) and heading 0714 of the HTS;

(C) fresh fruit provided for in subheadings 0804.20 through 0810.90 (except citrons of subheadings 0805.90.00, tamarinds and kiwi fruit of subheading 0810.90.20, and cashew apples, mameyes colorados, sapodillas, soursops and sweetsops of subheading 0810.90.40) of the HTS; or

(D) concentrated citrus fruit juice provided for in subheadings 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, and 2009.30.60 of the HTS.

(f) SECTION 22 FEES.—No proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the Agricultural Adjustment Act of 1933 (7 U.S.C. 624).

SEC. 205. RELATED AMENDMENTS.

(a) INCREASE IN DUTY-FREE TOURIST ALLOWANCE.—Note 4 to subchapter IV of chapter 98 of the HTS is amended by inserting before the period the following: "or a country designated as a beneficiary country under the Andean Trade Preference Act".

(b) TREATMENT OF INSULAR POSSESSIONS PRODUCTS.—General Note 3(a)(iv) of the HTS (relating to products of the insular possessions) is amended by adding at the end thereof the following:

"(E) Subject to the provisions in section 204 of the Andean Trade Preference Act, goods which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such goods when they are imported from a beneficiary country under such Act.".

SEC. 206. INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THE ANDEAN TRADE PREFERENCE ACT. 19 USC 3204.

(a) IN GENERAL.—The United States International Trade Commission (hereinafter in this section referred to as the "Commission") shall prepare, and submit to the Congress, a report regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries, during—

(1) the 24-month period beginning with the date of enactment of this title; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 208(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b) REPORT REQUIREMENTS.—(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this title on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries;

(B) the probable future effect that this title will have on the United States economy generally, as well as on such domestic industries, before the provisions of this title terminate; and

(C) the estimated effect that this title has had on the drug-related crop eradication and crop substitution efforts of the beneficiary countries.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this title, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this title.

(c) SUBMISSION DATES; PUBLIC COMMENT.—(1) Each report required under subsection (a) shall be submitted to the Congress before the close of the 9-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide an opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

Reports.
19 USC 3205.

SEC. 207. IMPACT STUDY BY SECRETARY OF LABOR.

The Secretary of Labor, in consultation with other appropriate Federal agencies, shall undertake a continuing review and analysis of the impact that the implementation of the provisions of this title has with respect to United States labor; and shall make an annual written report to Congress on the results of such review and analysis.

19 USC 3206.

SEC. 208. EFFECTIVE DATE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment.

(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect 10 years after the date of the enactment of this title.

TITLE III—CONTROL AND ELIMINATION OF CHEMICAL AND BIOLOGICAL WEAPONS

Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.
President.
22 USC 5601 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 302. PURPOSES.

22 USC 5601.

The purposes of this title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

SEC. 303. MULTILATERAL EFFORTS.

22 USC 5602.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 304. UNITED STATES EXPORT CONTROLS.

22 USC 5603.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (m) through (r) as subsections (n) through (s), respectively; and

(2) by inserting after subsection (l) the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this

section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 305. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11C. (a) IMPOSITION OF SANCTIONS.— 50 USC app. 2410c.

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a

government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay imposition of sanctions for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7 the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

22 USC 2798.

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979, to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism; or

"(C) any other foreign country, project, or entity designated by the President for purposes of this section.

"(3) PERSONS AGAINST WHOM SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly

assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay imposition of sanctions for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are

essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

22 USC 5604.

SEC. 306. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that,

on or after the date of the enactment of this title, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 307 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 307.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this title, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this title, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

22 USC 5605.

SEC. 307. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) INITIAL SANCTIONS.—If, at any time, the President makes a determination pursuant to section 306(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(b) ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.—

(1) PRESIDENTIAL DETERMINATION.—Unless, within 3 months after making a determination pursuant to section 306(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (F) of paragraph (2).

(2) SANCTIONS.—The sanctions referred to in paragraph (1) are the following:

(A) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(C) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(D) IMPORT RESTRICTIONS.—Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(E) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(F) PRESIDENTIAL ACTION REGARDING AVIATION.—(i)(I) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 306(a)(1) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 306(a)(1), in accordance with the provisions of that agreement.

(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms "air transportation", "air carrier", "foreign air carrier", and

"foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if—

(i) in the case of any sanction other than a sanction specified in subsection (b)(2)(D) (relating to import restrictions) or (b)(2)(E) (relating to the downgrading or suspension of diplomatic relations), the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, or

(ii) in the case of any sanction specified in subsection (b)(2)(D) (relating to import restrictions), the President determines and certifies to the Congress that such waiver is essential to the national security interest of the United States, and if the President notifies the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect; or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c).

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in paragraph (4) or (5) of subsection (a) or in any of subparagraphs (A) through (D) of subsection (b)(2) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 306(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by section 304(b) of this title, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 306(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

SEC. 308. PRESIDENTIAL REPORTING REQUIREMENTS. 22 USC 5606.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this title, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

SEC. 309. REPEAL OF DUPLICATIVE PROVISIONS.

(a) REPEAL.—Title V of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138), and the amendments made by that title, are repealed.

Ante, p. 722.

(b) REFERENCES TO DATE OF ENACTMENT.—The reference—

50 USC app. 2410c.

(1) in section 11C(a)(1) of the Export Administration Act of 1979, as added by section 305(a) of this Act, to the "date of the enactment of this section",

22 USC 2798.

(2) in section 81(a)(1) of the Arms Export Control Act, as added by section 305(b) of this Act, to the "date of the enactment of this section", and

(3) in section 306(a)(1) of this Act to the "date of the enactment of this title", 22 USC 5604.

shall be deemed to refer to the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138).

Approved December 4, 1991.

LEGISLATIVE HISTORY—H.R. 1724:

HOUSE REPORTS: Nos. 102-223 (Comm. on Ways and Means) and 102-391 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 8, considered and passed House.
Nov. 15, considered and passed Senate, amended.
Nov. 20, House concurred in Senate amendment with an amendment. Senate disagreed to House amendment.
Nov. 26, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 4, Presidential statement.

Public Law 102-183
102d Congress

An Act

Dec. 4, 1991
[H.R. 2038]

To authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Intelligence Authorization Act, Fiscal Year 1992.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1992".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATION OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1992, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 2038 of the One Hundred Second Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

President.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of Central Intelligence may authorize employment of civilian personnel in excess of

the numbers authorized for fiscal year 1992 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under those sections for that element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by subsection (a).

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1992 the sum of $31,219,000, of which $6,566,000 shall be available for the Security Evaluation Office and $2,000,000 shall be available for the Foreign Language Committee of the Director of Central Intelligence.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 218 full-time personnel as of September 30, 1992, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office and 3 full-time personnel who are authorized to serve on the Foreign Language Committee of the Director of Central Intelligence. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1992, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1992, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1992, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $164,100,000 for fiscal year 1992.

(b) REFERENCES TO CIARDS ACT.—Except as otherwise expressly provided, any amendment or repeal in this title shall be treated as being stated as an amendment or repeal to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note).

SEC. 302. SURVIVOR BENEFITS FOR CHILDREN WHO HAVE A SURVIVING PARENT.

50 USC 403 note.

(a) COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES.—(1) Subsection (c) of section 221 is amended—

(A) in paragraph (1), by striking out "wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each" and inserting in lieu thereof "spouse or former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of each such surviving"; and

(B) in paragraph (2), by striking out "wife or husband but by a child or children, each surviving child shall be paid" and inserting in lieu thereof "spouse or former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of each such surviving child".

(2) Subsection (d) of such section is redesignated as paragraph (3) of subsection (c) and as so redesignated is amended to read as follows:

"(3) On the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the annuitant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated.".

(3) Subsection (c) of such section is further amended by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'former spouse' includes any former wife or husband of the annuitant, regardless of the length of marriage or the amount of creditable service completed by the annuitant.".

(4) Subsection (e) of such section is redesignated as subsection (d) and is amended by striking out "under paragraph (c) or (d) of this section, or (c) or (d)" and inserting in lieu thereof "under paragraph (1) or (2) of subsection (c) of this section, or subsection (c) or (d)".

50 USC 403 note.

(b) DEATH IN SERVICE.—(1) Subsection (c) of section 232 is amended—

(A) by striking out "wife or a husband and a child or children, each" and inserting in lieu thereof "spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, each such";

(B) by striking out "section 221(c)(1)" and inserting in lieu thereof "subsections (c)(1) and (c)(3) of section 221"; and

(C) by striking out the last sentence.

(2) Subsection (d) of such section is amended— *Ante*, p. 1262.

(A) by striking out "wife or husband, but by a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(2)" and inserting in lieu thereof "subsections (c)(2) and (c)(3) of section 221"; and

(C) by striking out the last sentence.

(3) Such section is further amended by adding at the end the following new subsection:

"(e) For purposes of subsections (c) and (d), the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant.".

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—(1) Sections 204(b)(3), 232(c), and 232(d) are amended by striking out "section 221(e)" and inserting in lieu thereof "section 221(d)". 50 USC 403 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act and shall apply with respect to annuities payable to children by reason of the death of a participant or annuitant on or after that date. 50 USC 403 note.

SEC. 303. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY.

(a) ESTABLISHMENT OF PERIOD AFTER RETIREMENT TO MAKE ELECTION.—Section 221 is amended— 50 USC 403 note.

(1) by redesignating the second subsection (p) as subsection (r); and

(2) by inserting before that subsection the following new subsection:

"(q)(1)(A) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who elects at that time (in accordance with subsection (b)) to waive a survivor annuity for the spouse,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for that spouse of the participant.

"(B) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) shall not be considered effective unless the amount specified in subparagraph (B) is deposited into the fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

"(i) the additional cost to the system which is associated with providing a survivor annuity under subsection (b) and results from such election, taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

"(ii) interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

"(3) An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.

"(6) The Director shall, on an annual basis, inform each participant or former participant who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election.".

50 USC 403 note.

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

(2)(A) The amendment made by subsection (a)(2) shall apply with respect to participants and former participants regardless of whether they retire before, on, or after the effective date specified in paragraph (1), except that paragraph (1)(A) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection(a)(2)) shall apply only with respect to participants who retire on or after that effective date.

(B) In applying the provisions of paragraph (1)(B) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection (a)(2)) to a participant or former participant who retires before the effective date specified in paragraph (1)—

(i) the 18-month period referred to in that paragraph shall be considered to begin on the effective date specified in paragraph (1); and

(ii) the amount referred to in paragraph (2) of that section (as added by subsection (a)(2)) shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

SEC. 304. WAIVER OF THIRTY-MONTH APPLICATION REQUIREMENT.

50 USC 403 note.

Section 224(c)(2)(A) is amended—

(1) by striking out "require within thirty months after the effective date of this section." and inserting in lieu thereof

"require. Any such application and documentation shall be submitted not later than April 1, 1989."; and

(2) by adding at the end the following new sentence: "The Director may waive the deadline in the preceding sentence for submission of an application and supporting documentation under this subparagraph in any case in which the Director determines that the circumstances warrant such a waiver.".

SEC. 305. DISCRETIONARY AUTHORITY FOR PAYMENT OF EXPENSES OF DISABILITY EXAMS FROM CIARDS FUND.

Section 231(b)(1) is amended by striking out "shall" in the sixth sentence and inserting in lieu thereof "may". 50 USC 403 note.

SEC. 306. TECHNICAL CORRECTIONS TO PROVISIONS RELATING TO PREVIOUS SPOUSES OF CIARDS PARTICIPANTS.

(a) SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.—Subsection (a) of section 226 is amended— 50 USC 403 note.

(1) by striking out "whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section";

(2) by striking out "applicable to spouses" and inserting in lieu thereof "applicable to former spouses (as defined in section 8331(23) of title 5, United States Code)"; and

(3) by striking out "married for at least nine months with service creditable under section 8332 of title 5, United States Code" and inserting in lieu thereof "as prescribed by the Civil Service Retirement Spouse Equity Act of 1984".

(b) DATE REFERENCE CHANGES.—Such section is further amended—

(1) by striking out "divorced after the effective date of this section" in subsection (a) and inserting in lieu thereof "divorced after September 29, 1988,";

(2) by striking out "within two years after the effective date of this section" in subsection (b) and inserting in lieu thereof "not later than September 29, 1990"; and

(3) by striking out subsection (d).

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a)(1) shall be deemed to have become effective as of September 30, 1990, and shall apply in the case of annuitants whose divorce occurs on or after that date. 50 USC 403 note.

(2) The amendments made by subsections (a)(2) and (a)(3) shall be deemed to have become effective as of September 29, 1988.

SEC. 307. TECHNICAL CORRECTION TO CIARDS MANDATORY RETIREMENT PROVISION.

Section 235(b) is amended— 50 USC 403 note.

(1) in the first sentence, by striking out "grade GS–18 or above" and inserting in lieu thereof "level 4 or above of the Senior Intelligence Service pay schedule"; and

(2) in the second sentence, by striking out "less than grade GS–18" and inserting in lieu thereof "less than that of level 4 of the Senior Intelligence Service pay schedule".

SEC. 308. EXCLUSION OF CIA FOREIGN NATIONAL EMPLOYEES FROM PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351 of title 5, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and
(2) by inserting after subsection (c) the following:

"(d) A foreign national employee of the Central Intelligence Agency whose services are performed outside the United States shall be ineligible to make an election under this section.".

5 USC 8351 note.

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect as of January 1, 1987.

(2) Any refund which becomes payable as a result of the effective date specified in paragraph (1) shall, to the extent that that refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

SEC. 309. CLARIFICATION OF QUALIFIED FORMER SPOUSE PROVISIONS UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM.

50 USC 403 note.

(a) SPECIAL RULES FOR FORMER SPOUSES.—Section 304 is amended by adding at the end the following new subsection:

"(h)(1) Except as provided in paragraph (2) in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 204(b)(4)) who would otherwise be eligible for benefits under such sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purpose of computing such former spouse's benefits under sections 224 and 225—

"(A) the retirement benefits shall be equal to 50 percent of the employee's annuity under subchapter III of chapter 83 of such title, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.".

50 USC 403 note.

(b) EFFECTIVE DATE.—Subsection (h) of section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as added by subsection (a), shall be deemed to have become effective as of December 2, 1987.

SEC. 310. ELIMINATION OF OVERSEAS SERVICE REQUIREMENT FOR FORMER SPOUSES.

50 USC 403 note.

(a) ELIGIBILITY.—Section 204(b)(4) is amended by striking out "at least five years" and all that follows through the period and inserting in lieu thereof "at least five years of which were spent by the participant outside the United States during the participant's service as an employee of the Agency or otherwise in a position the duties of which qualified the participant for designation by the Director as a participant pursuant to section 203.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only to a former husband or wife of a participant or former participant whose divorce from the participant or former participant becomes final after the date of the enactment of this Act. 50 USC 403 note.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 403. INTELLIGENCE COMMUNITY CONTRACTING.

50 USC 403–2.

The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, shall award contracts in a manner that would maximize the procurement of products in the United States. For purposes of this provision, the term "Intelligence Community" has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

SEC. 404. RATE OF BASIC PAY FOR CIA INSPECTOR GENERAL.

Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Inspector General, Central Intelligence Agency".

SEC. 405. TRANSPORTATION OF REMAINS OF CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 17. (a) The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty. 50 USC 402 note.

"(b) For the purposes of this section, the term 'rotational tour of duty', with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.".

SEC. 406. REPORT CONCERNING CERTAIN UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION DURING WORLD WAR II OR THE KOREAN CONFLICT.

(a) REPORT.—The Secretary of Defense shall submit to the Select Committee on POW/MIA Affairs and the Committee on Armed Services of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report which sets forth the following:

(1) The number of members of the Armed Forces or civilian employees of the United States who remain unaccounted for as a result of military actions during World War II or the Korean conflict.

(2) A description of the nature and location of any military records which pertain to those individuals, including the extent to which those records are available to family members or members of the public and the process by which access to those records may be obtained.

(3) An identification and description of any military records (including the location of such records) pertaining to those individuals that are not available to family members or members of the public and a statement explaining why those records are not available to family members or the public.

(4) An assessment of the feasibility and costs of identifying, segregating, and relocating all such records to a central location within the United States, including an estimate of the percentage of those records regarding such individuals that are currently maintained by the Department of Defense.

(b) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS

28 USC 532 note.

SEC. 501. FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM.

(a) STUDY.—The Director of the Federal Bureau of Investigation shall conduct a study relative to the establishment of an undergraduate training program with respect to employees of the Federal Bureau of Investigation that is similar in purpose, conditions, content, and administration to undergraduate training programs administered by the Central Intelligence Agency (under section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j)), the National Security Agency (under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 (note)), and the Defense Intelligence Agency (under section 1608 of title 10, United States Code).

(b) IMPLEMENTATION.—Any program proposed under subsection (a) may be implemented only after the Department of Justice and the Office of Management and Budget review and approve the implementation of such program.

(c) AVAILABILITY OF FUNDS.—Any payment made by the Director of the Federal Bureau of Investigation to carry out any program proposed to be established under subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

TITLE VI—CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN

SEC. 601. CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN. 50 USC 403 note.

(a) FUNDING LIMITATION.—Of the amount authorized by this Act for the Central Intelligence Agency Program, not more than $10,000,000 is authorized for costs associated with the land acquisition and related expenditures necessary to implement a plan for consolidation of Central Intelligence Agency facilities. None of such funds may be obligated to implement such plan until all of the conditions set forth in subsection (d) have been met and (except as provided in subsection (c)) a period of 60 days beginning on the date on which all of such conditions have been met has expired. Any certification or report required under that subsection shall be provided in writing to the intelligence committees and the appropriations committees. If any of the required certifications cannot be provided, then the Director of Central Intelligence shall reopen the planning process with respect to the consolidation plan to the extent required to address any procedures that were determined to be deficient.

(b) ADDITIONAL FUNDING.—Pursuant to the procedures set forth in the joint explanatory statement of managers to accompany the conference report on the bill H.R. 2038 of the 102d Congress, an amount not to exceed $20,000,000 is authorized and may be made available if the Director determines that funds in addition to the amount specified in subsection (a) are required during fiscal year 1992 for costs associated with the land acquisition and related expenditures necessary to implement the consolidation plan.

(c) LIMITED WAIVER OF 60-DAY REVIEW PERIOD.—The Director may spend not to exceed $500,000 of the funds specified in subsection (a) for options and agreements to ensure the continued availability of property under consideration for the consolidation plan without regard to the 60-day period specified in subsection (a).

(d) CONDITIONS.—The following conditions and certifications must be met before the funds specified in subsection (a) may be obligated:

(1) The Director of Central Intelligence has certified—

(A) that with respect to procedures governing land acquisition by the Central Intelligence Agency—

(i) there are written procedures for such acquisition currently in effect;

(ii) those procedures are consistent with land acquisition procedures of the General Services Administration; and

(iii) the process used by the Central Intelligence Agency in developing the consolidation plan was in accordance with those written procedures; and

(B) that with respect to contracts of the Agency for construction and for the acquisition of movable property, equipment, and services, the procedures of the Agency are consistent with procedures under the Federal Acquisition Regulation.

(2) The Administrator of General Services has provided a written report stating that in the opinion of the Administrator (A) implementing the consolidation plan will result in cost savings to the United States Government, and (B) the consolida- Reports.

tion plan will conform to applicable local governmental regulations.

(3) The Director of the Office of Management and Budget has certified—

(A) that the consolidation plan (and associated costs) have been reviewed by the Office of Management and Budget;

(B) that the funding for such plan is consistent with the 1990 budget agreement; and

(C) that funding for such plan has been approved by the Administration for fiscal year 1992.

(4) The Inspector General of the Central Intelligence Agency has certified that corrective actions, if any, recommended as a result of the Inspector General's inquiry into the consolidation plan, and concurred in by the Director of Central Intelligence, will be implemented.

Reports.

(5) The Director of Central Intelligence has provided to the intelligence committees and appropriations committees a written report on the consolidation plan that includes—

(A) a comprehensive site evaluation, including zoning, site engineering, and environmental requirements, logistics, physical and technical security, and communications compatibility;

(B) a description of the anticipated effect of implementing the consolidation plan on personnel of the Central Intelligence Agency, including a discussion of the organizations and personnel that will be relocated and the rationale for such relocations and the Director's assurance that personnel are consulted and considered in the consolidation effort; and

(C) the Director's assurances that the Director, in evaluating and approving the plan, has considered global changes and budget constraints that may have the effect of reducing Central Intelligence Agency personnel requirements in the future.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "appropriations committees" means the Committees on Appropriations of the Senate and the House of Representatives.

TITLE VII—BUDGET TOTAL FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

50 USC 414 note.

SEC. 701. SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner.

TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

National Security Education Act of 1991.

SEC. 801. SHORT TITLE, FINDINGS, AND PURPOSES.

50 USC 1901.

(a) SHORT TITLE.—This title may be cited as the "National Security Education Act of 1991".

(b) FINDINGS.—The Congress makes the following findings:

(1) The security of the United States is and will continue to depend on the ability of the United States to exercise international leadership.

(2) The ability of the United States to exercise international leadership is, and will increasingly continue to be, based on the political and economic strength of the United States, as well as on United States military strength around the world.

(3) Recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased.

(4) The future national security and economic well-being of the United States will depend substantially on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries.

(5) The Federal Government has an interest in ensuring that the employees of its departments and agencies with national security responsibilities are prepared to meet the challenges of this changing international environment.

(6) The Federal Government also has an interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations.

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet those challenges.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the departments and agencies of the United States Government with national security responsibilities.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

SEC. 802. SCHOLARSHIP, FELLOWSHIP, AND GRANT PROGRAM.

50 USC 1902.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a program for—

(A) awarding scholarships to undergraduate students who are United States citizens in order to enable such students to study, for at least one academic semester, in foreign countries that are critical countries (as determined under section 803(d)(4)(A));

(B) awarding fellowships to graduate students who—

(i) are United States citizens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of those disciplines (as determined under section 803(d)(4)(B)); and

(ii) pursuant to subsection (b)(2), enter into an agreement to work for an agency or office of the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, or improve programs in foreign languages, area studies, and other international fields that are critical areas of those disciplines (as determined under section 803(d)(4)(C)).

(2) FUNDING ALLOCATIONS.—Of the amount available for obligation out of the National Security Education Trust Fund for any fiscal year for the purposes stated in paragraph (1), the Secretary shall have a goal of allocating—

(A) ⅓ of such amount for the awarding of scholarships pursuant to paragraph (1)(A);

(B) ⅓ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

(C) ⅓ of such amount for the awarding of grants pursuant to paragraph (1)(C).

(3) CONSULTATION WITH NATIONAL SECURITY EDUCATION BOARD.—The program required under this title shall be carried out in consultation with the National Security Education Board established under section 803.

(4) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in paragraph (1) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

(b) SERVICE AGREEMENT.—In awarding a scholarship or fellowship under the program, the Secretary or contract organization referred to in subsection (a)(4), as the case may be, shall require a recipient of any fellowship, or of scholarships that provide assistance for periods that aggregate 12 months or more, to enter into an agreement that, in return for such assistance, the recipient—

(1) will maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary, and agrees that failure to maintain such progress shall constitute grounds upon which the Secretary or contract organization referred to in subsection (a)(4) may terminate such assistance;

(2) will, upon completion of such recipient's baccalaureate degree or education under the program, as the case may be, and in accordance with regulations issued by the Secretary, work for the Federal Government or in the field of education in the area of study for which the scholarship or fellowship was awarded for a period specified by the Secretary, which period for the recipients of scholarships shall be no more than the same period for which scholarship assistance was provided and for the recipients of fellowships shall be not less than one and not more than three times the period for which the fellowship assistance was provided; and

(3) if the recipient fails to meet either of the obligations set forth in paragraph (1) or (2), will reimburse the United States Government for the amount of the assistance provided the recipient under the program, together with interest at a rate determined in accordance with regulations issued by the Secretary.

(c) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (a)(4), as the case may be, shall take into consideration (1) the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States, and (2) the extent to which the distribution of scholarships and fellowships to individuals reflects the cultural, racial, and ethnic diversity of the population of the United States.

(d) MERIT REVIEW.—The Secretary shall award scholarships, fellowships, and grants under the program based upon a merit review process.

(e) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

(f) LIMITATION ON USE OF PROGRAM PARTICIPANTS.—No person who receives a grant, scholarship, or fellowship or any other type of assistance under this title shall, as a condition of receiving such assistance or under any other circumstances, be used by any department, agency, or entity of the United States Government engaged in intelligence activities to undertake any activity on its behalf during the period such person is pursuing a program of education for which funds are provided under the program carried out under this title.

SEC. 803. NATIONAL SECURITY EDUCATION BOARD. 50 USC 1903.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

(b) COMPOSITION.—The Board shall be composed of the following individuals or the representatives of such individuals:

(1) The Secretary of Defense, who shall serve as the chairman of the Board.

(2) The Secretary of Education.

(3) The Secretary of State.

(4) The Secretary of Commerce.

(5) The Director of Central Intelligence.

(6) The Director of the United States Information Agency.

(7) Four individuals appointed by the President, by and with the advice and consent of the Senate, who shall be experts in the fields of international, language, and area studies education.

(c) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to subsection (b)(7) shall be appointed for a period specified by the President at the time of the appointment, but not to exceed four years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

(d) FUNCTIONS.—The Board shall perform the following functions:

(1) Develop criteria for awarding scholarships, fellowships, and grants under this title.

(2) Provide for wide dissemination of information regarding the activities assisted under this title.

(3) Establish qualifications for students desiring scholarships or fellowships, and institutions of higher education desiring grants, under this title, including, in the case of students desiring a scholarship or fellowship, a requirement that the student have a demonstrated commitment to the study of the discipline for which the scholarship or fellowship is to be awarded.

(4) Make recommendations to the Secretary regarding—

(A) which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

(B) which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within those disciplines for the purposes of that section;

(C) which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within those disciplines for the purposes of that section; and

(D) how students desiring scholarships or fellowships can be encouraged to work for an agency or office of the Federal Government involved in national security affairs or national security policy upon completion of their education.

(5) Review the administration of the program required under this title.

50 USC 1904.

SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the "National Security Education Trust Fund". The assets of the Fund consist of amounts appropriated to the Fund and amounts credited to the Fund under subsection (e).

(b) AVAILABILITY OF SUMS IN THE FUND.—(1) Sums in the Fund shall, to the extent provided in appropriations Acts, be available—

(A) for awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

(B) for properly allocable costs of the Federal Government for the administration of the program under this title.

(2) No amount may be appropriated to the Fund, or obligated from the Fund, unless authorized by law.

(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately

necessary for obligation. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(e) AMOUNTS CREDITED TO FUND.—(1) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(2) Any amount paid to the United States under section 802(b)(3) shall be credited to and form a part of the Fund.

SEC. 805. REGULATIONS AND ADMINISTRATIVE PROVISIONS 50 USC 1905.

(a) REGULATIONS.—The Secretary may prescribe regulations to carry out the program required by this title. Before prescribing any such regulations, the Secretary shall submit a copy of the proposed regulations to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Such proposed regulations may not take effect until 30 days after the date on which they are submitted to those committees.

(b) ACCEPTANCE AND USE OF GIFTS.—In order to conduct the program required by this title, the Secretary may—

(1) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title; and

(2) may use, sell, or otherwise dispose of such property for that purpose.

(c) VOLUNTARY SERVICES.—In order to conduct the program required by this title, the Secretary may accept and use the services of voluntary and noncompensated personnel.

(d) NECESSARY EXPENDITURES.—Expenditures necessary to conduct the program required by this title shall be paid from the Fund, subject to section 804(b).

50 USC 1906.

SEC. 806. ANNUAL REPORT.

(a) ANNUAL REPORT.—The Secretary shall submit to the President and to the Congress an annual report of the conduct of the program required by this title. The report shall be submitted each year at the time that the President's budget for the next fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONTENTS OF REPORT.—Each such report shall contain—

(1) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

(2) the effect on those trends of activities under the program required by this title;

(3) an analysis of the assistance provided under the program for the previous fiscal year, to include the subject areas being addressed and the nature of the assistance provided;

(4) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, to include the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligations under the program;

(5) an analysis of the results of the program for the previous fiscal year, and cumulatively, to include, at a minimum—

(A) the percentage of individuals who have received assistance under the program who subsequently became employees of the United States Government;

(B) in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance by those recipients; and

(C) the uses made of grants to educational institutions; and

(6) any legislative changes recommended by the Secretary to facilitate the administration of the program or otherwise to enhance its objectives.

(c) SUBMISSION OF INITIAL REPORT.—The first report under this section shall be submitted at the time the budget for fiscal year 1994 is submitted to Congress.

50 USC 1907.

SEC. 807. GENERAL ACCOUNTING OFFICE AUDITS.

The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

50 USC 1908.

SEC. 808. DEFINITIONS.

For the purpose of this title:

(1) The term "Board" means the National Security Education Board established pursuant to section 803.

(2) The term "Fund" means the National Security Education Trust Fund established pursuant to section 804.

(3) The term "institution of higher education" has the meaning given that term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) .

SEC. 809. FISCAL YEAR 1992 FUNDING. 50 USC 1909.

(a) AUTHORIZATION OF APPROPRIATIONS TO THE FUND.—There is hereby authorized to be appropriated to the Fund for fiscal year 1992 the sum of $150,000,000.

(b) AUTHORIZATION OF OBLIGATIONS FROM THE FUND.—During fiscal year 1992, there may be obligated from the Fund such amounts as may be provided in appropriations Acts, not to exceed $35,000,000. Amounts made available for obligation from the Fund for fiscal year 1992 shall remain available until expended.

Approved December 4, 1991.

LEGISLATIVE HISTORY—H.R. 2038 (S. 1539):

HOUSE REPORTS: Nos. 102-65, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services), and 102-327 (Comm. of Conference).

SENATE REPORTS: Nos. 102-117 (Select Comm. on Intelligence) and 102-172 (Comm. on Armed Services), both accompanying S. 1539.

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 11, considered and passed House.
Oct. 16, considered and passed Senate, amended, in lieu of S. 1539.
Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 4, Presidential statement.

Public Law 102-184
102d Congress

An Act

Dec. 4, 1991
[H.R. 3394]

To amend the Indian Self-Determination and Education Assistance Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tribal Self-Governance Demonstration Project Act.
25 USC 450f note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Demonstration Project Act".

SEC. 2. EXTENSION OF TIME FOR TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT.

Section 301 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) (hereafter in this Act referred to as the "Act") is amended by striking out "five" and inserting in lieu thereof "eight".

SEC. 3. INCREASE IN NUMBER OF TRIBES PARTICIPATING IN PROJECT.

25 USC 450f note.

Section 302(a) of the Act is amended by striking out "twenty" and inserting in lieu thereof "thirty".

SEC. 4. COMPLETION OF GRANTS AS A PRECONDITION TO NEGOTIATION OF WRITTEN ANNUAL FUNDING AGREEMENTS.

25 USC 450f note.

Section 303(a) of the Act is amended by striking out "which—" and inserting in lieu thereof "that successfully completes its Self-Governance Planning Grant. Such annual written funding agreement—".

SEC. 5. ADDITIONAL FUNDING FOR SELF-GOVERNANCE PLANNING GRANTS.

Title III of the Act is amended by adding at the end thereof the following new section:

25 USC 450f note.

"SEC. 307. For the purpose of providing planning and negotiation grants to the ten tribes added by section 3 of the Tribal Self-Governance Demonstration Project Act to the number of tribes set forth by section 302 of this Act (as in effect before the date of enactment of this section), there is authorized to be appropriated $700,000.".

25 USC 450f note.

SEC. 6. EXTENSION OF PROJECT; FEASIBILITY STUDIES.

(a) PROJECT NOT LIMITED TO CERTAIN PROGRAMS.—Section 303(a)(1) of the Act is amended by striking "authorized under" and inserting in lieu thereof the following: "of the Department of the Interior that are otherwise available to Indian tribes or Indians, including but not limited to,".

(b) AUTHORIZED AGREEMENTS.—Section 303(d) of the Act is amended by inserting immediately before the period at the end thereof a semicolon and the following: "except that for the term of the authorized agreements under this title, the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), and

section 16 of the Act of June 18, 1934 (25 U.S.C. 476), shall not apply to attorney and other professional contracts by participating Indian tribal governments operating under the provisions of this title".

(c) INTERPRETATION.—Section 303 of the Act is amended by adding at the end thereof the following: 25 USC 450f note.

"(f) To the extent feasible, the Secretary shall interpret Federal laws and regulations in a manner that will facilitate the inclusion of activities, programs, services, and functions in the agreements authorized by this title.".

(d) STUDIES.—Title III of the Act is amended by adding after section 307 (as added by section 5 of this Act) the following new sections:

"SEC. 308. (a) The Secretary of Health and Human Services, in consultation with the Secretary of the Interior and Indian tribal governments participating in the demonstration project under this title, shall conduct a study for the purpose of determining the feasibility of extending the demonstration project under this title to the activities, programs, functions, and services of the Indian Health Service. The Secretary shall report the results of such study, together with his recommendations, to the Congress within the 12-month period following the date of the enactment of the Tribal Self-Governance Demonstration Project Act. 25 USC 450f note. Reports.

"(b) The Secretary of Health and Human Services may establish within the Indian Health Service an office of self-governance to be responsible for coordinating the activities necessary to carry out the study required under subsection (a).

"SEC. 309. The Secretary of the Interior shall conduct a study for the purpose of determining the feasibility of including in the demonstration project under this title those programs and activities excluded under section 303(a)(3). The Secretary of the Interior shall report the results of such study, together with his recommendations, to the Congress within the 12-month period following the date of the enactment of the Tribal Self-Governance Demonstration Project Act.". 25 USC 450f note. Reports.

Approved December 4, 1991.

LEGISLATIVE HISTORY—H.R. 3394 (S. 1287):

HOUSE REPORTS: No. 102-320 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-199 accompanying S. 1287 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 12, S. 1287 considered and passed Senate.
Nov. 18, H.R. 3394 considered and passed House.
Nov. 19, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 4, Presidential statement.

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Public Law 102-185
102d Congress

An Act

Dec. 4, 1991
[H.R. 3624]

To amend the Tariff Act of 1930 to provide appropriate procedures for the appointment of the Chairman of the United States International Trade Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHAIRMAN OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

(a) MODIFICATIONS OF RESTRICTIONS ON JUNIOR MEMBERS SERVING AS CHAIRMAN.—

(1) MODIFICATION OF RESTRICTIONS.—

(A) IN GENERAL.—Paragraph (3)(A) of section 330(c) of the Tariff Act of 1930 (19 U.S.C. 1330(c)(3)(A)) is amended to read as follows:

"(3)(A) The President may not designate as the chairman of the Commission for any term any commissioner who is a member of the political party of which the chairman of the Commission for the immediately preceding term is a member.".

(B) CONFORMING AMENDMENT.—Paragraph (3)(C) of section 330(c) of such Act (19 U.S.C. 1330(c)(3)(C)) is amended by striking the last sentence.

(2) ONE YEAR OF SERVICE REQUIRED.—

(A) IN GENERAL.—Paragraph (3)(A) of section 330(c) of such Act (19 U.S.C. 1330(c)(3)(A)), as amended by paragraph (1), is amended by inserting ", or who has less than 1 year of continuous service as a commissioner as of the date such designation is being made" before the period.

(B) CONFORMING AMENDMENT.—Section 330(c)(3)(C) of such Act (19 U.S.C. 1330(c)(3)(C)) is amended by adding at the end thereof the following new sentence: "Designation of a chairman under this subparagraph may be made without regard to the 1-year continuous service requirement under subparagraph (A).".

19 USC 1330 note.

(3) EFFECTIVE DATES.—

(A) MODIFICATION.—The amendments made by paragraph (1) shall apply to terms beginning on and after June 17, 1990.

(B) 1-YEAR REQUIREMENT.—The amendments made by paragraph (2) shall apply to terms beginning on and after June 17, 1996.

19 USC 1330 note.

(b) APPOINTMENT OF CHAIRMAN IN 1992.—In the case of the term of the chairman of the United States International Trade Commission beginning June 17, 1992—

(1) section 330(c)(3)(A) of the Tariff Act of 1930 shall not apply, and

(2) the President shall designate as chairman a Commissioner who is a member of the same political party as the chairman of the Commission serving on June 16, 1986.

(c) PROCEDURE WHERE NO CHAIRMAN DESIGNATED.—

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(1) IN GENERAL.—Section 330(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1330(c)(1)) is amended by adding at the end thereof the following sentence: "If, as of the date on which a term begins under paragraph (2), the President has not designated the chairman of the Commission for such term, the Commissioner who, as of such date—

"(A) is a member of a different political party than the chairman of the Commission for the immediately preceding term, and

"(B) has the longest period of continuous service as a commissioner,

shall serve as chairman of the Commission for the portion of such term preceding the date on which an individual designated by the President takes office as chairman.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the 10th day following the date of the enactment of this Act. 19 USC 1330 note.

Approved December 4, 1991.

LEGISLATIVE HISTORY—H.R. 3624:

HOUSE REPORTS: No. 102-279 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 5, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 102-186
102d Congress

An Act

Dec. 4, 1991
[S. 1563]

To authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Sea Grant College Program Authorization Act of 1991.
33 USC 1121 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Authorization Act of 1991".

SEC. 2. NATIONAL SEA GRANT OFFICE.

(a) MAINTENANCE OF OFFICE.—Section 204(a) of the National Sea Grant College Program Act (33 U.S.C. 1123(a)) is amended to read as follows:

"(a) The Secretary shall maintain, within the Administration, a program to be known as the National Sea Grant College Program. The National Sea Grant College Program shall consist of the financial assistance and other activities provided for in this Act, and shall be administered by a National Sea Grant Office within the Administration. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.".

(b) OVERSIGHT.—Section 204(c) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)) is amended—

(1) in paragraph (6), by striking "; and" and inserting a semicolon;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) oversee the operation of the National Sea Grant Office established under subsection (a) of this section.".

(c) POWERS OF SECRETARY.—Section 204(d)(6) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(6)) is amended by inserting "and add to" after "pay for".

SEC. 3. AUTHORIZATION.

Subsections (a) through (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131(a)-(c)) are amended to read as follows:

"(a) There is authorized to be appropriated to carry out the provisions of sections 205 and 208 of this Act, and section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a), an amount—

"(1) for fiscal year 1991, not to exceed $44,398,000;

"(2) for fiscal year 1992, not to exceed $46,014,000;

"(3) for fiscal year 1993, not to exceed $47,695,000;

"(4) for fiscal year 1994, not to exceed $49,443,000; and

"(5) for fiscal year 1995, not to exceed $51,261,000.

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"(b)(1) There is authorized to be appropriated for administration of this Act, including section 209, by the National Sea Grant Office and the Administration, an amount—

"(A) for fiscal year 1991, not to exceed $2,500,000;
"(B) for fiscal year 1992, not to exceed $2,600,000;
"(C) for fiscal year 1993, not to exceed $2,700,000;
"(D) for fiscal year 1994, not to exceed $2,800,000; and
"(E) for fiscal year 1995, not to exceed $2,900,000.

"(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

"(c) In addition to sums authorized under subsection (a), there is authorized to be appropriated for priority oyster disease research under section 205 of this Act, an amount—

"(1) for fiscal year 1992, not to exceed $1,400,000;
"(2) for fiscal year 1993, not to exceed $3,000,000;
"(3) for fiscal year 1994, not to exceed $3,000,000; and
"(4) for fiscal year 1995, not to exceed $3,000,000.".

SEC. 4. REPEAL OF STRATEGIC MARINE RESEARCH PROGRAM.

(a) REPEAL.—Section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(A) in section 204(c)(3) by striking "sections 205 and 206" and inserting "section 205"; 33 USC 1123.

(B) in section 205(b)(3) by striking "or section 206 of this title"; 33 USC 1124.

(C) in section 208(c)(5) by inserting "and" after the semicolon; 33 USC 1127.

(D) by striking section 208(c)(6) and redesignating the subsequent paragraph accordingly;

(E) in section 209(b)(1) by striking "sections 205 and 206" and inserting "section 205"; and 33 USC 1128.

(F) in section 209(c)(1) by striking "or 206".

(2) Section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) is amended to read as follows:

"(A) $3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and".

SEC. 5. REPEAL OF MARINE AFFAIRS AND RESOURCE MANAGEMENT IMPROVEMENT GRANTS.

(a) REPEAL.—Section 211 of the National Sea Grant College Program Act (33 U.S.C. 1130) is repealed.

(b) CONFORMING AMENDMENTS.—The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

33 USC 1122. (1) in section 203(4) by inserting "marine affairs and resource management," after "education,"; and

33 USC 1128. (2) in section 209(c)(1) by inserting "marine affairs and resource management," after "education," in the fourth sentence.

Approved December 4, 1991.

LEGISLATIVE HISTORY—S. 1563:

SENATE REPORTS: Nos. 102-155 (Comm. on Commerce, Science, and Transportation and Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 3, considered and passed Senate.
Nov. 5, considered and passed House, amended.
Nov. 19, Senate concurred in House amendment.

Public Law 102-187
102d Congress

Joint Resolution

To make a technical correction in Public Law 101-549.

Dec. 4, 1991
[S.J. Res. 187]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in section 112(b)(1) of the Clean Air Act, as amended by section 301 of Public Law 101-549, strike out the term "7783064 Hydrogen sulfide" in the list of pollutants.

42 USC 7412.

Approved December 4, 1991.

LEGISLATIVE HISTORY—S.J. Res. 187:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 1, considered and passed Senate.
Nov. 25, considered and passed House.

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Public Law 102-188
102d Congress

Joint Resolution

Dec. 4, 1991
[S.J. Res. 217]

To authorize and request the President to proclaim 1992 as the "Year of the American Indian".

Whereas American Indians are the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indian governments developed the fundamental principles of freedom of speech and the separation of powers in government, and these principles form the foundation of the United States Government today;

Whereas American Indian societies exhibited a respect for the finite quality of natural resources through deep respect for the Earth, and such values continue to be widely held today;

Whereas American Indian people have served with valor in all wars that the United States has engaged in, from the Revolutionary War to the conflict in the Persian Gulf, often serving in greater numbers, proportionately, than the population of the Nation as a whole;

Whereas American Indians have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas it is fitting that American Indians be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas the five hundredth anniversary of the arrival of Christopher Columbus to the Western Hemisphere is an especially appropriate occasion for the people of the United States to reflect on the long history of the original inhabitants of this continent and appreciate that the "discoverees" should have as much recognition as the "discoverer";

Whereas the peoples of the world will be refocusing with special interest on the significant contributions that American Indians have made to society;

Whereas the Congress believes that such recognition of their contributions will promote self-esteem, pride, and self-awareness in American Indians young and old; and

Whereas 1992 represents the first time that American Indians will have been recognized through the commemoration of a year in their honor: Now, therefore, be it

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Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1992 is designated as the "Year of the American Indian". The President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe the year with appropriate programs, ceremonies, and activities.

Approved December 4, 1991.

LEGISLATIVE HISTORY—S.J. Res. 217:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 1, considered and passed Senate.
Nov. 22, considered and passed House.

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Public Law 102-189
102d Congress

Joint Resolution

Dec. 4, 1991
[H.J. Res. 201]

Designating the week beginning December 1, 1991, and the week beginning November 15, 1992, each as "Geography Awareness Week".

Whereas geography is the study of people and their planet, offering a framework for understanding ourselves, our interdependence with other peoples, our relationship to the Earth, and world events;

Whereas the United States has both worldwide involvements and influence that demand an understanding of geography, different cultures, and foreign languages;

Whereas the credibility of our Nation's foreign policy largely depends on the support of a geographically informed public, a public which understands both the locations and the significance of historic changes occurring around the globe and their impact on the United States;

Whereas an ignorance of geography, different cultures, and foreign languages places the United States at a disadvantage with respect to other nations in matters of business, politics, the environment, and global events;

Whereas, although geography as a distinct discipline has virtually disappeared from the curricula of schools in the United States, it is still being taught as a basic subject in other nations, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas our Nation's Governors, in their National Goals for Education, explicitly identified geography as one of five subjects in which American students should demonstrate competency;

Whereas a perspective in geography offers a critically needed understanding of the relationship between human activity and the condition of our planet in this time of increasing environmental problems;

Whereas the first federally funded National Assessment of Educational Progress revealed a "disturbing geography knowledge gap" among 12th graders: 58 percent could locate Jerusalem on a regional map, but only 36 percent knew that Saudi Arabia is bounded by the Red Sea and the Persian Gulf;

Whereas in a 1988 Gallup Poll, 75 percent of those surveyed could not locate the Persian Gulf on a map, and fewer than half of those surveyed could name Asia as the place that Christopher Columbus was hoping to reach when he discovered the New World;

Whereas that 1988 Gallup Poll also projected that 24,000,000 Americans could not identify the United States on a map of the world, 58,000,000 Americans could not tell direction on a map, and 105,000,000 Americans did not know the population of the United States;

Whereas geography is more than the study of map identification, State capitals, and country names, but geography also gives meaning to location and establishes a context for understanding the connections among peoples, places, and events;

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Whereas the success of a democracy relies heavily upon an educated citizenry whose members are aware of both their influence on and connection with the rest of the world; and

Whereas national attention must be focused on the integral role that a knowledge of world geography plays in preparing citizens of the United States to assume a responsible role in the future of an increasingly interconnected and interdependent world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning December 1, 1991, and the week beginning November 15, 1992, are each designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Approved December 4, 1991.

LEGISLATIVE HISTORY—H.J. Res. 201:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 22, considered and passed House.
Nov. 26, considered and passed Senate.

○

Public Law 102-190
102d Congress

An Act

Dec. 5, 1991
[H.R. 2100]

To authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Years 1992 and 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1992 and 1993".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Expiration of authorizations for fiscal years after 1992.

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Sec. 216. Management of Navy mine countermeasures programs.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 4. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER 1992.

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1992 are effective only with respect to appropriations made during the first session of the One Hundred Second Congress.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Army as follows:

(1) For aircraft, $1,783,600,000.
(2) For missiles, $1,046,762,000.
(3) For weapons and tracked combat vehicles, $1,007,300,000.
(4) For ammunition, $1,362,400,000.
(5) For other procurement, $3,081,801,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Navy as follows:

(1) For aircraft, $7,089,800,000.
(2) For weapons, $4,720,860,000.
(3) For shipbuilding and conversion, $8,365,790,000.
(4) For other procurement, $6,492,355,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Marine Corps in the amount of $1,124,637,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Air Force as follows:

(1) For aircraft, $10,636,931,000.
(2) For missiles, $5,204,883,000.
(3) For other procurement, $8,194,009,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Defense Agencies in the amount of $2,239,029,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $227,000,000.
(2) For the Air National Guard, $454,800,000.
(3) For the Army Reserve, $84,300,000.
(4) For the Naval Reserve, $45,000,000.
(5) For the Air Force Reserve, $225,000,000.
(6) For the Marine Corps Reserve, $25,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) FUNDING.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), in the amount of $472,602,000.

(b) FUNDING FOR ARMY CRYOFRACTURE PROGRAM.—Within the amount authorized to be appropriated by subsection (a), $33,900,000 is available for the Army cryofracture program, of which—

(1) $13,900,000 is available for research, development, test, and evaluation of the cryofracture method of chemical weapons demilitarization only; and

(2) $20,000,000 is available for the procurement of long lead items for a cryofracture demonstration plant on and after the date on which the Secretary of the Army certifies in writing to the congressional defense committees that the Army will construct a cryofracture demonstration plant.

SEC. 108. MULTIYEAR AUTHORIZATIONS.

(a) ARMY.—The Secretary of the Army may use funds appropriated for fiscal year 1992 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the Army Tactical Missile System (ATACMS).

(b) NAVY.—The Secretary of the Navy may use funds appropriated for fiscal year 1992 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) The MK-48 ADCAP torpedo program.

(2) The enhanced modular signal processor program.

PART B—ARMY PROGRAMS

SEC. 111. M-1 ABRAMS TANK PROGRAM.

(a) TANK INDUSTRIAL BASE.—None of the funds appropriated for the Army pursuant to this Act may be used to initiate or implement closure of any portion of the tank industrial base.

(b) FISCAL YEAR 1991 FUNDS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall obligate $150,000,000 in advance procurement funds appropriated for the Army for fiscal year 1991 for the M1A2 tank program.

(2) Section 142 of Public Law 101-510 (104 Stat. 1503) is repealed.

(c) FISCAL YEAR 1992 FUNDS.—(1) Of the amount authorized to be appropriated for fiscal year 1992 pursuant to section 101(3)(A)—

(A) $90,000,000 shall be available for procurement of 60 new production M1A2 tanks; and

(B) $225,000,000 shall be available for the remanufacture of M1 tanks.

(2) The amount referred to in paragraph (1)(B) may be used only to remanufacture M1 tanks to the M1A2 configuration, except that—

(A) if the Secretary of the Army notifies the congressional defense committees that the milestone IIIA decision to proceed with low-rate initial production of the M1A2 tank, scheduled for January 1992, will be delayed for more than 90 days, the Secretary (i) shall proceed initially with remanufacture of M1 tanks to the M1A1 configuration and, upon a subsequent decision to proceed with such low-rate initial production, shall

transition to conversion from the M1 to the M1A2 configuration, and (ii) may use such amount for remanufacture of M1 tanks to either configuration in accordance with clause (i); and

(B) if the Secretary of the Army notifies the congressional defense committees that the milestone IIIA decision as to whether or not to proceed with low-rate initial production of the M1A2 tank failed to affirm production go-ahead for such low-rate initial production, the Secretary shall proceed to use such amount for remanufacture of M1 tanks to the M1A1 configuration.

SEC. 112. REPEAL OF LEASE AUTHORITY FOR NEW TRAINING HELICOPTER PROGRAM.

Section 361 of Public Law 101-510 (104 Stat. 1541) is repealed.

SEC. 113. AH-64 APACHE HELICOPTER MODIFICATIONS.

(a) AUTHORIZATION.—

(1) Of the funds authorized to be appropriated for research, development, test, and evaluation for the Army for fiscal year 1992, $31,000,000 shall be available for the AH-64C aircraft development program.

(2) Of the funds authorized to be appropriated for aircraft procurement for the Army for fiscal year 1992, $1,000,000 shall be available for the AH-64C aircraft program.

(b) LIMITATION.—None of the funds appropriated or otherwise made available for aircraft procurement for the Army for fiscal 1992 may be obligated for the AH-64B helicopter modification program until—

(1) any amounts appropriated for fiscal year 1992 for the AH-64C aircraft program have been obligated; and

(2) the Secretary of the Army certifies to the congressional defense committees that the future-year defense program of the Department of Defense contains sufficient resources to develop and procure at least six AH-64C model aircraft for operational testing during each of fiscal years 1994 and 1995.

SEC. 114. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of Public Law 101-189 (103 Stat. 1383) does not apply to the obligation of—

(1) funds in amounts not to exceed $135,000,000 for the procurement of not more than 24 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1992 pursuant to section 101; and

(2) funds in amounts not to exceed $90,200,000 for the procurement of not more than 12 OH-58D AHIP Scout aircraft from funds appropriated pursuant to title XII of this Act.

PART C—NAVY PROGRAMS

SEC. 121. TRANSFER OF CERTAIN FUNDS FOR PROCUREMENT OF NAVY AIRCRAFT.

(a) AUTHORITY.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer, out of the unobligated balance of the appropriations for the Navy for fiscal year 1991 for research, development, test, and evaluation that remain available for obligation, $851,600,000 to the appropriations for the Navy for fiscal year 1991 for procurement of aircraft.

(b) AVAILABILITY OF FUNDS.—Amounts transferred pursuant to subsection (a) shall remain available until September 30, 1992.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority provided in this or any other Act.

SEC. 122. AUTHORIZATION FOR USE OF CERTAIN FUNDS FOR NAVY AIRCRAFT PROCUREMENT.

(a) USE OF UNOBLIGATED FUNDS.—The Secretary of the Navy may use $40,000,000 of fiscal year 1991 AV-8B Harrier procurement funds for other authorized programs, projects, and activities within the Navy for aircraft procurement. The authority provided in the preceding sentence is available only to the extent provided in appropriation Acts. These funds may not be used for the AV-8B Harrier program.

(b) DESCRIPTION OF FUNDS.—The amounts referred to in subsection (a) as fiscal year 1991 AV-8B Harrier procurement funds are amounts appropriated for fiscal year 1991 for the Navy for aircraft procurement that were provided for either advance procurement of new AV-8B aircraft, for remanufacturing of AV-8B aircraft, or for AV-8B production line termination costs.

(c) LIMITATION ON USE OF FUNDS.—(1) None of the funds in the Defense Cooperation Account may be used to augment funding from AV-8B multiyear procurement programs for fiscal year 1989, 1990, or 1991 for design, testing, integration, or nonrecurring production costs related to the AV-8B radar upgrade program, nor to supplement or replace any funds designated for AV-8B aircraft in those fiscal years that have been diverted for those purposes.

(2) No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 may be obligated for the AV-8B radar upgrade program or for the remanufacture of AV-8B aircraft requiring installation of a new fuselage.

SEC. 123. AIR CUSHION LANDING CRAFT REPORT.

Not later than March 31, 1992, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) A goal for amphibious shipping and a discussion of how that goal relates to the needs of the commanders of the unified and specified combatant commands.

(2) A procurement objective for air cushion landing craft (LCAC) and a discussion of how that objective supports the amphibious shipping goal.

(3) A discussion of how the planned procurement of air cushion landing craft (LCAC) in the multiyear defense plan will affect the inventory levels for such craft.

SEC. 124. TRANSFER OF FUNDS FOR TRIDENT MISSILES.

(a) AUTHORITY.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer, out of the unobligated balance of the appropriations for the Navy for fiscal year 1991 for other procurement that remain available for obligation, $56,700,000 to the appropriations for the Navy for fiscal year 1992 for procurement of weapons for the procurement of Trident missiles. Funds transferred pursuant to this subsection shall remain available until September 30, 1993.

(b) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority provided in this or any other Act.

PART D—AIR FORCE PROGRAMS

SEC. 131. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Subject to subsection (b), of the amount appropriated pursuant to section 103(1)(A) for the Air Force for fiscal year 1992 for procurement of aircraft, not more than $2,800,000,000 may be obligated for procurement, including advance procurement, for the B-2 bomber aircraft program.

(b) LIMITATIONS ON NEW PRODUCTION AIRCRAFT.—Of the amount referred to in subsection (a), $1,000,000,000 may be obligated for the procurement of not more than one new production B-2 bomber aircraft. None of such funds may be obligated for procurement of such a new production aircraft unless and until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the certification with respect to the performance and procurement limit that is described in subsection (c);

(B) the certification with respect to compliance with aircraft correction-of-deficiency requirements in Public Law 101-189 that is described in subsection (d)(1);

(C) the reports referred to in subsection (d)(2); and

(D) the report referred to in subsection (e); and

(2) subsequent to the submission of the certification and reports referred to in paragraph (1), there is enacted an Act authorizing the obligation of such funds for the procurement of not more than one new production B-2 bomber aircraft.

(c) CERTIFICATION OF PERFORMANCE AND PROCUREMENT LIMIT.—A certification by the Secretary of Defense referred to in subsection (b)(1)(A) is a certification—

(1) that the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1991 (as contained in the B-2 full performance matrix program established under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) and section 232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456)) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to the congressional defense committees;

(2) that no major aerodynamic or flight worthiness problems have been identified during the B-2 aircraft testing conducted before October 1, 1991;

(3) that the capability to update the navigation system using the Coherent Map Mode of the B-2 radar has been successfully demonstrated;

(4) that the basic capabilities of X-band and KU-band transponders have been successfully demonstrated;

(5) that the baseline analysis of the radar cross-section signature data for Air Vehicle 1 (AV-1) has been completed;

(6) that the test program for the B-2 aircraft has demonstrated sufficiently the following critical performance characteristics from flight testing to provide a high degree of confidence in mission accomplishment:

(A) Detection and survivability.
(B) Air vehicle performance.
(C) Strength and durability of the structure.
(D) Offensive and defensive avionics.
(E) Weapon separation testing planned (as of August 1, 1991) to take place during fiscal year 1992; and

(7) that the original radar cross section operational performance objectives of the B-2 aircraft have been successfully demonstrated from flight testing.

(d) CERTIFICATION OF COMPLIANCE WITH B-2 AIRCRAFT CORRECTION-OF-DEFICIENCY REQUIREMENTS IN PUBLIC LAW 101-189.—(1) A certification by the Secretary of Defense referred to in subsection (b)(1)(B) is a certification that the Secretary of the Air Force has entered into a contract for the procurement of B-2 aircraft authorized for fiscal years 1989 and 1990 that meets the requirements of section 117(d) of Public Law 101-189 relating to correction-of-deficiencies clauses in B-2 aircraft procurement contracts.

(2) The Secretary of Defense shall submit forthwith to the congressional defense committees the reports (relating to correction-of-deficiencies clauses in B-2 aircraft procurement contracts) required by section 117 of Public Law 101-189. Reports.

(e) LOW OBSERVABILITY REPORT.—A report of the Secretary of Defense referred to in subsection (b)(1)(D) is a report submitted to the congressional defense committees with respect to the B-2 aircraft program that includes the following:

(1) An assessment by the Secretary of Defense of whether the B-2 aircraft will meet its low observability (including radar cross section) requirements, including requirements which were not fulfilled in a B-2 flight test in July 1991.

(2) A description of any additional actions required to assure the B-2 aircraft will meet its low observability requirements, which were not planned for the B-2 aircraft program as of July 1991, and the costs associated with any such actions.

(3) A description of the mission of the B-2 aircraft.

(4) An assessment by the Secretary of Defense concerning the number of B-2 aircraft necessary for a cost-effective and operationally effective force to carry out the mission referred to in paragraph (3).

SEC. 132. B-1B BOMBER AIRCRAFT PROGRAM.

(a) REPORT BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—(1) The Director of Operational Test and Evaluation of the Department of Defense shall review all B-1B bomber aircraft flight test data related to the electronic countermeasures (ECM) system for that aircraft and shall submit to the congressional defense committees a report on the results of the review.

(2) The report required by paragraph (1) shall include the following:

(A) An assessment of the realism of the threat environment against which the CORE program was tested.

(B) An assessment of whether the CORE program, if implemented on the B-1 bomber fleet, would result in an operationally effective and operationally suitable program.

(C) A comparison of the operational effectiveness of the B-1B bomber with the currently fielded ALQ-161A ECM system to the B-1B bomber with the CORE configuration of the ALQ-161A ECM system.

(D) An assessment of the extent to which completed Air Force testing of the CORE program validates claims that installation of the CORE capability fleetwide would reduce logistics requirements and maintenance costs and increase B-1 operational availability.

(E) An assessment of the maturity of the CORE program and whether testing to date is adequate to support a procurement decision.

(3) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act.

(b) DEPARTMENT OF DEFENSE EVALUATION AND REPORT.—(1) The Secretary of Defense shall evaluate the costs and effectiveness of taking various actions to maintain or enhance the capabilities of the B-1B bomber aircraft and shall submit to the congressional defense committees a report on the results of the evaluation.

(2) The report required by paragraph (1) shall include the following matters:

(A) A comparison of the projected 20-year life-cycle costs of maintaining the B-1B bomber aircraft—

(i) with the current configuration of the ALQ-161A ECM system;

(ii) with the CORE configuration of the ALQ-161A ECM system; and

(iii) with the modification and installation of an existing ECM suite, such as the ALQ-172 system on B-52 bombers.

(B) A comparison of the projected operational availability of the B-1B bomber aircraft for conventional and nuclear bombing missions—

(i) with the current configuration of the ALQ-161A ECM system;

(ii) with the CORE configuration of the ALQ-161A ECM system; and

(iii) with the modification and installation of an existing ECM suite, such as the ALQ-172 system on B-52 bombers.

(C) An assessment of the costs and effectiveness of taking various actions to maintain or enhance the penetration capabilities of the B-1B bomber aircraft, to include—

(i) undertaking the CORE modification of the ALQ-161A ECM system;

(ii) adding and integrating radar warning receivers for situation awareness into the B-1B bomber aircraft;

(iii) undertaking the augmentations of the B-1B bomber aircraft evaluated in the report to Congress required by section 121(e) of Public Law 101-189 (103 Stat. 1379);

(iv) implementing the modifications identified in the General Accounting Office report entitled "B-1B Cost and Performance" (GAO/NSIAD 89-55); and

(v) providing all conventional capabilities currently available on or planned for B-52G, B-52H, and B-2 bombers.

(D) A detailed plan for making each modification of B-1B bomber aircraft proposed for fiscal years 1992 through 1999, including—

(i) the schedule for the modification;

(ii) the cost of the modification for each such fiscal year; and

(iii) the total expected cost of each modification for which the procurement is planned not to be completed before fiscal year 2000.

(E) A comparison (carried out using then-year dollars) of the total cost for investment for modifications and upgraded capabilities and for operations and support over a period of 20 years (including the cost of appropriate aerial refueling tanker support) for each of the following options for the bomber force:

(i) Retaining in the force the B-52G and B-52H bombers currently in the force and retiring the B-1B bombers currently in the force.

(ii) Retaining in the force the B-52G and B-1B bombers currently in the force and retiring the B-52H bombers currently in the force, with the cost of retaining the B-1B bombers computed by including the costs of modifying those bombers to carry cruise missiles and of modifying those bombers to carry out conventional missions for which B-52H bombers are currently assigned.

(iii) Retaining in the force the B-52H and B-1B bombers currently in the force and retiring the B-52G bombers currently in the force, with the cost of retaining the B-52H and B-1B bombers computed by including the costs of modifying B-52H or B-1B bombers as necessary to carry out conventional missions to which B-52G bombers are currently assigned.

(iv) Retaining in the force the B-52G, B-52H, and B-1B bombers currently in the force, with the cost of retaining the B-1B bombers computed by including the costs of modifying those bombers for delivering only improved conventional munitions.

(v) Retaining in the force the B-1B bombers currently in the force and retiring the B-52G and B-52H bombers currently in the force, with the cost of retaining the B-1B bombers computed by including the costs of modifying those bombers to carry cruise missiles and to carry out conventional missions to which B-52G and B-52H bombers are currently assigned.

(F) A statement of the number of heavy bombers, other than bombers with low observable (stealth) characteristics, required for conventional bombing missions, taking into consideration the historical use of heavy bombers in conventional warfare.

(3) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act.

(4) The Secretary shall certify in such report that each proposed modification described in paragraph (2)(D)—

(A) is necessary in order to extend the period during which the B-1B bomber aircraft can effectively perform nuclear and conventional bombing missions; and

(B) is cost-effective.

(c) REVIEW AND REPORT BY THE COMPTROLLER GENERAL.—(1) The Comptroller General shall review and evaluate the report required by subsection (a) and the report required by subsection (b).

(2) Within 90 days after the date of the submission of those reports, the Comptroller General shall submit to the congressional defense committees a report on the results of that review and evaluation, together with such recommendations as he considers appropriate.

(d) FISCAL YEAR 1992 FUNDING FOR B-1B PROCUREMENT.—(1) Of the funds authorized to be appropriated by this Act for the Air Force for fiscal year 1992 for the procurement of aircraft, $202,700,000 shall be available for the B-1B bomber program.

(2) Of the amount referred to in paragraph (1), not more than $20,000,000 may be obligated to obtain level three technical drawings for the CORE ECM system. Those funds may not be expended for the procurement of hardware or for implementation of the CORE configuration modification to the B-1B aircraft.

(3) Of the amount referred to in paragraph (1), not more than $67,000,000 may be obligated for deferred logistics activities.

(4) No amount may be obligated for a purpose stated in paragraph (2) or (3) until a period of 15 calendar days has elapsed after the reports required by subsections (a), (b), and (c) have been submitted to the congressional defense committees.

(e) REPEAL OF AUTHORITY FOR FUNDING FOR B-1B AVIONICS MODIFICATIONS.—Subsection (f) of section 121 of Public Law 101-189 (103 Stat. 1380) is repealed.

(f) PROHIBITION REGARDING RADAR WARNING RECEIVER PROJECT.—Funds may not be obligated to carry out project 3895 contained in Air Force program element 6427OF.

SEC. 133. C-17 AIRCRAFT PROGRAM.

(a) USE OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Air Force for aircraft procurement by section 103, not more than the following amounts may be made available for procurement of the C-17 aircraft for fiscal year 1992:

(1) $1,525,203,000 for procurement.

(2) $122,424,000 for advance procurement.

(3) $126,200,000 for spare parts.

Reports.

(b) LIMITATION FOR FISCAL YEAR 1992.—Of the funds appropriated for the Department of Defense for fiscal year 1992 that are made available for the C-17 aircraft program (other than funds for advance procurement), not more than $400,000,000 may be obligated for the procurement of C-17 aircraft until the Secretary of Defense submits to the congressional defense committees a report that—

(1) describes the total cost to complete the full-scale development contract for that aircraft, identifying both the total cost to be borne by the Government and those costs to be borne solely by the contractor;

(2) contains a projection of how potential cost overruns under that contract would affect subsequent production contract prices;

(3) includes a certification by the Secretary that the first flight of the first development aircraft under that program, and the first flight of the first production aircraft under that program, have both been completed;

(4) sets forth in detail all reductions made in performance specifications for the C-17 aircraft since the signing of the original development contract under the program; and

(5) includes a certification by the Chairman of the Joint Chiefs of Staff (made after consultation with the commanders of the unified and specified combatant commands)—

(A) that the reductions in performance specifications referred to in paragraph (4) do not reduce the military utility

of the C-17 aircraft below the levels needed by those commanders; and

(B) that the C-17 aircraft continues to be the most cost-effective means to meet current and projected airlift requirements.

(c) LIMITATION FOR FISCAL YEAR 1993.—None of the funds appropriated for the Department of Defense for fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before—

(1) the Air Force has accepted delivery of the fifth production aircraft under that program; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) has evaluated the performance of the C-17 aircraft with respect to critical operational issues after the first 50 flight hours of flight testing conducted during initial operational testing and evaluation of the aircraft; and

(B) has provided to the Secretary of Defense and to the congressional defense committees an early operational assessment of the aircraft regarding both the aircraft's overall suitability and deficiencies in the aircraft relative to (i) the initial requirements and specifications for the aircraft, and (ii) the current requirements and specifications for the aircraft.

SEC. 134. F100/220E ENGINE REMANUFACTURE KITS.

Funds available to be obligated for procurement of remanufacture kits for the F100/220E engines may be obligated only if the contract includes a warranty on the reliability of the complete engine.

SEC. 135. ADVANCED CRUISE MISSILE.

Section 136 of Public Law 101-510 (104 Stat. 1502) is amended—

(1) by inserting "and" at the end of subparagraph (A) of paragraph (1);

(2) by striking out subparagraph (C) of paragraph (1);

(3) by striking out paragraphs (2) and (3); and

(4) by redesignating paragraph (4) as paragraph (2).

SEC. 136. TEMPERATURE SPECIFICATION FOR AIR-LAUNCHED CRUISE MISSILE FLIGHT DATA TRANSMITTER; REVIEW OF TESTING METHODOLOGIES.

(a) PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall develop and begin implementing a plan to correct the failure by the contractor to deliver flight data transmitters for the air-launched cruise missile that comply with the applicable cold temperature specifications requiring the data transmitters to operate after prolonged exposure to temperatures as low as minus 65 degrees Fahrenheit.

(b) REVIEW OF TESTING METHODOLOGIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the testing methodologies used to ascertain compliance with cold temperature specifications required under defense contracts, including the specification requiring flight data transmitters for the air-launched cruise missile to operate after prolonged exposure to temperatures as low as minus 65 degrees Fahrenheit. The review shall include an assessment of the implica-

tions of applying such a method uniformly throughout the Department of Defense.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on implementation of the plan developed under subsection (a) and the results of the review conducted under subsection (b).

SEC. 137. F-15 AIRCRAFT PROGRAM.

(a) AVAILABILITY OF F-15 SALES PROCEEDS FOR PROCUREMENT OF REPLACEMENT F-15 AIRCRAFT.—Of the funds received by the United States from the sale of F-15 aircraft to Saudi Arabia as described in the certification transmitted to the Congress pursuant to section 36(b)(1) of the Arms Export Control Act on August 26, 1990 (transmittal number 90-36)—

(1) $250,000,000 may be used for the procurement of F-15E aircraft in order to replace the F-15 aircraft sold to Saudi Arabia; and

(2) $364,000,000 may be used for the procurement of support equipment for the F-15 aircraft fleet.

(b) CONSTRUCTION WITH PRIOR LAW.—The prohibition in section 134(a)(2) of Public Law 101-189 (103 Stat. 1383) does not apply to the obligation of funds for the purposes described in subsection (a) or for the acquisition of F-15 aircraft for which funds are authorized to be appropriated in title XII of this Act.

SEC. 138. AMRAAM MISSILE PROGRAM.

Section 163 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1389) is amended by adding at the end the following new subsection:

"(d) ALTERNATIVE REMOVAL OF FUNDING LIMITATION.—The limitation on the obligation of funds for full-rate production of the AMRAAM system set forth in subsection (a) shall cease to apply upon the submission by the Director of Operational Test and Evaluation to the congressional defense committees of a report stating that, based upon the operational test and evaluation conducted on the AMRAAM system to the date of the report, it is the opinion of the Director that the results of such test and evaluation confirm that such system is effective and suitable for combat.".

SEC. 139. F-117 AIRCRAFT PROGRAM.

The number of new production F-117 aircraft procured using funds appropriated for fiscal years after fiscal year 1991 may not exceed 12.

PART E—DEFENSE AGENCY PROGRAMS

SEC. 141. C-20 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated or otherwise made available for procurement for the Defense Agencies for fiscal year 1992, $93,000,000 shall be available for procurement of three Gulfstream IV C-20F operational support aircraft. The Secretary of Defense shall assign the three additional C-20F aircraft to meet the operational support aircraft requirements of the Department of Defense.

SEC. 142. MC-130H (COMBAT TALON) AIRCRAFT PROGRAM.

Section 161(a) of Public Law 101-189 (103 Stat. 1388) is amended by striking out "and the procurement of contractor-furnished equipment".

SEC. 143. MH-47E/MH-60K HELICOPTER MODIFICATION PROGRAMS.

The requirements of subsections (a)(2) and (b) of section 2366, of title 10, United States Code, and the requirements of section 2399(a) of such title, shall apply to the MH-60K and MH-47E helicopter modification programs as if the date on which those programs proceed beyond low-rate initial production is the day that is one year after the date of the enactment of this Act.

PART F—OTHER MATTERS

SEC. 151. CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM.

(a) CHANGE IN STOCKPILE ELIMINATION DEADLINE.—Subsection (b)(5) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "April 30, 1997" and inserting in lieu thereof "July 31, 1999".

(b) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.—Subsection (c)(3) of such section is amended by adding at the end the following: "Additionally, the Secretary may provide funds through cooperative agreements with State and local governments for the purpose of assisting them in processing and approving permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.".

SEC. 152. GROUND-WAVE EMERGENCY NETWORK.

Section 132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1501) is amended by inserting "before October 1, 1992, and" before "until—".

SEC. 153. LIMITATIONS RELATING TO REDEPLOYMENT OF MINUTEMAN III ICBMS.

(a) PROHIBITION REGARDING OPERATIONALLY DEPLOYED MISSILES.—Funds appropriated for fiscal year 1992 or any fiscal year preceding fiscal year 1992 pursuant to an authorization contained in this or any other Act may not be obligated or expended for the redeployment or transfer of operationally deployed Minuteman III intercontinental ballistic missiles from one Air Force ICBM base to another Air Force ICBM base.

(b) LIMITATION REGARDING STORED MISSILES.—No Minuteman III missile in storage may be transferred to a Minuteman II silo until the Secretary of Defense submits to Congress a plan for the restructuring of the United States strategic forces consistent with the strategic arms reduction talks (START) treaty signed by the United States and the Soviet Union. Such plan shall include—

(1) a discussion of the force structure options that were considered in developing the plan;

(2) for each option, the locations for the Minuteman III ICBMs and Small ICBMs and the number of each such type of missile for each location;

(3) the cost of each such option; and

(4) the reasons for selecting the force structure provided for in the plan.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $6,686,600,000.
(2) For the Navy, $8,633,875,000.
(3) For the Air Force, $14,467,094,000.
(4) For the Defense Agencies, $10,269,034,000, of which—
(A) $228,495,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(B) $14,200,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNTS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1992.—Of the amounts authorized to be appropriated by section 201, $4,179,933,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MANUFACTURING TECHNOLOGY.

(a) FUNDING.—Of the amounts authorized to be appropriated by section 201, $280,000,000 shall be available for, and may be obligated only for, manufacturing technology as follows:

(1) For the Army Industrial Preparedness program, $28,058,000.
(2) For the Navy Industrial Preparedness program, $74,407,000.
(3) For the Air Force Industrial Preparedness program, $60,535,000.
(4) For the Defense Agencies, $117,000,000, of which—
(A) $17,000,000 is authorized for the Defense Logistic Agency Industrial Preparedness program; and
(B) $100,000,000 is authorized for Advanced Manufacturing Technology.

(b) DEFINITION.—For the purposes of this section, the term "industrial preparedness" means the Manufacturing Technology (MANTECH) program.

(c) SUBMISSION OF ANNUAL PLAN TO CONGRESS.—Section 2513 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "a National" and inserting in lieu thereof "an annual National"; and
(2) by adding at the end the following new subsection:

"(e) The Secretary shall submit the annual Plan to Congress not later than March 15 of each year. The Plan may be submitted in classified and unclassified versions.".

(d) LIMITATION.—No funds appropriated for fiscal year 1992 or 1993 may be obligated for a manufacturing technology-related research and development activity unless that particular activity—

(1) is specifically included in the National Defense Manufacturing Technology Plan submitted to Congress during the preceding fiscal year pursuant to section 2513(a) of title 10, United States Code (as amended by subsection (c));

(2) is required by law; or

(3) is specifically approved by the Secretary of Defense.

SEC. 204. AUTHORIZATION TO MAKE CERTAIN FISCAL YEAR 1991 NAVY FUNDS AVAILABLE FOR OTHER PURPOSES.

(a) AUTHORITY.—The Secretary of the Navy may use fiscal year 1991 Sea Lance funds (1) for program termination costs related to the termination of the Sea Lance weapon system, and (2) for other authorized programs, projects, and activities of the Navy for research, development, test, and evaluation for fiscal year 1991 or for fiscal year 1992. The authority provided in the preceding sentence is available only to the extent provided in appropriations Acts, not to exceed $71,000,000.

(b) DESCRIPTION OF FUNDS.—The funds referred to in subsection (a) as fiscal year 1991 Sea Lance funds are amounts appropriated for fiscal year 1991 for the Navy for research, development, test, and evaluation that were provided for the Sea Lance weapon system and that remain available for obligation and (due to the termination of that system) are no longer required for that system (other than for program termination costs).

(c) AVAILABILITY OF FUNDS.—This section does not extend the period of the availability for obligation of the funds described in subsection (b).

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1992, the sum of $790,000,000 shall be used only for development, manufacture, and operational test of three production representative V-22 Osprey aircraft, of which the amount of $165,000,000 is derived by transfer pursuant to subsection (b). The authority under the preceding sentence is available only to the extent provided in appropriation Acts.

(b) TRANSFER OF UNOBLIGATED FISCAL YEAR 1991 FUNDS.—To the extent provided in appropriations Acts, the Secretary of the Navy shall transfer, out of any funds appropriated to the Navy for fiscal year 1991 for procurement of aircraft that remain available for obligation, $165,000,000 for research, development, test, and evaluation in connection with the V-22 Osprey aircraft program. The preceding sentence does not extend the period of the availability for obligation of amounts transferred under that sentence.

(c) AVAILABILITY OF FUNDS FOR THE SPECIAL OPERATIONS VARIANT.—Of the amounts authorized to be appropriated pursuant to section 201(4) for the Defense Agencies for fiscal year 1992, $15,000,000 shall be available for research, development, test, and

evaluation in connection with the special operations variant of the V-22 Osprey aircraft.

SEC. 212. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1992 unless such testing is specifically authorized by law.

SEC. 213. A-(X) ADVANCED TACTICAL AIRCRAFT, NAVY.

The Secretary of Defense may not classify the total acquisition cost and the acquisition schedule for the A-(X) (next-generation naval attack aircraft) program at the level of special access classification.

SEC. 214. F-22 ADVANCED TACTICAL FIGHTER AIRCRAFT PROGRAM, AIR FORCE.

(a) FINDINGS.—Congress finds—

(1) that the emphasis placed on manufacturing in the next phase of the F-22 Advanced Tactical Fighter (ATF) aircraft program is a correct and significant step toward an appropriate acquisition system for the 1990s and beyond;

(2) that the objective of the next phase of the ATF program, known as the Engineering and Manufacturing Development Phase, should be to complete a production representative design (verified by testing production prototypes) with known cost and minimal risk for the Production Phase; and

(3) that the Air Force, having demonstrated satisfactory ATF system performance in the Demonstration Validation Phase, should give priority in the Engineering and Manufacturing Development Phase to investing in ATF manufacturing technologies over improving ATF performance.

(b) MANUFACTURING AND AFFORDABILITY.—The Secretary of the Air Force shall elevate manufacturing considerations during the Engineering and Manufacturing Development Phase of the ATF program—

(1) by accepting small reductions in aircraft performance, if necessary, to achieve a more producible and affordable production design;

(2) by directing the contractor to evaluate a wide selection of alternative production processes and technologies (including use of commercial standards or practices of manufacturing technology) for production of the aircraft; and

(3) by investing funds in those processes and technologies evaluated pursuant to paragraph (2) which have the highest cost or quality return on investment, with the objective of further lowering production costs and improving supportability.

(c) REPORT.—The Secretary of the Air Force shall submit to the congressional defense committees a report covering the production processes evaluated under subsection (b)(2) and the analysis supporting those processes which are ultimately selected under subsection (b)(3) for use in production. The report shall be submitted before fabrication of the first production prototype airframe is begun.

SEC. 215. SUPERCOMPUTER MODERNIZATION PROGRAM.

(a) PLAN.—(1) The Secretary of Defense, acting through the Director, Defense Research and Engineering (DDR&E), shall develop a plan by which the Department of Defense, beginning in fiscal year 1993, will modernize the supercomputer capability of Department of Defense laboratories. The plan shall include determinations of the equipment and software to be procured or leased and a schedule for the funding required to carry out the plan.

(2) The plan shall be developed by April 1, 1992. The Secretary shall submit the plan to the Committees on Armed Services of the Senate and the House of Representatives not later than that date.

(b) PROHIBITION OF NON-DOMESTIC ALTERNATIVES.—None of the equipment planned to be procured or leased under the plan may be obtained from a non-United States computer manufacturer unless the Secretary of Defense certifies to Congress that no United States computer manufacturer can meet the requirement being met by that procurement.

SEC. 216. MANAGEMENT OF NAVY MINE COUNTERMEASURES PROGRAMS.

(a) RESPONSIBILITY.—Subject to the authority, direction, and control of the Secretary of Defense, the Director, Defense Research and Engineering shall have the primary responsibility for developing and testing naval mine countermeasures systems during fiscal years 1993 through 1997.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) with respect to any fiscal year if, not later than June 1 of the calendar year in which that fiscal year begins, the Secretary certifies to the congressional defense committees that—

(1) the Secretary of the Navy, in consultation with the Chief of Naval Operations and the Commandant of the Marine Corps, has submitted to the Secretary of Defense an updated mine countermeasures master plan that identifies—

(A) technologies having promising potential for use for improving mine countermeasures; and

(B) programs for advancing those technologies into production;

(2) the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for that fiscal year and the multiyear defense program submitted to Congress in connection with that budget pursuant to section 114a of title 10, United States Code, propose sufficient resources for executing the updated mine countermeasures master plan; and

(3) the Chairman of the Joint Chiefs of Staff has determined that the budget resources for mine countermeasures and the updated mine countermeasures master plan are sufficient.

SEC. 217. NON-ACOUSTIC ANTI-SUBMARINE WARFARE PROGRAM.

After December 31, 1991, funds appropriated or otherwise made available to the Department of the Navy for fiscal years 1992 and 1993 may not be obligated for research, development, test, and evaluation for non-acoustic anti-submarine warfare unless the Secretary of Defense has certified to the congressional defense committees, before any such obligation, that—

(1) the Department of Defense is conducting two viable, independent non-acoustic anti-submarine warfare programs within the Department; and

(2) at least one such program is not managed within the Department of the Navy.

SEC. 218. ANTI-SUBMARINE WARFARE WEAPON SYSTEM REQUIREMENTS.

(a) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees a report containing an analysis of the requirements of the Navy for antisubmarine weapons systems and the program and plans of the Navy for meeting those requirements.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A description of the operational requirements of the Navy for antisubmarine weapons for launch from submarines, for launch from surface ships, and for launch from aircraft.

(2) A description of weapons and alternative candidate weapons systems, concepts, and technologies that could satisfy those operational requirements, to include heavyweight torpedoes, lightweight torpedoes, quick-reaction weapons for surface ships, long-range weapons for surface ships, long-range weapons for submarines, and any other weapons concept considered for meeting the requirements stated in paragraph (1).

(3) An estimate of the costs associated with developing, acquiring, operating, and maintaining each of the weapons and alternatives described under paragraph (2).

(4) A detailed description of the programs and plans of the Navy for meeting its antisubmarine weapons systems requirements and for developing, acquiring, and operating antisubmarine weapons, including identification of funding requested for those programs and plans for fiscal year 1993.

(c) DEADLINE FOR SUBMISSION OF REPORT.—The report under subsection (a) shall be submitted not later than May 15, 1992.

SEC. 219. SHIP-TO-SHORE FIRE SUPPORT.

Establishment.

(a) R&D PROGRAM.—The Secretary of the Navy shall establish a naval surface fire support research and development program. The Secretary shall, with the budget request for fiscal year 1993, submit to the congressional defense committees a review of the fiscal year 1992 program for investigation, demonstration, and evaluation of potential technologies and weapons systems for improving ship-to-shore fire support.

(b) INITIAL REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a comprehensive report on naval ship-to-shore fire support requirements. The report shall be prepared in consultation with the Chief of Naval Operations and the Commandant of the Marine Corps and shall include the following:

(1) A description of operational requirements of the Navy and of the Marine Corps for naval surface fire support of amphibious and strike operations and a summary of the analysis supporting these requirements.

(2) A survey of the alternative technologies and other options which could be useful in meeting the requirements described under paragraph (1), including specifically—

(A) options based on guns, multiple-launch rockets, or missiles; and

(B) references to relevant activities being pursued by other military departments and Defense agencies and in private industry.

(3) Identification of the funds requested for fiscal year 1993 for ship-to-shore fire support, identification of plans and programs for ship-to-shore fire support programs in future years, and a description of the plan of the Navy for improving ship-to-shore fire support in the near term (with improvements that are capable of being introduced into the fleet within five years).

(c) SECOND REPORT.—No later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a second report on ship-to-shore fire support. That report shall include the following:

(1) A cost and operational effectiveness analysis (COEA) based on the requirements and technologies identified in the report under subsection (b), to include evaluation of the effectiveness and use of gun, multiple-launch rocket, and missile systems for surface fire support, both independently and in conjunction with fires from attack helicopter and fixed-wing aircraft.

(2) The near-term plans and the long-term plans of the Navy for meeting its ship-to-shore fire support requirements and a description of the research, development, test, and evaluation programs and of the procurement programs to be carried out in support of those plans.

(d) INDEPENDENT STUDY AND ANALYSIS.—(1) The Secretary of Defense shall provide for an independent study of naval ship-to-shore fire support requirements to be conducted by the Institute for Defense Analysis, a Federal contract research center. The study shall include (A) an assessment of the operational requirements of the Navy and of the Marine Corps for naval surface fire support of amphibious and strike operations and an independent review and analysis of alternative candidates for meeting both near-term requirements and long-term requirements for ship-to-shore fire support, and (B) an evaluation of the use and cost effectiveness of gun, multiple-launch rocket, and missile systems for ship-to-shore fire support. The Institute shall submit interim and final reports to the Secretary on such study at such times as the Secretary may require. Reports.

(2) The Secretary shall submit an interim report on the results of the study under paragraph (1) to the congressional defense committees within six months after the date of the enactment of this Act. The interim report shall focus on near-term systems and concepts that can be introduced into the fleet within five years and shall identify the preferred technologies for development in the near term.

(3) The Secretary shall submit a final report on the results of the study to the congressional defense committees within one year after the date of the enactment of this Act. The final report shall include a more thorough survey of the available and projected technologies that may be relevant to the mission requirements of the Navy for surface ship-to-shore fire support during the period ten-to-fifteen years after the date of the enactment of this Act.

(e) RESTRICTION ON USE OF FUNDS.—Of the funds appropriated pursuant to authorizations of appropriations in this Act for the Navy ship-to-shore fire support program—

(1) up to $2,500,000 may be used for the study required by subsection (b) and for the cost and operational effectiveness analysis required under subsection (c); and

(2) up to $1,500,000 may be used for the study required under subsection (d).

SEC. 220. SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

Establishment.

(a) PROJECT OFFICE.—The Secretary of Defense shall establish or designate an office within the Department of Defense to have responsibility for the Superconducting Magnetic Energy Storage Project. The project shall be carried out in coordination with the Secretary of Energy.

(b) PLAN.—(1) The Secretary of Defense shall develop a plan for the project. The plan shall be developed in cooperation with the Secretary of Energy and shall include provisions for sharing of the costs of the project by each Department.

(2) The plan shall be designed so as to lead to the demonstration of an engineering test model of the superconducting magnetic storage system.

(3) The plan shall be submitted to the Congress not later than April 1, 1992.

(c) FUNDING FOR FISCAL YEAR 1992.—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1992, $20,000,000 shall be available to conduct planning and initial design activities for the project.

SEC. 221. SEALIFT RESEARCH AND DEVELOPMENT.

The Secretary of the Navy may transfer not to exceed $25,000,000 from unobligated funds appropriated for the Navy for fiscal year 1991 for shipbuilding and conversion and made available for sealift to amounts appropriated for the Navy for fiscal year 1992 for research, development, test, and evaluation, to be available for the sealift program established pursuant to section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1683; 10 U.S.C. 7291 note). The authority under the preceding sentence is available only to the extent provided in appropriations Acts.

SEC. 222. ICBM MODERNIZATION PROGRAM.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992, not more than $566,444,000 shall be available for the intercontinental ballistic missile (ICBM) modernization program, of which—

(1) not more than $548,838,000 shall be available for the small ICBM (SICBM) program; and

(2) none shall be available for the rail garrison MX (RGMX) program.

(b) LIMITATION.—(1) The funds described in subsection (a)(1) may not be obligated until the Secretary of Defense certifies to the congressional defense committees that a sufficient amount of such funds will be obligated to conduct a viable program of research and development of mobile basing options for the SICBM program consistent with the sense of Congress set forth in section 231(b)(4) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1516).

Reports.

(2) Not later than 90 days after the date on which the Secretary makes a certification under paragraph (1), the Secretary shall submit to the congressional defense committees a report describing—

(A) the revised research and development program for SICBM mobile basing options;

(B) the amount of the funds that the Secretary intends to obligate in each of fiscal years 1992 through 1997 for such program; and

(C) the earliest date on which a SICBM mobile basing option will be available in the event that conditions warrant a rebasing of the missile from existing Minuteman ICBM silos.

(c) REPORT.—Not later than March 1, 1992, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and practicality of extending the service life of existing Minuteman III ICBMs beyond the year 2010.

(d) AVAILABILITY OF UNOBLIGATED FISCAL YEAR 1991 FUNDS.—(1) Of the balance of the amount appropriated for the Air Force for fiscal year 1991 for research, development, test, and evaluation for ICBM modernization that remains available for obligation, $17,500,000 may, to the extent provided in appropriations Acts, be used during fiscal year 1992 for obligation for the procurement of MX missiles.

(2) The authority provided in paragraph (1) does not extend the period of the availability for obligation of the funds referred to in that paragraph.

(3) The authority provided in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

PART C—MISSILE DEFENSE PROGRAM

Missile Defense Act of 1991.
10 USC 2431 note.

SEC. 231. SHORT TITLE.

This part may be cited as the "Missile Defense Act of 1991".

SEC. 232. MISSILE DEFENSE GOAL OF THE UNITED STATES.

(a) MISSILE DEFENSE GOAL.—It is a goal of the United States to—

(1) deploy an anti-ballistic missile system, including one or an adequate additional number of anti-ballistic missile sites and space-based sensors, that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles;

(2) maintain strategic stability; and

(3) provide highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.

(b) ENDORSEMENT OF ADDITIONAL MEASURES.—As an additional component of the overall goal of protecting the United States against the threat posed by ballistic missiles, Congress endorses such additional measures as—

(1) joint discussions between the United States and the Soviet Union on strengthening nuclear command and control, to include discussions concerning the use of permissive action links and post-launch destruct mechanisms on all intercontinental-range ballistic missiles of the two nations;

(2) reductions that enhance stability in strategic weapons of the United States and Soviet Union to levels below the limitations of the Strategic Arms Reduction Talks (START) Treaty, to include the down-loading of multiple warhead ballistic missiles; and

(3) reinvigorated efforts to halt the proliferation of ballistic missiles and weapons of mass destruction.

SEC. 233. IMPLEMENTATION OF GOAL.

(a) IN GENERAL.—To implement the goal specified in section 232(a), the Congress—

(1) directs the Secretary of Defense to take the actions specified in subsection (b); and

President.

(2) urges the President to take the actions described in subsection (c).

(b) ACTIONS OF THE SECRETARY OF DEFENSE.—

(1) THEATER MISSILE DEFENSE OPTIONS.—The Secretary of Defense shall aggressively pursue the development of advanced theater missile defense systems, with the objective of downselecting and deploying such systems by the mid-1990s.

(2) INITIAL DEPLOYMENT.—The Secretary shall develop for deployment by the earliest date allowed by the availability of appropriate technology or by fiscal year 1996 a cost-effective, operationally-effective, and ABM Treaty-compliant anti-ballistic missile system at a single site as the initial step toward deployment of an anti-ballistic missile system described in section 232(a)(1) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. The system to be developed should include—

(A) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor or interceptors;

(B) fixed, ground-based, anti-ballistic missile battle management radars; and

(C) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty, such as a ground-based sub-orbital surveillance and tracking system.

(3) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of theater missile defense systems and an anti-ballistic missile system which meet the guidelines established in paragraphs (1) and (2).

(c) PRESIDENTIAL ACTIONS.—

Union of Soviet Socialist Republics.

(1) NEGOTIATIONS REGARDING THE ABM TREATY.—Congress recognizes the President's call on September 27, 1991, for "immediate concrete steps" to permit the deployment of defenses against limited ballistic missile strikes and the response of the President of the Soviet Union undertaking to consider such proposals from the United States on nonnuclear ABM systems.

(2) In this regard, Congress urges the President to pursue immediate discussions with the Soviet Union on the feasibility and mutual interests of amendments to the ABM Treaty to permit the following:

(A) Construction of anti-ballistic missile sites and deployment of ground-based anti-ballistic missile interceptors in addition to those currently permitted under the ABM Treaty.

(B) Increased use of space-based sensors for direct battle management.

(C) Clarification of what development and testing of space-based missile defenses is permissible under the ABM Treaty.

(D) Increased flexibility for technology development of advanced ballistic missile defenses.

(E) Clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors and radars.

SEC. 234. FOLLOW-ON TECHNOLOGY RESEARCH.

(a) FOLLOW-ON ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relating to achieving the goal specified in section 232(a) and to provide future options for protecting the security of the United States and the allies and friends of the United States, robust funding for research and development for promising follow-on anti-ballistic missile technologies, including Brilliant Pebbles, is required.

(b) EXCLUSION FROM INITIAL PLAN.—Deployment of Brilliant Pebbles is not included in the initial plan for the limited defense system architecture described in section 232(a).

(c) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on conceptual and burden sharing issues associated with the option of deploying space-based interceptors (including Brilliant Pebbles) for the purpose of providing global defenses against ballistic missile attacks. Not more than 50 percent of the funds made available for the purposes described in section 237(b)(3) for the Space-Based Interceptors program element for fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after submission of the report.

SEC. 235. PROGRAM ELEMENTS FOR STRATEGIC DEFENSE INITIATIVE.

(a) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(1) Limited Defense System.
(2) Theater Missile Defenses.
(3) Space-Based Interceptors.
(4) Other Follow-On Systems.
(5) Research and Support Activities.

(b) APPLICABILITY TO BUDGETS.—The program elements specified in subsection (a) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year.

SEC. 236. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES FOR SDI PROGRAM ELEMENTS.

(a) LIMITED DEFENSE SYSTEM PROGRAM ELEMENT.—The Limited Defense System program element shall include programs, projects, and activities (and supporting programs, projects, and activities) which have as a primary objective the development of systems, components, and architectures for a deployable anti-ballistic missile system as described in section 232(a)(1) capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third

World attacks, but below a threshold that would bring into question strategic stability. Such activities shall include those activities necessary to develop and test systems, components, and architectures capable of deployment by fiscal year 1996 as part of an ABM Treaty-compliant initial site defensive system. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current limitations of the ABM Treaty and modest changes to its numerical limitations and its limitations on the use of space-based sensors.

(b) THEATER MISSILE DEFENSES PROGRAM ELEMENT.—The Theater Missile Defenses program element shall include programs, projects, and activities (including those associated before the date of the enactment of this Act with the Tactical Missile Defense Initiative) that have as primary objectives either of the following:

(1) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary elements of the Armed Forces of the United States, to be carried out with the objective of selecting and deploying more capable theater missile defense systems by the mid-1990s.

(2) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(c) SPACE-BASED INTERCEPTORS PROGRAM ELEMENT.—The Space-Based Interceptors program element shall include programs, projects, and activities (and supporting programs, projects, and activities) that have as a primary objective the conduct of research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(d) OTHER FOLLOW-ON SYSTEMS PROGRAM ELEMENT.—The Other Follow-On Systems program element shall include programs, projects, and activities that have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(e) RESEARCH AND SUPPORT ACTIVITIES PROGRAM ELEMENT.—The Research and Support Activities program element shall include programs, projects, and activities that have as primary objectives the following:

(1) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in subsection (a) through (d).

(2) Innovative science and technology projects.

(3) The provision of necessary test and evaluation services other than those required for a specific program element.

(4) Program management.

SEC. 237. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,150,000,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $1,521,780,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) not more than $828,710,000 shall be available for programs, projects, and activities within the Theater Missile Defenses program element;

(3) not more than $465,000,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element, of which not more than $390,000,000 shall be available for the Brilliant Pebbles program account;

(4) not more than $629,550,500 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(5) not more than $704,959,500 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(c) ENVIRONMENTAL IMPACT STATEMENT.—Of the amount described in paragraph (b)(1)—

(1) not more than $5,000,000 may be used to carry out an expeditious site-specific environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) not more than $40,000,000 may be used to conduct studies, site surveys, technical assessments, analysis, and refurbishments to remove the Grand Forks anti-ballistic missile site from its deactivated status.

The Congress hereby expressly waives any and all requirements to evaluate alternative sites to the site at Grand Forks.

(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element.

(e) TRANSFER AUTHORITIES.—

(1) IN GENERAL.—Before the submission of the report required under subsection (d) and notwithstanding the limitations set forth in subsection (b), the Secretary of Defense may transfer funds among the program elements named in subsection (b).

(2) LIMITATION.—The total amount that may be transferred to or from any program element named in subsection (b)—

(A) may not exceed 10 percent of the amount provided in such subsection for the program element from which the transfer is made; and

(B) may not result in an increase of more than 10 percent of the amount provided in such subsection for the program element to which the transfer is made.

(3) EXCEPTION.—Transfer authority may not be used for a decrease in funds identified in subsection (b)(2) for Theater Missile Defenses.

(4) MERGER AND AVAILABILITY.—Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

(f) LAND TRANSFER, NORTH DAKOTA.—The Administrator of the General Services Administration shall, without reimbursement and no later than 90 days after the date of the enactment of this Act, transfer accountability of the real property and improvements thereon, comprising approximately 473 acres (fee and easements) located within and contiguous to the Grand Forks SAFEGUARD-MSR site at Nekoma, North Dakota, to the Secretary of the Army.

SEC. 238. REVIEW OF FOLLOW-ON DEPLOYMENT OPTIONS.

As deployment at the anti-ballistic missile site described in section 233(b)(2) draws near to the deployment date of fiscal year 1996, the President and the Congress shall assess the progress in the ABM Treaty amendments negotiation called for under section 233(c) and shall consider the options available to the United States as now exist under the ABM Treaty. To assist in this review process, the President shall submit to the Congress not later than May 1, 1994, an interim report on the progress of the negotiations.

President.
Reports.

SEC. 239. ABM TREATY DEFINED.

For purposes of this part, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

SEC. 240. INTERPRETATION.

Nothing in this part may be construed to imply—

(1) congressional authorization for development, testing, or deployment of anti-ballistic missile systems in violation of the ABM Treaty, including any protocol or amendment to that treaty; or

(2) final congressional authorization for deployment of anti-ballistic missile systems in compliance with the ABM Treaty.

PART D—OTHER MISSILE DEFENSE MATTERS

SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress endorses a continuing program of cooperative research and development, jointly funded by the United States and the government of Israel, on the Arrow Tactical Anti-Missile program with a view to proving out (through such cooperative research and development) the feasibility and practicality of the system.

(b) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraphs (2) and (3), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 for fiscal year 1992 up to $54,400,000 for the purpose of initiating research and development of systems to deploy the Arrow missile in the future, such as battle management, lethality, system integration, test bed, and fire control radar. Funds for such purpose may not be derived from funds available for the Strategic Defense Initiative.

(2) The authority under paragraph (1) is in addition to any other authority provided in this Act regarding the Arrow Tactical Anti-Missile program.

(3) Funds may not be obligated for the purpose described in paragraph (1) unless—

(A) the United States and the government of Israel enter into a Memorandum of Understanding governing the conduct and funding of such an effort; Israel.

(B) the Secretary of Defense certifies to the congressional defense committees that the Arrow missile has successfully completed the current four-test proof-of-principle flight test program; and

(C) the President has certified to Congress— President. Israel.

(i) with respect to any waiver of activities sanctionable under the laws described in paragraph (4) granted on or before the date of the enactment of this Act to any firm involved in the Arrow program at the time of such certification, that such activities have been terminated and the government of the nation in which such firm is located has given assurances to the United States that such activities by such firm will not be repeated; and

(ii) that the government of Israel has undertaken to adopt export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime (MTCR).

(4) The laws referred to in paragraph (3)(C)(i) are section 73(a)(1) of the Arms Export Control Act, section 11B(b)(1) of the Export Administration Act of 1979, and sections 1702 and 1703 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

SEC. 242. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1992, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1992 or for any fiscal year before 1992, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the May 1991 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the May 1991 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1992 if the transfer is made in accordance with section 1001 of this Act.

(b) DEFINITION.—In this section, the term "May 1991 SDIO Report" means the report entitled, "1991 Report to Congress on the Strategic Defense Initiative," dated May 16, 1991, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431).

PART E—OTHER MATTERS

SEC. 251. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992, not more than $53,800,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1992 may be obligated or expended for product development, or for research, development, testing, or evaluation, of medical countermeasures against a biowarfare threat except for medical countermeasures against a validated biowarfare threat agent or a potential (far-term) biowarfare threat agent.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, testing, and evaluation of medical countermeasures against potential (far-term) biowarfare threats.

(c) DEFINITIONS.—In this section:

(1) The term "biowarfare threat agent" means a biological agent that—

(A) is named in the biological warfare threat list published jointly by the Defense Intelligence Agency (DIA) and the Armed Forces Medical Intelligence Center (AFMIC); or

(B) is identified as a biowarfare agent by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

(2) The term "validated biowarfare threat agent" means a biowarfare threat agent that is being or has been developed or produced for weaponization within 10 years, as assessed and determined jointly by the Defense Intelligence Agency and the Armed Forces Medical Intelligence Center.

(3) The term "potential (far-term) biowarfare threat agent" means a biowarfare threat agent that is an emerging or future biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined jointly by the Defense Intelligence Agency and the Armed Forces Medical Intelligence Center.

(4) The term "weaponization" means incorporation into usable ordnance or other militarily useful means of delivery.

SEC. 252. UNIVERSITY RESEARCH INITIATIVE.

Of the amounts authorized to be appropriated for fiscal year 1992 pursuant to section 201, $182,373,000 shall be available for research and development under the University Research Initiative program of the Department of Defense, of which $30,000,000 shall be available only for research in advanced manufacturing technologies and industrial processes.

SEC. 253. GRANT FOR THE INSTITUTE FOR ADVANCED SCIENCE AND TECHNOLOGY.

(a) AUTHORITY TO MAKE GRANT.—Of the amount authorized to be appropriated pursuant to section 201 for the Defense Agencies, and

as previously authorized in Public Law 101-510 and appropriated in Public Law 101-511 for the establishment of an Institute for Advanced Science and Technology (IAST), an additional $25,000,000 shall be made available until expended as a grant. The grant shall be made to the institution of higher education which has been selected as the site, through competitive procedures and based on the qualifications stipulated in section 243 of Public Law 101-510, of the Institute for Advanced Science and Technology for Phase II.

(b) COST-SHARING REQUIREMENT.—The grant under subsection (a) shall be available for construction of the facility for the institute. In making the grant, the Secretary of Defense shall ensure that the Federal share of the cost of the construction project does not exceed 50 percent of the total cost of the project.

(c) PURPOSE OF GRANTS.—The grant shall be used to support development of critical technologies as identified by the Department of Defense in its Critical Technologies Plan as required by Public Law 100-456.

SEC. 254. ADVANCED APPLIED TECHNOLOGY DEMONSTRATION FACILITY FOR ENVIRONMENTAL TECHNOLOGY.

(a) AUTHORITY TO MAKE GRANT.—Of the amount authorized to be appropriated for research, development, test, and evaluation for fiscal year 1992 for the Defense Agencies, $20,000,000 shall be available for a grant to a nonprofit organization or an institution of higher education to establish an advanced applied technology demonstration facility for environmental technology. Such grant shall be awarded through the use of competitive procedures.

(b) QUALIFICATIONS.—A grant under subsection (a) may be awarded only to an organization or institution that—

(1) has nationally recognized expertise in environmental technology and business administration; and

(2) proposes a clear plan (as determined by the Secretary of Defense) showing how its management of such a facility will be usable by the Department of Defense in resolving environmental cleanup problems of the Department.

(c) COST SHARING.—In evaluating proposals for a grant under subsection (a), the Secretary of Defense shall consider as favorable evaluation factors for the award of the grant provisions of such a proposal under which the organization or institution submitting the proposal—

(1) proposes that, if awarded the grant, it will agree to have available all equipment necessary to conduct environmental cleanup demonstration projects at the facility; and

(2) demonstrates that it has, or upon receipt of the grant will obtain, secure sources of funding such that—

(A) the Federal share of the administrative costs of the facility established with the grant will not exceed one-half of the total administrative costs of the facility for the first two years of the operation of the facility; and

(B) no Department of Defense assistance for the operation of the facility will be required after the first three years of the operation of the facility.

SEC. 255. CONTINUED COOPERATION WITH JAPAN ON TECHNOLOGY RESEARCH AND DEVELOPMENT.

Of the funds authorized to be appropriated pursuant to section 201 for research, development, test, and evaluation for fiscal year 1992, and made available for basic research, exploratory development, and advanced technology, $10,000,000 shall be available for such fiscal year for research and development projects conducted jointly by the United States and Japan in accordance with section 1454(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1695).

SEC. 256. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) WORKLOAD LEVELS TO BE SPECIFIED IN BUDGET DOCUMENTS.—(1) Section 2367 of title 10, United States Code, is amended by adding at the end the following:

"(d) IDENTIFICATION TO CONGRESS OF FFRDC WORKLOAD EFFORT.—(1) In the documents provided to Congress by the Secretary of Defense in support of the budget submitted by the President under section 1105 of title 31 for any fiscal year, the Secretary shall set forth the proposed amount of the man-years of effort to be funded by the Department of Defense for each federally funded research and development center for the fiscal year covered by that budget.

Reports.

"(2) After the close of a fiscal year, and not later than January 1 of the next year, the Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report setting forth the actual obligations and the actual man-years of effort expended at each federally funded research and development center during that fiscal year.".

10 USC 2367 note.

(2)(A) Paragraph (1) of subsection (d) of section 2367 of title 10, United States Code, as added by paragraph (1), shall take effect with respect to the budget submitted for fiscal year 1994.

(B) Paragraph (2) of such subsection shall take effect with respect to fiscal year 1992.

(b) MAN-YEAR LIMITATIONS.—Funds appropriated or otherwise made available for the Department of Defense for fiscal years 1992 and 1993 may not be obligated at any of the following federally funded research and development centers in order to obtain work in excess of the number of man-years specified for that center as follows:

(1) For the Center for Naval Analysis, 270.
(2) For the Institute for Defense Analysis—
  (A) for studies and analysis, 320;
  (B) for systems and engineering in connection with operational test and evaluation, 75; and
  (C) for research and development in connection with command, control, communications, and intelligence, 150.
(3) For the Rand Project Air Force, 150.
(4) For the National Defense Research Institute, 160.
(5) For the Arroyo Center, 150.
(6) For the Logistics Management Institute, 140.
(7) For the Aerospace Corporation, 2,500.
(8) For the MIT Lincoln Laboratory, 1,150.
(9) For the Software Engineering Institute, 160.
(10) For the Institute for Advanced Technology, 40.

(c) FUNDING LIMITATION.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal years 1992

and 1993, not more than $446,000,000 may be obligated for the federally funded research and development center of MITRE.

(d) AUTHORITY TO WAIVE LIMITATIONS.—The Secretary of Defense may waive a limitation in subsection (b) or (c) in the case of any federally funded research and development center. Such a waiver may not be implemented until the Secretary notifies the congressional defense committees of the proposed waiver and the reasons for the waiver and a period of 60 days elapses after the date on which the notification is made. However, in a case in which the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation before the end of such 60-day period, the Secretary may waive such 60-day period upon notification to the congressional defense committees of that determination and the reasons for the determination.

SEC. 257. REVISION IN MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL: MEMBERSHIP ON COUNCIL AND ON SCIENTIFIC ADVISORY BOARD.

(a) REVISION IN MEMBERSHIP OF COUNCIL.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out "nine members" and inserting in lieu thereof "thirteen members";

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) One representative from each of the Army, Navy, Air Force, and Coast Guard, who shall be non-voting members.".

(b) REVISION IN MEMBERSHIP OF ADVISORY BOARD.—Section 2904 of such title is amended—

(1) in subsection (a), by striking out "13 members" and inserting in lieu thereof "14 members"; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The following persons shall be permanent members of the Advisory Board:

"(A) The Science Advisor to the President, or his designee.

"(B) The Administrator of the National Oceanic and Atmospheric Administration, or his designee.".

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $21,155,854,000.

(2) For the Navy, $23,185,380,000.

(3) For the Marine Corps, $1,845,500,000.

(4) For the Air Force, $19,657,010,000.

(5) For the Defense Agencies, $8,652,716,000.

(6) For the Army Reserve, $968,200,000.

(7) For the Naval Reserve, $824,600,000.

(8) For the Marine Corps Reserve, $80,900,000.

(9) For the Air Force Reserve, $1,078,700,000.
(10) For the Army National Guard, $2,124,800,000.
(11) For the Air National Guard, $2,276,300,000.
(12) For the National Board for the Promotion of Rifle Practice, $4,000,000.
(13) For the Defense Inspector General, $120,100,000.
(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,158,600,000.
(15) For the Court of Military Appeals, $5,500,000.
(16) For Environmental Restoration, Defense, $1,183,900,000.
(17) For Humanitarian Assistance, $13,000,000.

(b) SPECIAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1992, in addition to the amounts authorized to be appropriated in subsection (a) and (c), such sums as may be necessary—
(1) for unbudgeted increases in fuel costs; and
(2) for unbudgeted increases as a result of inflation in the cost of activities authorized by subsection (a) and (c).

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:
(1) For the Army, $20,039,200,000.
(2) For the Navy, $23,781,100,000.
(3) For the Marine Corps, $2,190,200,000.
(4) For the Air Force, $21,047,600,000.
(5) For the Defense Agencies, $9,119,800,000.
(6) For the Army Reserve, $993,500,000.
(7) For the Naval Reserve, $816,950,000.
(8) For the Marine Corps Reserve, $77,650,000.
(9) For the Air Force Reserve, $1,263,900,000.
(10) For the Army National Guard, $2,116,300,000.
(11) For the Air National Guard, $2,723,600,000.
(12) For the Inspector General of the Department of Defense, $116,700,000.
(13) For Drug Interdiction and Counter-Drug Activities, Defense, $1,249,400,000.
(14) For the Court of Military Appeals, $5,900,000.
(15) For Environmental Restoration, Defense, $1,450,200,000.
(16) For Humanitarian Assistance, $13,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.—There is authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $3,400,200,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.—There is authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,145,300,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 1992 from the Armed Forces Retirement Home Trust Fund the sum of

$57,651,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(a)(17) for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(2) Of the funds authorized to be appropriated for fiscal year 1992 pursuant to such section for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such section for fiscal year 1992 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such section for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1992; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 303 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1525).

(C) Section 304 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1409).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(E) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(F) Section 305 of the Department of Defense Authorization Act, Fiscal Year 1986 (Public Law 99-145; 99 Stat. 617).

(5) Section 303 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1525) is amended by striking out subsection (f).

New York.

SEC. 305. SUPPORT FOR THE 1993 WORLD UNIVERSITY GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1993 World University Games to be held in the State of New York.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1993 World University Games.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1992 the sum of $3,000,000 to carry out subsection (a).

Georgia.

SEC. 306. SUPPORT FOR THE 1996 SUMMER OLYMPICS.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1996 games of the XXVI Olympiad to be held in Atlanta, Georgia.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization of appropriations in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the games of the XXVI Olympiad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1992 the sum of $2,000,000 to carry out subsection (a).

SEC. 307. PRESIDENTIAL INAUGURATION ASSISTANCE.

(a) FURNISHING OF MATERIALS, SUPPLIES, AND SERVICES.—With respect to the Presidential inauguration to take place on January 20, 1993, the Secretary of Defense may lend materials and supplies, and provide materials, supplies, and services of personnel, during fiscal years 1992 and 1993—

(1) to the Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721); and

(2) to the joint committee of the Senate and House of Representatives described in section 9 of that Act (36 U.S.C. 729).

(b) TERMS OF ASSISTANCE.—Assistance under subsection (a) shall be loaned or provided in such manner as the Secretary of Defense determines to be appropriate and under such conditions as the Secretary may prescribe.

(c) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 2543 of title 10, United States Code.

PART B—LIMITATIONS

SEC. 311. LIMITATION ON OBLIGATIONS AGAINST STOCK FUNDS.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the stock funds of the Department of Defense during fiscal year 1992 in an amount in excess of 80 percent of the sales from such stock funds during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, the stock funds during fiscal year 1992, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation contained in subsection (a) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

SEC. 312. REPEAL OF REQUIREMENT FOR AUTHORIZATION OF CIVILIAN PERSONNEL BY END STRENGTH.

(a) IN GENERAL.—Section 115 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out paragraph (4); and

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (2);

(B) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(b) CONFORMING AMENDMENT.—Section 129(a) of such title is amended—

(1) by striking out "department, (2)" and inserting in lieu thereof "department and (2)"; and

(2) by striking out ", and (3)" and all that follows through "fiscal year" in the first sentence.

SEC. 313. LIMITATION RELATING TO CONSOLIDATION OF SUPPLY DEPOTS.

(a) LIMITATION.—The Secretary of Defense may not proceed with the consolidation of supply depots under decision 902 of the Defense Management Review (or any successor of that decision) until the Secretary—

(1) completes an analysis of the results of the supply depot consolidations referred to in subsection (c);

(2) makes a determination that an automatic data processing system in the Department of Defense for the consolidation of supply depots is developed and operational and meets the requirements of the military departments; and

Reports.

(3) submits to Congress a report describing the basis and results of the analysis under paragraph (1) and the determination under paragraph (2).

(b) ELEMENTS OF ANALYSIS.—The analysis required by subsection (a)(1) shall include—

(1) a determination of the cost savings associated with the supply depot consolidations referred to in subsection (c); and

(2) an assessment of the effect of those consolidations on the ability of the military departments to provide mission support.

(c) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Defense may proceed with—

(1) the consolidation of the Mechanicsburg, New Cumberland, Ogden, and Red River supply depots; and

(2) any consolidation of the supply depots made as part of the Bay Area regional prototype and initiated before the date of the enactment of this Act.

SEC. 314. LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERCENTAGE LIMITATION.—(1) Section 2466 of title 10, United States Code, is amended to read as follows:

"§ 2466. Limitations on the performance of depot-level maintenance of materiel

"(a) PERCENTAGE LIMITATION.—Not less than 60 percent of the funds available for each fiscal year for depot-level maintenance of materiel managed for the Department of the Army and the Department of the Air Force shall be used for the performance of such depot-level maintenance by employees of the Department of Defense.

"(b) PROHIBITION ON MANAGEMENT BY END STRENGTH.—The civilian employees of the Department of Defense involved in the depot-level maintenance of materiel may not be managed on the basis of any end-strength constraint or limitation on the number of such employees who may be employed on the last day of a fiscal year. Such employees shall be managed solely on the basis of the available workload and the funds made available for such depot-level maintenance.

"(c) WAIVER OF LIMITATION.—The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air

Force, with respect to the Department of the Air Force, may waive the applicability of subsection (a) for a fiscal year, to a particular workload, or to a particular depot-level activity if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.

"(d) EXCEPTION.—Subsection (a) shall not apply with respect to the Sacramento Army Depot, Sacramento, California.

"(e) REPORTS.—Not later than January 15, 1992, and January 15, 1993, the Secretary of the Army and the Secretary of the Air Force shall jointly submit to Congress a report describing the progress during the preceding fiscal year to achieve and maintain the percentage of depot-level maintenance required to be performed by employees of the Department of Defense pursuant to subsection (a).".

(2) The item relating to section 2466 of title 10, United States Code, in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

"2466. Limitations on the performance of depot-level maintenance of materiel.".

(3) The Secretary of the Army and the Secretary of the Air Force may not cancel a depot-level maintenance contract in effect on the date of the enactment of this Act in order to comply with the requirements of section 2466(a) of such title, as amended by subsection (a). 10 USC 2466 note.

(b) COMPETITION PILOT PROGRAM.—(1) During fiscal years 1992 and 1993, the Secretary of Defense shall conduct a pilot program under which competitive procedures are used to select entities to perform depot-level maintenance of materiel for the Department of the Army and the Department of the Air Force. Entities eligible for selection shall include depot-level activities of the Department of Defense. The program may not involve more than 10 percent of all depot-level maintenance of materiel that is not required to be performed by employees of the Department of Defense pursuant to the limitations contained in section 2466 of title 10, United States Code. 10 USC 2466 note.

(2) Section 922 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1627) is repealed.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than February 1, 1994, the Comptroller General shall submit to Congress an evaluation of all depot maintenance workloads of the Department of Defense, including Navy depot maintenance workloads, that are performed by an entity selected pursuant to competitive procedures. 10 USC 2466 note.

(d) REPORT BY SECRETARY OF DEFENSE.—Not later than December 1, 1993, the Secretary of Defense shall submit to Congress a report— 10 USC 2466 note.

(1) containing a five-year strategy of the Department of Defense to use competitive procedures for the selection of entities to perform depot maintenance workloads; and

(2) describing the cost savings anticipated through the use of those procedures.

SEC. 315. TWO-YEAR EXTENSION OF AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

(a) EXTENSION.—Section 2468(f) of title 10, United States Code, is amended by striking "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991. 10 USC 2468 note.

10 USC 2208 note.

SEC. 316. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT METHOD.—During the period beginning on the date of the enactment of this Act and ending on April 15, 1993, the Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the use of a single Defense Business Operations Fund. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed through the Defense Business Operations Fund.

(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are—

(1) working-capital funds established under section 2208 of title 10, United States Code, and in existence on the date of the enactment of this Act;

(2) those activities that, on the date of the enactment of this Act, are funded through the use of a working-capital fund established under that section; and

(3) the Defense Finance and Accounting Service, the Defense Industrial Plant Equipment Center, the Defense Commissary Agency, the Defense Technical Information Service, and the Defense Reutilization and Marketing Service.

SEC. 317. ACQUISITION OF INVENTORY.

(a) LIMITATION.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2212 the following new section:

"§ 2213. Limitation on acquisition of excess supplies

"(a) TWO-YEAR SUPPLY.—The Secretary of Defense may not incur any obligation against a stock fund of the Department of Defense for the acquisition of any item of supply if that acquisition is likely to result in an on-hand inventory (excluding war reserves) of that item of supply in excess of two years of operating stocks.

"(b) EXCEPTIONS.—The head of a procuring activity may authorize the acquisition of an item of supply in excess of the limitation contained in subsection (a) if that activity head determines in writing—

"(1) that the acquisition is necessary to achieve an economical order quantity and will not result in an on-hand inventory (excluding war reserves) in excess of three years of operating stocks and that the need for the item is unlikely to decline during the period for which the acquisition is made; or

"(2) that the acquisition is necessary for purposes of maintaining the industrial base or for other reasons of national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2212 the following new item:

"2213. Limitation on acquisition of excess supplies.".

PART C—ENVIRONMENTAL PROVISIONS

SEC. 331. REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

(a) REQUIREMENT.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2708. Contracts for handling hazardous waste from defense facilities

"(a) REIMBURSEMENT REQUIREMENT.—(1) Each contract or subcontract to which this section applies shall provide that, upon receipt of hazardous wastes properly characterized pursuant to applicable laws and regulations, the contractor or subcontractor will reimburse the Federal Government for all liabilities incurred by, penalties assessed against, costs incurred by, and damages suffered by, the Government that are caused by—

"(A) the contractor's or subcontractor's breach of any term or provision of the contract or subcontract; and

"(B) any negligent or willful act or omission of the contractor or subcontractor, or the employees of the contractor or subcontractor, in the performance of the contract or subcontract.

"(2) Not later than 30 days after such a contract or subcontract is awarded, the contractor or subcontractor shall demonstrate that the contractor or subcontractor will reimburse the Federal Government as provided in paragraph (1).

"(b) APPLICABILITY.—(1) Except as provided in paragraph (2), this section applies to all contracts entered into by the Secretary of Defense or the Secretary of a military department, and all subcontracts under such contracts, with an owner or operator of a hazardous waste treatment or disposal facility during fiscal year 1992 for the offsite treatment or disposal of hazardous wastes from a facility under the jurisdiction of the Secretary of Defense.

"(2) This section does not apply to—

"(A) any contract or subcontract to perform remedial action or corrective action under the Defense Environmental Restoration Program, other programs or activities of the Department of Defense, or authorized State hazardous waste programs;

"(B) any contract or subcontract under which the generation of the hazardous waste to be disposed of is incidental to the performance of the contract; or

"(C) any contract or subcontract to dispose of ammunition or solid rocket motors.

"(c) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Notwithstanding subsection (a), in the case of any contract to which this section applies, if the Secretary of Defense or the Secretary of the military department concerned determines that—

"(1) there is only one responsible offeror or there is no responsible offeror willing to provide the reimbursement required by subsection (a) for such contract; or

"(2) failure to award the contract would place the facility concerned in violation of any requirement of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.),

then the contract may be awarded without including the reimbursement provision required by subsection (a).

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'hazardous waste' has the meaning given that term by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)), except that such term also includes polychlorinated biphenyls.

"(2) The term 'remedial action' has the meaning given that term by section 101(24) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(24)).

"(3) The term 'corrective action' has the meaning given that term under section 3004(u) of the Solid Waste Disposal Act (42 U.S.C. 6924(u)).

"(4) The term 'polychlorinated biphenyls' has the meaning given that term under section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

"(e) EFFECT ON LIABILITY.—Nothing in this section shall affect the liability of the Federal Government under any Federal or State law or under common law.".

(2) The table of sections relating to chapter 160 of such title is amended by adding at the end the following new item:

"2708. Contracts for handling hazardous waste from defense facilities.".

10 USC 2708 note.

(b) EFFECTIVE DATE.—Section 2708 of title 10, United States Code, shall apply with respect to contracts entered into after the expiration of the 60-day period beginning on the date of the enactment of this Act.

SEC. 332. EXTENSION OF WASTE MINIMIZATION PROGRAM.

10 USC 2701 note.

Section 354 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) is amended as follows:

(1) Subsection (a) is amended by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992, 1993, and 1994".

(2) Subsection (b) is amended in the second sentence by striking out "fiscal year 1992" and inserting in lieu thereof "each of fiscal years 1992, 1993, and 1994".

SEC. 333. PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1992 pursuant to the authorization for the Environmental Restoration, Defense account provided in section 301 may be used for the payment of fines or penalties unless the act or omission for which a fine or penalty is imposed arises out of activities funded by the account.

10 USC 2687 note.

SEC. 334. ENVIRONMENTAL RESTORATION REQUIREMENTS AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) REQUIREMENTS FOR INSTALLATIONS TO BE CLOSED UNDER 1989 BASE CLOSURE LIST.—(1) All draft final remedial investigations and feasibility studies related to environmental restoration activities at each military installation described in paragraph (2) shall be submitted to the Environmental Protection Agency not later than 24 months after the date of the enactment of this Act.

(2) Paragraph (1) applies to each military installation—

(A) which is to be closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(B) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) REQUIREMENTS FOR INSTALLATIONS TO BE CLOSED UNDER 1991 BASE CLOSURE LIST.—(1) All draft final remedial investigations and feasibility studies related to environmental restoration activities at each military installation described in paragraph (2) shall be submitted to the Environmental Protection Agency not later than 36 months after the date of the enactment of this Act.

(2) Paragraph (1) applies to each military installation—

(A) which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) as a result of being recommended for closure in the report transmitted to Congress by the President pursuant to section 2903(e) of such Act on or before September 1, 1991, and

(B) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) DEADLINE EXTENSION.—(1) Subject to paragraph (2), the Secretary of Defense, after consultation with the Administrator of the Environmental Protection Agency, may extend for a 6-month period the period of time in which the requirements of subsection (a) or (b) must be met with respect to a military installation covered by subsection (a) or (b) if, within the scope of the Federal Facility Agreement governing cleanup at the installation, any of the following conditions exists at the installation:

(A) There are newly discovered sites or areas on the installation where a hazardous substance has been released, stored, or disposed of. For purposes of this subparagraph, the term "newly discovered" means discovered after the expiration of the 6-month period beginning on the date of enactment of this Act.

(B) There are technical engineering difficulties in carrying out the investigations and studies.

(C) Expediting the investigations and studies would constitute a substantial endangerment to the public health and the environment.

(D) Adequate funds have not been appropriated to the Department of Defense, or adequate resources are not available to any party to the Federal Facility Agreement, to carry out or oversee the investigations and studies by the applicable deadline.

(2)(A) An extension under paragraph (1) shall take effect if—

(i) the Secretary of Defense submits to Congress a notification containing a certification that, to the best of the Secretary's knowledge and belief, the requirements of subsection (a) or (b) cannot be met with respect to the military installation by the applicable deadline because one of the conditions set forth in paragraph (1) exists; and

(ii) a period of 30 calendar days after receipt by Congress of such notice has elapsed.

(B) In the computation of the 30-day period under subparagraph (A)(ii), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(3) The Secretary may grant more than one 6-month extension for a military installation under paragraph (1), but each such extension is subject to paragraphs (1) and (2).

President.

(d) BUDGET ESTIMATE.—Each year the President shall include, in the budget submitted to Congress for a fiscal year (pursuant to section 1105 of title 31, United States Code), an estimate of the funding levels required for the Department of Defense to comply with this section during the fiscal year for which the budget is submitted.

SEC. 335. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 or fiscal year 1993 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

SEC. 336. SURETY BONDS FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM CONTRACTS.

(a) IN GENERAL.—Section 2701 of title 10, United States Code, is amended by adding at the end the following:

"(h) SURETY-CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any direct Federal procurement for a response action contract under the Defense Environmental Restoration Program and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and the same standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

"(i) SURETY BONDS.—

"(1) APPLICABILITY OF MILLER ACT.—If under the Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act', surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

"(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than an obligee named in the bond.

"(3) LIABILITY OF SURETIES UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program, unless otherwise provided for by the Secretary in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications of the contract less the balance of funds remaining to be paid under the contract, up to the penal sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

"(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(j) APPLICABILITY.—Subsections (h) and (i) shall not apply to bonds executed before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993 or after December 31, 1992.".

PART D—OTHER MATTERS

SEC. 341. ANNUAL REPORT ON DEFENSE CAPABILITIES AND PROGRAMS OF THE ARMED FORCES.

Section 113(i)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) include a description of the means by which the Department of Defense will maintain the capability to reconstitute or expand the defense capabilities and programs of the armed forces of the United States on short notice to meet a resurgent or increased threat to the national security of the United States;".

SEC. 342. COVERAGE OF CONTRACTS FOR EQUIPMENT MAINTENANCE AND OPERATION UNDER PROVISION ALLOWING APPROPRIATED FUNDS TO BE AVAILABLE FOR CERTAIN CONTRACTS FOR 12 MONTHS.

Section 2410a of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ", equipment," after "tools"; and

(2) by adding at the end the following new paragraph:

"(4) The operation of equipment.".

SEC. 343. USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) DEMONSTRATION PROJECT.—Notwithstanding section 2575(b) of title 10, United States Code, the Secretary of Defense shall conduct a demonstration project under which the proceeds from the sale under that section of lost, abandoned, or unclaimed property found on a military installation referred to in subsection (b) shall be credited to the operation and maintenance account of that installation and used—

(1) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

(2) if all such costs are reimbursed, to support morale, welfare, and recreation activities under the jurisdiction of the Armed Forces conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces at that installation.

(b) COVERED MILITARY INSTALLATIONS.—Subsection (a) shall apply to Naval Base, Norfolk, Virginia, and Naval Air Station, Norfolk, Virginia.

(c) RECOVERY OF PROCEEDS.—The owner (or the heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (a) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subsection (a)(1)). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds. Unless the claim is filed with the Secretary of Defense within five years after the date of the disposal of the property, the claim may not be considered by a court or the Secretary of Defense. A claim may not be filed under section 2575(b) of title 10, United States Code, in the case of property covered by this section.

(d) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project required by subsection (a) shall—

(1) terminate at the end of the one-year period beginning on the date of the enactment of this Act; and

(2) apply with respect to the disposal during that period under section 2575 of title 10, United States Code, of property found on the military installations referred to in subsection (b).

(e) REPORT.—Not later than 60 days after the end of the one-year period described in subsection (d), the Secretary of Defense shall submit a report to Congress describing the results of the demonstration project required by subsection (a).

SEC. 344. USE OF PROCEEDS FROM THE TRANSFER OR DISPOSAL OF COMMISSARY STORE FACILITIES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687 note) is amended—

(A) by inserting "or (C)" after "subparagraph (B)" in subparagraph (A); and

(B) by adding at the end the following new subparagraphs:

"(C) In the case of the transfer or disposal under this subsection of any real property or facility that was acquired, constructed, or improved (in whole or in part) with funds described in subparagraph (D), a portion of the proceeds equal to the total amount of the funds so used shall be deposited in a reserve account established in the Treasury to be administered and used by the Secretary (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, or improving commissary stores and nonappropriated fund instrumentalities.

"(D) The funds referred to in subparagraph (C) are funds received from—

"(i) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code (or a prior law to that effect); or

"(ii) a nonappropriated fund instrumentality.".

10 USC 2687 note.

(2) Section 209 of that Act (102 Stat. 2634) is amended by adding at the end the following new paragraph:

"(10) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Ex-

change Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note) is amended—

(A) in subsection (a)(2)(C), by inserting "except as provided in subsection (d)," after "(C)"; and

(B) by adding at the end the following new subsection:

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) In the case of the transfer or disposal under this part of any real property or facility that was acquired, constructed, or improved (in whole or in part) with funds described in paragraph (2), a portion of the proceeds equal to the total amount of the funds so used shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, or improving commissary stores and nonappropriated fund instrumentalities.

"(2) The funds referred to in paragraph (1) are funds received from—

"(A) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code; or

"(B) a nonappropriated fund instrumentality.

"(3) As used in this subsection, the term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1819; 10 U.S.C. 2687 note) is amended—

(A) in subsection (c)(1), by striking out "Any" in the second sentence and inserting in lieu thereof "Except as provided in subsection (d),"; and

(B) by adding at the end the following new subsection:

"(d) AMOUNTS CORRESPONDING TO THE VALUE OF PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) In the case of a payment referred to in subsection (c)(1) for the residual value of real property or improvements at an overseas military facility, the portion of the payment that is equal to the value of the improvements carried out with nonappropriated funds shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance by appropriation Acts) for the purpose of acquiring, constructing, or improving commissary stores and nonappropriated fund instrumentalities.

"(2) As used in this subsection:

"(A) The term 'nonappropriated funds' means funds received from—

"(i) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code; or

"(ii) a nonappropriated fund instrumentality.

"(B) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

10 USC 2687 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with regard to the transfer or disposal of any real property or facility pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act or the Defense Base Closure and Realignment Act of 1990 occurring on or after the date of the enactment of this Act.

SEC. 345. USE OF APPROPRIATED FUNDS FOR EXPENSES RELATING TO CERTAIN VOLUNTARY SERVICES.

Section 1588(c) of title 10, United States Code, is amended by striking out "may only be made from nonappropriated funds" in the third sentence and inserting in lieu thereof "may be made from appropriated or nonappropriated funds".

SEC. 346. TREATMENT OF SEVERANCE PAY FOR FOREIGN NATIONALS UNDER OVERSEAS MILITARY BANKING CONTRACTS.

(a) WAIVER AUTHORITY.—Section 2324(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) The Secretary may provide in a military banking contract that the provisions of paragraphs (1)(M) and (1)(N) shall not apply to costs incurred under the contract by the contractor for payment of mandated foreign national severance pay. The Secretary may include such a provision in a military banking contract only if the Secretary determines, with respect to that contract, that the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals.

"(B) In subparagraph (A):

"(i) The term 'military banking contract' means a contract between the Secretary and a financial institution under which the financial institution operates a military banking facility outside the United States for use by members of the armed forces stationed or deployed outside the United States and other authorized personnel.

"(ii) The term 'mandated foreign national severance pay' means severance pay paid by a contractor to a foreign national employee the payment of which by the contractor is required in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the

foreign national receiving the payment performed services under the contract.

"(C) Subparagraph (A) does not apply to a contract with a financial institution that is owned or controlled by citizens or nationals of a foreign country, as determined by the head of the agency awarding the contract. Such a determination shall be made in accordance with the criteria set out in paragraph (1) of section 4(g) of title III of the Act of March 3, 1933 (41 U.S.C. 10b-1) (commonly referred to as the Buy American Act) and the policy guidance referred to in paragraph (2)(A) of that section.".

(b) APPLICATION OF SECTION.—The amendments made by subsection (a) shall not apply with respect to a foreign national whose employment under a military banking contract (defined in section 2324(e)(2)(B) of title 10, United States Code, as added by subsection (a)) was terminated before the date of the enactment of this Act. 10 USC 2324 note.

SEC. 347. IMPROVEMENT OF INVENTORY MANAGEMENT POLICY AND PROCEDURE.

(a) IMPROVEMENT IN INVENTORY MANAGEMENT POLICY.—Section 2458(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) set forth a uniform system for the valuation of inventory items by the military departments and Defense Agencies.".

(b) ANNUAL REPORT ON INVENTORY.—Section 2721 of such title is amended—

(1) by inserting "(a)" before "Under"; and

(2) by adding at the end the following new subsection:

"(b) The regulations prescribed pursuant to subsection (a) shall include a requirement that the records maintained under such subsection—

"(1) to the extent practicable, provide up-to-date information on all items in the inventory of the Department of Defense;

"(2) indicate whether the inventory of each item is sufficient or excessive in relation to the needs of the Department for that item; and

"(3) permit the Secretary of Defense to include in the budget submitted to Congress under section 1105 of title 31 for each fiscal year, information relating to—

"(A) the amounts proposed for each appropriation account in such budget for inventory purchases of the Department of Defense; and

"(B) the amounts obligated for such inventory purchases out of the corresponding appropriations account for the preceding fiscal year.".

(c) IMPLEMENTATION.—The Secretary of Defense shall establish the uniform system of valuation described in section 2458(a)(3) of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by section 2721(b) of such title (as added by subsection (b)), not later than 180 days after the date of the enactment of this Act. Regulations. 10 USC 2721 note.

7 USC 426 note.

SEC. 348. PREVENTION OF THE TRANSPORTATION OF BROWN TREE SNAKES ON AIRCRAFT AND VESSELS OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes from Guam to Hawaii in aircraft and vessels transporting personnel or cargo for the Department of Defense. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventive processes or devices at aircraft and vessel loading facilities in Guam or Hawaii or at intermediate transit points for personnel or cargo transported between Guam and Hawaii.

SEC. 349. DONATION OF CERTAIN SCRAP METAL TO THE MEMORIAL FUND FOR DISASTER RELIEF.

(a) DONATION AUTHORIZED.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1941 (40 U.S.C. 471 et seq.) or any other provision of law, the Secretary of Defense may donate not more than 15 tons of cruise missile scrap generated by the INF Treaty destruction requirements and managed by the Defense Logistics Agency at the Davis-Monthan Air Force Base, Tucson, Arizona, to the Memorial Fund for Disaster Relief, a corporation incorporated under the laws of the State of Delaware.

(b) INF TREATY DEFINED.—For purposes of this section, the term "INF Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, D.C., on December 8, 1987.

SEC. 350. MANAGEMENT OF MARITIME PREPOSITIONING SHIP PROGRAMS.

(a) PRIMARY RESPONSIBILITY.—Subject to the authority, direction, and control of the Secretary of Defense, the Commandant of the Marine Corps shall have the primary responsibility within the Department of Defense for managing the maritime prepositioning ship programs of the Department of Defense during fiscal years 1993 and 1994.

(b) CHANGE IN PERSON RESPONSIBLE.—The Secretary of Defense may give the primary responsibility referred to in subsection (a) to a person other than the Commandant of the Marine Corps with respect to a fiscal year if, not later than May 1 of the year in which that fiscal year begins, the Secretary certifies to the congressional defense committees that—

(1) the Navy's funding of maritime prepositioning ship programs is adequate to meet Marine Corps requirements for that fiscal year; and

(2) the Navy's maritime prepositioning ship program meets the requirements of the combatant commands for that fiscal year.

(c) CONSULTATION.—Before making a certification under subsection (b), the Secretary of Defense shall consult with the Commandant of the Marine Corps and the commanders of the combatant commands having responsibility for conducting or relying on mobility force operations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES. 10 USC 115 note.

(a) FISCAL YEAR 1992.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1992, as follows:

(1) The Army, 660,200, of whom not more than 96,781 shall be commissioned officers.

(2) The Navy, 551,400, of whom not more than 69,768 shall be commissioned officers.

(3) The Marine Corps, 188,000 of whom not more than 19,180 shall be commissioned officers.

(4) The Air Force, 486,800 of whom not more than 92,020 shall be commissioned officers.

(b) FISCAL YEAR 1993.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 618,200 of whom not more than 90,768 shall be commissioned officers.

(2) The Navy, 536,000, of whom not more than 67,607 shall be commissioned officers.

(3) The Marine Corps, 182,200 of whom not more than 18,591 shall be commissioned officers.

(4) The Air Force, 458,100 of whom not more than 86,594 shall be commissioned officers.

SEC. 402. ASSESSMENT OF THE STRUCTURE AND MIX OF ACTIVE AND RESERVE FORCES. 10 USC 115a note.

(a) REQUIREMENT FOR ASSESSMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment of a wide range of alternatives relating to the structure and mix of active and reserve forces appropriate for carrying out assigned missions in the mid- to late-1990s. Reports.

(b) CONCEPT FOR ASSESSMENT.—(1) The assessment shall consist of two parts.

(2)(A) The first part shall consist of a study conducted by a federally funded research and development center that is independent of the military departments. The study shall provide comprehensive analytical information about the matters set out in subsection (c).

(B) The Secretary shall ensure that the study group established by the federally funded research and development center to conduct the study has full access to the Department of Defense information necessary for the conduct of the study, including information on the performance of active and reserve forces during Operations Desert Shield and Desert Storm. The study group shall examine all active and reserve component missions, with particular emphasis on missions carried out by land forces.

(C) The study group shall be assisted by a panel of experts who, by reason of their background, experience, and knowledge, are particularly qualified in the areas covered by the study.

(3) The second part of the assessment shall consist of an evaluation by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the independent analysis, assumptions, findings,

and recommendations of the study group under paragraph (1). The Secretary and the Chairman shall determine, on the basis of the evaluation, the mix or mixes of reserve and active forces included in the independent study that are considered acceptable to carry out expected future military missions.

(c) MATTERS TO BE INCLUDED.—(1) The study conducted pursuant to subsection (b)(2) shall include the following:

(A) An assessment of the existing policies and practices for implementing the Total Force Policy of the Department of Defense, including—

(i) the methodology used by the Department of Defense in assigning missions between the active and reserve components; and

(ii) the methodology used by the Department of Defense to determine how force reductions are distributed within and between active and reserve components.

(B) An assessment of the effectiveness of the Total Force Policy during the Persian Gulf conflict.

(C) An assessment of a range of possible mixes of active and reserve forces, assuming a range of manning levels and declining funding levels.

(D) An assessment of the costs associated with alternative active and reserve force mixes and structures.

(2) In making the assessment referred to in paragraph (1)(C), the study group referred to in subsection (b)(2) shall—

(A) for each active forces manning level considered in the range of possible mixes of active and reserve forces, consider the levels provided for the Selected Reserve in this Act for fiscal year 1993, levels significantly higher than those levels, and levels significantly lower than those levels;

(B) for each mix of active and reserve forces, conduct an analysis of the ability of the resulting alternative base-forces to successfully prosecute a range of military operations and focus on the time that would be required to prepare such forces for combat, the cost of training and maintaining such forces in peacetime, and the sustainability of reserve recruiting and retention; and

(C) in analyzing various active and reserve mix options, consider possible revisions in the missions assigned to some active and reserve units, possible changes in training practices, and possible changes in the organizational structure of active and reserve components.

(d) COMMENCEMENT OF ASSESSMENT.—The assessment shall be initiated not later than 30 days after the date of the enactment of this Act.

(e) REPORTS.—The study group referred to in subsection (b)(2) shall submit to the Secretary of Defense an interim report on the matters set out in subsection (c) not later than May 1, 1992, and a final report on such matters not later than December 1, 1992. The Secretary shall submit each such report to the committees within 15 days after receiving the report. The Secretary shall submit the evaluation required in subsection (b)(3) to such committees not later than February 15, 1993.

(f) FUNDING.—Of the amount appropriated for fiscal year 1992 pursuant to title II and made available for federally funded research and development centers, not more than $2,000,000 shall be available for the conduct of the study under this section.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE. 10 USC 261 note.

(a) FISCAL YEAR 1992.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1992, as follows:

(1) The Army National Guard of the United States, 440,000.
(2) The Army Reserve, 308,000.
(3) The Naval Reserve, 144,000.
(4) The Marine Corps Reserve, 42,400.
(5) The Air National Guard of the United States, 118,100.
(6) The Air Force Reserve, 83,396.
(7) The Coast Guard Reserve, 15,150.

(b) FISCAL YEAR 1993.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 425,450.
(2) The Army Reserve, 296,230.
(3) The Naval Reserve, 141,545.
(4) The Marine Corps Reserve, 42,230.
(5) The Air National Guard of the United States, 119,400.
(6) The Air Force Reserve, 82,400.
(7) The Coast Guard Reserve, 15,150.

(c) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for any fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES. 10 USC 261 note.

(a) FISCAL YEAR 1992.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1992, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,142.
(2) The Army Reserve, 13,146.
(3) The Naval Reserve, 22,521.
(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,081.
(6) The Air Force Reserve, 649.

(b) FISCAL YEAR 1993.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,860.
(2) The Army Reserve, 12,862.
(3) The Naval Reserve, 22,055.
(4) The Marine Corps Reserve, 2,282.
(5) The Air National Guard of the United States, 9,081.
(6) The Air Force Reserve, 636.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	279	14
E-8	2,585	429	800	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	595	75
Colonel or Navy Captain	372	188	227	25".

10 USC 261 note.

SEC. 414. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) PILOT PROGRAM REQUIRED.—During fiscal year 1993, the Secretary of the Army shall institute a pilot program to provide active component advisers to combat units, combat support units, and combat service support units in the Selected Reserve of the Ready Reserve that have a high priority for deployment on a time-phased troop deployment list or have another contingent high priority for deployment. The advisers shall be assigned to full-time duty in connection with organizing, administering, recruiting, instructing, or training such units.

(b) OBJECTIVES OF PROGRAM.—The objectives of the program are as follows:

(1) To improve the readiness of units in the reserve components of the Army.

(2) To increase substantially the number of active component personnel directly advising reserve component unit personnel.

(3) To provide a basis for determining the most effective mix of reserve component personnel and active component personnel in organizing, administering, recruiting, instructing, or training reserve component units.

(4) To provide a basis for determining the most effective mix of active component officer and enlisted personnel in advising reserve component units regarding organizing, administering, recruiting, instructing, or training reserve component units.

(c) PERSONNEL TO BE ASSIGNED.—(1) The Secretary shall assign officers, warrant officers, and enlisted members to serve as advisers under the program. Subject to paragraph (2), the Secretary shall determine the appropriate mix and numbers of such personnel to be assigned under the program.

(2) The Secretary shall assign at least 1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units.

(3) The number of officers performing duties under the program in fiscal year 1993 shall be counted for purposes of section 401(b)(1).

(d) ACTION ON THE BASIS OF PROGRAM RESULTS.—Based on the experience under the pilot program, the Secretary of the Army may expand or modify the program as he considers appropriate in order to increase the readiness and training of reserve component units for any period after September 30, 1993. Modifications in the program may not reduce the minimum number of officer advisers assigned below 2,000.

(e) ARMY RESERVE COMPONENT END STRENGTHS FOR FISCAL YEARS 1994-1998.—(1) Subsection (b) of section 412 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1547; 10 U.S.C. 261 note) is amended—

(A) by striking out "FISCAL YEARS 1992-1997.—" and inserting in lieu thereof "FISCAL YEARS 1994-1998.—"; and

(B) by striking out the table in paragraph (2) and inserting in lieu thereof the following:

"Fiscal Year	Army Reserve	Army National Guard
1994	12,006	23,579
1995	11,339	22,269
1996	10,672	20,959
1997	10,005	19,649
1998	9,341	18,340".

(2) Subsection (d) of such section is amended—

(A) in paragraph (1), by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal year 1994"; and

(B) in paragraph (2), by striking out "fiscal years 1992 and 1993" and inserting in lieu thereof "fiscal year 1994".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1992.—For fiscal year 1992, the Armed Forces are authorized average military training loads as follows:

(1) The Army, 80,724.

(2) The Navy, 61,619.

(3) The Marine Corps, 24,533.

(4) The Air Force, 36,361.
(5) The Uniformed Services University of the Health Sciences, 619.

(b) FISCAL YEAR 1993.—For fiscal year 1993, the Armed Forces are authorized average military training loads as follows:
(1) The Army, 76,534.
(2) The Navy, 61,567.
(3) The Marine Corps, 24,992.
(4) The Air Force, 35,994.
(5) The Uniformed Services University of the Health Sciences, 602.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

PART D—OTHER PERSONNEL STRENGTH MATTERS

SEC. 431. REDUCTION IN NUMBER OF ACTIVE DUTY AIR FORCE COLONELS.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking out the figures under the heading "Colonel" relating to the Air Force and inserting in lieu thereof the following:

"3,392
"3,573
"3,754
"3,935
"4,115
"4,296
"4,477
"4,658
"4,838
"5,019
"5,200
"5,381".

TITLE V—MILITARY PERSONNEL POLICY

PART A—OFFICER PERSONNEL POLICIES

SEC. 501. INITIAL APPOINTMENT OF COMMISSIONED OFFICERS TO BE IN A RESERVE GRADE.

Section 532 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) After September 30, 1996, no person may receive an original appointment as a commissioned officer in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps until that person has completed one year of service on active duty as a commissioned officer (other than a warrant officer) of a reserve component.".

SEC. 502. TRANSITION PERIOD FOR CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT.

(a) REDUCTION IN PERIOD.—Section 601(b)(4) of title 10, United States Code, is amended by striking out "90 days" and inserting in lieu thereof "60 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act. 10 USC 601 note.

SEC. 503. SELECTIVE EARLY RETIREMENT FLEXIBILITY AUTHORITY.

(a) EXCLUSION OF OFFICERS OTHERWISE APPROVED FOR RETIREMENT.—Section 638(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e)";

(2) by designating the second sentence as paragraph (2)(A);

(3) by inserting "(except as provided in subparagraph (B))" after "under this section, such list"; and

(4) by adding at the end the following:

"(B) A list under subparagraph (A) may not include an officer in that grade and competitive category who has been approved for voluntary retirement under section 3911, 6323, or 8911 of this title, or who is to be involuntarily retired under any provision of law, during the fiscal year in which the selection board is convened or during the following fiscal year.

"(C) An officer not considered by a selection board convened under section 611(b) of this title by reason of subparagraph (B) shall be retired on the date approved for the retirement of that officer as of the convening date of such selection board unless the Secretary concerned approves a modification of such date in order to prevent a personal hardship for the officer or for other humanitarian reasons.".

(b) TEMPORARY EARLY RETIREMENT SELECTION AUTHORITY.—(1) Subparagraph (C) of section 638a(b)(2) of such title is amended to read as follows:

"(C) Officers, other than those described in subparagraphs (A) and (B), holding a regular grade below the grade of colonel, or in the case of the Navy, captain, who are eligible for retirement under section 3911, 6323, or 8911 of this title, or who after two additional years or less of active service would be eligible for retirement under one of those sections and whose names are not on a list of officers recommended for promotion.".

(2) Subsection (c) of section 638a of such title is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) In the case of an action authorized under subsection (b)(2), the Secretary of Defense may also authorize the Secretary of the military department concerned when convening a selection board under section 611(b) of this title to consider regular officers on the active-duty list for early retirement to include within the officers to be considered by the board reserve officers on the active-duty list on the same basis as regular officers.".

SEC. 504. INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.

(a) COMMUNICATIONS WITH BOARDS.—(1) Section 615 of title 10, United States Code, is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e); and

(B) by inserting after the section heading the following new subsection (a):

"(a)(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 611(a) of this title. Those regulations shall apply uniformly Regulations.

among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the selection board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 614(b) of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1), is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a selection board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the selection board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the selection board by administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a selection board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later selection board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the selection board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished with an appropriate summary of the information.".

(2)(A) The heading for section 614 of such title is amended by striking out "; **communications with boards**".

(B) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 36 of such title is amended by striking out "; communications with boards".

(b) DISCLOSURE OF BOARD RECOMMENDATIONS.—Section 616 of such title is amended by adding at the end the following new subsections:

"(e) The recommendations of a selection board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 617 of this title, is signed by each member of the board.

"(f) The Secretary convening a selection board under section 611(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a selection board or any member of a selection board in the formulation of the board's recommendations.".

(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—Section 618 of such title is amended by adding at the end the following new subsection:

"(g) If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.".

(d) SCREENING OF OFFICERS FOR CONSIDERATION BY SELECTION BOARDS.—Section 619(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) may, in accordance with standards and procedures prescribed by the Secretary of Defense in regulations which shall apply uniformly among the military departments, limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion;"; Regulations.

(B) by striking out subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense may authorize the Secretaries of the military departments to preclude from consideration by selec-

tion boards for promotion to the grade of brigadier general or rear admiral (lower half) officers in the grade of colonel or, in the case of the Navy, captain who—

"(i) have been considered and not selected for promotion to the grade of brigadier general or rear admiral (lower half) by at least two selection boards; and

"(ii) are determined, in accordance with standards and procedures prescribed pursuant to subparagraph (B), as not being exceptionally well qualified for promotion.

Regulations.

"(B) If the Secretary of Defense authorizes the Secretaries of the military departments to have the authority described in subparagraph (A), the Secretary shall prescribe by regulation the standards and procedures for the exercise of such authority. Those regulations shall apply uniformly among the military departments and shall include the following provisions:

"(i) A requirement that the Secretary of a military department may exercise such authority in the case of a particular selection board only if the Secretary of Defense approves the exercise of that authority for that board.

"(ii) A requirement that an officer may be precluded from consideration by a selection board under this paragraph only upon the recommendation of a preselection board of officers convened by the Secretary of the military department concerned and composed of at least three officers all of whom are serving in a grade higher than the grade of such officer.

"(iii) A requirement that such a preselection board may not recommend that an officer be precluded from such consideration unless the Secretary concerned has given the officer advance written notice of the convening of such board and of the military records that will be considered by the board and has given the officer a reasonable period before the convening of the board in which to submit comments to the board.

"(iv) A requirement that the Secretary convening such a preselection board shall provide general guidance to the board in accordance with standards and procedures prescribed by the Secretary of Defense in those regulations.

"(v) A requirement that the preselection board may recommend that an officer be precluded from consideration by a selection board only on the basis of the general guidance provided by the Secretary of the military department concerned, information in the officer's official military personnel records that has been described in the notice provided the officer as required pursuant to clause (iii), and any communication to the board received from that officer before the board convenes.".

10 USC 615 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 505. RETIREMENT OF CHIEF OF NAVAL OPERATIONS AND COMMANDANT OF THE MARINE CORPS IN HIGHEST GRADE.

(a) CHIEF OF NAVAL OPERATIONS.—Section 5034 of title 10, United States Code, is amended by inserting "and by and with the advice and consent of the Senate" after "President".

(b) COMMANDANT OF THE MARINE CORPS.—Section 5043(c) of such title is amended by inserting "and by and with the advice and consent of the Senate" after "President".

SEC. 506. GRADE OF RETIRED OFFICERS RECALLED TO ACTIVE DUTY.

(a) SERVICE IN HIGHER GRADE HELD WHILE ON ACTIVE DUTY.—Subsection (d) of section 688 of title 10, United States Code, is amended—

(1) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3)(A) A retired member ordered to active duty under this section who has previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty in the highest grade in which the member had so served satisfactorily, except that such a member may not be so ordered to active duty in a grade above major general or rear admiral.

"(B) A retired member ordered to active duty in a grade that is higher than the member's retired grade pursuant to paragraph (1) shall be treated for purposes of subsection (b) as if the member was promoted to that higher grade while on that tour of active duty.

"(C) If, upon being released from that tour of active duty, such a retired member has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade that is a higher grade than the member's retired grade, the member is entitled to placement on the retired list in that grade.".

(b) CONFORMING AMENDMENT.—Section 311(c) of Public Law 102-25 (105 Stat. 85) is amended by inserting ", and before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993" before the period. 10 USC 688 note.

PART B—SERVICE ACADEMIES

SEC. 511. LIMITATION ON THE NUMBER OF CADETS AND MIDSHIPMEN AUTHORIZED TO ATTEND THE SERVICE ACADEMIES. 10 USC 4342 note.

(a) REDUCTION IN AUTHORIZED STRENGTHS.—The authorized strength of the Corps of Cadets of the United States Military Academy, the Air Force Cadets of the United States Air Force Academy, and the brigade of midshipmen of the United States Naval Academy may not exceed 4,000 for each service academy for class years beginning after 1994.

(b) CLASS REDUCTIONS NOT TO AFFECT CERTAIN APPOINTMENTS.—Any reduction in the number of appointments to the class of a service academy required as a result of subsection (a) may not be achieved by reducing the number of appointments under section 4342(a), 6954(a), or 9342(a) of title 10, United States Code, as applicable.

(c) GAO REPORT.—(1) The Comptroller General of the United States shall determine for each of the Army, Navy, Air Force, and Marine Corps the percentage for each benchmark year of the commissioned officers receiving an original appointment during that year who were graduates of a service academy. The Comptroller General shall also determine the average of those annual percentages for each of those Armed Forces.

(2) The Comptroller General shall select the benchmark years (including the number of years to be used as benchmark years) for purposes of paragraph (1). The Comptroller General may select different benchmark years for each of the Army, Navy, Air Force,

and Marine Corps. Each year selected as a benchmark year shall be one for which the active duty strength of the Armed Force concerned was approximately the authorized end strength established by law for that Armed Force for members on active duty for fiscal year 1995.

(3) Not later than February 15, 1992, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the results of the determinations of the Comptroller General under paragraph (1).

(d) SERVICE ACADEMY DEFINED.—For purposes of this section, the term "service academy" means the United States Military Academy, the United States Air Force Academy, or the United States Naval Academy.

(e) CONFORMING AMENDMENT.—Section 531 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1563; 10 U.S.C. 4342 note) is repealed.

SEC. 512. ELIMINATION OF MINIMUM ENLISTED SERVICE REQUIREMENT FOR NOMINATION TO THE NAVAL ACADEMY.

Section 6958(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 513. ADMINISTRATION OF ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 180. Service academy athletic programs: review board

"(a) INDEPENDENT REVIEW BOARD.—The Secretary of Defense shall appoint a board to review the administration of the athletics programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

"(b) COMPOSITION OF BOARD.—The Secretary shall appoint the members of the board from among distinguished administrators of institutions of higher education, members of Congress, members of the Boards of Visitors of the academies, and other experts in collegiate athletics programs. The Superintendents of the three academies shall be members of the board. The Secretary shall designate one member of the board, other than a Superintendent of an academy, as Chairman.

"(c) DUTIES.—The board shall, on an annual basis—

"(1) review all aspects of the athletics programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, including—

"(A) the policies relating to the administration of such programs;

"(B) the appropriateness of the balance between the emphasis placed by each academy on athletics and the emphasis placed by such academy on academic pursuits; and

"(C) the extent to which all athletes in all sports are treated equitably under the athletics program of each academy; and

"(2) determine ways in which the administration of the athletics programs at the academies can serve as models for the

administration of athletics programs at civilian institutions of higher education.

"(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the board. Members of the board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) The members of the board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the board.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"180. Service academy athletic programs: review board.".

SEC. 514. AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING THE PERSIAN GULF WAR.

10 USC 4346 note.

(a) WAIVER AUTHORITY.—The Secretary of the military department concerned may waive the maximum age limitation in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, in the case of any enlisted member of the Armed Forces who—

(1) becomes 22 years of age while serving on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm during the Persian Gulf War; or

(2) was a candidate for admission to the service academy under the jurisdiction of such Secretary in 1990, was prevented from being admitted to the academy during that year by reason of the service of such person on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm, and became 22 years of age after July 1, 1990, and before the end of such service in that area of operations.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "Operation Desert Storm" has the meaning given such term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 77; 10 U.S.C. 101 note).

(2) The term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

PART C—RESERVE PERSONNEL

SEC. 521. INCREASED NUMBER OF ACTIVE DUTY OFFICERS ASSIGNED TO FULL-TIME SUPPORT AND TRAINING OF ARMY NATIONAL GUARD COMBAT UNITS.

Within the end strength for the number of officers of the Army on active duty as of the end of fiscal year 1992 that is prescribed by section 401(a)(1), the Secretary of the Army shall assign 1,300 of the officers on active duty within that number to full-time duty in

connection with organizing, administering, recruiting, instructing, or training combat units of the Army National Guard.

SEC. 522. GUARANTEED RESERVE FORCES DUTY SCHOLARSHIP PROGRAM.

(a) PROGRAM REVISIONS.—Section 2107a of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "a student at a military junior college" and inserting in lieu thereof "enrolled in the Advanced Course of the Army Reserve Officers' Training Corps at a military college, military junior college, or civilian institution"; and

(B) by inserting "Reserve or Army National Guard" after "second lieutenant in the Army";

(2) in subsection (a)(2)—

(A) by inserting "military college or" after "To be considered a";

(B) by striking out "that does not confer baccalaureate degrees and that meets" and inserting in lieu thereof "and meet"; and

(C) by adding at the end the following new sentence: "For purposes of this section, a military junior college does not confer a baccalaureate degree.";

(3) in subsection (b)(6), by striking out "such reserve component" and inserting in lieu thereof "a troop program unit of the Army Reserve or Army National Guard";

(4) in subsection (f), by inserting "or who does not complete a baccalaureate degree within five years after appointment as a cadet under this section," after "when offered,"; and

(5) in subsection (h)—

(A) by striking out "(1)";

(B) by striking out "not less than 10 cadets under this section each year" and inserting in lieu thereof "not more than 208 cadets each year under this section, to include not less than 10 cadets"; and

(C) by striking out paragraph (2).

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard".

(2) The item relating to such section in the table of sections at the beginning of chapter 103 of such title is amended to read as follows:

"2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard.".

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the feasibility and desirability of increasing the number and type of senior Reserve Officer Training Corps scholarships available for recruitment of officers for the Army National Guard and Army Reserve.

SEC. 523. BACCALAUREATE DEGREE REQUIRED FOR APPOINTMENT OR PROMOTION OF RESERVE COMPONENT OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

10 USC 591 note.

(a) IN GENERAL.—After September 30, 1995, no person may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) The appointment to a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

SEC. 524. PRIORITY IN MAKING ORIGINAL APPOINTMENTS IN GUARD AND RESERVE COMPONENTS FOR ROTC SCHOLARSHIP PROGRAM GRADUATES.

10 USC 591 note.

In making appointments of persons as second lieutenants in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to the grade of ensign in the Naval Reserve, or in granting federal recognition in the grade of second lieutenant to members of the Army National Guard or Air National Guard, the Secretary of the military department concerned shall give preference to persons who have completed a post-secondary program of education pursued under a ROTC scholarship program at a college or university accredited to award baccalaureate degrees or pursued under a ROTC scholarship program at an accredited two-year or four-year military college.

SEC. 525. WAIVER OF PROHIBITION ON CERTAIN RESERVE SERVICE WITH THE ROTC PROGRAM.

10 USC 690 note.

The Secretary of the military department concerned may waive the prohibition in section 690 of title 10, United States Code, in the case of a member of a reserve component of the Armed Forces referred to in that section who is serving in an assignment to duty with a unit of the Reserve Officer Training Corps program on September 30, 1991, if the Secretary determines that the removal of the member from that assignment will cause a financial hardship for that member.

SEC. 526. REPORT ON THE SUPERVISION, MANAGEMENT, AND ADMINISTRATION OF THE MARINE CORPS RESERVE.

10 USC 5252 note.

(a) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the supervision, management, and administration of the Marine Corps Reserve.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A description of the organizational chain of command of the Marine Corps Reserve from unit level through Headquarters, United States Marine Corps.

(2) The identity of each office, if any, within the Headquarters, United States Marine Corps, that has as its specific responsibility the oversight of personnel, training, management, and administration matters with respect to the Marine Corps Reserve.

(3) If such offices exist, a discussion of the extent to which it is the policy and practice of the Marine Corps to assign members of the Marine Corps Reserve to duty in such offices.

(4) A discussion of how the current structure of the chain of command and organization of administrative responsibility for the Marine Corps Reserve at Headquarters, United States Marine Corps, is designed to facilitate the efficiency, readiness, and ability of the Marine Corps Reserve to execute the purpose set out in section 262 of title 10, United States Code.

(5) A discussion of any actions that the Secretary of Defense considers appropriate for improving the supervision, management, and administration of the Marine Corps Reserve, including any actions taken or planned to be taken by the Secretary as a result of the issues identified in the preparation of the report.

(6) Any recommended legislation that the Secretary considers necessary for the improvement of the organization, supervision, management, or administration of the Marine Corps Reserve.

(c) DEADLINE FOR SUBMISSION OF REPORT.—The report shall be submitted not later than December 31, 1992.

SEC. 527. REPORT ON COMMISSIONING AND TRAINING OF NEW ARMY NATIONAL GUARD OFFICERS.

Not later than six months after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report concerning—

(1) the desirability of a program requiring all Army National Guard personnel seeking a commission through officer candidate school to attend the Federal Officer Candidate School at Fort Benning, Georgia, as a condition for Federal recognition; and

(2) the desirability of increasing the allocation of positions at the course of instruction known as the Officer Basic Course for attendees from the Army National Guard whose attendance would be paid by the Army and not by the State National Guard.

SEC. 528. EXPANSION OF DUTIES FOR WHICH RESERVES ARE ENTITLED TO MILITARY LEAVE FROM FEDERAL EMPLOYMENT.

Section 6323(b)(2) of title 5, United States Code, is amended by striking out "law—" and inserting in lieu thereof the following: "law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury—".

PART D—ASSIGNMENT OF WOMEN IN THE ARMED FORCES

Subpart 1—Statutory Limitations

SEC. 531. REPEAL OF STATUTORY LIMITATIONS ON ASSIGNMENT OF WOMEN IN THE ARMED FORCES TO COMBAT AIRCRAFT.

(a) AIR FORCE.—(1) Section 8549 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 843 of such title is amended by striking out the item relating to section 8549.

(b) NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended in the third sentence—

(1) by striking out "or in aircraft";

(2) by inserting "(other than as aviation officers as part of an air wing or other air element assigned to such a vessel)" after "combat missions"; and

(3) by inserting "other" after "temporary duty on".

Subpart 2—Commission on the Assignment of Women in the Armed Forces

10 USC 113 note.

SEC. 541. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on the Assignment of Women in the Armed Forces (hereinafter in this subpart referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 15 members appointed by the President. The Commission membership shall be diverse with respect to race, ethnicity, gender, and age. The President shall designate one of the members as Chairman of the Commission.

(2) The President shall appoint the members of the Commission from among persons who have distinguished themselves in the public or private sector and who have had significant experience (as determined by the President) with one or more of the following matters:

(A) Social and cultural matters affecting the military and civilian workplace gained through recognized research and policymaking, as demonstrated by retired military personnel, representatives from educational organizations, and leaders from civilian industry and non-Department of Defense governmental agencies.

(B) The law.

(C) Factors used to define appropriate combat job qualifications, including physical, mental, educational, and other factors.

(D) Service in the Armed Forces in a combat environment.

(E) Military personnel management.

(F) Experiences of women in the military gained through service as—

(i) a female service member (current or former);

(ii) a manager of an organization with a representative presence of women; or

(iii) a member of an organization with responsibility for policy review, advice, or oversight of the status of women in the military.

(G) Women's issues in American society.

(3) In making appointments to the Commission, the President shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—(1) The President shall make all appointments under subsection (b) within 60 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 15 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 542. DUTIES.

(a) IN GENERAL.—The Commission shall assess the laws and policies restricting the assignment of female service members and shall make findings on such matters.

(b) STUDIES.—In carrying out such assessment, the Commission shall—

(1) conduct a thorough study of duty assignments available for female service members;

(2) examine studies already completed concerning duty assignments for female service members; and

(3) conduct such additional studies as may be required.

(c) MATTERS TO BE CONSIDERED.—Matters to be considered by the Commission shall include the following:

(1) The implications, if any, for the combat readiness of the Armed Forces of permitting female service members to qualify for assignment to positions in some or all categories of combat positions and to be assigned to such positions, including the implications with respect to—

(A) the physical readiness of the armed forces and the process for establishing minimum physical and other qualifications;

(B) the effects, if any, of pregnancy and other factors resulting in time lost for male and female service members; in evaluating lost time, comparisons must be made between like mental categories and military occupational specialties rather than simple gender comparisons; and

(C) the effects, if any, of such assignments on unit morale and cohesion.

(2) The public attitudes in the United States on the use of women in the military.

(3) The legal and policy implications (A) of permitting only voluntary assignments of female service members to combat positions, and (B) of permitting involuntary assignments of female service members to some or all combat positions.

(4) The legal and policy implications—

(A) of requiring females to register for and to be subject to conscription under the Military Selective Service Act on the same basis as males if females were provided the same opportunity as males for assignment to any position in the Armed Forces;

(B) of requiring females to register for and to be subject to conscription under the Military Selective Service Act on the same basis as males if females in the Armed Forces were assigned to combat position only as volunteers; and

(C) of requiring females to register for and to be subject to conscription under the Military Selective Service Act on a different basis than males if females in the Armed Forces were not assigned to combat positions on the same basis as males.

(5) The extent of the need to modify facilities and vessels, aircraft, vehicles, and other equipment of the Armed Forces to accommodate the assignment of female service members to combat positions or to provide training in combat skills to female service members, including any need to modify quarters, weapons, and training facilities and equipment.

(6) The costs of meeting the needs identified pursuant to paragraph (5).

(7) The implications of restrictions on the assignment of women on the recruitment, retention, use, and promotion of qualified personnel in the Armed Forces.

SEC. 543. REPORT.

(a) IN GENERAL.—(1) Not later than November 15, 1992, the Commission shall transmit to the President a final report on the results of the study conducted by the Commission.

(2) The Commission may transmit to the President and to Congress such interim reports as the Commission considers appropriate.

(b) CONTENT OF FINAL REPORT.—(1) The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with such recommendations for further legislation and administrative action as the Commission considers appropriate.

(2) The report shall include recommendations on the following matters:

(A) Whether existing law and policies restricting the assignment of female service members should be retained, modified, or repealed.

(B) What roles female service members should have in combat.

(C) What transition process is appropriate if female service members are to be given the opportunity to be assigned to combat positions in the Armed Forces.

(D) Whether special conditions and different standards should apply to females than apply to males performing similar roles in the Armed Forces.

(c) SUBMISSION OF FINAL REPORT TO CONGRESS.—Not later than December 15, 1992, the President shall transmit to the Congress the report of the Commission, together with the President's comments and recommendations regarding such report. President.

SEC. 544. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subpart, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subpart. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 545. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission present at a properly called meeting.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subpart.

SEC. 546. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that no rate of pay fixed under this paragraph may

exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 547. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PROCUREMENT AUTHORITY.—The Commission may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, but (except in the case of temporary or intermittent services procured under section 546(e)) only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (c). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any similar provision of Federal law.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

(f) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 548. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 549. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which Commission submits its final report under section 543(a)(1).

SEC. 550. TEST ASSIGNMENTS OF FEMALE SERVICE MEMBERS TO COMBAT POSITIONS.

(a) TEST ASSIGNMENTS.—In carrying out its duties, the Commission may request the Secretary of Defense to conduct test assignments of female service members to combat positions. The Secretary shall determine, in consultation with the Commission, the types of tests that are appropriate and shall retain a record of the disposition of each such request.

(b) WAIVER AUTHORITY.—For the purpose of conducting test assignments of female service members to combat positions pursuant to requests under subsection (a), the Secretary of Defense may waive section 6015 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policy to the assignment of female service members to combat positions.

PART E—MISCELLANEOUS

SEC. 551. ESTABLISHMENT OF PHYSICIAN ASSISTANT SECTION IN ARMY MEDICAL SPECIALIST CORPS.

(a) ESTABLISHMENT.—(1) Subsection (a) of section 3070 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Physician Assistant Section.".

(2) Such subsection is further amended—

(A) by striking out "sections—" and inserting in lieu thereof "sections:";

(B) by striking out "the" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "The";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(3) Subsection (c) of such section is amended by striking out "three assistant chiefs" in the first sentence and inserting in lieu thereof "four assistant chiefs".

10 USC 3070 note.

(b) APPOINTMENT OF ASSISTANT CHIEF.—Notwithstanding the requirement in subsection (c) of section 3070 of title 10, United States Code, as amended by subsection (a), with respect to the appointment of officers of the Regular Army as chiefs of sections of the Army Medical Specialist Corps, a warrant officer of the Army who is appointed as a reserve commissioned officer and assigned to the Army Medical Specialist Corps for service in the Physician Assistant Section of that Corps during the five-year period beginning on the date of the enactment of this Act may be appointed as an assistant chief of that Corps and chief of the Physician Assistant Section.

10 USC 3070 note.

(c) RETIREMENT.—A member of the Army who on the date of the enactment of this Act is a warrant officer serving on active duty (other than for training) as a physician assistant and who is subsequently appointed as a commissioned officer in, or is assigned to, the Physician Assistant Section of the Army Medical Specialist Corps

may elect at the time of the officer's retirement after 20 years or more of active service that could be credited to the officer under section 511 of the Career Compensation Act of 1949, as amended—

(1) to revert to the highest warrant officer grade in which the officer served on active duty (other than for training) satisfactorily (as determined by the Secretary of the Army) for a period of more than 30 days; and

(2) to be retired under chapter 65 of title 10, United States Code.

(d) CONSTRUCTIVE CREDIT FOR DETERMINATION OF GRADE AND RANK.—(1) For the purpose of determining the grade and rank within grade of a person who is appointed as a commissioned officer in the Army Medical Specialist Corps for service in the Physician Assistant Section, or who is assigned to the Army Medical Specialist Corps for service as a physician assistant, and who on the date of the enactment of this Act is a warrant officer and a physician assistant on active duty or in an active reserve status, the Secretary of the Army shall credit that person at the time of such appointment with any service on active duty, or in an active reserve status, as a physician assistant performed as a member of the Armed Forces before that appointment. 10 USC 3070 note.

(2) The Secretary of Defense shall prescribe regulations to carry out this subsection. Regulations.

SEC. 552. REVIEW OF PORT CHICAGO COURT-MARTIAL CASES.

The Secretary of the Navy shall carry out without delay a thorough review of the cases of all 258 individuals convicted in the courts-martial arising from the explosion at the Port Chicago (California) Naval Magazine on July 17, 1944. The purpose of the review shall be to determine the validity of the original findings and sentences and the extent, if any, to which racial prejudice or other improper factors now known may have tainted the original investigations and trials. If the Secretary determines that the conviction of an individual in any such case was in error or an injustice, then, notwithstanding any other provision of law, he may correct that individual's military records (including the record of the court-martial in such case) as necessary to rectify the error or injustice.

SEC. 553. APPOINTMENT OF ADJUTANTS GENERAL OF THE NATIONAL GUARD OF THE VIRGIN ISLANDS AND GUAM.

Section 314(b) of title 32, United States Code, is amended—

(1) by striking out "each Territory and" in the first sentence, and

(2) by striking out the second sentence.

SEC. 554. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

(a) PAYMENT.—The Secretary of the military department concerned shall pay, from amounts available for military pay and allowances, an amount determined under subsection (b) to each individual who as a member of the Armed Forces during the Korean conflict was held as a prisoner of war. The authority of the Secretary to make such payments is effective for any fiscal year only to the extent that amounts are provided in advance in appropriation Acts.

(b) PAYMENT AMOUNT.—The amount of a payment under this section shall be the greater of—

(1) $300; or

(2) subject to subsection (c), the amount of leave actually accrued and lost by the individual concerned during the period the individual was in a prisoner of war status.

(c) REQUIRED RECORDS.—A payment under this section may be paid in an amount determined under subsection (b)(2) only if the individual to whom the payment is to be made has adequate records documenting to the satisfaction of the Secretary concerned (1) the period the individual was in a prisoner of war status, (2) the grade in the Armed Forces held by the individual during that period, and (3) such other information as the Secretary requires to compute such actual amount.

(d) DEADLINE FOR PAYMENTS.—The Secretary of the military department concerned shall make any payment required by subsection (a) not later than the end of the six-month period beginning on the date of the enactment of this Act.

SEC. 555. SENSE OF CONGRESS REGARDING PRIORITY FOR DEMOBILIZATION OF RESERVE FORCES CALLED OR ORDERED TO ACTIVE DUTY IN CONNECTION WITH A CONTINGENCY OPERATION.

Persian Gulf conflict.

(a) FINDINGS.—Congress finds that the Department of Defense—

(1) was not sufficiently sensitive to the sacrifices made by reservists called or ordered to active duty in connection with the Persian Gulf conflict and by the families, employers, and communities of those reservists; and

(2) did not give adequate priority to the redeployment and demobilization of reserve forces called or ordered to active duty in connection with the conflict.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should examine the redeployment policy used during the Persian Gulf conflict with a view toward developing a policy for future contingencies that would expedite the return of reserve units activated or deployed during the contingency at the earliest opportunity consistent with mission requirements; and

(2) in the case of any future contingency operation, should to the maximum extent possible following termination of the conditions that gave rise to the contingency operation expeditiously shift the missions assigned to those reserve units activated for the purpose of the contingency operation to active duty units, to Federal civilians, or to contractors.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

37 USC 1009 note.

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1992.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1992 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1992, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4.2 percent.

SEC. 602. LIMITATION ON THE AMOUNT OF BASIC ALLOWANCE FOR QUARTERS FOR MEMBERS RECEIVING SUCH ALLOWANCE BY REASON OF THEIR PAYMENT OF CHILD SUPPORT.

(a) LIMITATION.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(m)(1) Except as provided in paragraph (2), in the case of a member of a uniformed service who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service and who is authorized a basic allowance for quarters solely by reason of the member's payment of child support, the amount of the basic allowance for quarters to which the member is entitled shall be equal to the difference between the basic allowance for quarters applicable to the member's grade, rank, or rating at the with-dependent rate and the applicable basic allowance for quarters at the without-dependent rate.

"(2) A member of a uniformed service shall not be entitled to a basic allowance for quarters solely by reason of the payment of child support if the monthly rate of that child support is less than the amount of the basic allowance for quarters computed for the member under paragraph (1).

"(3) The application of this subsection to a member of a uniformed service shall not affect the entitlement of that member to a basic allowance for quarters at a partial rate under section 1009(c) of this title.".

(b) EXCEPTION FOR CERTAIN MEMBERS.—Subsection (m) of section 403 of title 37, United States Code (as added by subsection (a)), shall not apply with respect to a member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who, on the day before the date of the enactment of this Act, was entitled to receive a basic allowance for quarters solely by reason of the member's payment of child support. The exception provided by this subsection shall expire with respect to a member described in the preceding sentence on the date on which the member becomes entitled to receive a basic allowance for quarters at the with-dependents rate for a reason other than, or in addition to, the member's payment of child support.

37 USC 403 note.

SEC. 603. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES AND RETIREES CALLED OR ORDERED TO ACTIVE DUTY.

Section 403a(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a member described in subparagraph (B) who is assigned to duty away from the member's principal place of residence (as determined under regulations prescribed by the Secretary of Defense), the member shall be considered to be assigned to duty at that residence for the purpose of determining the entitlement of the member to a variable housing allowance under this section.

"(B) A member referred to in subparagraph (A) is a member of a uniformed service who—

"(i) is a member of a reserve component called or ordered to active duty (other than for training) or is a retired member ordered to active duty under section 688(a) of title 10; and

"(ii) is not authorized transportation of household goods under section 406 of this title from the member's principal place of residence to the place of that duty assignment.".

SEC. 604. ADMINISTRATION OF BASIC ALLOWANCE FOR QUARTERS AND VARIABLE HOUSING ALLOWANCE.

(a) BASIC ALLOWANCE FOR QUARTERS.—Section 403 of title 37, United States Code (as amended by section 602), is further amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) A member of a uniformed service with dependents is not entitled to a basic allowance for quarters as a member with dependents unless the member makes an annual certification to the Secretary concerned indicating the status of each dependent of the member. The certification shall be made in accordance with regulations prescribed by the Secretary of Defense."; and

Regulations.

(2) in subsection (j)(1), by striking out "President may" and inserting in lieu thereof "Secretary of Defense shall".

(b) VARIABLE HOUSING ALLOWANCE.—Section 403a of such title (as amended by section 603), is further amended—

(1) in subsection (b)—

(A) by striking out "or" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following new paragraph:

"(4) unless the member makes an annual certification (in accordance with such regulations as the Secretary of Defense may prescribe) to the Secretary concerned identifying the housing costs of the member."; and

(2) in subsection (e)—

(A) by striking out "President" in paragraph (1) and inserting in lieu thereof "Secretary of Defense";

(B) by striking out "a survey area" in paragraphs (2) and (3) each place it appears and inserting in lieu thereof "an area";

(C) by striking out "the survey area" in paragraph (2)(A) and inserting in lieu thereof "that area"; and

(D) by striking out "such area reported on the variable housing allowance survey" in paragraph (2)(B) and inserting in lieu thereof "that area determined on the basis of the annual certifications of housing costs of members of the uniformed services receiving a variable housing allowance for that area".

37 USC 403 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect six months after the date of the enactment of this Act.

SEC. 605. REVISION IN RATE OF PAY OF AVIATION CADETS.

Subsection (c) of section 201 of title 37, United States Code, is amended to read as follows:

"(c) Unless entitled to the basic pay of a higher pay grade, an aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to monthly basic pay at the lowest rate prescribed for pay grade E–4.".

SEC. 606. PAY OF SENIOR NONCOMMISSIONED OFFICERS WHILE ON TERMINAL LEAVE.

(a) BASIC PAY DURING TERMINAL LEAVE.—Chapter 3 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 210. Pay of the senior noncommissioned officer of an armed force during terminal leave

"(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

"(b) In this section, the term 'senior enlisted member' means the following:

"(1) The Sergeant Major of the Army.

"(2) The Master Chief Petty Officer of the Navy.

"(3) The Chief Master Sergeant of the Air Force.

"(4) The Sergeant Major of the Marine Corps.

"(5) The Master Chief Petty Officer of the Coast Guard.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"210. Pay of the senior noncommissioned officer of an armed force during terminal leave.".

SEC. 607. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE MEMBERS ON SEA DUTY FOR ACCOMMODATIONS IN PLACE OF QUARTERS.

(a) REINSTATEMENT AND EXTENSION OF EXPIRED AUTHORITY.—Subsection (b) of section 7572 of title 10, United States Code, is amended to read as in effect on September 30, 1991, and, as so amended, is further amended—

(1) in paragraph (3)—

(A) by striking out "$1,421,000 for fiscal year 1986 and"; and

(B) by striking out "1991" and inserting in lieu thereof "1992"; and

(2) by adding at the end the following new paragraph:

"(4) The authority provided under this subsection shall expire on September 30, 1992.".

(b) EFFECT OF SUBSEQUENT EXPIRATION OF AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

"(d)(1) After the expiration of the authority provided in subsection (b), an officer of the naval service on sea duty who is deprived of quarters on board ship because of repairs or because of other conditions that make the officer's quarters uninhabitable may be reimbursed for expenses incurred in obtaining quarters if it is impracticable to furnish the officer with accommodations under subsection (a).

"(2) The total amount that an officer may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for quarters of an officer of that officer's grade.

"(3) This subsection shall not apply to an officer who is entitled to basic allowance for quarters.

"(4) The Secretary may prescribe regulations to carry out this subsection.".

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to members of the uniformed services who perform sea duty on or after October 1, 1991. 10 USC 7572 note.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAYS

SEC. 611. REPEAL OF WARTIME AND NATIONAL EMERGENCY PROHIBITIONS ON THE PAYMENT OF CERTAIN PAY AND ALLOWANCES.

(a) IMMINENT DANGER PAY.—Section 310(a) of title 37, United States Code, is amended by striking out "Except in time of war declared by Congress, and under" and inserting in lieu thereof "Under".

(b) FAMILY SEPARATION ALLOWANCE.—Section 427(b)(1) of such title is amended by striking out "Except in time of war or of national emergency hereafter declared by Congress, and in" and inserting in lieu thereof "In".

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) AVIATOR RETENTION BONUS.—(1) Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

37 USC 301b note.

(2)(A) In the case of an officer described in subparagraph (B) who executes an agreement under section 301b of such title during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement as having been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such an agreement had the amendment made by paragraph (1) taken effect on October 1, 1991.

(B) An officer referred to in subparagraph (A) is an officer who, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section had the amendment made by paragraph (1) taken effect on October 1, 1991.

(C) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

(b) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—(1) Section 308d(c) of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

Effective date. 37 USC 308d note.

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1991, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of such title.

(c) ACCESSION BONUSES FOR NURSE OFFICER CANDIDATES.—(1) Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

10 USC 2130a note.

(2)(A) In the case of a person described in subparagraph (B) who executes an agreement under section 2130a of such title during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement as having been executed and accepted for purposes of such section on the first date on which the person would have qualified for such an agreement had the amendment made by paragraph (1) taken effect on October 1, 1991.

(B) A person referred to in subparagraph (A) is a person who, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act, would have qualified for an

agreement under such section had the amendment made by paragraph (1) taken effect on October 1, 1991.

(C) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(8) of such title.

SEC. 613. INCREASE IN IMMINENT DANGER PAY.

Section 310(a) of title 37, United States Code (as amended by section 611(a)), is further amended by striking out "lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title" and inserting in lieu thereof "rate of $150".

SEC. 614. CLARIFICATION OF PARACHUTE JUMPING FOR PURPOSES OF HAZARDOUS DUTY PAY.

Section 301(c)(1) of title 37, United States Code, is amended by striking out "at a high altitude with a low opening" in the second sentence and inserting in lieu thereof "in military free fall operations involving parachute deployment by the jumper without the use of a static line".

SEC. 615. INELIGIBILITY OF FLAG OFFICERS FOR MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS.

37 USC 301d note.

(a) REITERATING INELIGIBILITY.—The restriction contained in subsection (b)(2) of section 301d of title 37, United States Code, on the eligibility of flag and general officers serving as full-time physicians to receive a multiyear retention bonus under that section shall not be construed as being limited, modified, or superseded by any provision of law, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this subsection; and

(2) identifies the flag and general officers affected by that provision.

(b) SAVINGS PROVISION.—(1) A medical officer of the Armed Forces who is a flag or general officer and has received any payment of a bonus under section 301d of title 37, United States Code, before the date of the enactment of this Act may not be required to reimburse the United States for such payment by reason of the enactment of subsection (a).

(2) A written agreement referred to in section 301d of title 37, United States Code, that was entered into on or after April 10, 1991, and before the date of the enactment of this Act by a medical officer of the Armed Forces referred to in paragraph (1) in exchange for a payment (or a promise of payment) of a bonus under that section shall be terminated as of the later of—

(A) the end of the month following the month in which this Act is enacted; or

(B) the end of the period covered by the bonus payment or payments received by that officer as described in that paragraph.

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 621. DEFINITION OF DEPENDENT FOR PURPOSES OF ALLOWANCES.

The text of section 401 of title 37, United States Code, is amended to read as follows:

"(a) DEPENDENT DEFINED.—In this chapter, the term 'dependent', with respect to a member of a uniformed service, means the following persons:

"(1) The spouse of the member.

"(2) An unmarried child of the member who—

"(A) is under 21 years of age;

"(B) is incapable of self-support because of mental or physical incapacity and is in fact dependent on the member for more than one-half of the child's support; or

"(C) is under 23 years of age, is enrolled in a full-time course of study in an institution of higher education approved by the Secretary concerned for purposes of this subparagraph, and is in fact dependent on the member for more than one-half of the child's support.

"(3) A parent of the member if—

"(A) the parent is in fact dependent on the member for more than one-half of the parent's support;

"(B) the parent has been so dependent for a period prescribed by the Secretary concerned or became so dependent due to a change of circumstances arising after the member entered on active duty; and

"(C) the dependency of the parent on the member is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary concerned.

"(b) OTHER DEFINITIONS.—For purposes of subsection (a):

"(1) The term 'child' includes—

"(A) a stepchild of the member (except that such term does not include a stepchild after the divorce of the member from the stepchild's parent by blood);

"(B) an adopted child of the member, including a child placed in the home of the member by a placement agency for the purpose of adoption; and

"(C) an illegitimate child of the member if the member's parentage of the child is established in accordance with criteria prescribed in regulations by the Secretary concerned.

"(2) The term 'parent' means—

"(A) a natural parent of the member;

"(B) a stepparent of the member;

"(C) a parent of the member by adoption;

"(D) a parent, stepparent, or adopted parent of the spouse of the member; and

"(E) any other person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age.".

SEC. 622. TRAVEL AND TRANSPORTATION ALLOWANCE FOR DEPENDENTS OF MEMBERS ASSIGNED TO A VESSEL UNDER CONSTRUCTION.

Section 406c(b)(1) of title 37, United States Code, is amended by striking out "the location that was the home port of the ship before commencement of construction" and inserting in lieu thereof "the designated home port of the ship, or the area where the dependents of the member are residing,".

SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES FOR CERTAIN EMERGENCY DUTY WITHIN LIMITS OF DUTY STATION.

Section 408 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "A member of a uniformed service"; and

(2) by adding at the end the following new subsection:

"(b)(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who performs emergency duty described in paragraph (2) is entitled to travel and transportation allowances under section 404 of this title for that duty. Regulations.

"(2) The emergency duty referred to in paragraph (1) is duty that—

"(A) is performed by a member under emergency circumstances that threaten injury to property of the Federal Government or human life;

"(B) is performed at a location within the limits of the member's station (other than at the residence or normal duty location of the member);

"(C) is performed pursuant to the direction of competent authority; and

"(D) requires the member's use of overnight accommodations.".

SEC. 624. AUTHORITY OF MEMBERS TO DEFER AUTHORIZED TRAVEL IN CONNECTION WITH CONSECUTIVE OVERSEAS TOURS.

Section 411b(a)(2) of title 37, United States Code, is amended to read as follows:

"(2) Under the regulations referred to in paragraph (1), a member may defer the travel for which the member is paid travel and transportation allowances under such paragraph until not more than one year after the date on which the member begins the consecutive tour of duty at the same duty station or reports to another duty station under the order involved, as the case may be.".

SEC. 625. INCREASE IN FAMILY SEPARATION ALLOWANCE.

(a) INCREASE IN ALLOWANCE.—Subsection (b)(1) of section 427 of title 37, United States Code (as amended by section 611(b)), is further amended by striking out "$60" and inserting in lieu thereof "$75".

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ALLOWANCE EQUAL TO BASIC ALLOWANCE FOR QUARTERS.—" after "(a)"; and

(2) in subsection (b), by inserting "ADDITIONAL SEPARATION ALLOWANCE.—" after "(b)".

SEC. 626. TRANSPORTATION OF THE REMAINS OF CERTAIN DECEASED DEPENDENTS OF RETIRED MEMBERS OF THE ARMED FORCES.

(a) TRANSPORTATION OF REMAINS.—Section 1490 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", or a dependent of such a member," after "equivalent pay"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) In this section:

"(1) The term 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.

"(2) The term 'dependent' has the meaning given such term in section 1072(2) of this title.".

(b) CONFORMING AMENDMENTS.—(1) The heading of section 1490 of title 10, United States Code, is amended to read as follows:

"§ 1490. Transportation of remains: certain retired members and dependents who die in military medical facilities".

(2) The table of sections at the beginning of chapter 75 of such title is amended by striking out the item relating to section 1490 and inserting in lieu thereof the following:

"1490. Transportation of remains: certain retired members and dependents who die in military medical facilities.".

PART D—MATTERS RELATED TO CONTINGENCY OPERATIONS

SEC. 631. DEFINITION OF CONTINGENCY OPERATION.

(a) TITLE 10.—Section 101 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(47) The term 'contingency operation' means a military operation that—

"(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

"(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.".

(b) TITLE 37.—Section 101 of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(26) The term 'contingency operation' has the meaning given that term in section 101(47) of title 10.".

SEC. 632. BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN RESERVES WITHOUT DEPENDENTS.

(a) PAYMENT REQUIRED.—Section 403(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) A member of a reserve component without dependents who is called or ordered to active duty in support of a contingency operation (other than a member who is authorized transportation of household goods under section 406 of this title as part of that call or order) may not be denied a basic allowance for quarters if, because of that call or order, the member is unable to continue to occupy a residence—

"(A) which is maintained as the primary residence of the member at the time of the call or order; and

"(B) which is owned by the member or for which the member is responsible for rental payments.".

37 USC 403 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to calls or orders of members of the reserve components of the Armed Forces to active duty on or after that date.

SEC. 633. VARIABLE HOUSING ALLOWANCE.

Section 403a(b)(3) of title 37, United States Code (as amended by section 604(b)(1)(B)), is further amended by striking out "140 days" and inserting in lieu thereof "140 days, unless the call or order to active duty is in support of a contingency operation".

SEC. 634. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS.

(a) ELIGIBLE FOR SPECIAL PAY.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302e the following new section:

"§ 302f. Special pay: reserve, recalled, or retained health care officers

"(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title (whichever applies) notwithstanding any requirement in those sections that—

"(1) the call or order of the officer to active duty be for a period of not less than one year; or

"(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

"(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the armed forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title and who—

"(1) is a reserve officer on active duty (other than for training) under a call or order to active duty for a period of more than 30 days but less than one year;

"(2) is involuntarily retained on active duty under section 673c of title 10, or is recalled to active duty under section 688 of title 10 for a period of more than 30 days; or

"(3) voluntarily agrees to remain on active duty for a period of less than one year at a time when—

"(A) officers are involuntarily retained on active duty under section 673c of title 10; or

"(B) the Secretary of Defense determines (pursuant to regulations prescribed by the Secretary) that special circumstances justify the payment of special pay under this section.

"(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. The officer shall refund any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

"(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302e the following new item:

"302f. Special pay: reserve, recalled, or retained health care officers.".

SEC. 635. WAIVER OF BOARD CERTIFICATION REQUIREMENTS.

(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—Chapter 5 of title 37, United States Code, is amended by inserting after section 303a the following new section:

"§ 303b. Waiver of board certification requirements

"(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—A member of the armed forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title before the end of the period established for the member in subsection (c) shall be paid special pay under the applicable section for active duty performed during the period beginning on the date on which the member was assigned to duty in support of a contingency operation and ending on the date of that certification or recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of that duty.

"(b) ELIGIBLE MEMBERS DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who—

"(1) is a medical or dental officer or a nonphysician health care provider;

"(2) has completed any required residency training; and

"(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title during a duty assignment in support of a contingency operation.

"(c) PERIOD FOR CERTIFICATION.—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the armed forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date on which the member is released from the duty to which the member was assigned in support of a contingency operation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 303a the following new item:

"303b. Waiver of board certification requirements.".

SEC. 636. WAIVER OF FOREIGN LANGUAGE PROFICIENCY CERTIFICATION REQUIREMENT.

(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

"§ 316a. Waiver of certification requirement

"(a) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—(1) A member of the armed forces described in subsection (b) shall be paid special pay under section 316 of this title for the active duty performed by that member during the period described in paragraph (2) if—

"(A) the member was assigned to duty in connection with a contingency operation;

Regulations.

"(B) the Secretary concerned (under regulations prescribed by the Secretary of Defense) determines that the member was unable to schedule or complete the certification required for

eligibility for the special pay under that section because of that duty;

"(C) except for not meeting the certification requirement in that section, the member was otherwise eligible for that special pay for that active duty; and

"(D) the member completes the certification requirement specified in that section before the end of the period established for the member in subsection (c).

"(2) The period for which a member may be paid special pay for active duty pursuant to paragraph (1) is the period beginning on the date on which the member was assigned to the duty referred to in subparagraph (A) of that paragraph and ending on the date of the member's certification referred to in subparagraph (D) of that paragraph.

"(b) ELIGIBLE MEMBER DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who meets the requirement referred to in section 316(a)(3) of this title.

"(c) PERIOD FOR CERTIFICATION.—The period referred to in subparagraph (D) of subsection (a)(1) with respect to a member of the armed forces is the 180-day period beginning on the date on which the member was released from the duty referred to in that subsection. The Secretary concerned may extend that period for a member in accordance with regulations prescribed by the Secretary of Defense.". Regulations.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 316 the following new item:

"316a. Waiver of certification requirement.".

SEC. 637. TREATMENT OF ACCRUED LEAVE.

(a) MEMBERS WHO DIE WHILE ON ACTIVE DUTY.—Subsection (d) of section 501 of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking out "However," in the third sentence and inserting in lieu thereof "Except as provided in paragraph (2),"; and

(3) by adding at the end the following new paragraph:

"(2) In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty in support of a contingency operation, the limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection for leave accrued during the contingency operation.".

(b) OTHER MEMBERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

"(5) The limitation in the second sentence of paragraph (3) and in subsection (f) shall not apply with respect to leave accrued—

"(A) by a member of a reserve component while serving on active duty in support of a contingency operation;

"(B) by a member of the armed forces in the Retired Reserve while serving on active duty in support of a contingency operation; or

"(C) by a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps or a member of the Fleet Reserve or Fleet Marine Corps Reserve while the member

is serving on active duty in support of a contingency operation.".

SEC. 638. AUTHORIZATION TO EXCEED CEILING ON ACCUMULATION OF LEAVE.

Section 701(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "Leave" in the last sentence and inserting in lieu thereof "Except as provided in paragraph (2), leave"; and

(3) by adding at the end the following new paragraph:

"(2) Under the uniform regulations referred to in paragraph (1), a member of an armed force who serves on active duty in a duty assignment in support of a contingency operation during a fiscal year and who, except for this paragraph—

"(A) would lose any accumulated leave in excess of 60 days at the end of that fiscal year, shall be permitted to retain such leave (not to exceed 90 days) until the end of the succeeding fiscal year; or

"(B) would lose any accumulated leave in excess of 60 days at the end of the succeeding fiscal year (other than by reason of subparagraph (A)), shall be permitted to retain such leave (not to exceed 90 days) until the end of the next succeeding fiscal year.".

SEC. 639. SAVINGS PROGRAM FOR OVERSEAS MEMBERS AND MEMBERS IN A MISSING STATUS.

(a) MISSING MEMBERS.—Subsection (b) of section 1035 of title 10, United States Code, is amended—

(1) by striking out "or during the Persian Gulf conflict." in the second sentence and inserting in lieu thereof ", the Persian Gulf conflict, or a contingency operation."; and

(2) by striking out the last sentence.

(b) OTHER MEMBERS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) The Secretary of Defense may authorize a member of the armed forces who is on a temporary duty assignment outside of the United States or its possessions in support of a contingency operation to make deposits of unallotted current pay and allowances during that duty as provided in subsection (a). The Secretary shall prescribe regulations establishing standards and procedures for the administration of this subsection.".

(c) DEFINITIONS.—Subsection (g) of such section (as redesignated by subsection (b)(1)) is amended to read as follows:

"(g) In this section:

"(1) The term 'missing status' has the meaning given that term in section 551(2) of title 37.

"(2) The term 'Vietnam conflict' means the period beginning on February 28, 1961, and ending on May 7, 1975.

"(3) The term 'Persian Gulf conflict' means the period beginning on January 16, 1991, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 640. TRANSITIONAL HEALTH CARE.

(a) HEALTH CARE PROVIDED.—Chapter 55 of title 10, United States Code, is amended—

(1) by redesignating section 1074b as section 1074c; and
(2) by inserting after section 1074a the following new section:

"§ 1074b. Transitional medical and dental care: members on active duty in support of contingency operations

"(a) HEALTH CARE PROVIDED.—A member of the armed forces described in subsection (b), and the dependents of the member, shall be entitled to receive health care described in subsection (c) upon the release of the member from active duty in support of a contingency operation until the earlier of—

"(1) 30 days after the date of the release of the member from active duty; or

"(2) the date on which the member and the dependents of the member are covered by a health plan sponsored by an employer.

"(b) ELIGIBLE MEMBER DESCRIBED.—A member of the armed forces referred to in subsection (a) is a member who—

"(1) is a member of a reserve component and is called or ordered to active duty in support of a contingency operation;

"(2) is involuntarily retained on active duty under section 673c of this title in support of a contingency operation; or

"(3) voluntarily agrees to remain on active duty for a period of less than one year in support of a contingency operation.

"(c) HEALTH CARE DESCRIBED.—The health care referred to in subsection (a) is—

"(1) medical and dental care available under section 1076 of this title in the same manner as such care is available for a dependent described in subsection (a)(2) of that section; and

"(2) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 1074b and inserting in lieu thereof the following new items:

"1074b. Transitional medical and dental care: members on active duty in support of contingency operations.
"1074c. Medical care: authority to provide a wig.".

PART E—MISCELLANEOUS

SEC. 651. PERMANENT EXTENSION OF PROGRAM TO REIMBURSE MEMBERS OF THE ARMED FORCES FOR ADOPTION EXPENSES.

(a) CODIFICATION OF PROGRAM FOR DEPARTMENT OF DEFENSE.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1051 following new section:

"§ 1052. Reimbursement for adoption expenses

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary of Defense shall carry out a program under which a member of the armed forces may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

"(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

"(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

"(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the armed forces under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

"(e) LIMITATIONS.—(1) Not more than $2,000 may be paid under this section to a member of the armed forces, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

"(2) Not more than $5,000 may be paid under this section to a member of the armed forces, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'qualifying adoption expenses' means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption. Such term does not include any expense incurred—

"(A) by an adopting parent for travel; or

"(B) in connection with an adoption arranged in violation of Federal, State, or local law.

"(2) The term 'reasonable and necessary expenses' includes—

"(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

"(B) placement fees, including fees charged adoptive parents for counseling;

"(C) legal fees (including court costs) in connection with services that are unavailable to a member of the armed forces under section 1044 or 1044a of this title; and

"(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051 the following new item:

"1052. Reimbursement for adoption expenses.".

(b) CODIFICATION OF PROGRAM FOR COAST GUARD PURPOSES.—(1) Chapter 13 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 514. Reimbursement for adoption expenses

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary shall carry out a program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

"(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

"(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

"(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the Coast Guard under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

"(e) LIMITATIONS.—(1) Not more than $2,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

"(2) Not more than $5,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'qualifying adoption expenses' means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption. Such term does not include any expense incurred—

"(A) by an adopting parent for travel; or

"(B) in connection with an adoption arranged in violation of Federal, State, or local law.

"(2) The term 'reasonable and necessary expenses' includes—

"(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

"(B) placement fees, including fees charged adoptive parents for counseling;

"(C) legal fees (including court costs) in connection with services that are unavailable to a member of the Coast Guard under section 1044 or 1044a of title 10; and

"(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"514. Reimbursement for adoption expenses.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply to adoptions completed on or after that date. 10 USC 1052 note.

SEC. 652. INCREASE IN AMOUNT OF DEATH GRATUITY.

(a) INCREASE.—Section 1478(a) of title 10, United States Code, is amended—

(1) by striking out "1475–1477" and inserting in lieu thereof "1475 through 1477"; and

(2) by striking out "equal to six months' pay" and all that follows through the period in the first sentence and inserting in lieu thereof "$6,000.".

10 USC 1478 note.

(b) EFFECTIVE DATE AND TRANSITIONAL PROVISION.—(1) The amendments made by subsection (a) shall take effect as of August 2, 1990.

(2) In the case of the payment of a death gratuity under sections 1475 through 1477 of title 10, United States Code, with respect to a person who died during the period beginning on August 2, 1990, and ending on the date of the enactment of this Act, the amount of the death gratuity under section 1478(a) of such title (as amended by subsection (a)) shall be reduced by the amount of any such gratuity paid with respect to such person under this section (as in effect on August 1, 1990).

SEC. 653. SURVIVOR BENEFIT PLAN.

(a) ADDITIONAL PREMIUM FOR SBP OPEN SEASON ENROLLMENT.—(1) Section 1405 of the Military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101–189; 103 Stat. 1586; 10 U.S.C. 1448 note) is amended by adding at the end the following new subsection:

Regulations.

"(j) ADDITIONAL PREMIUM.—The Secretary of Defense may require that the SBP premium for a person making an election under subsection (a)(1) or (b) include, in addition to the amount required under section 1452(a) of title 10, United States Code, an amount determined under regulations prescribed by the Secretary of Defense for the purposes of this subsection. Any such amount shall be stated as a percentage of the base amount of the person making the election and shall reflect the number of years that have elapsed since the person retired, but may not exceed 4.5 percent of that person's base amount.".

10 USC 1448 note.

(2) Section 1406 of such Act is amended by adding at the end the following:

"(4) The term 'SBP premium' means the reduction in retired pay required as a condition of providing an annuity under the Survivor Benefit Plan.

"(5) The term 'base amount' has the meaning given that term in section 1447(2) of title 10, United States Code.".

(b) AMOUNT OF ANNUITY UNDER SUPPLEMENTAL SURVIVOR BENEFIT PLAN.—(1) Section 1457(b) of title 10, United States Code, is amended by striking out "20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity" and inserting in lieu thereof "5, 10, 15, or 20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity, as specified by that person when electing to provide the annuity".

(2) Section 1460(b)(2) of such title is amended by inserting before the period the following: "and, in the case of a person providing a supplemental spouse annuity computed under section 1457(b) of this title, a constant percentage of such person's base amount for each 5 percent increment specified in accordance with that section".

Effective date.

(3) The amendments made by this subsection shall take effect on April 1, 1992.

10 USC 1457 note.

(c) CLARIFICATION THAT MAXIMUM BASIC COVERAGE REQUIRED TO ELECT SUPPLEMENTAL COVERAGE.—(1) Section 1458(a)(1) of title 10,

United States Code, is amended by inserting "at the maximum level" after "Survivor Benefit Plan".

(2) Section 1405 of the Military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101-189; 103 Stat. 1586; 10 U.S.C. 1448 note) is amended—

(A) in subsection (a)(2), by inserting "at the maximum level" after "Survivor Benefit Plan" the first place it appears; and

(B) in subsection (c)(2), by inserting "at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under subsection (b) of this section," after "Survivor Benefit Plan".

SEC. 654. PAYMENT OF SURVIVOR ANNUITY TO A REPRESENTATIVE OF A LEGALLY INCOMPETENT PERSON.

(a) SURVIVOR BENEFIT PLAN ANNUITY.—Section 1455 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following new subsections:

"(b) The regulations prescribed pursuant to subsection (a) shall provide procedures for the payment of an annuity under this subchapter in the case of—

"(1) a person for whom a guardian or other fiduciary has been appointed; and

"(2) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

"(c) The regulations under subsection (b) may include provisions for the following:

"(1) In the case of an annuitant referred to in subsection (b)(1), payment of the annuity to the appointed guardian or other fiduciary.

"(2) In the case of an annuitant referred to in subsection (b)(2), payment of the annuity to any person who, in the judgment of the Secretary concerned, is responsible for the care of the annuitant.

"(3) Subject to paragraphs (4) and (5), a requirement for the payee of an annuity to spend or invest the amounts paid on behalf of the annuitant solely for benefit of the annuitant.

"(4) Authority for the Secretary concerned to permit the payee to withhold from the annuity payment such amount, not in excess of 4 percent of the annuity, as the Secretary concerned considers a reasonable fee for the fiduciary services of the payee when a court appointment order provides for payment of such a fee to the payee for such services or the Secretary concerned determines that payment of a fee to such payee is necessary in order to obtain the fiduciary services of the payee.

"(5) Authority for the Secretary concerned to require the payee to provide a surety bond in an amount sufficient to protect the interests of the annuitant and to pay for such bond out of the annuity.

"(6) A requirement for the payee of an annuity to maintain and, upon request, to provide to the Secretary concerned an accounting of expenditures and investments of amounts paid to the payee.

"(7) In the case of an annuitant referred to in subsection (b)(2)—

"(A) procedures for determining incompetency and for selecting a payee to represent the annuitant for the purposes of this section, including provisions for notifying the annuitant of the actions being taken to make such a determination and to select a representative payee, an opportunity for the annuitant to review the evidence being considered, and an opportunity for the annuitant to submit additional evidence before the determination is made; and

"(B) standards for determining incompetency, including standards for determining the sufficiency of medical evidence and other evidence.

"(8) Provisions for any other matters that the President considers appropriate in connection with the payment of an annuity in the case of a person referred to in subsection (b).

"(d) An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to subsection (b) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.".

(b) FAMILY PROTECTION PLAN ANNUITY.—(1) Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1444 the following new section:

"§ 1444a. Regulations regarding payment of annuity to a representative payee

"(a) The regulations prescribed pursuant to section 1444(a) of this title shall provide procedures for the payment of an annuity under this subchapter in the case of—

"(1) a person for whom a guardian or other fiduciary has been appointed; and

"(2) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

"(b) Those regulations may include the provisions set out in section 1455(c) of this title.

"(c) An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to subsection (a) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1444 the following:

"1444a. Regulations regarding payment of annuity to a representative payee.".

SEC. 655. WAIVER OF REDUCTION OF RETIRED PAY UNDER SPECIFIED CONDITIONS.

(a) AMENDMENTS RELATING TO DUAL PAY.—(1) Section 5532 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) If warranted by circumstances described in subsection (g)(1)(A) or (B) (as applicable), the Director of the Administrative Office of the United States Courts shall, with respect to an employee in the judicial branch, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (g) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may not be exercised with respect to a justice or judge of the United States, as defined in section 451 of title 28.

"(i)(1) If warranted by circumstances described in subsection (g)(1)(A) or (B) (as applicable), an official or committee designated in paragraph (2) shall, with respect to the employees specified in the applicable subparagraph of such paragraph, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (g) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may be exercised—

"(A) with respect to an employee of an agency in the legislative branch, by the head of such agency;

"(B) with respect to an employee of the House of Representatives, by the Speaker of the House of Representatives; and

"(C) with respect to an employee of the Senate, by the Committee on Rules and Administration of the Senate.

"(3) Any exercise of authority under this subsection shall be in conformance with such written policies and procedures as the agency head, the Speaker of the House of Representatives, or the Committee on Rules and Administration of the Senate (as applicable) shall prescribe, consistent with the provisions of this subsection.

"(j) For the purpose of subsections (g) through (i), 'Executive agency' shall not include the General Accounting Office.".

(2) Section 5531 of title 5, United States Code, is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period at the end and inserting a semicolon; and

(C) by adding after paragraph (3) the following:

"(4) 'agency in the legislative branch' means the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Office of the Architect of the Capitol, the United States Botanic Garden, and the Congressional Budget Office;

"(5) 'employee of the House of Representatives' means a congressional employee whose pay is disbursed by the Clerk of the House of Representatives;

"(6) 'employee of the Senate' means a congressional employee whose pay is disbursed by the Secretary of the Senate; and

"(7) 'congressional employee' has the meaning given that term by section 2107 of this title, excluding an employee of an agency in the legislative branch.".

(b) AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8344 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) If warranted by circumstances described in subsection (i)(1)(A) or (B) (as applicable), the Director of the Administrative Office of the United States Courts shall, with respect to an employee in the judicial branch, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (i) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may not be exercised with respect to a justice or judge of the United States, as defined in section 451 of title 28.

"(k)(1) If warranted by circumstances described in subsection (i)(1)(A) or (B) (as applicable), an official or committee designated in paragraph (2) shall, with respect to the employees specified in the applicable subparagraph of such paragraph, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (i) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may be exercised—

"(A) with respect to an employee of an agency in the legislative branch, by the head of such agency;

"(B) with respect to an employee of the House of Representatives, by the Speaker of the House of Representatives; and

"(C) with respect to an employee of the Senate, by the Committee on Rules and Administration of the Senate.

"(3) Any exercise of authority under this subsection shall be in conformance with such written policies and procedures as the agency head, the Speaker of the House of Representatives, or the Committee on Rules and Administration of the Senate (as applicable) shall prescribe, consistent with the provisions of this subsection.

"(4) For the purpose of this subsection, 'agency in the legislative branch', 'employee of the House of Representatives', 'employee of the Senate', and 'congressional employee' each has the meaning given to it in section 5531 of this title.

"(l)(1) For the purpose of subsections (i) through (k), 'Executive agency' shall not include the General Accounting Office.

"(2) An employee as to whom a waiver under subsection (i), (j), or (k) is in effect shall not be considered an employee for purposes of this chapter or chapter 84 of this title.".

(2) Section 8344(i)(3) of title 5, United States Code, is repealed.

(c) AMENDMENTS RELATING TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8468 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) If warranted by circumstances described in subsection (f)(1)(A) or (B) (as applicable), the Director of the Administrative Office of the United States Courts shall, with respect to an employee in the judicial branch, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (f) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may not be exercised with respect to a justice or judge of the United States, as defined in section 451 of title 28.

"(h)(1) If warranted by circumstances described in subsection (f)(1)(A) or (B) (as applicable), an official or committee designated in paragraph (2) shall, with respect to the employees specified in the applicable subparagraph of such paragraph, have the same waiver authority as would be available to the Director of the Office of Personnel Management, or a duly authorized agency head, under subsection (f) with respect to an employee of an Executive agency.

"(2) Authority under this subsection may be exercised—

"(A) with respect to an employee of an agency in the legislative branch, by the head of such agency;

"(B) with respect to an employee of the House of Representatives, by the Speaker of the House of Representatives; and

"(C) with respect to an employee of the Senate, by the Committee on Rules and Administration of the Senate.

"(3) Any exercise of authority under this subsection shall be in conformance with such written policies and procedures as the agency head, the Speaker of the House of Representatives, or the Committee on Rules and Administration of the Senate (as applicable) shall prescribe, consistent with the provisions of this subsection.

"(4) For the purpose of this subsection, 'agency in the legislative branch', 'employee of the House of Representatives', 'employee of the Senate', and 'congressional employee' each has the meaning given to it in section 5531 of this title.

"(i)(1) For the purpose of subsections (f) through (h), 'Executive agency' shall not include the General Accounting Office.

"(2) An employee as to whom a waiver under subsection (f), (g), or (h) is in effect shall not be considered an employee for purposes of this chapter or chapter 83 of this title.".

(2) Section 8468(f)(3) of title 5, United States Code, is repealed.

(d) REPORTING REQUIREMENT.—(1) For the purpose of this subsection, the term "agency in the legislative branch" has the meaning given such term by section 5531(4) of title 5, United States Code, as amended by subsection (a). 5 USC 5532 note.

(2) Each agency in the legislative branch shall submit to the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate, for each calendar year, a written report on how any authority made available as a result of the enactment of this section was used by such agency during the period covered by such report.

(3) A report under this subsection—

(A) shall include the number of instances in which each type of authority was exercised, the circumstances justifying the exercise of authority, and, unless previously submitted, a description of the policies and procedures governing each type of authority exercised; and

(B) shall be submitted not later than 30 days after the end of the calendar year to which it relates.

SEC. 656. EXPANDED ELIGIBILITY OF CERTAIN HEALTH CARE OFFICERS FOR CERTAIN SPECIAL PAYS FOR SERVICE IN CONNECTION WITH OPERATION DESERT STORM.

Section 304(e) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 81; 37 U.S.C. 302 note) is amended by striking out "November 5, 1990" and inserting in lieu thereof "August 1, 1990".

SEC. 657. INCREASE IN THE AMOUNT OF A CLAIM FOR RECOUPMENT OF OVERPAYMENTS OF PAY, ALLOWANCES, AND EXPENSES THAT MAY BE WAIVED.

(a) AMENDMENT TO TITLE 5.—Section 5584(a)(2)(A) of title 5, United States Code, is amended by striking out "$500" and inserting in lieu thereof "$1,500".

(b) AMENDMENT TO TITLE 10.—Section 2774(a)(2)(A) of title 10, United States Code, is amended by striking out "$500" and inserting in lieu thereof "$1,500".

(c) AMENDMENT TO TITLE 32.—Section 716(a)(2)(A) of title 32, United States Code, is amended by striking out "$500" and inserting in lieu thereof "$1,500".

PART F—READJUSTMENT BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS

SEC. 661. SPECIAL SEPARATION BENEFITS.

(a) REQUIREMENT FOR PROGRAMS.—(1) Chapter 59 of title 10, United States Code, is amended by inserting after section 1174 the following new section:

"§ 1174a. Special separation benefits programs

"(a) REQUIREMENT FOR PROGRAMS.—The Secretary of each military department shall carry out a special separation benefits program under this section. An eligible member of the armed forces may request separation under the program. The request shall be subject to the approval of the Secretary.

"(b) BENEFITS.—Upon the approval of the request of an eligible member, the member shall—

"(1) be released from active duty or discharged, as the case may be; and

"(2) be entitled to—

"(A) separation pay equal to 15 percent of the product of (i) the member's years of active service, and (ii) 12 times the monthly basic pay to which the member is entitled at the time of his discharge or release from active duty; and

"(B) the same benefits and services as are provided under chapter 58 of this title for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.

"(c) ELIGIBILITY.—Subject to subsections (d) and (e), a member of an armed force is eligible for voluntary separation under a program established for that armed force pursuant to this section if the member—

"(1) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

"(2) has served on active duty for more than 6 years before the date of the enactment of this section;

"(3) has served on active duty for not more than 20 years;

"(4) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

"(5) if a Reserve, is on an active duty list; and

"(6) meets such other requirements as the Secretary may prescribe, which may include requirements relating to—

"(A) years of service;

"(B) skill or rating;

"(C) grade or rank; and

"(D) remaining period of obligated service.

"(d) PROGRAM APPLICABILITY.—The Secretary of a military department may provide for the program under this section to apply to any of the following members:

"(1) A regular officer or warrant officer of an armed force.

"(2) A regular enlisted member of an armed force.

"(3) A member of an armed force other than a regular member.

"(e) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to paragraphs (2) and (3), the Secretary concerned may limit the applicability of a program under this section to any category of

personnel defined by the Secretary in order to meet a need of the armed force under the Secretary's jurisdiction to reduce the number of members in certain grades, the number of members who have completed a certain number of years of active service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) Any category prescribed by the Secretary concerned for regular officers, regular enlisted members, or other members pursuant to paragraph (1) shall be consistent with the categories applicable to regular officers, regular enlisted members, or other members, respectively, under the voluntary separation incentive program under section 1175 of this title or any other program established by law or by that Secretary for the involuntary separation of such members in the administration of a reduction in force.

"(3) A member of the armed forces offered a voluntary separation incentive under section 1175 of this title shall also be offered the opportunity to request separation under a program established pursuant to this section. If the Secretary of the military department concerned approves a request for separation under either such section, the member shall be separated under the authority of the section selected by such member.

"(f) APPLICATION REQUIREMENTS.—(1) In order to be separated under a program established pursuant to this section—

"(A) a regular enlisted member eligible for separation under that program shall—

"(i) submit a request for separation under the program before the expiration of the member's term of enlistment; or

"(ii) upon discharge at the end of such term, enter into a written agreement (pursuant to regulations prescribed by the Secretary concerned) not to request reenlistment in a regular component; and

"(B) a member referred to in subsection (d)(3) eligible for separation under that program shall submit a request for separation to the Secretary concerned before the expiration of the member's established term of active service.

"(2) For purposes of this section, the entry of a member into an agreement referred to in paragraph (1)(A)(ii) under a program established pursuant to this section shall be considered a request for separation under the program.

"(g) OTHER CONDITIONS, REQUIREMENTS, AND ADMINISTRATIVE PROVISIONS.—Subsections (e) through (h), other than subsection (e)(2)(A), of section 1174 of this title shall apply in the administration of programs established under this section.

"(h) TERMINATION OF PROGRAM.—(1) Except as provided in paragraph (2), the Secretary of a military department may not conduct a program pursuant to this section after September 30, 1995.

"(2) No member of the armed forces may be separated under a program established pursuant to this section after the date of the termination of that program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1174 the following new item:

"1174a. Special separation benefits programs.".

(b) COMMENCEMENT OF PROGRAMS WITHIN 60 DAYS.—The Secretary of each military department shall commence the program 10 USC 1174a note.

required by section 1174a of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

SEC. 662. VOLUNTARY SEPARATION INCENTIVE.

(a) PROGRAM AUTHORIZED—(1) Chapter 59 of title 10, United States Code, as amended by section 661, is further amended by adding at the end thereof the following new section:

"§1175. Voluntary separation incentive

"(a) Consistent with this section and the availability of appropriations for this purpose, the Secretary of Defense may provide a financial incentive to members of the armed forces described in subsection (b) for voluntary appointment, enlistment, or transfer to a Reserve component, requested and approved under subsection (c), for the period of time the member serves in a reserve component.

"(b) The Secretary of Defense may provide the incentive to a member of the armed forces if the member—

"(1) has served on active duty for more than 6 but less than 20 years;

"(2) has served at least 5 years of continuous active duty immediately preceding the date of separation;

"(3) if a Reserve, is on the active duty list; and

"(4) meets such other requirements as the Secretary may prescribe from time to time, which may include requirements relating to—

"(A) years of service;

"(B) skill or rating;

"(C) grade or rank; and

"(D) remaining period of obligated service.

"(c) A member of the armed forces offered a voluntary separation incentive under this section shall be offered the opportunity to request separation under a program established pursuant to section 1174a of this title. If the Secretary of the military department concerned approves a request for separation under either such section, the member shall be separated under the authority of the section selected by such member.

"(d)(1) A member of the armed forces described in subsection (b) may request voluntary appointment, enlistment, or transfer to a reserve component accompanied by this incentive, provided the member has completed 6 years of active service prior to the time this provision is enacted.

"(2) The Secretary, in his discretion, may approve or disapprove a request according to the needs of the armed forces.

"(3) After September 30, 1995, the Secretary may not approve a request.

"(e)(1) The annual payment of the incentive shall equal 2.5 percent of the monthly basic pay the member receives on the date appointed, enlisted, or transferred to the reserve component, multiplied by twelve and multiplied again by the member's years of service. The annual payment will be made for a period equal to the number of years that is equal to twice the number of years of service of the member.

"(2) A member entitled to voluntary separation incentive payments who is also entitled to basic pay for active or reserve service, or compensation for inactive duty training, shall forfeit an amount

of voluntary separation incentive payable for the same period that is equal to the total amount of basic pay, or compensation, received.

"(3) A member who has received the voluntary separation incentive and who qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay so much of such pay as is based on the service for which he received the voluntary separation incentive until the total amount deducted equals the total amount of voluntary separation incentive received.

"(4) A member who is receiving voluntary separation incentive payments shall not be deprived of this incentive by reason of entitlement to disability compensation under the laws administered by the Department of Veterans Affairs, but there shall be deducted from voluntary separation incentive payments an amount equal to the amount of any such disability compensation concurrently received. Notwithstanding the preceding sentence, no deduction may be made from voluntary separation incentive payments for any disability compensation received because of an earlier period of active duty if the voluntary separation incentive is received because of discharge or release from a later period of active duty.

"(5) The years of service of a member for purposes of this section shall be computed in accordance with section 1405 of this title.

"(6) Years of service that form the basis of the payment under paragraph (5) may not be counted in computing eligibility for, or the amount of, annuities under title 5 or any other law providing annuities to Federal civilian employees.

"(f) The member's right to incentive payments shall not be transferable, except that the member may designate beneficiaries to receive the payments in the event of the member's death.

"(g) Subject to subsection (h), payments under this provision shall be paid from appropriations available to the Department of Defense.

"(h)(1) There is established on the books of the Treasury a fund to be known as the 'Voluntary Separation Incentive Fund' (hereinafter in this subsection referred to as the 'Fund'). The Fund shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis the liabilities of the Department of Defense under this section.

"(2) There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

"(A) Amounts paid into the Fund under paragraphs (5), (6), and (7).

"(B) Any amount appropriated to the Fund.

"(C) Any return on investment of the assets of the Fund.

"(3) All voluntary separation incentive payments made after December 31, 1992, under this section shall be paid out of the Fund. To the extent provided in appropriation Acts, the assets of the Fund shall be available to pay voluntary separation incentives under this section.

"(4) The Department of Defense Retirement Board of Actuaries (hereinafter in this subsection referred to as the 'Board') shall perform the same functions regarding the Fund, as provided in this subsection, as such Board performs regarding the Department of Defense Military Retirement Fund.

"(5) Not later than January 1, 1993, the Board shall determine the amount that is the present value, as of that date, of the future benefits payable under this section in the case of persons who are

separated pursuant to this section before that date. The amount so determined is the original unfunded liability of the Fund. The Board shall determine an appropriate amortization period and schedule for liquidation of the original unfunded liability. The Secretary shall make deposits to the Fund in accordance with that amortization schedule.

"(6) For persons separated under this section on or after January 1, 1993, the Secretary shall deposit in the Fund during the period beginning on that date and ending on September 30, 1995—

"(A) such sums as are necessary to pay the current liabilities under this section during such period; and

"(B) the amount equal to the present value, as of September 30, 1995, of the future benefits payable under this section, as determined by the Board.

"(7)(A) For each fiscal year after fiscal year 1996, the Board shall—

"(i) carry out an actuarial valuation of the Fund and determine any unfunded liability of the Fund which deposits under paragraphs (5) and (6) do not liquidate, taking into consideration any cumulative actuarial gain or loss to the Fund;

"(ii) determine the period over which that unfunded liability should be liquidated; and

"(iii) determine for the following fiscal year, the total amount, and the monthly amount, of the Department of Defense contributions that must be made to the Fund during that fiscal year in order to fund the unfunded liabilities of the Fund over the applicable amortization periods.

"(B) The Board shall carry out its responsibilities for each fiscal year in sufficient time for the amounts referred to in subparagraph (A)(iii) to be included in budget requests for that fiscal year.

"(C) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund the amount necessary to liquidate unfunded liabilities of the Fund in accordance with the amortization schedules determined by the Board.

"(8) Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of each military department.

"(9) The investment provisions of section 1467 of this title shall apply to the Voluntary Separation Incentive Fund.

"(i) The Secretary of Defense may issue such regulations as may be necessary to carry out this section.".

(2) The table of sections at the beginning of such chapter, as amended by section 661, is further amended by adding at the end the following:

"1175. Voluntary separation incentive.".

10 USC 1175 note.

(b) Tax Treatment—Notwithstanding the Internal Revenue Code of 1986 and any other provision of law, any voluntary separation incentive paid to a member of the Armed Forces under section 1175 of title 10, United States Code (as added by subsection (a)), shall be includable in gross income for federal tax purposes only for the taxable year in which such incentive is paid to the participant or beneficiary of the member.

SEC. 663. REPORT ON PROGRAMS.

10 USC 1174a note.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's assessment of the effectiveness of the programs established under sections 1174a and 1175 of title 10, United States Code, as added by sections 661 and 662.

SEC. 664. LIMITED AUTHORITY TO WAIVE END STRENGTHS.

10 USC 115 note.

(a) AUTHORITY.—The Secretary of Defense may increase the end strength authorized for an armed force for fiscal year 1992 under section 401(a) by a number not greater than 2 percent of that end strength if the Secretary determines that it is in the interest of the United States to do so in order to avoid the necessity of involuntarily separating personnel of that armed force for the purpose of achieving that end strength. The authority in the preceding sentence is in addition to the authority under section 115(c)(1) of title 10, United States Code.

(b) FUNDING INCREASED PERSONNEL COSTS.—(1) To the extent provided in appropriation Acts, the Secretary may transfer amounts available to the Department of Defense as necessary to meet increased personnel costs resulting from the exercise of the authority provided in subsection (a).

(2) The transfer authority provided in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE SERVICES

SEC. 701. ESTABLISHMENT OF SUPPLEMENTAL DENTAL BENEFITS PLANS FOR DEPENDENTS.

(a) AUTHORITY TO ESTABLISH.—Subsection (a)(1) of section 1076a of title 10, United States Code, is amended—

(1) by striking out "dental benefit plans" in the first sentence and inserting in lieu thereof "basic and supplemental dental benefits plans"; and

(2) by adding at the end the following new sentence: "A member may not enroll in a supplemental dental benefits plan unless the member is also a member of a basic dental benefits plan.".

(b) BENEFITS UNDER BASIC AND SUPPLEMENTAL DENTAL PLANS.—Subsection (d) of such section is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER PLANS.—(1) A basic dental benefits plan established under subsection (a) may provide only the following benefits:

"(A) Diagnostic, oral examination, and preventative services and palliative emergency care.

"(B) Basic restorative services of amalgam and composite restorations and stainless steel crowns for primary teeth, and dental appliance repairs.

"(2) In addition to the benefits available under a basic dental benefits plan, a supplemental dental benefits plan established under subsection (a) may provide such dental care benefits as the Secretary of Defense, after consultation with the other administering Secretaries, considers to be appropriate.".

(c) PREMIUM FOR SUPPLEMENTAL PLANS.—Subsection (b) of such section is amended—

(1) by inserting "PREMIUMS.—" after "(b)";

(2) in paragraph (1), by striking out "dental benefit plan" and inserting in lieu thereof "dental benefits plan";

(3) in paragraph (2), by striking out "a plan under this section" and inserting in lieu thereof "a basic dental benefits plan"; and

(4) by adding at the end the following new paragraph:

"(3) A member enrolled in a supplemental dental benefits plan shall pay a supplemental monthly premium of not more than $15 for the member and the family of the member. The supplemental monthly premium shall be in addition to the premium payable under paragraph (2) for the member's basic dental benefits plan.".

(d) COPAYMENTS.—Subsection (e) of such section is amended to read as follows:

"(e) COPAYMENTS.—(1) A member whose spouse or child receives care under a basic dental benefits plan shall—

"(A) pay no charge for care described in subsection (d)(1)(A); and

"(B) pay 20 percent of the charges for care described in subsection (d)(1)(B).

"(2) A supplemental dental benefits plan may require a member enrolled in that plan to pay not more than 50 percent of the charges for orthodontic services, crowns, gold fillings, bridges, or complete or partial dentures that are received by the spouse or a child of the member, are covered by that plan, and are not covered by the member's basic dental benefits plan.".

(e) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY TO ESTABLISH PLANS.—" after "(a)";

(2) in subsection (c), by inserting "DEDUCTION OF PREMIUM FROM BASIC PAY.—" after "(c)";

(3) in subsection (f), by inserting "TRANSFER OF MEMBER.—" after "(f)";

(4) in subsection (g), by inserting "AUTHORITY SUBJECT TO APPROPRIATIONS.—"; and

(5) in subsection (h), by inserting "LIMITATIONS ON EXPENDITURES.—" after "(h)".

SEC. 702. HOSPICE CARE.

(a) HOSPICE CARE FOR DEPENDENTS IN FACILITIES OF THE UNIFORMED SERVICES.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding subsection (b)(1), hospice care may be provided under section 1076 of this title in facilities of the uniformed services to a terminally ill patient who chooses (pursuant to regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries) to receive hospice care rather than continuing hospitalization or other health care services for treatment of the patient's terminal illness.

"(2) In this section, the term 'hospice care' means the items and services described in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)).".

(b) HOSPICE CARE FOR DEPENDENTS UNDER CONTRACTS FOR MEDICAL CARE.—(1) Subsection (a) of section 1079 of title 10, United States Code, is amended—

(A) in paragraph (13), by striking out "clause (4)" and inserting in lieu thereof "paragraph (4)";

(B) by striking out "and" at the end of paragraph (14);

(C) by striking out the period at the end of paragraph (15)(D) and inserting in lieu thereof "; and"; and

(D) by adding at the end the following new paragraph:

"(16) hospice care may be provided only in the manner and under the conditions provided in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd))."

(2) Subsection (j)(2)(B) of such section is amended by inserting "hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))," after "home health agency,".

SEC. 703. BLOOD-LEAD LEVEL SCREENINGS OF DEPENDENT INFANTS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 1077(a)(8) of title 10, United States Code, is amended by inserting before the period the following: ", including well-baby care that includes one screening of an infant for the level of lead in the blood of the infant".

SEC. 704. EXPANSION OF CHAMPUS COVERAGE TO INCLUDE CERTAIN MEDICARE PARTICIPANTS.

(a) ELIGIBILITY OF DISABLED PERSONS.—Section 1086 of title 10, United States Code, is amended by striking out subsection (d) and inserting in lieu thereof the following new subsection:

"(d)(1) A person who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) is not eligible for health benefits under this section.

"(2) The prohibition contained in paragraph (1) shall not apply in the case of a person referred to in subsection (c) who—

"(A) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

"(B) is under 65 years of age; and

"(C) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).".

"(3) If a person described in paragraph (2) receives medical or dental care for which payment may be made under both title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and a plan contracted for under subsection (a), the amount payable for that care under the plan may not exceed the difference between—

"(A) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under that title; and

"(B) the sum of any deductibles, coinsurance, and balance billing charges that would be imposed on the person if payment for that care were made solely under the plan.".

(b) CONFORMING AMENDMENTS.—(1) Such section is further amended—

(A) in subsection (c)—

(i) by striking out "The following" and inserting in lieu thereof "Except as provided in subsection (d), the following"; and

(ii) by striking out the sentence following paragraph (3); and

(B) in subsection (g), by striking out "Notwithstanding subsection (d) or any other provision of this chapter," and inserting in

lieu thereof "Section 1079(j) of this title shall apply to a plan contracted for under this section, except that".

(2) Section 1713(d) of title 38, United States Code, is amended by striking out "the second sentence of section 1086(c)" and inserting in lieu thereof "section 1086(d)(1)".

10 USC 1086 note.

(c) APPLICATION OF AMENDMENTS.—Subsection (d) of section 1086 of title 10, United States Code, as amended by this section, shall apply with respect to health care benefits or services received by a person described in such subsection on or after the date of enactment of this Act.

PART B—HEALTH CARE MANAGEMENT

SEC. 711. MODIFICATION OF AREA RESTRICTION ON PROVISION OF NONEMERGENCY INPATIENT HOSPITAL CARE UNDER CHAMPUS.

Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that" and all that follows through the semicolon and inserting in lieu thereof the following: "except that—

"(A) those services may be provided in any case in which another insurance plan or program provides primary coverage for those services; and

"(B) the Secretary of Defense may waive the 40-mile radius restriction with regard to the provision of a particular service before October 1, 1993, if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service;".

SEC. 712. MANAGED HEALTH CARE NETWORKS.

(a) AUTHORIZATION OF SUCH NETWORKS.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

Contracts.

"(n) The Secretary of Defense may enter into contracts (or amend existing contracts) with fiscal intermediaries under which the intermediaries agree to organize and operate, directly or through subcontractors, managed health care networks for the provision of health care under this chapter. The managed health care networks shall include cost containment methods, such as utilization review and contracting for care on a discounted basis.".

(b) DELIVERY OF HEALTH CARE SERVICES IN THE TIDEWATER REGION OF VIRGINIA.—(1) Using the authority provided in section 1092 of title 10, United States Code, and section 1079(n) of that title (as added by subsection (a)), the Secretary of Defense shall undertake a program to provide for the delivery of health care services to members of the Armed Forces serving on active duty and covered beneficiaries under chapter 55 of that title in the Tidewater region of Virginia. Such program shall—

(A) incorporate the primary features of managed health care with cost containment initiatives, including utilization review, preadmission screening, establishment of provider networks, and contracting for care with civilian providers on a discounted basis; and

(B) shall be based on the catchment area management demonstration projects required by section 731(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1117).

(2) The Secretary of Defense shall ensure that—

(A) the delivery of services under the program required by this subsection begins not later than September 30, 1992; and

(B) all funds appropriated for the delivery of health care services in the Tidewater region of Virginia, including those funds appropriated for services provided in that region under sections 1079 and 1086 of title 10, United States Code, shall be allocated to the local manager of the program.

SEC. 713. CLARIFICATION OF RESTRICTION ON CHAMPUS AS A SECONDARY PAYER.

Section 1079(j)(1) of title 10, United States Code, is amended by inserting ", or covered by," after "person enrolled in".

SEC. 714. CLARIFICATION OF RIGHT OF THE UNITED STATES TO COLLECT FROM THIRD-PARTY PAYERS.

Section 1095(i)(2) of title 10, United States Code, is amended by striking out "or no fault insurance".

SEC. 715. STATEMENTS REGARDING THE NONAVAILABILITY OF HEALTH CARE.

(a) CONSIDERATION OF AVAILABILITY OF CONTRACT CARE.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1105. Issuance of nonavailability of health care statements

"In determining whether to issue a nonavailability of health care statement for any person entitled to health care in facilities of the uniformed services under this chapter, the commanding officer of such a facility may consider the availability of health care services for such person pursuant to any contract or agreement entered into under this chapter for the provision of health care services within the area served by that facility.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1105. Issuance of nonavailability of health care statements.".

SEC. 716. SUBMITTAL OF CLAIMS FOR PAYMENT FOR SERVICES UNDER CHAMPUS.

(a) SUBMITTAL OF CLAIMS UNDER CHAMPUS.—(1) Chapter 55 of title 10, United States Code, is amended by adding after section 1105, as added by section 715, the following new section:

"§ 1106. Submittal of claims under CHAMPUS

"(a) SUBMITTAL TO CLAIMS PROCESSING OFFICE.—Each provider of services under the Civilian Health and Medical Program of the Uniformed Services shall submit claims for payment for such services directly to the claims processing office designated pursuant to regulations prescribed under subsection (b). A claim for payment for services shall be submitted in a standard form (as prescribed in the regulations) not later than one year after the services are provided.

"(b) REGULATIONS.—The regulations required by subsection (a) shall be prescribed by the Secretary of Defense after consultation with the other administering Secretaries.

"(c) WAIVER.—The Secretary of Defense may waive the requirements of subsection (a) if the Secretary determines that the waiver

is necessary in order to ensure adequate access for covered beneficiaries to health care services under this chapter.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1105, as added by section 715, the following new item:

"1106. Submittal of claims under CHAMPUS.".

10 USC 1106 note.

(b) REGULATIONS.—The regulations required by section 1106 of title 10, United States Code (as added by subsection (a)), shall be prescribed to take effect not later than 180 days after the date of the enactment of this Act.

SEC. 717. REPEAL OF REQUIREMENT THAT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIPS BE TARGETED TOWARD CRITICALLY NEEDED WARTIME SKILLS.

Section 2124 of title 10, United States Code, is amended by striking out "except that—" and all that follows through the period and inserting in lieu thereof "except that the total number of persons so designated may not, at any time, exceed 6,000.".

SEC. 718. LIMITATION ON REDUCTIONS IN NUMBER OF MEDICAL PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REVISION OF EXISTING LIMITATION.—Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1582) is amended— 10 USC 115 note.

(1) in subsection (a), by striking out "medical personnel below" and all that follows through "September 30, 1989," and inserting in lieu thereof "medical personnel of the Department of Defense below the baseline number";

(2) in subsection (a)(2), by inserting "medical" after "military"; and

(3) by adding at the end of subsection (c) the following new paragraph:

"(3) The term 'baseline number' means the number equal to the sum of 12,510 and the number of medical personnel of the Department of Defense serving on September 30, 1989, excluding commissioned officers of the Navy.".

10 USC 115 note.

(b) MINIMUM NUMBER OF NAVY HEALTH PROFESSIONS OFFICERS.—Of the total number of officers authorized to be serving on active duty in the Navy on the last day of a fiscal year, 12,510 shall be available only for assignment to duties in health profession specialties.

SEC. 719. EXTENSION OF DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT.

Section 724 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1478; 10 U.S.C. 1101 note) is amended by striking out "October 1, 1991" and inserting in lieu thereof "October 1, 1993".

SEC. 720. AUTHORIZATION FOR THE USE OF THE COMPOSITE HEALTH CARE SYSTEM AT A MILITARY MEDICAL FACILITY WHEN COST EFFECTIVE.

Section 704(h) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), as added by section 717(c)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1586), is amended by

striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may authorize the use of the Composite Health Care System to provide information systems support in a military medical treatment facility that was not involved in the operational test and evaluation phase referred to in subsection (b) on November 5, 1990, if the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that the use of the Composite Health Care System in that facility is the most cost-effective method for providing automated operations at the facility.".

SEC. 721. ADMINISTRATION OF THE MANAGED-CARE MODEL OF UNIFORMED SERVICES TREATMENT FACILITIES.

42 USC 248c note.

(a) DESIGNATION OF SATELLITE FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.—(1) Subject to paragraph (3), the Secretary of Defense may designate a satellite facility described in paragraph (2) as a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code.

(2) A satellite facility referred to in paragraph (1) means a facility that—

(A) is owned, operated, or staffed by a facility described in section 911(c) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(c)); and

(B) pursuant to an agreement entered into with the Secretary of Defense, is authorized for a designated service area to provide medical and dental care for persons eligible to receive such care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) The authority of the Secretary of Defense under paragraph (1) shall take effect on the date on which the Secretary certifies to Congress that the managed-care delivery and reimbursement model required under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) has been fully implemented.

(b) TERMINATION OF DESIGNATION.—The designation of a satellite facility under subsection (a) may be terminated in accordance with the procedure provided under section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)).

(c) REIMBURSEMENT FOR CARE.—A facility described in section 911(c) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(c)), may be reimbursed for medical and dental care provided by that facility or a satellite facility of that facility designated under subsection (a) to persons eligible to receive such care in facilities of the uniformed services under chapter 55 of title 10, United States Code. The reimbursement shall be made pursuant to an agreement with the Secretary of Defense as part of the managed-care delivery and reimbursement model required under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587).

(d) PREEMPTION OF STATE AND LOCAL LAWS.—A law or regulation of a State or local government relating to health insurance or health maintenance organizations shall not apply to a Uniformed Services Treatment Facility that enters into an agreement with the Secretary of Defense under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) to the extent that—

(1) the law or regulation is inconsistent with a specific provision of the agreement or a regulation prescribed by the Secretary relating to the managed-care delivery and reimbursement model; or

(2) the Secretary determines that preemption of the law or regulation is necessary to implement or operate the managed-care delivery and reimbursement model referred to in that section or to achieve some other Federal interest.

10 USC 1073 note.

SEC. 722. AUTHORIZATION FOR THE EXTENSION OF CHAMPUS REFORM INITIATIVE.

(a) AUTHORITY.—Upon the termination (for any reason) of the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note), the Secretary of Defense may enter into a replacement or successor contract with the same or a different contractor and for such amount as may be determined in accordance with applicable procurement laws and regulations and without regard to any limitation (enacted before, on, or after the date of the enactment of this Act) on the availability of funds for that purpose.

(b) TREATMENT OF LIMITATION ON FUNDS FOR PROGRAM.—No provision of law stated as a limitation on the availability of funds may be treated as constituting the extension of, or as requiring the extension of, any contract under the CHAMPUS reform initiative that would otherwise expire in accordance with its terms.

PART C—MISCELLANEOUS

SEC. 731. HEALTH CARE DEMONSTRATION PROJECT FOR THE AREA OF NEWPORT, RHODE ISLAND.

(a) DEMONSTRATION PROJECT REQUIRED.—In order to control the cost of medical care, the Secretary of Defense shall undertake a demonstration project to provide for the delivery of inpatient medical services in the Newport, Rhode Island, area to members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code, based on an external partnership agreement or agreements with civilian health care facilities and providers. To the maximum extent possible, the Secretary shall negotiate such agreements on a discounted basis at rates less than those prescribed for diagnosis related-groups.

(b) WAIVER OF CHAMPUS COPAYMENT.—(1) In order to encourage participation by covered beneficiaries in the demonstration project required by this section, the Secretary of Defense may permit a health care facility or provider participating in the project to reduce or waive the cost-sharing requirements of sections 1079 and 1086 of title 10, United States Code, if the Secretary determines that it is cost-effective to permit such reduction or waiver.

(2) If a health care facility or provider participating in this demonstration project reduces or waives cost-sharing requirements for health care services, the Secretary of Defense may require the facility or provider to certify that the amount charged to the Federal Government for such health care was not increased above the amount that the facility or provider would have charged the Federal Government for such health care had the payment not been reduced or waived. The Secretary of Defense may further require a health

care facility or provider to provide information to the Secretary to show the compliance of the facility or provider with this paragraph.

(c) NEGOTIATIONS REGARDING WAIVER OF MEDICARE COPAYMENTS.—The Secretary of Defense shall initiate negotiations with the Secretary of Health and Human Services for the purpose of reaching an agreement under which the Secretary of Health and Human Services would permit a waiver of the deductible and copayment under medicare program for covered beneficiaries in the demonstration project required by this section on the same basis as the waiver permitted by the Secretary of Defense.

SEC. 732. DEPENDENCY STATUS OF A MINOR IN THE CUSTODY OF A NON-PARENT MEMBER OR FORMER MEMBER OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds the following:

(1) Members and former members of the Armed Forces, for good and humanitarian reasons or because of a deep sense of familial responsibility, are taking legal custody of minors (including minors related to a member or former member by blood or adoption) who are neglected, abandoned, abused, or orphaned children.

(2) Under current law, unless a minor referred to in paragraph (1) is also adopted by a member or former member of the Armed Forces, the minor is not considered a dependent of the member or former member for purposes of eligibility for care in the military medical health care system under chapter 55 of title 10, United States Code, or allowances under chapter 7 of title 37, United States Code. A compelling reason for the reluctance of many members and former members to adopt minors referred to in paragraph (1) is the fact that they are already related by blood or adoption.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) creative solutions should be found to enable a member or former member of the Armed Forces who is eligible for military health care to obtain care in the military medical health care system for a minor who is in the legal custody of the member or former member, especially when the minor is related by blood or adoption to the member or former member; and

(2) the Secretaries of the military departments, in exercising their authority to grant designee status to a minor to receive health care at military treatment facilities, should give special attention and consideration to those cases involving a minor who is related by blood or adoption to a member or former member of the Armed Forces and is in the legal custody of the member or former member.

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress analyzing the desirability, feasibility, and cost implications of implementing a permanent change to the definition of dependent for purposes of eligibility for care in the military medical health care system under chapter 55 of title 10, United States Code, and allowances under chapter 7 of title 37, United States Code, to include minors who are in the legal custody of, and related by blood or adoption to, a member or former member of the Armed Forces and are not currently included in such definition.

(2) The report required by this section shall also include data covering the preceding five-year period to indicate the manner in

which the Secretaries of the military departments have handled requests for designee status for minors who are in the legal custody of a member or former member of the Armed Forces, including minors related by blood or adoption to a member or former member, and are otherwise ineligible for health care in the military medical health care system. Such data shall include—

(A) the total number of requests for designee status involving these minors during that period;

(B) the total number of these minors given designee status during that period; and

(C) the average distance and range of distances that the minors given designee status must travel for medical and dental care in the military medical health care system.

(3) The report required by this section shall also include an assessment by the Secretary of Defense of the necessity, desirability, and cost implications of designating as dependents for purposes of eligibility for care in the military medical health care system under chapter 55 of title 10, United States Code, and allowances under chapter 7 of title 37, United States Code, unmarried persons who—

(A) are in the legal custody of members or former members of the Armed Forces;

(B) are not considered the dependents of a member or former member for purposes of eligibility to obtain care in the military medical health care system or allowances under chapter 7 of title 37, United States Code;

(C) are dependent on the member for half of their support; and

(D) are under 21 years of age, incapable of self support because of disability, or under 23 years of age and enrolled in a full-time course of study in an institution of higher education.

(4) The assessment required by paragraph (3) shall include an estimate of the number of persons referred to in that paragraph who potentially could be granted dependent status as a result of the change considered in that assessment and the costs of making that change.

10 USC 1071 note.

SEC. 733. COMPREHENSIVE STUDY OF THE MILITARY MEDICAL CARE SYSTEM.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Defense shall conduct a comprehensive study of the military medical care system. Not later than December 15, 1992, the Secretary shall submit to the congressional defense committees a detailed accounting on the progress of the study, including preliminary results of the study. Not later than December 15, 1993, the Secretary shall submit to the congressional defense committees a final report on the study.

(b) ELEMENTS OF STUDY.—The Secretary of Defense shall include as part of the study required by subsection (a) the following:

(1) A systematic review of the military medical care system required to support the Armed Forces during a war or other conflict and any adjustments to that system required to provide cost-effective health care in peacetime to covered beneficiaries.

(2) A comprehensive review of the existing methods of providing health and dental care through civilian health and dental care programs that are available as alternatives to the methods for providing such care through the existing military medical care system, including the cost and quality results of experimental use of such alternative methods by the Secretary and

the level of satisfaction of the persons who have received health or dental care under such alternative methods.

(c) SURVEY.—The study required by subsection (a) shall also include a survey of members of the Armed Forces and covered beneficiaries in order to—

(1) determine their access to and use of inpatient and outpatient health care services in the military medical care system—

(A) by source of care and source of payment, including private sector health insurance; and

(B) in relation to civilian sector standards established for particular clinical services; and

(2) determine their attitudes and the extent of their knowledge regarding—

(A) the quality and availability of health and dental care under the military medical care system;

(B) their freedom of choice with respect to health care providers and level of health care benefits;

(C) the premiums, fees, copayments, and other charges imposed under the military medical care system; and

(D) any changes in the rules, regulations or charges that characterize the military medical care system.

(d) CONTENT OF REPORT.—The report required by subsection (a) shall include with respect to the systematic review of the military medical care system required under subsection (b)(1) the following:

(1) For each of the fiscal years 1993 through 1997 and over a longer range periods of 10 years and 15 years, the numbers, types, and geographic distribution of active duty and civilian personnel and fixed military treatment facilities needed to support the Armed Forces during a war or other conflict if such a war or conflict occurred during such fiscal years and each such period, respectively.

(2) An analysis of adjustments to the military medical care system that may be needed to provide cost-effective care in peacetime to covered beneficiaries, including in the analysis of cost-effectiveness the following:

(A) The various methods available for providing health and dental care to covered beneficiaries (including providing such care through Medicare risk contractors) that exist as alternatives to the existing methods of providing such care to covered beneficiaries under the military medical care system.

(B) The full range of marginal costs associated with providing different clinical services directly in military treatment facilities and a comparison of the costs of providing such care in facilities of the uniformed services with the costs of providing such care pursuant to regional indemnity contract plans and health maintenance organization contract plans.

(C) Any plans of the Secretary of Defense to increase or reduce premiums, fees, copayments, or other charges, and the likely responsiveness of beneficiaries to such changes, including the "trade-off" factors displayed when covered beneficiaries choose between direct military care and care provided in the civilian sector.

(D) Any differences in providing care between covered beneficiaries who live within 40 miles of military treatment

facilities and covered beneficiaries who live outside such catchment areas.

(3) An evaluation of the use by covered beneficiaries of inpatient and outpatient health care services, stated in terms of use per member and variations in that per member use by armed force, clinical service, and geographic areas, and a comparison of that use with utilization in civilian indemnity plans, Blue Cross and Blue Shield plans, health maintenance organizations, and with utilization guidelines prepared by the medical community, in order to—

(A) identify any systematic problems in either the overuse or underuse of health care services by beneficiaries of the military medical care system or any excesses or deficiencies in the availability of health and dental care services in facilities of the uniformed services;

(B) analyze the relationship between the demand for health care and the availability of military medical resources; and

(C) plan new methods for influencing or managing peacetime use of health care services, including redesigned budgetary and financial incentives and programs of utilization review.

(4) The costs of the present system during fiscal year 1992 and the projected costs of a reconfigured system during each of the fiscal years and periods referred to in paragraph (1).

(5) An evaluation of the quality and availability of preventive health and dental care.

(6) An evaluation of the adequacy of existing regulations to ensure that the existing and future availability of appropriate health care for disabled active and reserve members of the Armed Forces is adequate.

(7) An assessment of the quality and availability of mental health services for members of the Armed Forces and their dependents, including a comparison of services available in various demonstration sites.

(8) An assessment of the qualifications of the personnel involved in the Department of Defense review of the utilization of mental health benefits provided under the Civilian Health and Medical Program of the Uniformed Services.

(9) An evaluation of the efficacy of the actions taken by the Secretary to ensure that individuals carrying out medical or financial evaluations under the system make such disclosures of personal financial matters as are necessary to ensure that financial considerations do not improperly affect such evaluations.

(10) An evaluation of the adequacy of the existing appeals process and of existing procedures to ensure the protection of patient rights.

(11) The optimal military and Department of Defense civilian staffing plan for the next five years to achieve the most cost-effective delivery of health care services to the beneficiary population and a strategy to achieve that goal in light of reductions in military spending and the size of the Armed Forces.

(12) Any other information related to the review required by subsection (b)(1) that the Secretary determines to be appropriate.

(e) ADDITIONAL ITEMS OF REPORTS.—The report required by subsection (a) shall also include the following:

(1) The results of the survey conducted pursuant to subsection (c).

(2) The results of the review conducted pursuant to subsection (b)(2).

(3) A description of any plans of the Secretary of Defense to use any alternative methods to the existing military medical care system to ensure that suitable health and dental care is available to covered beneficiaries.

(4) A proposal for purchasing health care for covered beneficiaries through private-sector managed care programs, together with a discussion of the cost-effectiveness and practicality of doing so within the military medical care system.

(5) Any other information that the Secretary determines to be appropriate.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "military medical care system" means the program of medical and dental care provided for under chapter 55 of title 10, United States Code.

(2) The term "covered beneficiaries" means the beneficiaries under chapter 55 of title 10, United States Code, other than the beneficiaries under section 1074(a) of such title.

SEC. 734. REGISTRY OF MEMBERS OF THE ARMED FORCES EXPOSED TO FUMES OF BURNING OIL IN CONNECTION WITH OPERATION DESERT STORM.

10 USC 1074 note.

(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Defense shall establish and maintain a special record relating to members of the Armed Forces who, as determined by the Secretary, were exposed to the fumes of burning oil in the Operation Desert Storm theater of operations during the Persian Gulf conflict. The Secretary shall establish the Registry with the advice of an independent scientific organization.

(b) CONTENTS OF REGISTRY.—The Registry shall include—

(1) a list containing the name of each member referred to in subsection (a); and

(2) a description of the circumstances of each exposure of that member to the fumes of burning oil as described in subsection (a), including the length of time of the exposure.

(c) REPORTING REQUIREMENT RELATING TO EXPOSURE STUDIES.—The Secretary shall submit to Congress each year, at or about the time that the President's budget is submitted that year under section 1105 of title 31, United States Code, a report regarding—

(1) the results of all on-going studies on the members referred to in subsection (a) to determine the health consequences (including any short- or long-term consequences) of the exposure of such members to the fumes of burning oil; and

(2) the need for additional studies relating to the exposure of such members to such fumes.

(d) MEDICAL EXAMINATION.—Upon the request of any member listed in the Registry, the Secretary of the military department concerned shall, if medically appropriate, furnish a pulmonary function examination and chest x-ray to such person.

(e) EFFECTIVE DATE.—The Secretary shall establish the Registry not later than 180 days after the date of the enactment of this Act.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "Operation Desert Storm" has the meaning given such term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 77; 10 U.S.C. 101 note).

(2) The term "Persian Gulf conflict" has the meaning given such term in section 3(3) of such Act.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

PART A—ACQUISITION PROCESS

SEC. 801. REPEAL OF MANPOWER ESTIMATES REPORTING REQUIREMENT.

(a) REPEAL.—Section 2434 of title 10, United States Code, is amended by striking out "unless—" in subsection (a) and all that follows in that subsection and inserting in lieu thereof the following: "unless an independent estimate of the cost of the program, together with a manpower estimate, has been considered by the Secretary.".

(b) CONFORMING AMENDMENTS.—(1) Section 2434 of such title is further amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) Section 2432 of such title is amended in subsection (a)(4) by striking out "2434(c)(2)" and inserting in lieu thereof "2434(b)(2)".

SEC. 802. PAYMENT OF COSTS OF CONTRACTORS FOR INDEPENDENT RESEARCH AND DEVELOPMENT AND FOR BIDS AND PROPOSALS.

(a) IN GENERAL.—(1) Section 2372 of title 10, United States Code, is amended to read as follows:

"§ 2372. Independent research and development and bid and proposal costs: payments to contractors

"(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment, by the Department of Defense, of expenses incurred by contractors for independent research and development and bid and proposal costs.

"(b) COSTS ALLOWABLE AS INDIRECT EXPENSES.—The regulations prescribed pursuant to subsection (a) shall provide that independent research and development and bid and proposal costs shall be allowable as indirect expenses on covered contracts to the extent that those costs are allocable, reasonable, and not otherwise unallowable by law or under the Federal Acquisition Regulation.

"(c) ADDITIONAL CONTROLS.—Subject to subsection (f), the regulations prescribed pursuant to subsection (a) may include the following provisions:

"(1) A limitation on the allowability of independent research and development and bid and proposal costs to work which the Secretary of Defense determines is of potential interest to the Department of Defense.

"(2) For each of fiscal years 1993 through 1995, a limitation in the case of major contractors that the total amount of the independent research and development and bid and proposal costs that are allowable as expenses of the contractor's covered segments may not exceed the contractor's adjusted maximum reimbursement amount.

"(3) Implementation of regular methods for transmission—

"(A) from the Department of Defense to contractors, in a reasonable manner, of timely and comprehensive information regarding planned or expected Department of Defense future needs; and

"(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the contractor's independent research and development programs.

"(d) ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—For purposes of subsection (c)(2), the adjusted maximum reimbursement amount for a major contractor for a fiscal year is the sum of—

"(1) the total amount of the allowable independent research and development and bid and proposal costs incurred by the contractor during the preceding fiscal year;

"(2) 5 percent of the amount referred to in paragraph (1); and

"(3) if the projected total amount of the independent research and development and bid and proposal costs incurred by the contractor for such fiscal year is greater than the total amount of the independent research and development and bid and proposal costs incurred by the contractor for the preceding fiscal year, the amount that is determined by multiplying the amount referred to in paragraph (1) by the lesser of—

"(A) the percentage by which the projected total amount of such incurred costs for such fiscal year exceeds the total amount of the incurred costs of the contractor for the preceding fiscal year; or

"(B) the estimated percentage rate of inflation from the end of the preceding fiscal year to the end of the fiscal year for which the amount of the limitation is being computed.

"(e) WAIVER OF ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—The Secretary of Defense may waive the applicability of any limitation prescribed under subsection (c)(2) to any contractor for a fiscal year to the extent that the Secretary determines that allowing the contractor to exceed the contractor's adjusted maximum reimbursement amount for such year—

"(1) is necessary to reimburse such contractor at least to the extent that would have been allowed under regulations as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993; or

"(2) is otherwise in the best interest of the Government.

"(f) LIMITATIONS ON REGULATIONS.—Regulations prescribed pursuant to subsection (c) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program.

"(g) ENCOURAGEMENT OF CERTAIN CONTRACTOR ACTIVITIES.—The regulations under subsection (a) shall encourage contractors to engage in research and development activities of potential interest to the Department of Defense, including activities intended to accomplish any of the following:

"(1) Enabling superior performance of future United States weapon systems and components.

"(2) Reducing acquisition costs and life-cycle costs of military systems.

"(3) Strengthening the defense industrial base and the technology base of the United States.

"(4) Enhancing the industrial competitiveness of the United States.

"(5) Promoting the development of technologies identified as critical under section 2522 of this title.

"(6) Increasing the development and promotion of efficient and effective applications of dual-use technologies.

"(7) Providing efficient and effective technologies for achieving such environmental benefits as improved environmental data gathering, environmental cleanup and restoration, pollution reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

"(h) MAJOR CONTRACTORS.—A contractor shall be considered to be a major contractor for the purposes of subsection (c) for any fiscal year if for the preceding fiscal year the contractor's covered segments allocated to Department of Defense contracts a total of more than $10,000,000 in independent research and development and bid and proposal costs.

"(i) DEFINITIONS.—In this section:

"(1) COVERED CONTRACT.—The term 'covered contract' has the meaning given that term in section 2324(m) of this title.

"(2) COVERED SEGMENT.—The term 'covered segment', with respect to a contractor, means a product division of the contractor that allocated more than $1,000,000 in independent research and development and bid and proposal costs to Department of Defense contracts during the preceding fiscal year. In the case of a contractor that has no product divisions, such term means the contractor as a whole.".

(2) The item relating to section 2372 in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2372. Independent research and development and bid and proposal costs: payments to contractors.".

10 USC 2372 note.

(b) IMPLEMENTING REGULATIONS.—The Secretary of Defense shall prescribe proposed regulations to implement the amendment made by subsection (a)(1) not later than April 1, 1992, and shall prescribe final regulations for that purpose not later than June 1, 1992.

10 USC 2372 note.

(c) OTA STUDY.—The Director of the Office of Technology Assessment shall conduct a study to determine the effect of the regulations prescribed under section 2372 of title 10, United States Code (as amended by subsection (a)), on the achievement of the policy stated in subsection (g) of that section. Not later than December 1, 1995, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the study.

(d) INTEGRATED FINANCING POLICY.—Section 2330 of title 10, United States Code, is amended by inserting at the end of subsection (a)(2) the following:

"(D) Policies relating to reimbursement of independent research and development and bid and proposal costs.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992, and shall apply to independent research and development and bid and proposal costs incurred by a contractor during fiscal years of that contractor that begin on or after that date.

SEC. 803. RESEARCH AND DEVELOPMENT CONTRACTS.

(a) REPORTING REQUIREMENT.—(1) Section 2352 of title 10, United States Code, is amended to read as follows:

"§ 2352. Contracts: notice to Congress required for contracts performed over period exceeding 10 years

"(a) REQUIREMENT.—The Secretary of a military department shall submit to Congress a notice described in subsection (b) with respect to a contract of that military department for services for research or development in any case in which—

"(1) the contract is awarded or modified, and the contract is expected, at the time of the award or as a result of the modification (as the case may be), to be performed over a period exceeding 10 years from the date of initial award of the contract; or

"(2) the performance of the contract continues for a period exceeding 10 years, and no notice of the type described in subsection (b) has otherwise been provided to Congress.

"(b) NOTICE.—The notice required under subsection (a) is a notice—

(1) identifying the contract;

(2) stating the date on which initial award of the contract occurred; and

(3) stating the period of time over which performance of the contract is expected to occur.

"(c) TIME OF SUBMISSION OF NOTICE.—The notice required under subsection (a) shall be submitted not later than 30 days after—

"(1) the date of award or modification of the contract, in the case of a contract described in subsection (a)(1); and

"(2) the date on which performance of the contract exceeds 10 years, in the case of a contract described in subsection (a)(2).".

(2) The item relating to section 2352 in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2352. Contracts: notice to Congress required for contracts performed over period exceeding 10 years.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 31, 1991. 10 USC 2352 note.

SEC. 804. CLARIFICATION OF REVISED THRESHOLDS FOR CONTRACTOR CERTIFICATION OF COST OR PRICING DATA.

(a) CLARIFICATION.—Paragraph (1) of section 2306a(a) of title 10, United States Code, is amended to read as follows:

"(1) The head of an agency shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

"(A) An offeror for a prime contract under this chapter to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of a contract if—

"(i) in the case of a prime contract entered into after December 5, 1990, and before January 1, 1996, the price of the contract to the United States is expected to exceed $500,000; and

"(ii) in the case of a prime contract entered into on or before December 5, 1990, or after December 31, 1995, the price of the contract to the United States is expected to exceed $100,000.

"(B) The contractor for a prime contract under this chapter shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if—

"(i) in the case of a change or modification made to a prime contract referred to in subparagraph (A)(i), the price adjustment is expected to exceed $500,000;

"(ii) in the case of a change or modification made after December 5, 1991, to a prime contract that was entered into on or before December 5, 1990, and that has been modified pursuant to paragraph (6), the price adjustment is expected to exceed $500,000; and

"(iii) in the case of a change or modification not covered by clause (i) or (ii), the price adjustment is expected to exceed $100,000.

"(C) An offeror for a subcontract (at any tier) of a contract under this chapter shall be required to submit cost or pricing data before the award of the subcontract if the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this section and—

"(i) in the case of a subcontract under a prime contract referred to in subparagraph (A)(i), the price of the subcontract is expected to exceed $500,000;

"(ii) in the case of a subcontract entered into after December 5, 1991, under a prime contract that was entered into on or before December 5, 1990, and that has been modified pursuant to paragraph (6), the price of the subcontract is expected to exceed $500,000; and

"(iii) in the case of a subcontract not covered by clause (i) or (ii), the price of the subcontract is expected to exceed $100,000.

"(D) The subcontractor for a subcontract covered by subparagraph (C) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if—

"(i) in the case of a change or modification to a subcontract referred to in subparagraph (C)(i) or (C)(ii), the price adjustment is expected to exceed $500,000; and

"(ii) in the case of a change or modification to a subcontract referred to in subparagraph (C)(iii), the price adjustment is expected to exceed $100,000.".

(b) MODIFICATIONS TO CONTRACTS.—Section 2306a(a) is further amended by adding at the end the following new paragraph:

"(6)(A) Upon the request of a contractor that was required to submit cost or pricing data under paragraph (1) in connection with a prime contract entered into on or before December 5, 1990, the head of the agency that entered into such contract shall modify the contract to reflect subparagraphs (B)(ii) and (C)(ii) of paragraph (1). All such modifications shall be made without requiring consideration.

"(B) The head of an agency is not required to modify a contract under subparagraph (A) if that head of an agency determines that the submission of cost or pricing data with respect to that contract should be required under subsection (c).".

(c) CONFORMING AMENDMENT AND REPEAL.—(1) Paragraph (5) of section 2306a(a) is amended by striking out "paragraph (1)(C)(ii)" and inserting in lieu thereof "paragraph (1)(C)".

(2) Paragraph (2) of section 803(a) of Public Law 101-510 (as amended by section 704(a)(4) of Public Law 102-25) is hereby repealed.

10 USC 2306a note.

SEC. 805. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES DURING CONTINGENCY OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended by inserting before the period the following: ", except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means $100,000".

SEC. 806. PAYMENT PROTECTIONS FOR SUBCONTRACTORS AND SUPPLIERS.

10 USC 2301 note.

(a) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the following requirements:

(1) INFORMATION PROVIDED BY DEPARTMENT OF DEFENSE RELATING TO PAYMENT.—(A) Subject to section 552(b)(1) of title 5, United States Code, upon the request of a subcontractor or supplier of a contractor performing a Department of Defense contract, the Department of Defense shall promptly make available to such subcontractor or supplier the following information:

(i) Whether requests for progress payments or other payments have been submitted by the contractor to the Department of Defense in connection with that contract.

(ii) Whether final payment to the contractor has been made by the Department of Defense in connection with that contract.

(B) This paragraph shall apply with respect to any Department of Defense contract that is in effect on the date which is 270 days after the date of enactment of this Act or that is awarded after such date.

(2) INFORMATION PROVIDED BY DEPARTMENT OF DEFENSE RELATING TO PAYMENT BONDS.—(A) Upon the request of a subcontractor or supplier described in subparagraph (B), the Department of Defense shall promptly make available to such subcontractor or supplier any of the following:

(i) The name and address of the surety or sureties on the payment bond.

(ii) The penal amount of the payment bond.

(iii) A copy of the payment bond.

(B) Subparagraph (A) applies to—

(i) a subcontractor or supplier having a subcontract, purchase order, or other agreement to furnish labor or material for the performance of a Department of Defense contract with respect to which a payment bond has been furnished to the United States pursuant to the Miller Act; and

(ii) a prospective subcontractor or supplier offering to furnish labor or material for the performance of such a Department of Defense contract.

(C) With respect to the information referred to in subparagraphs (A)(i) and (A)(ii), the regulations shall include authority for such information to be provided verbally to the subcontractor or supplier.

(D) With respect to the information referred to in subparagraph (A)(iii), the regulations may impose reasonable fees to cover the cost of copying and providing requested bonds.

(E) This paragraph shall apply with respect to any Department of Defense contract covered by the Miller Act that is in

effect on the date which is 270 days after the date of enactment of this Act or that is awarded after such date.

(3) INFORMATION PROVIDED BY CONTRACTORS RELATING TO PAYMENT BONDS.—(A) Upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a Department of Defense contract with respect to which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly make available to such prospective subcontractor or supplier a copy of the payment bond.

(B) This paragraph shall apply with respect to any Department of Defense contract covered by the Miller Act for which a solicitation is issued after the expiration of the 60-day period beginning on the effective date of the regulations promulgated under this subsection.

(4) PROCEDURES RELATING TO COMPLIANCE WITH PAYMENT TERMS.—(A) Under procedures established in the regulations, upon the assertion by a subcontractor or supplier of a contractor performing a Department of Defense contract that the subcontractor or supplier has not been paid by the prime contractor in accordance with the payment terms of the subcontract, purchase order, or other agreement with the prime contractor, the contracting officer may determine the following:

(i) With respect to a construction contract, whether the contractor has made progress payments to the subcontractor or supplier in compliance with chapter 39 of title 31, United States Code.

(ii) With respect to a contract other than a construction contract, whether the contractor has made progress or other payments to the subcontractor or supplier in compliance with the terms of the subcontract, purchase order, or other agreement with the prime contractor.

(iii) With respect to either a construction contract or a contract other than a construction contract, whether the contractor has made final payment to the subcontractor or supplier in compliance with the terms of the subcontract, purchase order, or other agreement with the prime contractor.

(iv) With respect to either a construction contract or a contract other than a construction contract, whether any certification of payment of the subcontractor or supplier accompanying the contractor's payment request to the Government is accurate.

(B) If the contracting officer determines that the prime contractor is not in compliance with any matter referred to in clause (i), (ii), or (iii) of subparagraph (A), the contracting officer may, under procedures established in the regulations—

(i) encourage the prime contractor to make timely payment to the subcontractor or supplier; or

(ii) reduce or suspend progress payments with respect to amounts due to the prime contractor.

(C) If the contracting officer determines that a certification referred to in clause (iv) of subparagraph (A) is inaccurate in any material respect, the contracting officer shall, under procedures established in the regulations, initiate appropriate administrative or other remedial action.

(D) This paragraph shall apply with respect to any Department of Defense contract that is in effect on the date of promulgation of the regulations under this subsection or that is awarded after such date.

(b) REGULATIONS DEADLINES.—(1) The Secretary of Defense shall publish proposed regulations under subsection (a) not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall publish final regulations under subsection (a) not later than 270 days after the date of the enactment of this Act.

(c) GOVERNMENT-WIDE APPLICABILITY AUTHORIZED.—If the Federal Acquisition Regulatory Council (established by section 25(a) of the Office of Federal Procurement Policy Act) determines that it would be more appropriate for the requirements described in subsection (a) to apply Government-wide, the regulations required by subsection (a) may be prescribed as modifications to the Federal Acquisition Regulation (issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).

(d) ASSISTANCE TO SMALL BUSINESS CONCERNS.—Paragraph (5) of section 15(k) of the Small Business Act (15 U.S.C. 644(k)(5)) is amended to read as follows:

"(5) assist small business concerns to obtain payments, required late payment interest penalties, or information regarding payments due to such concerns from an executive agency or a contractor, in conformity with chapter 39 of title 31, United States Code, or any other protection for contractors or subcontractors (including suppliers) that is included in the Federal Acquisition Regulation or any individual agency supplement to such Government-wide regulation;".

(e) GAO REPORT.—(1) The Comptroller General of the United States shall conduct an assessment of the matters described in paragraph (2) and submit a report pursuant to paragraph (3).

(2) In addition to such other related matters as the Comptroller General considers appropriate, the matters to be assessed pursuant to paragraph (1) are the following:

(A) Timely payment of progress or other periodic payments to subcontractors and suppliers by prime contractors on Federal contracts by—

(i) identifying all existing statutory and regulatory provisions, categorized by types of contracts covered by such provisions;

(ii) evaluating the feasibility and desirability of requiring that a prime contractor (other than a construction prime contractor subject to the provisions of sections 3903(b) and 3905 of title 31, United States Code) be required to—

(I) include in its subcontracts a payment term requiring payment within 7 days (or some other fixed term) after receiving payment from the Government; and

(II) submit with its payment request to the Government a certification that it has timely paid its subcontractors in accordance with their subcontracts from funds previously received as progress payments and will timely make required payments to such subcontractors from the proceeds of the progress payment covered by the certification;

(iii) evaluating the feasibility and desirability of requiring that all prime contractors (other than a construction prime

contractor subject to the provisions of sections 3903(b) and 3905 of title 31, United States Code) furnish with its payment request to the Government proof of payment of the amounts included in such payment request for payments made to subcontractors and suppliers;

(iv) evaluating the feasibility and desirability of requiring a prime contractor to establish an escrow account at a federally insured financial institution and requiring direct disbursements to subcontractors and suppliers of amounts certified by the prime contractor in its payment request to the Government as being payable to such subcontractors and suppliers in accordance with their subcontracts; and

(v) evaluating the feasibility and desirability of requiring direct disbursement of amounts certified by a prime contractor as being payable to its subcontractors and suppliers in accordance with their subcontracts (using techniques such as joint payee checks, escrow accounts, or direct payment by the Government), if the contracting officer has determined that the prime contractor is failing to make timely payments to its subcontractors and suppliers.

(B) Payment protection of subcontractors and suppliers through the use of payment bonds or alternatives methods by—

(i) evaluating the effectiveness of the modifications to part 28.2 of the Federal Acquisition Regulation Part 28.2 (48 C.F.R. 28.200) relating to the use of individual sureties, which became effective February 26, 1990;

(ii) evaluating the effectiveness of requiring payment bonds pursuant to the Miller Act as a means of affording protection to construction subcontractors and suppliers relating to receiving—

(I) timely payment of progress payments due in accordance with their subcontracts; and

(II) ultimate payment of such amounts due;

(iii) evaluating the feasibility and desirability of increasing the payment bond amounts required under the Miller Act from the current maximum amounts to an amount equal to 100 percent of the amount of the contract;

(iv) evaluating the feasibility and desirability of requiring payment bonds for supply and services contracts (other than construction), and, if feasible and desirable, the amounts of such bonds; and

(v) evaluating the feasibility and desirability of using letters of credit issued by federally insured financial institutions (or other alternatives) as substitutes for payment bonds in providing payment protection to subcontractors and suppliers on construction contracts (and other contracts).

(C) Any evaluation of feasibility and desirability carried out pursuant to subparagraph (A) or (B) shall include the appropriateness of—

(i) any differential treatment of, or impact on, small business concerns as opposed to concerns other than small business concerns;

(ii) any differential treatment of subcontracts relating to commercial products entered into by the contractor in furtherance of its non-Government business, especially those

subcontracts entered into prior to the award of a contract by the Government; and

(iii) extending the protections regarding payment to all tiers of subcontractors or restricting them to first-tier subcontractors and direct suppliers.

(3) The report required by paragraph (1) shall include a description of the results of the assessment carried out pursuant to paragraph (2) and may include recommendations pertaining to any of the following:

(A) Statutory and regulatory changes providing payment protections for subcontractors and suppliers (other than a construction prime contractor subject to the provisions of sections 3903(b) and 3905 of title 31, United States Code) that the Comptroller General believes to be desirable and feasible.

(B) Proposals to assess the desirability and utility of a specific payment protection on a test basis.

(C) Such other recommendations as the Comptroller General considers appropriate in light of the matters assessed pursuant to paragraph (2).

(4) The report required by paragraph (1) shall be submitted not later than by February 1, 1993, to the Committees on Armed Services and on Small Business of the Senate and House of Representatives.

(f) INSPECTOR GENERAL REPORT.—(1) The Inspector General of the Department of Defense shall submit to the Secretary of Defense a report on payment protections for subcontractors and suppliers under contracts entered into with the Department of Defense. The report shall include an assessment of the extent to which available judicial and administrative remedies, as well as suspension and debarment procedures, have been used (or recommended for use) by officials of the Department to deter false statements relating to (A) payment bonds provided by individuals pursuant to the Miller Act, and (B) certifications pertaining to payment requests by construction contractors pursuant to section 3903(b) of title 31, United States Code. The assessment shall cover actions taken during the period beginning on October 1, 1989, and ending on September 30, 1992.

(2) The report required by paragraph (1) shall be submitted to the Secretary of Defense not later than March 1, 1993. The report may include recommendations by the Inspector General on ways to improve the effectiveness of existing methods of preventing false statements.

(g) MILLER ACT DEFINED.—For purposes of this section, the term "Miller Act" means the Act of August 24, 1935 (40 U.S.C. 270a-270d).

SEC. 807. GOVERNMENT-INDUSTRY COMMITTEE ON RIGHTS IN TECHNICAL DATA.

10 USC 2320 note.

(a) REGULATIONS.—(1) Not later than September 15, 1992, the Secretary of Defense shall prescribe final regulations required by subsection (a) of section 2320 of title 10, United States Code, that supersede the interim regulations prescribed before the date of the enactment of this Act for the purposes of that section.

(2) In prescribing such regulations, the Secretary shall give thorough consideration to the recommendations of the government-industry committee appointed pursuant to subsection (b).

(3) Not less than 30 days before prescribing such regulations, the Secretary shall—

Reports.

(A) transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing such regulations, the recommendations of the committee, and any matters required by subsection (b)(4); and

Federal Register, publication.

(B) publish such regulations for comment in the Federal Register.

Contracts.

(4) The regulations shall apply to contracts entered into on or after November 1, 1992, or, if provided in the regulations, an earlier date. The regulations may be applied to any other contract upon the agreement of the parties to the contract.

(b) GOVERNMENT-INDUSTRY COMMITTEE.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall appoint a government-industry committee for the purpose of developing regulations to recommend to the Secretary of Defense for purposes of carrying out subsection (a).

(2) The membership of the committee shall include, at a minimum, representatives of the following:

(A) The Under Secretary of Defense for Acquisition.

(B) The acquisition executives of the military departments.

(C) Prime contractors under major defense acquisition programs.

(D) Subcontractors and suppliers under major defense acquisition programs.

(E) Contractors under contracts other than contracts under major defense acquisition programs.

(F) Subcontractors and suppliers under contracts other than contracts under major defense acquisition programs.

(G) Small businesses.

(H) Contractors and subcontractors primarily involved in the sale of commercial products to the Department of Defense.

(I) Contractors and subcontractors primarily involved in the sale of spare or repair parts to the Department of Defense.

(J) Institutions of higher education.

Reports.

(3) Not later than June 1, 1992, the committee shall submit to the Secretary a report containing the following matters:

(A) Proposals for the regulations to be prescribed by the Secretary pursuant to subsection (a).

(B) Proposed legislation that the committee considers necessary to achieve the purposes of section 2320 of title 10, United States Code.

(C) Any other recommendations that the committee considers appropriate.

(4) If the Secretary omits from the regulations prescribed pursuant to subsection (a) any regulation proposed by the advisory committee, any regulation proposed by a minority of the committee in any minority report accompanying the committee's report, or any part of such a proposed regulation, the Secretary shall set forth his reasons for each such omission in the report submitted to Congress pursuant to subsection (a)(3)(A).

(c) RESTRICTION.—(1) Before the date described in paragraph (2), the Secretary may not revise or supersede the interim regulations implementing section 2320 of title 10, United States Code, prescribed before the date of the enactment of this Act, except to the extent required by law or necessitated by urgent and unforeseen circumstances affecting the national defense.

(2) The date referred to in paragraph (1) is the date 30 days following the date on which the report required by subsection (a)(3)

is transmitted to the Committees on Armed Services of the Senate and House of Representatives.

(d) DEFINITION.—In this section, the term "major defense acquisition program" has the meaning given such term by section 2430 of title 10, United States Code.

SEC. 808. CONTROL OF GOVERNMENT PERSONNEL WORK PRODUCT.

10 USC 2320 note. Regulations.

(a) REQUIREMENT.—The Secretary of Defense shall prescribe regulations to ensure that—

(1) a Department of Defense employee or member of the armed forces with an appropriate security clearance who is engaged in oversight of an acquisition program of the Department of Defense (including a program involving highly sensitive information) maintains control of the employee's or member's work product; and

(2) procedures for protecting unauthorized disclosure of classified information by contractors do not require such an employee or member to relinquish control of his or her work product to any such contractor.

(b) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (a) not later than 120 days after the date of the enactment of this Act.

(c) SUNSET.—This section shall cease to be effective on September 30, 1992.

SEC. 809. STATUS OF THE DIRECTOR OF DEFENSE PROCUREMENT.

41 USC 421 note.

For the purposes of the amendment made by section 807 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1593) to section 25(b)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(b)(2)), the Director of Defense Procurement of the Department of Defense shall be considered to be an official at an organizational level of an Assistant Secretary of Defense within the Office of the Under Secretary of Defense for Acquisition.

PART B—ACQUISITION ASSISTANCE PROGRAMS

SEC. 811. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) AVAILABILITY OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense Agencies for fiscal years 1992 and 1993 for operation and maintenance, $9,000,000 shall be available for each such fiscal year for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts provided for in subsection (a), $600,000 shall be available for each of fiscal years 1992 and 1993 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 812. DEFENSE RESEARCH BY HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1992 and 1993 pursuant to title II of this Act, $15,000,000 shall be available for each such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 1207(c)(3) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note).

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish for public comment procedures and regulations for providing assistance referred to in paragraph (1). The Secretary shall promulgate final regulations for providing such assistance not later than 270 days after the date of the enactment of this Act.

SEC. 813. REAUTHORIZATION OF BOND WAIVER TEST PROGRAM.

Contracts. Small business. 15 USC 636 note.

(a) AUTHORITY.—(1) In the award of construction contracts by the Department of Defense to participants in the Minority Small Business and Capital Ownership Development Program of the Small Business Administration, the Secretary of Defense may exercise the authority to grant surety bond exemptions to such participants provided by section 7(j)(13)(D) of the Small Business Act (15 U.S.C. 636(j)(13)(D)). In any case in which the Secretary exercises such authority, the Secretary may award a construction contract directly to a participant in such program, without approval by or consultation with the Small Business Administration.

(2) In exercising the authority provided by paragraph (1), the Secretary of Defense shall make every reasonable effort to award not fewer than 30 contracts for construction projects (including repair and alteration of existing facilities) during each fiscal year.

(b) DELEGATION OF AUTHORITY.—The Secretary of Defense shall delegate to one or more Secretaries of a military department the authority provided by subsection (a)(1).

(c) NO RIGHT OF ACTION AGAINST THE UNITED STATES.—A dispute between a contractor granted a surety bond exemption pursuant to section 7(j)(13)(D) of the Small Business Act and a subcontractor at any tier or a supplier of such contractor relating to the amount or entitlement of a payment due such subcontractor or supplier does not constitute a dispute to which the United States is a party. The United States may not be interpleaded in any judicial or administrative proceeding involving such a dispute.

(d) REGULATIONS.—The Secretary of Defense shall prescribe final regulations and procedures for exercising the authority provided in this section not later than 270 days after the date of the enactment of this Act.

(e) PROGRAM DURATION.—The authority provided by this section shall apply to contracts awarded before October 1, 1994.

(f) CONFORMING REPEAL.—Section 833 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1509; 15 U.S.C. 636 note) is hereby repealed.

SEC. 814. PILOT MENTOR-PROTEGE PROGRAM.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1992 and 1993 pursuant to title I of this Act, $30,000,000 shall be available for each such fiscal year for the pilot Mentor-Protege Program established pursuant to section 831 of the National

Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607).

(b) PILOT MENTOR-PROTEGE PROGRAM IMPROVEMENTS.—(1) Section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 140 Stat. 1609) is amended by striking out paragraph (2) and inserting in lieu thereof the following: 10 USC 2301 note.

"(2)(A) The Secretary of Defense shall provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f). The Secretary shall ensure that the reimbursement is provided for—

"(i) as a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement specified in such contract;

"(ii) as a reimbursement of indirect costs incurred under the program which have been assigned to indirect cost pools, to the extent that such assigned costs are otherwise reasonable, allocable, and allowable;

"(iii) in a separate contract, cooperative agreement, or other agreement entered into between the Secretary and the mentor firm for the purpose of providing reimbursement of costs incurred under the program, subject to a maximum amount of reimbursement specified in such contract or agreement; or

"(iv) through a combination of the methods of reimbursement described in clauses (i), (ii), and (iii), but only if the mentor firm has an accounting system and controls adequate to assure proper identification and assignment of program costs to appropriate direct and indirect cost accounts.

"(B) The Secretary and a mentor firm may provide for the allocation of such costs to any Department of Defense contract awarded to the mentor firm.".

(2) Section 831(g) of such Act is further amended in paragraph (3)(A)—

(A) by striking out "paragraph (2) may" and inserting "either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph shall";

(B) by inserting after "a Department of Defense contract" the following: ", under a contract with another executive agency,"; and

(C) by striking out "Executive" and inserting in lieu thereof "executive".

(3) Section 831 of such Act is amended by adding at the end the following new subsection:

"(n) AVAILABILITY OF FUNDING.—Funds authorized and appropriated to carry out the program shall remain available until September 30, 1999.".

(4) Section 831(k) of such Act is amended by adding at the end the following: "The Secretary shall ensure that the Department of Defense policy regarding the pilot Mentor-Protege Program, dated July 30, 1991 (and any successor policy), is published and maintained in the Code of Federal Regulations.". Code of Federal Regulations, publication.

(c) CONFORMING AMENDMENT.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

"(12) For purposes of determining the attainment of a subcontract utilization goal under any subcontracting plan entered into with any executive agency pursuant to this subsection, a mentor firm

providing development assistance to a protege firm under the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note) shall be granted credit for such assistance in accordance with subsection (g) of such section.".

PART C—DEFENSE INDUSTRIAL AND TECHNOLOGY BASE INITIATIVES

SEC. 821. DEVELOPMENT OF CRITICAL TECHNOLOGIES.

(a) ENACTMENT OF NEW TITLE 10 CHAPTER FOR CRITICAL TECHNOLOGY PROVISIONS.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 149 the following new chapter 150:

"CHAPTER 150—DEVELOPMENT OF DUAL-USE CRITICAL TECHNOLOGIES

"Sec.

"2521. Definitions.
"2522. Annual defense critical technologies plan.
"2523. Defense dual-use critical technology partnerships.
"2524. Critical technology application centers assistance program.
"2525. Office for Foreign Defense Critical Technology Monitoring and Assessment.
"2526. Overseas foreign critical technology monitoring and assessment financial assistance program.

"§ 2521. Definitions

"In this chapter:

"(1) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

"(2) The term 'critical technology' means a technology that is—

"(A) a national critical technology; or

"(B) a defense critical technology.

"(3) The term 'national critical technology' means a technology that—

"(A) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(B) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President.

"(4) The term 'defense critical technology' means a technology that—

"(A) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of this title; and

"(B) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

"(5) The term 'dual-use critical technology' means a critical technology that has military applications and nonmilitary commercial applications.

"(6) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

"(7) The term 'Pacific Rim country' means a foreign country located on or near the periphery of the Pacific Ocean.

"§ 2523. Defense dual-use critical technology partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, shall conduct a program providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and entities referred to in subsection (b) in order to encourage and provide for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

Grants.
Contracts.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and, may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The Secretary of Defense shall ensure that, to the maximum extent he determines to be practicable, the amount of the funds provided by the Federal Government under a partnership does not exceed the total amount provided by non-Federal Government participants in that partnership.

"(d) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships, except that procedures other

than competitive procedures may be used in any case in which an exception set out in section 2304(c) of this title applies.

"(f) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security interests of the United States.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) A likelihood that there will not be timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of technology proposed to be developed by the partnership for the defense industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed partnership.

"(7) Such other criteria that the Secretary prescribes.

"§ 2524. Critical technology application centers assistance program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation and coordination with the Secretary of Commerce, shall conduct a program to provide assistance for the activities of eligible regional critical technology application centers in the United States.

"(b) ELIGIBLE CENTERS.—A regional critical technology application center is eligible for assistance under the program if—

"(1) the purpose of the center is to facilitate the use of one or more defense critical technologies for defense and commercial purposes by an industry in the region served by that center in order to maintain within the United States industrial capabilities that are vital to the national security of the United States; and

"(2) the center meets the other requirements of this section.

"(c) PROGRAM PARTICIPANTS.—(1) The participants in a critical technology application center—

"(A) shall include—

"(i) eligible firms that conduct business in the region of the United States served or to be served by the center; and

"(ii) a sponsoring agency in such region; and

"(B) may include other organizations considered appropriate by the Secretary of Defense.

"(2)(A) A sponsoring agency of a center may be any agency described in subparagraph (B) that, as determined by the Secretary, provides adequate assurances that it will—

"(i) meet the financial requirement in subsection (e); and

"(ii) provide assistance in the management of the center.

"(B) An agency referred to in subparagraph (A) is any of the following:

"(i) An agency of a State or local government.

"(ii) A nonprofit organization established, or performing functions, pursuant to an agreement entered into by two or more States or local governments.

"(iii) A membership organization in which a State or local government is a member.

"(d) ASSISTANCE AUTHORIZED.—(1) Under the program, the Secretary may provide—

"(A) financial assistance for the activities of a critical technology application center (including, in the case of a proposed center, the establishment of such center) in any amount not in excess of 30 percent of the cost of conducting such activities (including the cost of establishing a proposed center) during the period covered by the financial assistance; and

"(B) technical assistance for the activities (and, in the case of a proposed center, the establishment) of a center awarded financial assistance authorized by subparagraph (A).

"(2) The Secretary may not provide financial assistance under the program for construction of facilities.

"(3) The Secretary may furnish assistance to a critical technology application center under the program for not more than six years.

"(e) FINANCIAL CONTRIBUTIONS OF CENTER PARTICIPANTS.—(1) The sponsoring agency of a critical technology application center and the eligible firms participating in the center shall pay at least 70 percent of the total cost incurred each year for the activities of the center. Funds contributed for the activities of the center by institutions of higher education or private, nonprofit organizations participating in the center shall be considered as funds contributed by the sponsoring agency.

"(2) If the right to use or license the results of any research and development activity of a center is limited by participants in the center to one or more, but less than one-half, of the eligible firms participating in the center, the non-Federal Government participants in the center shall pay the total cost incurred for such activity.

"(f) MANAGEMENT PLAN.—A critical technology application center shall operate under a management plan that includes provisions for the eligible firms participating in the center to have the primary responsibility for directing the activities of the center and to exercise that responsibility through, among any other means, majority voting membership of such firms on the board of directors of the center.

"(g) ADMINISTRATION OF PROGRAM.—The Secretary shall prescribe regulations that, to the extent practicable, apply the same requirements and authorities in the administration of this section as apply under subsections (d) and (e) of section 2523 of this title in the case of the dual-use critical technologies partnerships program provided for in that section. Regulations.

"(h) SELECTION CRITERIA.—The criteria for selection of a center to receive financial assistance under this section shall include the following:

"(1) The potential for the activities of the center to result in—

"(A) increased availability of technology for the enhancement of national security; and

"(B) the emergence in such region of new firms that are capable of applying dual-use critical technologies.

"(2) The potential for the center to be able to apply critical technology research and development supported or conducted by Federal laboratories and institutions of higher education in the advancement of national security interests of the United States.

"(3) The potential for the center to sustain itself through support from industry and other non-Federal Government sources after termination of the Federal assistance provided pursuant to this section.

"(4) The level of involvement of appropriate State and local agencies, institutions of higher education, and private, nonprofit entities in the center.

"(5) Such other criteria as the Secretary prescribes.

"§ 2525. Office for Foreign Defense Critical Technology Monitoring and Assessment

Establishment.

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Office of the Director of Defense Research and Engineering an office known as the 'Office for Foreign Defense Technology Monitoring and Assessment' (hereinafter in this section referred to as the 'Office').

"(b) RELATIONSHIP TO DEPARTMENT OF COMMERCE.—The head of the Office shall consult closely with appropriate officials of the Department of Commerce in order—

"(1) to minimize the duplication of any effort of the Department of Commerce by the Department of Defense regarding the monitoring of foreign activities related to defense critical technologies that have potential commercial uses; and

"(2) to ensure that the Office is effectively utilized to disseminate information to users of such information within the Federal Government.

"(c) RESPONSIBILITIES.—The Office shall have the following responsibilities:

"(1) To maintain within the Department of Defense a central library for the compilation and appropriate dissemination of unclassified and classified information and assessments regarding significant foreign activities in research, development, and applications of defense critical technologies.

"(2) To establish and maintain—

"(A) a widely accessible unclassified data base of information and assessments regarding foreign science and technology activities that involve defense critical technologies, including, especially, activities in Europe and in Pacific Rim countries; and

"(B) a classified data base of information and assessments regarding such activities.

"(3) To perform liaison activities among the military departments, Defense Agencies, and other appropriate elements of the Department of Defense, with appropriate agencies and offices of the Department of Commerce and the Department of State, and with other departments and agencies of the Federal Government in order to ensure that significant activities in research, development, and applications of defense critical technologies are identified, monitored, and assessed by an appropriate department or agency of the Federal Government.

"(4) To ensure the maximum practicable public availability of information and assessments contained in the unclassified data bases established pursuant to paragraph (2)—

"(A) by limiting, to the maximum practicable extent, restrictive classification of such information and assessments; and

"(B) by disseminating to the National Technical Information Service of the Department of Commerce information and assessments regarding defense critical technologies having potential commercial uses.

"(5) To disseminate through the National Technical Information Service of the Department of Commerce unclassified information and assessments regarding defense critical technologies having potential commercial uses so that such information and assessments may be further disseminated within the Federal Government and to the private sector.

"§ 2526. Overseas foreign critical technology monitoring and assessment financial assistance program

"(a) ESTABLISHMENT AND PURPOSE OF PROGRAM.—The Secretary of Defense may establish a foreign critical technology monitoring and assessment program. Under the program, the Secretary may enter into cooperative arrangements with one or more eligible not-for-profit organizations in order to provide financial assistance for the establishment of foreign critical technology monitoring and assessment offices in Europe, Pacific Rim countries, and such other countries as the Secretary considers appropriate.

"(b) ELIGIBLE ORGANIZATIONS.—Any not-for-profit industrial or professional organization that has economic and scientific interests in research, development, and applications of dual-use critical technologies is eligible to enter into a cooperative arrangement referred to in subsection (a).".

(b) TRANSFER OF SECTION.—(1) Section 2508 of title 10, United States Code, is redesignated as section 2522 and, as so redesignated, is transferred to chapter 150 of such title (as added by subsection (a)), and inserted after section 2521.

(2) The table of sections at the beginning of chapter 148 of such title is amended by striking out the item relating to section 2508.

(c) REPEAL.—(1) Section 2368 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2368.

(d) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, there shall be available for the following purposes the amounts specified for such purposes, as follows:

(1) For each of fiscal years 1992 and 1993, for the Defense Advanced Research Projects Agency to carry out section 2523 of title 10, United States Code (as added by subsection (a)), relating to dual-use critical technology partnerships, $100,000,000.

(2) For fiscal year 1992, for the critical technology application centers program established pursuant to section 2524 of title 10, United States Code (as added by subsection (a)), $50,000,000.

(e) TECHNICAL AMENDMENTS NECESSITATED BY ENACTMENT OF THE NEW CHAPTER 150.—Part IV of subtitle A of title 10, United States Code, is amended—

(1) by striking out the heading of chapter 151 and inserting in lieu thereof the following:

"SUBCHAPTER II—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO THE ARMED FORCES";

(2) by striking out the heading of chapter 150 in effect on the day before the date of the enactment of this Act (relating to

issue to Armed Forces) and the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"CHAPTER 152—ISSUE OF SUPPLIES, SERVICES, AND FACILITIES

"SUBCHAPTER Sec.
"I. Issue to the Armed Forces 2540
"II. Issue of Serviceable Material Other Than to the Armed Forces 2541

"SUBCHAPTER I—ISSUE TO THE ARMED FORCES

"Sec.
"2540. Reserve components: supplies, services, and facilities.";

and

(3) by redesignating the section 2521 in effect on the day before the date of the enactment of this Act (relating to supplies, services, and facilities for reserve components) as section 2540.

(f) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle are each amended by striking out the items relating to chapters 150 and 151 and inserting in lieu thereof the following:

"150. Development of Dual-Use Critical Technologies 2521
"152. Issue of Supplies, Services, and Facilities ..... 2540".

SEC. 822. CRITICAL TECHNOLOGY STRATEGIES.

42 USC 6687.

(a) REQUIREMENT FOR CRITICAL TECHNOLOGY STRATEGIES.—(1) The President shall develop and revise as needed a multiyear strategy for federally supported research and development for each critical technology designated by the President. In designating critical technologies for the purpose of this section, the President shall begin with the national critical technologies listed in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)). A critical technology strategy may cover more than one critical technology.

President.

(2) The President shall assign responsibilities and develop procedures for conducting executive branch activities to carry out this section.

(3) During the development of a critical technology strategy, the President shall provide for the following:

(A) The development of goals and objectives for the appropriate Federal role in the development of the critical technology or technologies that the President expects to be covered by the strategy.

(B) Close consultation with appropriate representatives of United States industries, members of industry associations, representatives of labor organizations in the United States, members of professional and technical societies in the United States and other persons who are qualified to provide advice and assistance in the development of such critical technology or technologies.

(C) The development of an organizational structure within the Federal Government that is appropriate for coordinating, managing, and reviewing the Federal Government's role in the

implementation of the strategy, including allocating roles among Federal departments and agencies.

(D) The development of policies and procedures for synergistic government, industrial, and university participation in the implementation of the strategy.

(E) The development of Federal budget estimates for research and development regarding the critical technology or technologies covered by the strategy for the first five fiscal years covered by that strategy.

(b) REPORT.—Not later than February 15 of each year, beginning in 1993, the President shall submit to Congress an annual report describing the implementation of subsection (a). The annual report shall include the following: 42 USC 6687.

(1) For each critical technology designated by the President for the purpose of subsection (a), a description of the progress made in implementing subsection (a) during the fiscal year preceding the fiscal year in which the report is submitted.

(2) A description of each proposed program, if any, for further implementing subsection (a) with respect to a critical technology through the date for the submission of the next annual report.

(3) A copy of each strategy, if any, completed or revised pursuant to subsection (a) during the fiscal year covered by the report.

(c) REVISIONS IN CRITICAL TECHNOLOGIES INSTITUTE.—(1) Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1598) is amended to read as follows: 42 USC 6686.

"SEC. 822. CRITICAL TECHNOLOGIES INSTITUTE

"(a) ESTABLISHMENT.—There shall be established a federally funded research and development center to be known as the 'Critical Technologies Institute' (hereinafter in this section referred to as the 'Institute').

"(b) INCORPORATION.—As determined by the chairman of the committee referred to in subsection (c), the Institute shall be—

"(1) administered as a separate entity by an organization currently managing another federally funded research and development center; or

"(2) incorporated as a nonprofit membership corporation.

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of 11 members as follows:

"(A) The Director of the Office of Science and Technology Policy.

"(B) The Secretary of Defense, or the Secretary's designee.

"(C) The Secretary of Energy, or the Secretary's designee.

"(D) The Secretary of Health and Human Services, or the Secretary's designee.

"(E) The Secretary of Commerce, or the Secretary's designee.

"(F) The Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

"(G) The Director of the National Science Foundation, or the Director's designee.

"(H) Four other members appointed by the President from among officials of the Executive branch (other than those referred to in subparagraphs (A) through (G)).

President.

"(2) The President shall designate a chairman of the committee from among the members of the committee who are senior officials of the Executive Office of the President.

"(3)(A) The term of service of members of the committee appointed under paragraph (1)(H) shall be four years, except that of the four members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years. The terms of appointment of members appointed under this subparagraph shall be designated by the President at the time of the appointments.

"(B) A vacancy in a membership of the committee referred to in subparagraph (A) shall be filled in the same manner as the original appointment. A member appointed under this subparagraph shall serve the remainder of the unexpired term of the predecessor of the member.

"(C) Members of the committee referred to in subparagraph (A) may be reappointed.

"(4) The committee shall meet not less than four times a year.

"(d) DUTIES.—The duties of the Institute shall include the following:

"(1) The assembly of timely and authoritative information regarding significant developments and trends in technology research and development in the United States and abroad, with particular emphasis on information relating to the technologies identified in the most recent biennial report submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

"(2) Analysis and interpretation of the information referred to in paragraph (1) to determine whether such developments and trends are likely to affect United States technology policies.

"(3) Initiation of studies and analyses (including systems analyses and technology assessments) of alternatives available for ensuring long-term leadership by the United States in the development and application of the technologies referred to in paragraph (1), including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of such technologies.

"(4) Provision, upon the request of the Director of the Office of Science and Technology Policy, of technical support and assistance—

"(A) to the committees and panels of the President's Council of Advisers on Science and Technology that provide advice to the Executive branch on technology policy; and

"(B) to the committees and panels of the Federal Coordinating Council for Science, Engineering, and Technology that are responsible for planning and coordinating activities of the Federal Government to advance the development of critical technologies and sustain and strengthen the technology base of the United States.

"(e) CONSULTATION ON INSTITUTE ACTIVITIES.—In carrying out the duties referred to in subsection (d), personnel of the Institute shall—

"(1) consult widely with representatives from private industry, institutions of higher education, and nonprofit institutions; and

"(2) to the maximum extent practicable, incorporate information and perspectives derived from such consultations in carrying out such duties.

"(f) ANNUAL REPORTS.—The committee shall submit to the President an annual report on the activities of the committee under this section. Each report shall be in accordance with requirements prescribed by the President.

"(g) SPONSORSHIP.—(1) The Director of the National Science Foundation shall be the sponsor of the Institute.

"(2) The Director of the National Science Foundation, in consultation with the chairman of the committee, shall enter into a sponsoring agreement with respect to the Institute. The sponsoring agreement shall require that the Institute carry out such functions as the chairman of the committee may specify consistent with the duties referred to in subsection (d). The sponsoring agreement shall be consistent with the general requirements prescribed for such a sponsoring agreement by the Administrator for Federal Procurement Policy.".

(2) The amendment made by paragraph (1) shall take effect as of November 5, 1990. Effective date. 42 USC 6686 note.

(3) The sponsoring agreement required by subsection (g) of section 822 of Public Law 101-510, as amended by paragraph (1), shall be entered into not later than February 15, 1992. 42 USC 6686 note.

(d) FUNDING.—(1) To the extent provided in appropriations Acts, the Secretary of Defense shall make available to the Director of the National Science Foundation, out of funds appropriated for fiscal year 1991, $5,000,000 for funding the activities of the Institute.

(2) There is authorized to be appropriated for each fiscal year after fiscal year 1991 for the Institute such sums as may be necessary for the operation of the Institute. 42 USC 6686 note.

(3) Funds appropriated to any department or agency for the Critical Technologies Institute established under section 822 of the National Defense Authorization Act for Fiscal Year 1991, as amended by subsection (c), for fiscal year 1992 by any Act enacted before the date of the enactment of this Act shall be transferred to the National Science Foundation only for the purposes of carrying out activities of the Institute.

SEC. 823. ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) AUTHORITY TO ESTABLISH PARTNERSHIPS.—(1) Chapter 149 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2518. Defense Advanced Manufacturing Technology Partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense may enter into cooperative arrangements (hereinafter in this section referred to as 'partnerships') with entities referred to in subsection (b) in order to encourage and provide for research and development of advanced manufacturing technologies with the potential for having a broad range of applications.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher

education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section. A partnership may include other organizations considered appropriate by the Secretary of Defense.

Regulations.

"(c) ADMINISTRATION OF PROGRAM.—The Secretary shall prescribe regulations that, to the extent practicable, apply the same requirements and authorities in the administration of this section as apply under subsections (c) through (e) of section 2523 of this title in the case of the dual-use critical technologies partnerships program provided for in that section.

"(d) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following criteria:

"(1) The criteria specified in section 2523(f) of this title.

"(2) The extent to which the partnerships provide for the development of advanced manufacturing technologies usable for significantly reducing the potential health, safety, and environmental hazards associated with existing manufacturing processes.

"(e) DEFINITIONS.—In this section, the terms 'eligible firm' and 'Federal laboratory' have the meanings given such terms in section 2521 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2518. Defense Advanced Manufacturing Technology Partnerships.".

10 USC 2518 note.

(b) ESTABLISHMENT OF INITIAL PARTNERSHIPS.—The Secretary of Defense shall establish not less than two advanced manufacturing technology partnerships pursuant to section 2518 of title 10, United States Code, as added by subsection (a), not later than one year after the date of enactment of this Act.

(c) FUNDING.—(1) Of the amounts authorized to be appropriated pursuant to section 203(a)(4)(B), $25,000,000 shall be available for each of fiscal years 1992 and 1993 to carry out section 2518 of title 10, United States Code, as added by subsection (a).

(2) Of the amounts authorized to be appropriated pursuant to section 201, $5,000,000 shall be available for each of fiscal years 1992 and 1993 for activities relating to advanced manufacturing technology that are carried out by United States industry, institutions of higher education in the United States, or Federal laboratories under the authority of bilateral or multilateral technology agreements entered into by the United States and other nations. The amount of such funds allocated for each such activity may not exceed one-third of the total estimated cost of carrying out that activity for the period for which the funds are to be provided.

SEC. 824. MANUFACTURING EXTENSION PROGRAMS.

(a) REVISION OF AUTHORITY.—Section 2517 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of Defense,";

(2) in the first sentence, by striking out "and other existing organizations" and all that follows through "manufactured parts";

(3) in the second sentence—

(A) by inserting "and section 26" after "section 25"; and

(B) by inserting "and 278l" after "278k"; and

(4) by adding at the end the following new subsection:

"(b)(1) The Secretary of Defense, in consultation with the Secretary of Commerce, shall establish a program—

"(A) to support existing manufacturing extension programs of regions, States, local governments, and private, nonprofit organizations;

"(B) to promote the development of a broad range of such programs that will benefit both the national security and the economic prosperity of the United States; and

"(C) to increase the involvement of appropriate segments of the private sector in activities that improve the manufacturing quality, productivity, and performance of United States-based small manufacturing firms.

"(2) In awarding financial assistance under the program, the Secretary, on the basis of merit pursuant to a competitive selection process, shall select manufacturing extension programs that demonstrate evidence of the following:

"(A) Comprehensive and high quality services, including staff with significant experience in industrial manufacturing.

"(B) Significant involvement by, and support from, private industry.

"(C) The potential for assisting a significant number of United States-based small manufacturing firms with a limited expenditure of Federal funds.

"(3)(A) The amount of financial assistance furnished to a manufacturing extension program under this subsection may not exceed the total amount provided by non-Federal Government participants in the program for the period for which the assistance is to be provided. Financial assistance shall be provided to a recipient program for a period of five years unless such financial assistance is earlier terminated for good cause. Recipients of such financial assistance shall be required to report to the Secretary annually beginning one year after the date that such financial assistance is initiated. Such report shall include a description of the progress of the recipient program in meeting the objectives set out in paragraph (1).

"(B) The Secretary of Defense shall require a major evaluation of each manufacturing extension program receiving financial assistance under this subsection. The evaluation shall be conducted during the third year that such program receives such financial assistance. If, on the basis of such evaluation, the Secretary finds that the financial assistance to the extension program should be terminated for good cause, the Secretary shall provide sufficient financial assistance to terminate that program. The amount of that assistance may not exceed the amount that would otherwise have been provided for continuing the financial assistance to the recipient program through the end of the fourth year.

"(C) Subparagraphs (A) and (B) do not prohibit a recipient program from reapplying for financial assistance under this subsection upon the expiration or termination of the furnishing of financial assistance under this subsection. The application for additional financial assistance shall be subject to the requirements and procedures set out in this subsection in the same manner and to the same extent as initial applications for financial assistance under this subsection.

"(4) The Secretary of Defense and the Secretary of Commerce shall enter into an agreement for carrying out the program established pursuant to this subsection. The agreement shall include

Contracts.

procedures to ensure that the program is fully coordinated with related manufacturing programs of the Department of Commerce.".

(b) DEFINITIONS.—Section 2511 of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) The term 'manufacturing extension program' means a public or private, nonprofit program for the improvement of the quality, productivity, and performance of United States-based small manufacturing firms in the United States.

"(3) The term 'United States-based small manufacturing firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) engages in manufacturing;

"(B) has less than 500 employees;

"(C) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(D) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business entity of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.".

(c) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available to carry out section 2517(b) of title 10, United States Code (as added by subsection (a)(4)).

SEC. 825. DEFENSE MANUFACTURING EDUCATION.

(a) ESTABLISHMENT OF PROGRAMS.—(1) Chapter 111 of title 10, United States Code, is amended by striking out section 2196 and inserting in lieu thereof the following:

"§ 2196. Manufacturing engineering education: grant program

"(a) ESTABLISHMENT OF GRANT PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

"(A) the enhancement of existing programs in manufacturing engineering education; or

"(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

"(2) Grants under this section may be made to institutions of higher education or to consortia of such institutions.

"(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, and the Director of the Office of Science and Technology Policy.

"(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—A program in manufacturing engineering education to be established at an institution of higher education may be considered

to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

"(1) within an existing department in a school of engineering of the institution;

"(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

"(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

"(c) MINIMUM NUMBER OF GRANTS FOR NEW PROGRAMS.—Of the total number of grants awarded pursuant to this section, at least one-third shall be awarded for the purpose stated in subsection (a)(1)(B).

"(d) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

"(e) COORDINATION OF GRANT PROGRAM WITH THE NATIONAL SCIENCE FOUNDATION.—The Secretary of Defense and the Director of the National Science Foundation shall enter into an agreement for carrying out the grant program established pursuant to this section. The agreement shall include procedures to ensure that the grant program is fully coordinated with similar existing programs of the National Science Foundation. Contracts.

"(f) COVERED PROGRAMS.—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

"(2) Such a grant may be made for a program of education to be conducted at the undergraduate level, at the graduate level, or at both the undergraduate and graduate levels.

"(g) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

"(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

"(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

"(B) faculty development programs;

"(C) recruitment of educators highly qualified in manufacturing engineering;

"(D) presentation of seminars, workshops, and training for the development of specific research or education skills; and

"(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives.

"(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

"(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate

students in advanced manufacturing science and technology because of—

"(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

"(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

"(h) GRANT PROPOSALS.—The Secretary of Defense, in coordination with the Director of the National Science Foundation, shall solicit from institutions of higher education in the United States (and from consortia of such institutions) proposals for grants to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

"(i) MERIT COMPETITION.—Applications for grants shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary in consultation with the Director of the National Science Foundation.

"(j) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this section if the proposal, at a minimum, does each of the following:

"(1) Contains innovative approaches for improving engineering education in manufacturing technology.

"(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

"(3) Provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

"(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

"(5) Is likely to attract superior students.

"(6) Proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology.

"(7) Proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

"(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

"(k) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided.

"§ 2197. Manufacturing managers in the classroom

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Education and the Secretary of Commerce, shall conduct a program to support the following activities of one or more manufacturing managers and experts at institutions of higher education:

"(1) Identifying the education and training requirements of United States manufacturing firms located in the same geographic region as an institution participating in the program.

"(2) Assisting in the development of teaching curricula for classroom and in-factory education and training classes at such an institution.

"(3) Teaching such classes and overseeing the teaching of such classes by others.

"(4) Improving the knowledge and expertise of permanent faculty and staff of such an institution.

"(5) Marketing the programs and facilities of such an institution to firms referred to in paragraph (1).

"(6) Coordinating the activities described in the other provisions of this subsection with other programs conducted by the Federal Government, any State, any local government, or any private, nonprofit organization to modernize United States manufacturing firms, especially the regional centers for the transfer of manufacturing technology and programs receiving financial assistance under section 2196 of this title.

"(b) MERIT COMPETITION.—Applications for assistance under this section shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

"(c) SELECTION CRITERIA.—The Secretary shall select institutions for the award of financial assistance under this section from among institutions submitting applications for such assistance that—

"(1) demonstrate that the proposed activities are of an appropriate scale and a sufficient quality to ensure long term improvement in the applicant's capability to serve the education and training needs of United States manufacturing firms in the same region as the applicant;

"(2) demonstrate a significant level of industry involvement and support;

"(3) demonstrate attention to the needs of any United States industries that supply manufactured products to the Department of Defense or to a contractor of the Department of Defense; and

"(4) meet such other criteria as the Secretary may prescribe.

"(d) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided. In no event may the amount of the financial assistance provided to an institution exceed $250,000 per year. The period for which financial assistance is provided an institution under this section shall be at least two years unless such assistance is earlier terminated for cause determined by the Secretary.

"§ 2199. Definitions

"In this chapter:

"(1) The term 'defense laboratory' means a laboratory operated by the Department of Defense or owned by the Department of Defense and operated by a contractor or a facility of a Defense Agency at which research and development activities are conducted.

"(2) The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(3) The term 'regional center for the transfer of manufacturing technology' means a regional center for the transfer of manufacturing technology referred to in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k).".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to 2196 and inserting in lieu thereof the following:

"2196. Manufacturing engineering education: grant program.
"2197. Manufacturing managers in the classroom.
"2199. Definitions.".

10 USC 2196 note.

(b) INITIAL IMPLEMENTATION; PRIORITY IN FUNDING.—Within one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the National Science Foundation, shall award grants under section 2196 of title 10, United States Code (as added by subsection (a)), to institutions of higher education throughout the United States.

(c) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, there shall be available—

(1) for the manufacturing engineering education grant program established pursuant to section 2196 of title 10, United States Code (as added by subsection (a)), $25,000,000 for fiscal year 1992; and

(2) for the manufacturing managers in the classroom program established pursuant to section 2197 of such title (as added by subsection (a)), $5,000,000 for fiscal year 1992.

SEC. 826. COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS RELATING TO ADVANCED RESEARCH PROJECTS.

(a) EXTENSION OF AUTHORITY TO MILITARY DEPARTMENTS.—Subsection (a) of 2371 of title 10, United States Code, is amended by inserting "and the Secretary of each military department, in carrying out advanced research projects," after "Defense Advanced Research Projects Agency,".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended—

(A) in paragraph (1), by striking out "by the Secretary"; and

(B) in paragraph (2), by striking out "to the account" in the first sentence and inserting in lieu thereof "to the appropriate account".

(2) Subsection (d) of such section is amended by striking out "The Secretary" after "(d)" and inserting in lieu thereof "The Secretary of Defense".

(3) Subsection (e) of such section is amended—

(A) by striking out "an account" and inserting in lieu thereof "separate accounts for each of the military departments and the Defense Advanced Research Projects Agency"; and

(B) by striking out "such account" and inserting in lieu thereof "those accounts".

(4) Subsection (f)(5) of such section is amended by striking out "the account" and inserting in lieu thereof "each account".

(c) AUTHORITY MADE PERMANENT.—Subsection (g) of such section is repealed.

SEC. 827. FLEXIBLE COMPUTER-INTEGRATED MANUFACTURING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall conduct a program for the development of advanced flexible capabilities for computer-integrated manufacturing and for the use of those capabilities throughout the Department of Defense and in commercial entities that are part of the defense industrial base of the United States.

(b) JOINT SERVICES CENTER.—(1) For the purposes of the program under subsection (a), the Secretary of Defense shall establish a center, to be operated with the participation of the Army, Navy, Air Force, and Marine Corps, for the purposes set forth in paragraph (2). Establishment.

(2) The center established under paragraph (1) shall—

(A) evaluate the potential for using flexible computer-integrated manufacturing (FCIM) technology (such as the technology from the Rapid Acquisition of Manufactured Parts (RAMP) program of the Navy) for previously unidentified applications at Department of Defense depot-level maintenance facilities;

(B) provide the means for the rapid transfer of such technology (including technology from the RAMP program, if appropriate) within the Department of Defense; and

(C) provide any Department of Defense depot-level maintenance facility with technical guidance and support for initial training in the use of that technology and in the initial operation of that technology.

(c) NAVY RAMP PROGRAM.—The Secretary of the Navy shall continue the program of the Navy designated as the Rapid Acquisition of Manufactured Parts (RAMP) program that is carried out to develop technologies and applications for the rapid acquisition of manufactured parts. For the purposes of that program, the Secretary shall determine the number of naval aviation and ship maintenance facilities and depots at which RAMP capabilities can be established economically.

(d) FUNDING.—(1) Of the amounts authorized to be appropriated pursuant to section 201 for fiscal years 1992 and 1993, $21,500,000 shall be available for each such fiscal year for the program conducted pursuant to subsection (a).

(2) Of the amount available under paragraph (1) for each such fiscal year—

(A) $4,000,000 shall be available to carry out subsection (b);

(B) $7,500,000 shall be available to carry out subsection (c); and

(C) $4,000,000 shall be available for a grant to the Institute for Advanced Flexible Manufacturing Systems.

(e) PREVENTION OF DUPLICATION.—The Secretary of the Army and the Secretary of the Air Force may not carry out any activity to develop a capability for flexible computer-integrated manufacturing (1) that would substantially duplicate the existing capabilities of the Navy for flexible computer-integrated manufacturing, or (2) that can be achieved using the design of the Navy in existence as of the date of the enactment of this Act for a system for the rapid acquisition of manufactured parts (RAMP).

SEC. 828. UNITED STATES-JAPAN MANAGEMENT TRAINING PROGRAMS.

(a) ESTABLISHMENT.—Chapter 111 of title 10, United States Code, as amended by section 825, is further amended by inserting after section 2197 the following new section:

"§ 2198. Management training program in Japanese language and culture

"(a) The Secretary of Defense, in coordination with the National Science Foundation, shall establish a program for the making of grants on a competitive basis to United States institutions of higher education and other United States not-for-profit organizations for the conduct of programs for scientists, engineers, and managers to learn Japanese language and culture.

Regulations.

"(b) The Secretary of Defense shall prescribe in regulations the criteria for awarding a grant under the program for activities of an institution or organization referred to in subsection (a), including the following:

"(1) Whether scientists, engineers, and managers of defense laboratories and Department of Energy laboratories are permitted a level of participation in such activities that is beneficial to the development and application of defense critical technologies by such laboratories.

"(2) Whether such activities include the placement of United States scientists, engineers, and managers in Japanese government and industry laboratories—

"(A) to improve the knowledge of such scientists, engineers, and managers in (i) Japanese language and culture, and (ii) the research and development and management practices of such laboratories; and

"(B) to provide opportunities for the encouragement of technology transfer from Japan to the United States.

"(3) Whether an appropriate share of the costs of such activities will be paid out of funds derived from non-Federal Government sources.

"(c) In this section, the term 'defense critical technology' means a technology identified in an annual defense critical technologies plan submitted to the Congress under section 2522 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2197 (as added by section 825) the following new item:

"2198. Management training program in Japanese language and culture.".

10 USC 2192 note.

SEC. 829. DEPARTMENT OF DEFENSE SUPPORT FOR SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION.

(a) SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION SUPPORT MASTER PLAN.—(1) At the same time that the President submits to Congress the budget for each of fiscal years 1993 through 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a master plan for activities by the Department of Defense during the next fiscal year to support education in science, mathematics, and engineering at all levels of education in the United States. Each such plan shall be developed in consultation with the Secretary of Education.

(2) The activities provided for in the plan submitted under paragraph (1) for any fiscal year shall contribute to the achievement of the national education goals stated in the Report of the Committee

on Education and Human Resources of the Federal Coordinating Council for Science, Engineering, and Technology that was submitted to Congress with the submission of the budget for fiscal year 1992.

(3) Each such plan shall provide the basis for the Secretaries of the military departments and the heads of the Defense Agencies of the Department of Defense—

(A) to define the programs of the military departments and Defense Agencies to support the achievement of the goals referred to in paragraph (2); and

(B) to allocate resources for such programs.

(b) CONTENT OF PLAN.—The plan under subsection (a) for a fiscal year shall include the following:

(1) A description of each action for the improvement of scientific, mathematics, and engineering education identified by the Secretary of Defense under sections 2191 through 2195 of title 10, United States Code, for such fiscal year and the funds that are provided in the budget for such fiscal year for such action.

(2) The long-range goals and priorities of the Department of Defense for improving the Department's support for science, mathematics, and engineering education programs, including—

(A) education programs within, or directly supported by, the Department of Defense;

(B) education programs in other departments and agencies of the Federal Government;

(C) education programs at elementary, secondary, and postsecondary educational institutions; and

(D) other programs within or supported by the Department of Defense that are potentially capable of assisting local education agencies to integrate advanced technology into their classrooms that will improve student learning with science, mathematics, and engineering.

(c) ROLE OF DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.—Subject to the authority, direction, and control of the Secretary of Defense, the Director of Defense Research and Engineering shall perform the duties of the Secretary under this section.

(d) IMPLEMENTATION REPORT.—Not later than March 15, 1992, the Secretary of Defense shall submit to Congress a report on steps taken by the Department of Defense to encourage science, mathematics, and engineering teachers returning to the United States from teaching assignments in the Department of Defense Overseas Dependents School System to continue to teach in those subject areas in local education agencies and in military impact aid schools throughout the United States.

PART D—OTHER DEFENSE INDUSTRIAL BASE MATTERS

SEC. 831. REQUIREMENT FOR SUBMITTAL OF PLANS RELATING TO THE IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE.

(a) EVALUATION OF USE OF FOREIGN COMPONENTS BY DEFENSE INDUSTRIAL BASE.—(1) The Secretary of Defense shall submit to the congressional defense committees a plan for the collection and assessment of information on the extent to which the defense industrial base of the United States—

(A) procures subsystems of weapon systems, components of weapon systems, and components of subsystems of weapon systems from foreign sources; and

(B) is dependent upon those foreign sources for the procurement of such subsystems and components.

(2) The report shall be prepared in coordination with the Secretary of Commerce and the United States Trade Representative.

(3) The report shall be submitted not later than March 15, 1992.

(b) IDENTIFICATION OF BARRIERS TO INTEGRATION OF COMMERCIAL AND DEFENSE INDUSTRIAL BASE.—(1) The Secretary of Defense shall submit to the congressional defense committees a plan for the removal of barriers to the effective integration of the commercial and defense sectors of the industrial base of the United States.

(2) The plan shall include—

(A) the Secretary's recommendations for any legislation necessary to remove those barriers;

(B) a discussion of the actions to be taken by the Secretary to remove those barriers; and

(C) a summary of the information relied on in the development of the plan.

(3) The Secretary shall designate an official within the Office of the Secretary of Defense to develop the plan. In developing the plan, that official shall, in consultation with appropriate representatives of other departments and agencies of the Federal Government, State and local governments, and the private sector, identify and evaluate—

(A) the areas of industrial production in which a greater integration of commercial and defense activities would be beneficial for national defense purposes;

(B) any Federal, State, and local statutes, regulations, and policies that are barriers to the integration of those activities; and

(C) the actions necessary to remove the barriers to the integration of those activities.

Reports. (4) The report shall be submitted not later than September 30, 1992.

10 USC 113 note.

SEC. 832. REQUIREMENTS RELATING TO EUROPEAN MILITARY PROCUREMENT PRACTICES.

(a) EUROPEAN PROCUREMENT PRACTICES.—The Secretary of Defense shall—

(1) compute the total value of American-made military goods and services procured each year by European governments or companies;

(2) review defense procurement practices of European governments to determine what factors are considered in the selection of contractors and to determine whether American firms are discriminated against in the selection of contractors for purchases by such governments of military goods and services; and

(3) establish a procedure for discussion with European governments about defense contract awards made by them that American firms believe were awarded unfairly.

(b) DEFENSE TRADE AND COOPERATION WORKING GROUP.—The Secretary of Defense shall establish a defense trade and cooperation working group. The purpose of the group is to evaluate the impact of, and formulate United States positions on, European initiatives that affect United States defense trade, cooperation, and technology

security. In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with personnel in the Departments of State and Commerce and in the Office of the United States Trade Representative.

(c) GAO REVIEW.—The Comptroller General shall conduct a review to determine how the members of the North Atlantic Treaty Organization are implementing their bilateral reciprocal defense procurement memoranda of understanding with the United States. The Comptroller General shall complete the review, and submit to Congress a report on the results of the review, not later than February 1, 1992. Reports.

SEC. 833. BUY AMERICAN ACT WAIVER RESCISSIONS. 41 USC 10b-2.

(a) DETERMINATION BY THE SECRETARY OF DEFENSE.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 834. EXTENSION AND CLARIFICATION OF COVERAGE OF PROCUREMENT LIMITATION ON VALVES AND MACHINE TOOLS.

(a) EXTENSION THROUGH FISCAL YEAR 1996.—Section 2507(d) of title 10, United States Code, is amended in paragraph (1) by striking out "During fiscal years 1989, 1990, and 1991," and inserting in lieu thereof "Effective through fiscal year 1996,".

(b) APPLICABILITY.—Such section is further amended—

(1) by striking out paragraph (4);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting the following new paragraphs after paragraph (2):

"(3) Contracts covered by paragraph (1) include the following:

"(A) Contracts for the procurement of items described in paragraph (2) for use in any property under the control of the Department of Defense, including government-owned, contractor-operated facilities.

"(B) Contracts entered into by contractors on behalf of the Department of Defense for the procurement of items described in paragraph (2) for the purposes of providing the items to other contractors as Government-furnished equipment.

"(4) In any case in which a contract subject to the requirement of paragraph (1) includes the procurement of more than one Federal Supply Class of machine tools or machine tools and accessories described in paragraph (2), each supply class shall be evaluated separately for purposes of determining whether the limitation in this subsection applies.".

SEC. 835. REVISION OF RESTRICTION ON PROCUREMENT OF CARBONYL IRON POWDERS.

Section 2507(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "The Secretary" and inserting in lieu thereof "Until January 1, 1993, the Secretary";

(2) by striking out paragraph (3);

(3) in paragraph (4)(A), by striking out "by an entity" and all that follows and inserting in lieu thereof a period; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 836. TECHNICAL CORRECTION RELATING TO PARTNERSHIP INTERMEDIARIES.

Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended by inserting after "federally funded research and development center", the following: "that is not a laboratory (as defined in section 12(d)(2))".

PART E—MISCELLANEOUS ACQUISITION POLICY MATTERS

SEC. 841. REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting "(a) DOD MOTOR VEHICLES.—" before "To the maximum extent"; and

(2) by adding at the end the following subsections:

"(b) OTHER FEDERAL FUEL PROCUREMENTS.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the Federal Government and consistent with Executive Order Number 12261, whenever the Secretary of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of the Internal Revenue Code of 1986 for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.

"(c) SOLICITATIONS.—Whenever the Secretary issues a solicitation for bids to procure unleaded gasoline under subsection (b), the Secretary shall expressly include in such solicitation a request for bids on alcohol-gasoline blends containing at least 10 percent domestically produced alcohol.".

10 USC 2398 note.

(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration

of the 180-day period beginning on the date of the enactment of this Act. 42 USC 8871 note.

(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted for the Department of Defense, and the Administrator of the General Services Administration shall review all exemptions granted for Federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871) and shall terminate any exemption that the Secretary or the Administrator determines is no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit jointly to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline. 42 USC 8871 note.

SEC. 842. PROMPT PAYMENT FOR PURCHASE OF FISH.

Section 3903(a)(2) of title 31, United States Code, is amended—

(1) by striking out "provide" and inserting in lieu thereof "or of fresh or frozen fish (as defined in section 204(3) of the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)), provide"; and

(2) by striking out "meat or meat food product" and inserting in lieu thereof "meat, meat food product, or fish".

SEC. 843. WHISTLEBLOWER PROTECTIONS FOR MEMBERS OF THE ARMED FORCES. 10 USC 1034 note.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations prohibiting members of the Armed Forces from taking or threatening to take any unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, as a reprisal against any member of the Armed Forces for making or preparing a lawful communication to any employee of the Department of Defense or any member of the Armed Forces who is assigned to or belongs to an organization which has as its primary responsibility audit, inspection, investigation, or enforcement of any law or regulation.

(b) VIOLATIONS BY PERSONS SUBJECT TO THE UCMJ.—The Secretary shall provide in the regulations that a violation of the prohibition by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is punishable as a violation of section 892 of such title (article 92 of the Uniform Code of Military Justice).

(c) DEADLINE.—The regulations required by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—GENERAL MATTERS

SEC. 901. POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ESTABLISHMENT.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 134 the following new section:

"§ 134a. Deputy Under Secretary of Defense for Policy

"(a) There is a Deputy Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Policy shall assist the Under Secretary of Defense for Policy in the performance of his duties. The Deputy Under Secretary of Defense for Policy shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 134 the following:

"134a. Deputy Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Under Secretary of Defense for Policy.".

SEC. 902. CINC INITIATIVE FUND.

(a) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166 the following new section:

"§ 166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff

"(a) CINC INITIATIVE FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the 'CINC Initiative Fund', the Chairman of the Joint Chiefs of Staff may provide funds, upon request, to the commanders of the combatant commands. The Chairman may provide such funds for any of the activities named in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

"(1) Force training.

"(2) Contingencies.

"(3) Selected operations.

"(4) Command and control.

"(5) Joint exercises (including activities of participating foreign countries).

"(6) Humanitarian and civil assistance.

"(7) Military education and training to military and related civilian personnel of foreign countries.

"(8) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to requests for funds to be used for activities that would enhance the war fighting capability, readiness,

and sustainability of the forces assigned to the commander requesting the funds.

"(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff during any fiscal year out of the CINC Initiative Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

"(e) LIMITATIONS.—(1) Of funds made available under this section for any fiscal year—

"(A) not more than $7,000,000 may be used to purchase items with a unit cost in excess of $15,000;

"(B) not more than $1,000,000 may be used to pay for any expenses of foreign countries participating in joint exercises as authorized by subsection (b)(5); and

"(C) not more than $500,000 may be used to provide military education and training to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).

"(2) Funds may not be provided under this section for any activity that has been denied authorization by Congress.

"(f) INCLUSION OF NORAD.—For purposes of this section, the Commander, United States Element, North American Aerospace Defense Command shall be considered to be a commander of a combatant command.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 166 the following new item:

"166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff.".

SEC. 903. ESTABLISHMENT OF GENERAL COUNSELS OF THE MILITARY DEPARTMENTS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.

(a) STATUTORY PAY GRADE.—Chapter 53 of title 5, United States Code, is amended—

(1) by adding at the end of section 5315 the following:

"General Counsel of the Department of the Army.

"General Counsel of the Department of the Navy.

"General Counsel of the Department of the Air Force."; and

(2) in section 5316—

(A) by striking out the following:

"General Counsel of the Department of the Air Force.

"General Counsel of the Department of the Army."; and

(B) by striking out the following:

"General Counsel of the Department of the Navy.".

(b) CONFORMING AMENDMENT.—Section 703(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1996; 5 U.S.C. 5316 note), is repealed.

SEC. 904. REPEAL OF REQUIRED REDUCTION IN DEFENSE ACQUISITION WORKFORCE.

Section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621) is repealed.

10 USC 1721 note.

PART B—PROFESSIONAL MILITARY EDUCATION

SEC. 911. AUTHORITY TO HIRE CIVILIAN FACULTY MEMBERS FOR THE INSTITUTE FOR NATIONAL STRATEGIC STUDY.

Section 1595(d) of title 10, United States Code, is amended by inserting "the Institute for National Strategic Study," after "Armed Forces Staff College,".

SEC. 912. DEFINITION OF THE PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

(a) PRINCIPAL COURSE OF INSTRUCTION DEFINED.—Section 663(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The"; and

(2) by adding at the end the following new paragraph:

"(2) In this subsection, the term 'principal course of instruction' means any course of instruction offered at the Armed Forces Staff College as Phase II joint professional military education.".

10 USC 663 note.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a)(2) shall not apply with respect to the Armed Forces Staff College until October 1, 1993.

PART C—INTELLIGENCE MATTERS

10 USC 201 note.

SEC. 921. DEFENSE INTELLIGENCE AGENCY.

(a) SUPERVISION.—Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary of Defense referred to in section 136(b)(3) of title 10, United States Code, may during the period beginning on the date of the enactment of this Act and ending on January 1, 1993, be assigned supervision of the Defense Intelligence Agency but, notwithstanding any other provision of law, may not be assigned day-to-day operational control over the Defense Intelligence Agency.

(b) RESPONSIBILITIES OF DIRECTOR.—Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the Director of the Defense Intelligence Agency during the period beginning on the date of the enactment of this Act and ending on January 1, 1993, shall include the following:

(1) Providing intelligence and intelligence support to—

(A) the Secretary of Defense;

(B) the Director of Central Intelligence;

(C) the Chairman of the Joint Chiefs of Staff; and

(D) the commanders of the unified and specified combatant commands.

(2) Managing the General Defense Intelligence Program, including—

(A) preparing, reviewing, and submitting to the Secretary of Defense and the Director of Central Intelligence the budget proposal for that program for any fiscal year; and

(B) supervising the overall execution of the budgets and programs of all functional areas within the General Defense Intelligence Program, with emphasis on science and technology activities, human intelligence activities, and imagery activities.

(3) Ensuring that the roles and authorities of the functional managers within the Defense Intelligence Agency are strong enough to ensure that those managers have a significant role in

the preparation, review, approval, and supervision of the overall execution of the budgets and programs within their areas of responsibility.

The provision of substantive intelligence by the Director to the officers named in paragraph (1) shall not be subject to prior screening by any other official.

(c) TRANSFER OF CERTAIN ACTIVITIES TO DIA.—The Secretary of the Army and the Director of the Defense Intelligence Agency shall take all required actions, including transfer of all necessary resources, in order to transfer the Armed Forces Medical Intelligence Center and the Missile and Space Intelligence Center from the Department of the Army to the control of the Defense Intelligence Agency. Transfers pursuant to the preceding sentence shall be completed not later than January 1, 1992.

SEC. 922. CONSULTATION REQUIRED CONCERNING APPOINTMENT OF DIRECTORS OF DIA AND NSA.

(a) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended—

(1) by redesignating section 201 as section 202; and

(2) by inserting after the table of sections at the beginning of such subchapter the following new section 201:

"§ 201. Consultation regarding appointment of certain intelligence officials

"Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency or Director of the National Security Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by striking out the item relating to section 201 and inserting in lieu thereof the following:

"201. Consultation regarding appointment of certain intelligence officials.
"202. Unauthorized use of Defense Intelligence Agency name, initials, or seal.".

SEC. 923. JOINT INTELLIGENCE CENTER.

10 USC 201 note.

(a) REQUIREMENT FOR CENTER.—The Secretary of Defense shall direct the consolidation of existing single-service current intelligence centers that are located within the District of Columbia or its vicinity into a joint intelligence center that is responsible for preparing current intelligence assessments (including indications and warning). The joint intelligence center shall be located within the District of Columbia or its vicinity. As appropriate for the support of military operations, the joint intelligence center shall provide for and manage the collection and analysis of intelligence.

(b) MANAGEMENT.—The center shall be managed by the Defense Intelligence Agency in its capacity as the intelligence staff activity of the Chairman of the Joint Chiefs of Staff.

(c) RESPONSIVENESS TO COMMAND AUTHORITIES.—The Secretary shall ensure that the center is fully responsive to the intelligence needs of the Secretary, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.

10 USC 113 note.

SEC. 924. DEPARTMENT OF DEFENSE USE OF NATIONAL INTELLIGENCE COLLECTION SYSTEMS.

(a) PROCEDURES FOR USE.—The Secretary of Defense, after consultation with the Director of Central Intelligence, shall prescribe procedures for regularly and periodically exercising national intelligence collection systems and exploitation organizations that would be used to provide intelligence support, including support of the combatant commands, during a war or threat to national security.

(b) USE IN JOINT TRAINING EXERCISES.—In accordance with procedures prescribed under subsection (a), the Chairman of the Joint Chiefs of Staff shall provide for the use of the national intelligence collection systems and exploitation organizations in joint training exercises to the extent necessary to ensure that those systems and organizations are capable of providing intelligence support, including support of the combatant commands, during a war or threat to national security.

(c) REPORT.—Not later than May 1, 1992, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a joint report—

(1) describing the procedures prescribed under subsection (a); and

(2) stating the assessment of the Chairman of the Joint Chiefs of Staff of the performance in joint training exercises of the national intelligence collection systems and the Chairman's recommendations for any changes that the Chairman considers appropriate to improve that performance.

TITLE X—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1992 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,250,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which

the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. DATE FOR TRANSMITTAL OF JOINT OMB/CBO ANNUAL OUTLAY REPORT.

(a) CODIFICATION AND CHANGE IN DATE.—(1) Subtitle A of title 10, United States Code, is amended by striking out chapter 9 and inserting in lieu thereof the following:

"CHAPTER 9—DEFENSE BUDGET MATTERS

"Sec.
"221. Scoring of outlays.

"§ 221. Scoring of outlays

"(a) ANNUAL OMB/CBO REPORT.—Not later than the day on which the budget for any fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall submit to the Speaker of the House of Representatives and the Committees on Armed Services, Appropriations, and the Budget of the Senate a joint report containing an agreed resolution of all differences between—

"(1) the technical assumptions to be used by the Office of Management and Budget in preparing estimates with respect to all accounts in major functional category 050 (National Defense) for that budget; and

"(2) the technical assumptions to be used by the Congressional Budget Office in preparing estimates with respect to those accounts for that budget.

"(b) USE OF AVERAGES.—If the two Directors are unable to agree upon any technical assumption, the report shall reflect the average of the relevant outlay rates or assumptions used by the two offices.

"(c) MATTERS TO BE INCLUDED.—The report with respect to a budget shall identify the following:

"(1) The agreed first-year and outyear outlay rates for each account in budget function 050 (National Defense) for each fiscal year covered by the budget.

"(2) The agreed amount of outlays estimated to occur from unexpended appropriations made for fiscal years before the fiscal year that begins after submission of the report.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are each amended by striking out the item relating to chapter 9 and inserting in lieu thereof the following:

"9. Defense Budget Matters..... 221".

(b) CONFORMING AMENDMENTS.—Section 5 of Public Law 101-189 (10 U.S.C. 114a note; 103 Stat. 1364) is amended—

(1) by striking out subsection (a);

(2) by redesignating subsection (b) as subsection (a) and in that subsection striking out "subsection (i)(1)" and inserting in lieu thereof "section 221 of title 10, United States Code,"; and

(3) by redesignating subsection (c) as subsection (b).

SEC. 1003. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—(1) Chapter 81 of title 10, United States Code, is amended by inserting before section 1583 the following new section:

"§ 1581. Foreign National Employees Separation Pay Account

"(a) ESTABLISHMENT AND PURPOSE.—There is established on the books of the Treasury an account to be known as the 'Foreign National Employees Separation Pay Account, Defense'. The account shall be used for the accumulation of funds to finance obligations of the United States for separation pay for foreign national employees of the Department of Defense.

"(b) DEPOSITS INTO ACCOUNT.—(1) The Secretary of the Treasury shall deposit into the account all amounts that were obligated by the Secretary of Defense before the date of the enactment of this section and that remain unexpended for separation pay for foreign national employees of the Department of Defense.

"(2) The Secretary of Defense shall deposit into the account from applicable appropriations all amounts obligated on or after the date of the enactment of this section for separation pay for foreign national employees of the Department of Defense.

"(c) PAYMENTS FROM ACCOUNT.—Amounts in the account shall remain available for expenditure in accordance with the purpose for which obligated until expended.

"(d) DEOBLIGATED FUNDS.—Any amount in the account that is deobligated shall be available for a period of two years from the date of deobligation for recording, adjusting, and liquidating amounts properly chargeable to the liability of the United States for which the obligation was made. Any such deobligated amount remaining at the end of such two-year period shall be canceled.

"(e) EMPLOYEES COVERED.—This section applies only with respect to separation pay of foreign nationals employed by the Department of Defense under any of the following agreements that provide for payment of separation pay:

"(1) A contract.

"(2) A treaty.

"(3) A memorandum of understanding with a foreign nation.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1583 the following new item:

"1581. Foreign National Employees Separation Pay Account.".

(b) CONFORMING AMENDMENTS.—Section 1592 of title 10, United States Code, is amended—

(1) by inserting "(including funds in the Foreign National Employees Separation Pay Account, Defense, established under 1581 of this title)" after "Funds available to the Department of Defense"; and

(2) by striking out "a contract performed in a foreign country" and inserting in lieu thereof "a contract, a treaty, or a memorandum of understanding with a foreign nation that provides for payment of separation pay".

SEC. 1004. REVISION OF REPORTING REQUIREMENT REGARDING THE EFFECT OF CERTAIN PAYMENTS AND ADJUSTMENTS ON THE FEDERAL DEFICIT.

31 USC 1554 note.

(a) TEMPORARY REQUIREMENT FOR OMB REPORT.—At the same time that the President submits to Congress the budget for each of fiscal years 1993, 1994, 1995, and 1996 under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall submit to Congress a report regarding the effect on the Federal deficit of payments and adjustments made with respect to sections 1552 and 1553 of such title for the fiscal year in which such budget is submitted, the fiscal year preceding that fiscal year, and the fiscal year covered by that budget. The report shall include separate estimates for the accounts of each agency.

(b) ELIMINATION OF PERMANENT REQUIREMENT FOR CBO REPORT.—Section 1554 of title 31, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1005. INCORPORATION OF CLASSIFIED ANNEX.

10 USC 114 note.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 2100 of the One Hundred Second Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

PART B—NAVAL VESSELS AND RELATED MATTERS

SEC. 1011. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended—

(1) in subsection (a), by striking out "During fiscal year 1991, naval" and inserting in lieu thereof "Naval";

(2) by adding at the end the following new subsection:

"(e) EXPIRATION OF AUTHORITY.—The authority provided by this section expires on September 30, 1992."; and

(3) by striking out "**DURING FISCAL YEAR 1991**" in the section heading.

SEC. 1012. TRANSFER OF OBSOLETE AIRCRAFT CARRIER ORISKANY.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of

that section, the Secretary of the Navy may transfer the obsolete aircraft carrier Oriskany (CV 34) to the nonprofit organization City of America for cultural and educational purposes.

(b) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary of the Navy determines that the vessel is of no further use to the United States for national security purposes.

(c) RESTRICTIONS ON TRANSFER.—The transfer authorized by subsection (a) may not be made until—

(1) the United States has received from or on behalf of the City of America an amount not less than the estimated scrap value of the vessel (as determined by the Secretary of the Navy) that would otherwise be received by the United States if the vessel were not transferred pursuant to this section; and

(2) City of America has agreed in writing that all work necessary to restore the Oriskany will be performed in United States shipyards.

(d) TERMS AND CONDITIONS.—The Secretary of the Navy may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1013. TRANSFER OF OBSOLETE RESEARCH VESSEL GYRE.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete research vessel Gyre to the Texas Agricultural and Mechanical University for education and research purposes.

(b) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel Gyre is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1014. REPORT ON CRITERIA USED BY NAVY FOR RECOMMENDING APPROVAL OF SUBMARINE EXPORT LICENSE.

Not later than four months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the matters that would be taken into account and the criteria that would be used by the Secretary in determining whether to recommend to the Secretary of State that a license for the export of a submarine constructed in the United States be granted to the applicant for the license.

SEC. 1015. FAST SEALIFT PROGRAM.

10 USC 7291 note.

Section 1424 of Public Law 101-510 (104 Stat. 1683) is amended by adding at the end of subsection (b) the following:

"(4) The vessels constructed under the program shall incorporate propulsion systems, bridge and machinery control systems, and interior communications equipment manufactured in the United States.".

SEC. 1016. OVERHAUL OF THE U.S.S. JOHN F. KENNEDY (CV-67).

(a) OVERHAUL REQUIRED.—The Secretary of the Navy shall, subject to amounts provided in appropriations Acts, carry out a complex overhaul of the U.S.S. John F. Kennedy at the Philadelphia Naval Shipyard. In carrying out the overhaul, the Secretary shall plan the

start of the overhaul for September 1993 and shall manage the overhaul project so that the duration of the overhaul is approximately 24 months and the cost of the overhaul is approximately $491,300,000.

(b) USE OF UNOBLIGATED FISCAL YEAR 1991 FUNDS.—From funds appropriated for shipbuilding and conversion for the Navy for fiscal year 1991 for the service life extension of the U.S.S. John F. Kennedy that remain unobligated, the Secretary of the Navy may use such amounts as may be provided in appropriations Acts, not to exceed $105,000,000, for the complex overhaul of the U.S.S. John F. Kennedy at Philadelphia Naval Shipyard.

(c) USE OF AUTHORIZED APPROPRIATIONS.—(1) Of the amounts authorized to be appropriated for the Navy for operation and maintenance for each of fiscal years 1992 and 1993, the following amounts shall be made available only for overhaul of the U.S.S. John F. Kennedy pursuant to this section:

(A) For fiscal year 1992, $16,000,000.

(B) For fiscal year 1993, $252,000,000.

(2) Of the amounts authorized to be appropriated for the Navy for other procurement for each of fiscal years 1992 and 1993, the following amounts shall be made available only for overhaul of the U.S.S. John F. Kennedy pursuant to this section:

(A) For fiscal year 1992, $12,300,000.

(B) For fiscal year 1993, $33,600,000.

(3) Of amounts authorized to be appropriated for the Department of Defense, not more than $491,300,000 may be expended on the complex overhaul of the U.S.S. John F. Kennedy at the Philadelphia Naval Shipyard.

(d) REPEAL OF RELATED PROVISION.—Section 203 of Public Law 102-27 (105 Stat. 139) is repealed.

SEC. 1017. INAPPLICABILITY TO INFLATABLE BOATS OF RESTRICTION ON CONSTRUCTION IN FOREIGN SHIPYARDS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).".

PART C—GUARD AND RESERVE MATTERS

SEC. 1021. PROHIBITION RELATING TO DEACTIVATION OF NAVAL RESERVE HELICOPTER MINE COUNTERMEASURES SQUADRONS.

Funds appropriated or otherwise made available for the Department of Defense for fiscal years before fiscal year 1994 may not be used to deactivate Naval helicopter mine countermeasures squadrons HM-18 and HM-19 as units in the Naval Reserve.

SEC. 1022. REPEAL OF REQUIREMENT FOR TRANSFER OF CERTAIN AIRCRAFT TO AIR FORCE RESERVE COMPONENTS.

Section 1436 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1688) is repealed.

SEC. 1023. AUTHORITY TO WAIVE REQUIREMENT TO TRANSFER TACTICAL AIRLIFT MISSION TO RESERVE COMPONENTS.

(a) WAIVER AUTHORITY.—Section 1438 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1689) is amended—

(1) in subsection (a), by striking out "Not later than September 30, 1992, the Secretary of Defense shall assign the tactical airlift mission of the Department of Defense" and inserting in lieu thereof "The Secretary of the Air Force shall assign the tactical airlift mission of the Air Force"; and

(2) by adding at the end the following new subsection:

"(d) The Secretary of the Air Force may waive subsection (a) for any fiscal year if, not later than May 1 of the year in which that fiscal year begins, the Secretary certifies to the congressional defense committees that—

"(1) the requirements for tactical airlift capability of the commanders of the unified commands during that fiscal year require continued operation of tactical airlift aircraft by active duty Air Force units; and

"(2) the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for that fiscal year and the multiyear defense program submitted to Congress in connection with that budget pursuant to section 114a of title 10, United States Code, propose sufficient funding to procure tactical airlift aircraft of the type required by the commanders of the unified commands for active Air Force tactical airlift squadrons.".

(b) INAPPLICABILITY DURING FISCAL YEAR 1992.—Section 1438 of such Act, as amended by subsection (a), shall not apply during fiscal year 1992.

SEC. 1024. AUTHORITY FOR WAIVER OF REQUIREMENT FOR TRANSFER OF A-10 AIRCRAFT TO THE ARMY AND MARINE CORPS.

(a) AMENDMENT.—Section 1439(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1689) is amended by striking out ", by not later than September 30, 1996,".

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive section 1439(b)(2) of the National Defense Authorization Act for Fiscal Year 1991, as amended by subsection (a), for any fiscal year if, not later than May 1 of the year in which that fiscal year begins, the Secretary certifies to the congressional defense committees the following:

(1) That it will be necessary during that fiscal year and for subsequent fiscal years for E-8 surveillance aircraft to be used to carry out mission requirements of the commanders of the unified commands in the respective theaters of operations for which those commanders are responsible.

(2) That the total number of aircraft proposed to be procured under the E-8A Joint Surveillance and Target Attack Radar System (JSTARS) aircraft program is sufficient to meet the war fighting needs of the commanders of the unified commands.

(3) That the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for that fiscal year and the multiyear defense program submitted to Congress in connection with that budget pursuant to section 114a of title 10, United States Code, propose sufficient resources for the procure-

ment of JSTARS aircraft in the quantities, and at the rate, necessary to meet the operational needs of the commanders of the unified commands at the earliest practicable date.

(4) That any subsequent reduction in the procurement objective for the JSTARS aircraft program from the levels certified pursuant to paragraph (3) will be established solely on the basis of reduced war fighting requirements identified by the commanders of the unified commands.

(5) That there are no technical limitations with the JSTARS aircraft program that would otherwise necessitate a change in the schedule for fielding the JSTARS aircraft under the program.

(c) CONSULTATION.—Before submitting a certification pursuant to subsection (b), the Secretary of Defense shall consult with the commanders of the unified commands, the Chairman of the Joint Chiefs of Staff, and the Under Secretary of Defense for Acquisition regarding the matters to be certified. The certification shall include a certification by the Secretary that the Secretary has consulted with those officers.

(d) INAPPLICABILITY DURING FISCAL YEAR 1992.—Section 1439 of such Act, as amended by subsection (a), shall not apply during fiscal year 1992.

PART D—MATTERS RELATED TO ALLIES AND OTHER NATIONS

SEC. 1041. SENSE OF CONGRESS REGARDING UNITED STATES TROOPS IN EUROPE.

It is the sense of Congress that—

(1) the United States has a strong interest in continuing and strengthening the North Atlantic Treaty Organization (NATO) to preserve world peace and security and to aid in the transition to a Europe that is whole and free;

(2) the United States should work with its NATO allies to adapt NATO to better respond to the changing world situation, which includes—

(A) the dissolution of the Warsaw Pact as a military and political alliance;

(B) the reduction in the threat of attack on western Europe posed by the Soviet Union;

(C) the reduction in the amount of financial resources that the United States is able to devote to defense spending; and

(D) the improved ability of other member nations of NATO to carry a greater share of the common NATO defense burden;

(3) barring unforeseen developments which result in a substantial increase in the threat to the national security of the United States, the Armed Forces should plan for an end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO that should not exceed approximately 100,000 members by the end of fiscal year 1995; and

(4) a principal function of the members so assigned should be to facilitate the rapid and large-scale reception of reinforcing United States troops in the event of a military necessity.

SEC. 1042. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

(a) REDUCTION.—Section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended in the first sentence by striking out "261,855" and inserting in lieu thereof "235,700".

(b) WAIVER AUTHORITY.—Such section is amended in the third sentence—

(1) by striking out "261,855" and inserting in lieu thereof "235,700"; and

(2) by striking out "311,855" and inserting in lieu thereof "261,855".

SEC. 1043. STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress makes the following findings:

(1) The alliance between the United States and its allies in East Asia contributes greatly to the security of that region.

(2) It is in the national interest of the United States to maintain a forward military and naval presence in East Asia.

(3) The pace of economic, political, and social advances in many of the East Asian countries, particularly Japan and South Korea, continues to accelerate.

(4) As a result of such advances the capacity of those countries to contribute to the responsibilities for their own defense has increased dramatically.

(5) While the level of defense burdensharing by Japan and South Korea has increased, continued acceleration of the rate of transfer of that burden is desirable.

(6) The United States remains committed to the security of its friends and allies in Asia and the Pacific Rim region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should regularly review the missions, force structure, and locations of its military forces in Asia and the Pacific, including Hawaii;

(2) the United States should also regularly review its basing structure in the Pacific and Asia, with special attention to developments in the Philippines, Japan, and South Korea, and determine basing, forward deployments, maritime and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs;

(3) the United States should regularly review the threats and potential threats to regional peace, the United States, and its friends and allies;

(4) the United States should continue to assess the feasibility and desirability of the ongoing partial, gradual reduction of military forces in Asia and the Pacific;

(5) in view of the advances referred to in subsection (a)(3), Japan and South Korea should continue to assume increased responsibility for their own security and the security of the region;

(6) Japan and South Korea should continue to offset the direct costs incurred by the United States in deploying military forces for the defense of those countries including costs related to the presence of United States military forces in those countries; and

(7) Japan should continue to contribute to improvements to global stability by contributing to countries in regions of impor-

tance to world stability through the Official Development Assistance Program of Japan.

(c) REPORT REQUIRED.—Not later than April 1, 1992, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the strategic posture and military force structure of the United States in Asia and the Pacific, including the forces in Hawaii. The President shall include in such report a strategic plan relating to the continued United States presence in that region.

(d) CONTENT OF REPORT.—The report required by subsection (c) shall specifically include the following matters:

(1) An assessment of the trends in the regional military balance involving potential threats to the United States and its allies and friends in Asia and the Pacific, with special attention to—

(A) the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in Asia and the Pacific; and

(B) regional conflicts, such as the struggle in Cambodia.

(2) An assessment of the trends in acquiring and deploying nuclear, biological, and chemical weapons and long range missiles and other delivery systems and other destabilizing transfers of arms and technology.

(3) An assessment of the extent to which a requirement continues to exist for a regional security role for the United States in East Asia.

(4) An identification of any changes—

(A) in the missions, force structure, and locations of United States military forces in Asia and the Pacific that could strengthen the capabilities of such forces and lower the costs of maintaining such forces; and

(B) in contingency and reserve armed forces in the United States and other areas.

(5) A review of the United States basing structure in the Pacific and Asia with special attention to developments in the Philippines, Japan, and South Korea, including a review of the implications for basing, forward deployments, maritime, and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs.

(6) A discussion of the strategic implications of the departure of United States forces from Clark Air Force Base and of the remaining facilities in the Philippines.

(7) A discussion of the need for expanding the United States access to facilities in Singapore and other states in East Asia that are friendly to the United States.

(8) A discussion of the recent trends in the contributions to burdensharing and the common defense being made by the friends and allies of the United States in Asia and the ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the friends and allies of the United States in Asia and the Pacific.

(9) An assessment of the feasibility of relocating United States military personnel and facilities in Japan and South Korea to reduce friction between such personnel and the people of those countries.

(10) A discussion of any changes in bilateral command arrangements that would facilitate a transfer of military missions and command to allies of the United States in East Asia.

(11) A discussion of the changes in—

(A) the flow of arms and military technology between the United States and its friends and allies;

(B) the balance of trade in arms and technology; and

(C) the dependence and interdependence between the United States and its friends and allies in military technology.

SEC. 1044. UNITED STATES TROOPS IN KOREA.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States plans to reduce its troop presence in the Republic of Korea to 36,500 personnel by the end of 1992.

(2) The Department of Defense has not announced specific plans for further personnel reductions below that level.

(3) The National Unification Board of South Korea estimates the gross national product (GNP) of North Korea to have been $21,000,000,000 in 1989, while the Bank of Korea estimates that the size of the Republic of Korea's economy in that year was $210,000,000,000, a factor of 10 larger. At its current growth rate, as estimated by the Economic Planning Board of the Republic of Korea, the annual expansion of the economy of the Republic of Korea is nearly equivalent in size to the entire North Korean economy.

(4) The Republic of Korea continues to face a substantial military threat from North Korea that requires a vigorous response on both military and diplomatic levels.

(5) The Republic of Korea has decided to increase its level of host nation support, although such support still falls short of the actual cost involved and short of the relative level provided by the Government of Japan.

(6) While recognizing that the Republic of Korea has consistently increased its defense budget in real terms by an average of about 6 percent annually for the past five years, to a current level of 4.2 percent of gross national product, the Republic of Korea devotes a smaller share of its economy to defense than does the United States, at 4.9 percent of gross national product.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Republic of Korea remains an important ally of the United States, with the two countries sharing important political, economic, and security interests;

(2) commensurate with the security situation on the Korean peninsula and the size and vitality of the economy of the Republic of Korea—

(A) the Department of Defense should consider whether future reductions of United States military forces from the Republic of Korea beyond those now planned to be completed by the end of 1992 can be made in a way that does not undermine the credibility or effectiveness of those forces against an attack by North Korea; and

(B) the Republic of Korea should undertake greater efforts to meet its security requirements, particularly in the area of force modernization; and

(3) the Government of the Republic of Korea should increase the level of host nation support it provides to United States

forces in the area so that its relative level more closely approximates that of Japan.

(c) PRESIDENTIAL REPORT.—(1) The President shall transmit to Congress, either separately or as part of another relevant report, a report on the overall security situation on the Korean peninsula, the implications of relevant political and economic developments in the area for the security situation there, and United States policy for the area.

(2) Issues covered in the report shall include—

(A) a qualitative and quantitative assessment of the military balance on the Korean peninsula;

(B) a description of the material requirements of the armed forces of the Republic of Korea;

(C) a description of United States military personnel requirements;

(D) a description of the state of United States-Republic of Korea relations, the state of China-Republic of Korea relations, and the state of Soviet-Republic of Korea relations; and

(E) a description of prospects for change in North Korea.

(3) The report shall be transmitted not later than June 30, 1992, and shall be transmitted in both classified and unclassified form.

SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN AND THE REPUBLIC OF KOREA.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—During fiscal years 1992 and 1993, the Secretary of Defense may accept cash contributions from Japan and the Republic of Korea for the purposes specified in subsection (c).

(b) CREDIT TO APPROPRIATIONS.—Contributions accepted in a fiscal year under subsection (a) shall be credited to appropriations of the Department of Defense that are available for that fiscal year for the purposes for which the contributions are made. The contributions so credited shall be—

(1) merged with the appropriations to which they are credited; and

(2) available for the same time period as those appropriations.

(c) AVAILABILITY OF CONTRIBUTIONS.—Contributions accepted under subsection (a) shall be available only for the payment of the following costs in the country making the contributions:

(1) Compensation for local national employees of the Department of Defense.

(2) Military construction projects of the Department of Defense.

(3) Supplies and services of the Department of Defense.

(d) AUTHORIZATION OF MILITARY CONSTRUCTION.—Contributions credited under subsection (b) to an appropriation account of the Department of Defense may be used—

(1) by the Secretary of Defense to carry out a military construction project that is consistent with the purposes for which the contributions were made and is not otherwise authorized by law; or

(2) by the Secretary of a military department, with the approval of the Secretary of Defense, to carry out such a project.

(e) NOTICE AND WAIT REQUIREMENTS.—(1) When a decision is made to carry out a military construction project under subsection (d), the Secretary of Defense shall submit a report to the congressional defense committees containing—

(A) an explanation of the need for the project;
(B) the then current estimate of the cost of the project; and
(C) a justification for carrying out the project under that subsection.

(2) The Secretary of Defense or the Secretary of a military department may not commence a military construction project under subsection (d) until the end of the 21-day period beginning on the date on which the Secretary of Defense submits the report under paragraph (1) regarding the project.

(f) REPORTS.—Not later than 30 days after the end of each quarter of fiscal years 1992 and 1993, the Secretary of Defense shall submit to the congressional defense committees a report specifying separately for Japan and the Republic of Korea—

(1) the amount of the contributions accepted by the Secretary during the preceding quarter under subsection (a) and the purposes for which the contributions were made; and
(2) the amount of the contributions expended by the Secretary during the preceding quarter and the purposes for which the contributions were expended.

22 USC 1928 note.

SEC. 1046. DEFENSE COST-SHARING.

(a) DEFENSE COST-SHARING AGREEMENTS.—(1) The President shall consult with the foreign nations described in paragraph (2) to seek to achieve, within 12 months after the date of the enactment of this Act, an agreement on equitable defense cost-sharing with each such nation.

(2) The foreign nations referred to in paragraph (1) are—
(A) each member nation of the North Atlantic Treaty Organization (other than the United States); and
(B) every other foreign nation with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in the nation or the placement of combat equipment of the United States in the nation.

(3) Each defense cost-sharing agreement entered into under paragraph (1) should provide that the foreign nation agrees to share equitably with the United States, through cash compensation or in-kind contributions, or a combination thereof, the costs to the United States that arise solely from the implementation of the provisions of the bilateral or multilateral defense agreement with that nation.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to those foreign nations that receive assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) relating to the foreign military financing program or under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) relating to the Economic Support Fund.

(c) CONSULTATIONS.—In conducting the consultations required under subsection (a), the President should make maximum feasible use of the Department of Defense and the post of Ambassador-at-Large created by section 8125(c) of the Department of Defense Appropriations Act, 1989 (10 U.S.C. 113 note).

(d) ALLIES MUTUAL DEFENSE PAYMENTS ACCOUNT.—The Secretary of Defense shall maintain an accounting for defense cost-sharing under each agreement entered into with a foreign nation pursuant to subsection (a). The accounting shall show for each foreign nation the amount and nature of the—

(1) cost-sharing contributions agreed to by the nation;

(2) cost-sharing contributions delivered by the nation;

(3) additional contributions by the nation to any commonly funded multilateral programs providing for United States participation in the common defense;

(4) contributions by the United States to any such commonly funded multilateral programs;

(5) contributions of all other nations to any such commonly funded multilateral programs; and

(6) costs to the United States that arise solely from the implementation of the provisions of the bilateral or multilateral defense agreement with the nation.

(e) REPORTING REQUIREMENTS.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98-525 (22 U.S.C. 1928 note) information, in classified and unclassified form—

(1) describing the efforts undertaken and the progress made by the President in carrying out subsections (a) and (c) during the period covered by the report;

(2) specifying the accounting of defense cost-sharing contributions maintained under subsection (d) during that period; and

(3) assessing how equitably foreign nations not described in subsection (a) or excepted under subsection (b) are sharing the costs and burdens of implementing defense agreements with the United States and how those defense agreements serve the national security interests of the United States.

SEC. 1047. USE OF CONTRIBUTIONS OF FRIENDLY FOREIGN COUNTRIES AND NATO FOR COOPERATIVE DEFENSE PROJECTS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350i. Foreign contributions for cooperative projects

"(a) CREDITING OF CONTRIBUTIONS.—Whenever the United States participates in a cooperative project with a friendly foreign country or the North Atlantic Treaty Organization (NATO) on a cost-sharing basis, any contribution received by the United States from that foreign country or NATO to meet its share of the costs of the project may be credited to appropriations available to an appropriate military department or another appropriate organization within the Department of Defense, as determined by the Secretary of Defense.

"(b) USE OF AMOUNTS CREDITED.—The amount of a contribution credited pursuant to subsection (a) to an appropriation account in connection with a cooperative project referred to in that subsection shall be available only for payment of the share of the project expenses allocated to the foreign country or NATO making the contribution. Payments for which such amount is available include the following:

"(1) Payments to contractors and other suppliers (including the Department of Defense and other participants acting as suppliers) for necessary articles and services.

"(2) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation.

"(3) Payments or reimbursements of other program expenses, including program office overhead and administrative costs.

"(4) Refunds to other participants.

"(c) DEFINITIONS.—In this section:

"(1) The term 'cooperative project' means a jointly managed arrangement, described in a written cooperative agreement entered into by the participants, that—

"(A) is undertaken by the participants in order to improve the conventional defense capabilities of the participants; and

"(B) provides for—

"(i) one or more participants (other than the United States) to share with the United States the cost of research and development, testing, evaluation, or joint production (including follow-on support) of defense articles;

"(ii) the United States and another participant concurrently to produce in the United States and the country of such other participant a defense article jointly developed in a cooperative project described in clause (i); or

"(iii) the United States to procure a defense article or a defense service from another participant in the cooperative project.

"(2) The term 'defense article' has the meaning given such term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

"(3) The term 'defense service' has the meaning given such term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794(4)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350i. Foreign contributions for cooperative projects.".

SEC. 1048. EXPANSION OF AUTHORITY FOR THE NAVY TO PROVIDE ROUTINE PORT AND AIRPORT SERVICES TO FOREIGN COUNTRIES.

(a) REPEAL OF LIMITATION ON ELIGIBLE FOREIGN COUNTRIES.—Subsection (a) of section 7227 of title 10, United States Code, is amended by striking out "friendly" each place it appears.

(b) PROVISION OF AIRPORT SERVICE WITHOUT REIMBURSEMENT.—Subsection (b) of such section is amended—

(1) by striking out "(A)" after "(2)";

(2) by striking out "an allied country" in the first sentence of paragraph (2) and inserting in lieu thereof "a foreign country";

(3) by inserting after the first sentence of paragraph (2) the following new sentence: "When furnishing routine airport services under this section to military aircraft of a foreign country, the Secretary may furnish such services without reimbursement if such services are provided under an agreement that provides for the reciprocal furnishing by such country of routine airport services to military aircraft of the United States without reimbursement.";

(4) by striking out subparagraph (B) of paragraph (2); and

(5) by designating the last sentence of paragraph (2) as paragraph (3) and in that paragraph—

(A) by striking out "port services" and inserting in lieu thereof "port or airport services"; and

(B) by striking out "this paragraph" and inserting in lieu thereof "paragraph (2)".

SEC. 1049. EXTENSION OF AUTHORITY FOR TRANSFER OF EXCESS DEFENSE ARTICLES TO CERTAIN COUNTRIES.

(a) EXTENSION OF AUTHORITY.—Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended—

(1) in subsection (a), by striking out "during the fiscal years 1987 through 1991,"; and

(2) by adding at the end of the section the following:

"(f) DURATION OF AUTHORITY.—The authority of this section shall be effective during fiscal years 1992 through 1996.".

(b) AVOIDING DUPLICATIVE AMENDMENTS.—If the International Cooperation Act of 1991 is enacted before this Act is enacted and that Act makes the amendments to section 516 of the Foreign Assistance Act of 1961 that are stated in subsection (a), then the amendments stated in subsection (a) shall not take effect. If the International Cooperation Act of 1991 is enacted after this Act is enacted and that Act would make the amendments to section 516 of the Foreign Assistance Act of 1961 that are made by subsection (a), then the amendments that would be made by that Act that are identical to the amendments made by subsection (a) shall not take effect. 22 USC 2321j note.

SEC. 1050. AUTHORITY OF SECRETARY OF DEFENSE IN CONNECTION WITH COOPERATIVE AGREEMENTS ON AIR DEFENSE IN ITALY.

(a) AUTHORITY TO CARRY OUT AGREEMENTS.—The Secretary of Defense is authorized to carry out the Italian air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Republic of Italy articles and services as specified in the agreements; and

(2) may accept from the Republic of Italy (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) ADMINISTRATION OF AGREEMENTS.—In connection with the administration of the Italian air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A));

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units or components thereof to the Republic of Italy contemplated in the agreements; and

(3) use, to the extent contemplated in the agreements, the North Atlantic Treaty Organization (NATO) Maintenance and Supply Agency—

(A) for the supply of logistic support in Europe for the Patriot missile system; and

(B) for the acquisition of such logistic support, to the extent that the Secretary determines that the procedures of that agency governing such supply and acquisition are appropriate.

(c) AUTHORITY SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The authority of the Secretary of Defense to enter into contracts under the Italian air defense agreements is available only to the extent that appropriated funds are otherwise available for that purpose.

(d) DEFINITION.—For the purposes of this section, the term "Italian air defense agreements" means—

(1) the agreement entitled "Memorandum of Understanding Between the Secretary of Defense of the United States of America and the Minister of Defense of the Italian Republic on Cooperative Measures for Enhancing Air Defense in Italy", signed on March 24, 1988; and

(2) the agreement entitled "Implementing Agreement to the Memorandum of Understanding Between the Secretary of Defense of the United States of America and the Minister of Defense of the Italian Republic on Cooperative Measures for Enhancing Air Defense in Italy", signed on April 20, 1990.

SEC. 1051. EXTENSION OF AWACS AUTHORITY.

Section 2350e of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking out "and" at the end of paragraph (2);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

"(3) the Addendum to the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme (dated December 6, 1978) relating to the modernization of the NATO Airborne Early Warning and Control (NAEW&C) System, dated December 7, 1990; and"; and

(2) in subsection (d), by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

SEC. 1052. TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) PAYMENT FOR TRAINING.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2011. Special operations forces: training with friendly foreign forces

"(a) AUTHORITY TO PAY TRAINING EXPENSES.—Under regulations prescribed pursuant to subsection (c), the commander of the special operations command established pursuant to section 167 of this title and the commander of any other unified or specified combatant command may pay, or authorize payment for, any of the following expenses:

"(1) Expenses of training special operations forces assigned to that command in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

"(2) Expenses of deploying such special operations forces for that training.

"(3) In the case of training in conjunction with a friendly developing country, the incremental expenses incurred by that country as the direct result of such training.

"(b) PURPOSE OF TRAINING.—The primary purpose of the training for which payment may be made under subsection (a) shall be to train the special operations forces of the combatant command.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. The regulations shall

establish accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

"(d) DEFINITIONS.—In this section:

"(1) The term 'special operations forces' includes civil affairs forces and psychological operations forces.

"(2) The term 'incremental expenses', with respect to a developing country, means the reasonable and proper cost of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

"(e) REPORTS.—Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

"(1) All countries in which that training was conducted.

"(2) The type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism activities, the duration of that training, the number of members of the armed forces involved, and expenses paid.

"(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort.

"(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2011. Special operations forces: training with friendly foreign forces.".

(b) BUDGETING FOR TRAINING.—Section 166 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SOF TRAINING WITH FOREIGN FORCES.—A funding proposal for force training under subsection (b)(2) may include amounts for training expense payments authorized in section 2011 of this title.".

SEC. 1053. EXPANSION OF COUNTRIES ELIGIBLE TO PARTICIPATE IN FOREIGN COMPARATIVE TESTING PROGRAM.

Section 2350a(g) of title 10, United States Code, is amended by inserting "and other friendly foreign countries" in paragraphs (1)(A) and (4)(A) after "major allies of the United States".

SEC. 1054. LIMITATION ON EMPLOYMENT OF FOREIGN NATIONALS AT MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

(a) AUTHORIZATION.—The number of employment positions on the last day of fiscal years 1992 and 1993 at United States military installations located outside the United States that may be filled by foreign nationals who are employed pursuant to an indirect-hire civilian personnel agreement and are paid by the United States may not exceed the following:

(1) For fiscal year 1992, 60,000.

(2) For fiscal year 1993, 47,750.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement of subsection (a) for a fiscal year if the Secretary determines that the national security interests of the United States require waiver of such requirement. The Secretary shall notify Congress of any use of this waiver authority and the reasons for the waiver.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, beginning with fiscal year 1994, the President should achieve reductions (below fiscal year 1993 levels) in the cost to the United States of salaries and other remuneration of foreign nationals employed at United States military installations located outside the United States through agreements under which the host countries assume a greater share of these costs.

PART E—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 1061. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) MISCELLANEOUS AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Section 115a(d)(3) is amended by inserting "provide" after "(3)".

(2) The heading of section 129b is amended by inserting "**of**" at the end.

(3) Section 280 is amended by striking out "2511" both places it appears and inserting in lieu thereof "2540".

(4)(A) The heading of section 690 is amended by striking out "**Corp**" and inserting in lieu thereof "**Corps**".

(B) The item relating to section 690 in the table of sections at the beginning of chapter 39 is amended to read as follows:

"690. Limitation on duty with Reserve Officer Training Corps units.".

(5) Section 1142(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(6) Section 1144(b) is amended—

(A) in paragraph (1), by striking out "resume" and inserting in lieu thereof "resumé";

(B) in paragraph (3)—

(i) by striking out "veterans service organization" and inserting in lieu thereof "veterans' service organizations"; and

(ii) by striking out "Armed Forces" and inserting in lieu thereof "armed forces"; and

(C) in paragraph (6), by striking out "such area" and inserting in lieu thereof "those areas".

(7) The heading of section 1408 is amended to read as follows:

"§ 1408. Payment of retired or retainer pay in compliance with court orders".

(8) Section 1737(c)(2)(B) is amended by striking out the comma after "Acquisition" the second place it appears.

(9) Section 2306a(e)(1)(A)(ii) is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(10) Section 2307(f) is amended by striking out "(l)" after "(f)" and inserting in lieu thereof "(1)".

(11) Sections 2244(a) and 2393(d) are amended by striking out "Federal government" each place it appears and inserting in lieu thereof "Federal Government".

(12) Section 2343(b) is amended—

(A) by striking out "this title," and inserting in lieu thereof "this title and"; and

(B) by striking out ", and section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)".

(13) Section 2383(b) is amended by striking out "has the meaning given such term by section 2323(f) of this title." and inserting in lieu thereof "means any individual piece, part, subassembly, or component which is furnished for the logistic support or repair of an end item and not as an end item itself.".

(14) Section 2432(h)(2)(A) is amended by striking out "subsections (c)(1) and (c)(3) of section 2431" and inserting in lieu thereof "subsections (b)(1) and (b)(3) of section 2431".

(15) The item relating to section 2608 in the table of sections at the beginning of chapter 155 is amended by striking out "and services".

(16) Section 2608(g) is amended by inserting "(1)" before "Upon request".

(17)(A) The heading of section 2721 is amended to read as follows:

"§ 2721. Property records: maintenance on quantitative and monetary basis".

(B) The item relating to that section in the table of sections at the beginning of chapter 161 is amended to read as follows:

"2721. Property records: maintenance on quantitative and monetary basis.".

(18) Section 2674(c)(3) is amended by striking out "misdeameanor" and inserting in lieu thereof "misdemeanor".

(19) Section 2902(f)(2)(A) is amended by striking out "Department's" and inserting in lieu thereof "department's".

(20)(A) Section 3210(a) is amended by striking out "section 3202(a)" and inserting in lieu thereof "section 526".

(B) Section 3218 is amended by striking out "section 3202" and inserting in lieu thereof "section 526".

(21) Section 5451 is amended—

(A) by striking out "(a) Except as provided in subsection (b), the" and inserting in lieu thereof "The"; and

(B) by striking out subsection (b).

(22)(A) Section 5150(c) is amended by striking out "section 5444" and inserting in lieu thereof "section 526".

(B) Section 5457(a) is amended by striking out "section 5442" and inserting in lieu thereof "section 526".

(C) Section 5458(a) is amended by striking out "section 5443" and inserting in lieu thereof "section 526".

(23)(A) Section 8210(a) is amended by striking out "section 8202(a)" and inserting in lieu thereof "section 526".

(B) Section 8218 is amended by striking out "section 8202" and inserting in lieu thereof "section 526".

(24) Section 4542 is amended—

(A) in subsection (c)(3), by striking out "subsection (d)" and inserting in lieu thereof "subsection (f)"; and

(B) in subsection (f), by striking out "subsection (b)(3)" and inserting in lieu thereof "subsection (c)(3)".

(25) The item relating to section 9316 in the table of sections at the beginning of chapter 901 is amended by striking out the section twist preceding the section number.

(26)(A) The table of sections at the beginning of chapter 85 is amended by striking out the item relating to section 1622.

(B) Effective on October 1, 1992, such table of sections is amended by striking out the item relating to section 1623.

(C) Effective on October 1, 1993—

(i) chapter 85 (as amended by section 1207(c) of Public Law 101-510) is repealed; and

(ii) the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by striking out the item relating to that chapter.

(27)(A) The items relating to chapter 149 in the table of chapters at the beginning of subtitle A, and in the table of subchapters of part IV of subtitle A, are each amended by striking out "Maufacturing" and inserting in lieu thereof "Manufacturing".

(B) The items relating to chapter 609 in the table of chapters at the beginning of subtitle C, and in the table of subchapters of part III of subtitle C, are each amended by striking out "Educational" and inserting in lieu thereof "Education".

(b) COURT OF MILITARY APPEALS.—(1)(A) Section 942(e) of title 10, United States Code, is amended—

(i) by inserting "(A)" after "(1)";

(ii) by striking out "(2)(A)" before "The chief judge of the court" and realigning the sentence beginning "The chief judge of the court" so as to appear at the end of paragraph (1)(A) (as designated by clause (i));

(iii) by striking out "a senior judge of the court" in the sentence referred to in clause (ii) and inserting in lieu thereof "an individual who is a senior judge of the court under this subparagraph";

(iv) by inserting after paragraph (1)(A) (as designated by clause (i)) the following:

"(B) If, at the time the term of a judge expires, no successor to that judge has been appointed, the chief judge of the court may call upon that judge (with that judge's consent) to continue to perform judicial duties with the court until the vacancy is filled. A judge who, upon the expiration of the judge's term, continues to perform judicial duties with the court without a break in service under this subparagraph shall be a senior judge while such service continues."; and

(v) by striking out "(B) A senior judge" and inserting in lieu thereof "(2) A senior judge".

(B) Paragraphs (3), (4), and (6) of such section are amended by striking out "paragraph (2)" each place it appears and inserting in lieu thereof "paragraph (1)".

(C) Section 945(a)(1) of such title is amended by adding at the end the following: "A person who continues service with the court as a senior judge under section 943(e)(1)(B) of this title (art. 143(e)(1)(B)) upon the expiration of the judge's term shall be considered to have been separated from civilian service in the Federal Government only upon the termination of that continuous service.".

Effective date.
10 USC 942 note.

(D) The amendments made by this paragraph shall take effect as of November 29, 1989.

(2) Section 942(f) of such title is amended—

(A) in paragraph (1)—

(i) by striking out "or" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(iii) by adding at the end the following:

"(C) during a period when there is a vacancy on the court and in the opinion of the chief judge of the court such a designation is necessary for the proper dispatch of the business of the court.";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) The chief judge of the court may not request that a designation be made under paragraph (1) unless the chief judge has determined that no person is available to perform judicial duties with the court as a senior judge under subsection (e).".

(c) DEFINITION OF SIGNIFICANT NONMAJOR DEFENSE ACQUISITION PROGRAM.—Section 1737(a)(3) of title 10, United States Code, is amended—

(1) by striking out "$50,000,000 (based on fiscal year 1980 constant dollars)" and inserting in lieu thereof "the dollar threshold set forth in section 2302(5)(A) of this title for such purposes for a major system"; and

(2) by striking out "$250,000,000 (based on fiscal year 1980 constant dollars)" and inserting in lieu thereof "the dollar threshold set forth in section 2302(5)(A) of this title for such purpose for a major system".

SEC. 1062. AMENDMENTS TO PUBLIC LAW 101-510.

(a) DIVISION A.—Division A of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(1) Section 555(e)(1) (104 Stat. 1570) is amended by striking out "judgement" and inserting in lieu thereof "judgment". 10 USC 1408 note.

(2) Section 827(b)(3) (104 Stat. 1607) is amended by striking out "section 6 or 8" and inserting in lieu thereof "section 7 or 9". 15 USC 3705 note.

(3) Section 1481(e)(2) (104 Stat. 1706) is amended by striking out "section 1036" and inserting in lieu thereof "section 904(b)".

(4) Section 1515 (104 Stat. 1726) is amended— 24 USC 415.

(A) by striking out "local boards" in subsections (a) and (c) and inserting in lieu thereof "Local Boards"; and

(B) by striking out "that board" in subsection (d)(2) and inserting in lieu thereof "that Board".

(5) Section 1517(f) (104 Stat. 1729) is amended by striking out "this Act" both places it appears and inserting in lieu thereof "this title". 24 USC 417.

(b) DIVISION B.—Section 2922(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1820) is amended by inserting "of" after "section 2819". 10 USC 2391 note.

(c) DIVISION D.—Section 4303 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 104 Stat. 1854) is amended— 10 USC 2391 note.

(1) in subsection (c)(1), by striking out "section 4003(b)" and inserting in lieu thereof "section 4004(c)(1)"; and

(2) in subsection (d), by striking out "section 4003" and inserting in lieu thereof "section 4004(c)(3)".

SEC. 1063. AMENDMENTS TO OTHER LAWS.

(a) TITLES 5 AND 37, UNITED STATES CODE.—Section 5564(i)(1) of title 5, United States Code, and section 554(i)(1) of title 37, United States Code, are each amended by striking out "4713, 6522, 9712, or 9713" and inserting in lieu thereof "6522, or 9712".

(b) PUBLIC LAW 101-511.—Section 8105(d)(2) of Public Law 101-511 (104 Stat. 1902) is amended by striking out "immeditely" and inserting in lieu thereof "immediately".

10 USC 113 note.

(c) REPEAL OF SUPERSEDED AUTHORITY RELATING TO UNITED STATES SOLDIERS' AND AIRMEN'S HOME.—Section 1625 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 24 U.S.C. 43 note) is repealed.

(d) PUBLIC LAW 101-25.—(1) Section 601(a) of Public Law 101-25 (105 Stat. 105) is amended—

10 USC 113 note.

(A) by striking out "members of the Armed Forces serving on active duty during the Persian Gulf conflict" and inserting in lieu thereof "members of the Armed Forces and of members of the National Guard who served on active duty during the Persian Gulf conflict"; and

(B) by striking out "have been" and inserting in lieu thereof "were".

(2) Section 602(a) of such Public Law (105 Stat. 106) is amended by striking out "members of the Armed Forces serving on active duty" and inserting in lieu thereof "members of the Armed Forces and members of the National Guard who served on active duty during the Persian Gulf conflict".

10 USC 113 note.

(d) PUBLIC LAW 101-25.—(1) Section 601(a) of Public Law 101-25 (105 Stat. 105) is amended—

(A) by striking out "members of the Armed Forces serving on active duty during the Persian Gulf conflict" and inserting in lieu thereof "members of the Armed Forces and of members of the National Guard who served on active duty during the Persian Gulf conflict"; and

(B) by striking out "have been" and inserting in lieu thereof "were".

(2) Section 602(a) of such Public Law (105 Stat. 106) is amended by striking out "members of the Armed Forces serving on active duty" and inserting in lieu thereof "members of the Armed Forces and members of the National Guard who served on active duty during the Persian Gulf conflict."

PART F—CONGRESSIONAL FINDINGS, POLICIES, AND COMMENDATIONS

SEC. 1071. SENSE OF CONGRESS RELATING TO THE CONTRIBUTIONS TO OPERATION DESERT STORM MADE BY THE DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and its coalition allies achieved a great victory in Operation Desert Storm, carried out in the Persian Gulf region in the winter of 1991.

(2) The outstanding success of Operation Desert Storm was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design.

(3) These weapons and weapon systems were designed and produced by the defense-related industries of the United States.

(4) The battle plan for Operation Desert Storm formulated by the commander of the United States Central Command relied on the availability and performance of these weapons and weapon systems.

(5) The successful use of these weapons and weapon systems in accordance with that plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of allied coalition forces in general.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the defense-related industries of the United States, and the men and women who work in those industries, deserve the gratitude and appreciation of the Congress and of the United States for the design and production of the technologically-advanced weapons and weapon systems that helped to ensure victory in Operation Desert Storm;

(2) that future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) that it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

SEC. 1072. SENSE OF CONGRESS RELATING TO COOPERATION BETWEEN THE MILITARY DEPARTMENTS AND BIG BROTHERS AND BIG SISTERS ORGANIZATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Big Brothers of America and the Big Sisters of America, consisting of 499 independent organizations located across the United States, assist at-risk children and the families of such children by establishing mentor programs that foster one-to-one relationships between such children and concerned adult mentors.

(2) The Big Brothers and Big Sisters organizations annually assist approximately 110,000 such children.

(3) As a result of cooperation between the Department of Defense and Big Brothers and Big Sisters organizations, successful mentor programs have been established at several military installations located in the United States and overseas.

(4) There are an estimated 80,000 single-parent families, and at least 80,000 at-risk youth in those families, that are headed by members of the Armed Forces.

(5) Appropriately trained members of the Armed Forces are exceptionally qualified to serve as concerned adult mentors of at-risk youths in Big Brothers and Big Sisters mentor programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) additional cooperation between the Department of Defense and the Big Brothers and Big Sisters organizations located in communities near military installations will assist members of the Armed Forces serving at those installations and those communities in responding to the family support needs of those members and communities; and

(2) the Secretary of Defense should take all practicable steps necessary to encourage such cooperation at military installations located in the United States and to promote the establishment of additional Big Brothers and Big Sisters organizations at such installations located overseas.

SEC. 1073. COMMENDATION OF THE MILITARY COLLEGES FOR THEIR CONTRIBUTIONS TO TRAINING CITIZEN-SOLDIERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of essential military colleges (institutions that the Department of Defense has recognized as constituting a special aspect of American higher education) has decreased from 11 institutions in 1914 to only 4 today: Norwich University, founded in 1819; Virginia Military Institute, established in 1839; The Citadel, The Military College of South Carolina, chartered in 1842; and North Georgia College, which opened in 1873.

(2) The hallmark of these institutions has been their dedication to the principle of the citizen-soldier, and in this regard they are joined in spirit and devotion by the Cadet Corps at Texas A & M University and at Virginia Polytechnic Institute and State University.

(3) Citizen-soldiers are educated, trained, and inspired to become productive members of society in any calling, but are also prepared to serve their country in a military role during times of war or national peril.

(4) These citizen-soldiers have accepted as their duty an obligation to serve their country in every instance of war since the Mexican War, and have without fail or hesitation answered the call to arms—most recently with service in Southwest Asia as part of Operation Desert Storm.

(b) RECOGNITION AND COMMENDATION.—In light of the findings in subsection (a), the Congress—

(1) recognizes and commends military colleges for the unique contributions they have made and continue to make; and

(2) urges citizens of the United States to support the concept of the citizen-soldier to which these colleges are dedicated.

SEC. 1074. SENSE OF CONGRESS RELATING TO THE CHEMICAL DECONTAMINATION TRAINING FACILITY, FORT MCCLELLAN, ALABAMA.

(a) FINDINGS.—Congress makes the following findings:

(1) The possibility of use of chemical weapons by Iraqi forces was the most significant military threat confronted by members of the Armed Forces of the United States who served in the Persian Gulf region in connection with Operation Desert Storm.

(2) There continues to be extreme concern with respect to the ever more rapid proliferation of chemical weapons and agents, especially among nations in the Middle East.

(3) This proliferation makes it increasingly necessary that members of the Armed Forces have the capability of self-defense against chemical weapons and agents.

(4) Combat training with live chemical agents directly promotes this capability by reducing the life-threatening fear and self doubt that some soldiers experience on a battlefield contaminated by chemical weapons or agents.

(5) Such training further promotes this capability by enhancing the professional credibility of the members of the Armed Forces who train others with respect to chemical weapons and agents.

(6) The Chemical Decontamination Training Facility (CDTF) located at Fort McClellan, Alabama, is the only facility for

conducting combat training with live chemical agents in the Western Hemisphere.

(7) The operations of the Chemical Decontamination Training Facility depend upon the support activities of the Army Chemical School which is also located at Fort McClellan, Alabama.

(8) The Defense Base Closure and Realignment Commission has reported that the closure or diminished operation of the Chemical Decontamination Training Facility could have an adverse impact on the capability of the Armed Forces to defend against the use of chemical weapons and agents and, thus, on the national security of the United States.

(9) The capability of members of the Armed Forces to defend against chemical weapons and agents depends upon maintaining a fully operating facility for conducting combat training with live chemical agents located in the Western Hemisphere including maintaining associated support activities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the necessity for the Armed Forces to have an effective live chemical agent training facility requires that the Chemical Decontamination Training Facility and the Army Chemical School be continued in operation at Fort McClellan, Alabama, unless a new facility for conducting combat training with live chemical agents is constructed.

SEC. 1075. POLICY REGARDING CONTRACTING WITH FOREIGN FIRMS THAT PARTICIPATE IN THE SECONDARY ARAB BOYCOTT.

(a) RESTATEMENT OF POLICY REGARDING TRADE BOYCOTTS.—As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

(b) SENSE OF CONGRESS.—Consistent with the policy referred to in subsection (a), it is the sense of Congress that—

(1) no Department of Defense prime contract should be awarded to a foreign person unless that person certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel; and

(2) the Secretary of Defense should consider developing a procurement policy to implement the policy expressed in paragraph (1).

SEC. 1076. SENSE OF CONGRESS CONCERNING ISSUANCE OF COMMEMORATIVE CARD FOR OPERATION DESERT STORM SERVICEMEMBERS.

(a) ISSUANCE OF CARD.—It is the sense of Congress that the Secretary of Defense may issue a special commemorative card to each member of the Armed Forces who—

(1) served in the Persian Gulf theater of operations in connection with the Persian Gulf conflict (including service as a member of an air crew over that theater); or

(2) as a member of a reserve component or a retired member, was ordered to active duty in connection with the Persian Gulf conflict.

(b) CONTENT.—Any such commemorative card shall indicate that the servicemember was a participant in the Persian Gulf conflict.

PART G—MISCELLANEOUS MATTERS

SEC. 1081. SURVIVOR NOTIFICATION AND ASSISTANCE; ACCESS TO MILITARY RECORDS OF SERVICE MEMBERS WHO DIE ON ACTIVE DUTY.

(a) POLICY RE-EXAMINATION.—The Secretary of Defense shall re-examine policies of the Department of Defense relating to casualty notification and assistance, including policies relating to the access of parents, spouses, and adult children to the records of deceased members of the Armed Forces. The review (1) should determine if existing regulations adequately respect a service member's wishes in the event of death on active duty, and (2) should consider new needs or problems resulting from complex family situations. The review should take into account experiences resulting from the Persian Gulf conflict and should seek to determine if changes in policy or procedures would be in the best interests of both service members and their families.

(b) MATTERS TO BE EXAMINED.—The study should examine the advantages and disadvantages of each of the following:

(1) Making the personnel records of a service member who dies on active duty available, in whole or in part, to any adult family member who requests those records.

(2) Excluding from disclosure to family members certain types or categories of information in a deceased service member's personnel records and, if any should ever be excluded, identifying what contents and under what circumstances.

(3) Releasing to family members of a deceased service member relevant records not in the member's personnel records, such as any record of investigation into the circumstances of the member's death.

(4) Making autopsy reports automatically available to family members upon request.

(5) Requiring that more than one family member make a request before activating the release of any information from the member's personnel records.

(6) Revising the "Emergency Data" form prepared by service members (A) to allow specific provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse, or (B) to establish which family member should be entitled to have access to the service member's military records.

(7) Such other matters as the Secretary determines to be appropriate or relevant to the purposes of the study.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study not later than February 1, 1992.

50 USC 401 note.

SEC. 1082. DISCLOSURE OF INFORMATION CONCERNING UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION DURING VIETNAM CONFLICT.

(a) PUBLIC AVAILABILITY OF INFORMATION.—(1) Except as provided in subsection (b), the Secretary of Defense shall, with respect to any information referred to in paragraph (2), place the information in a suitable library-like location within a facility within the National Capital region for public review and photocopying.

(2)(A) Paragraph (1) applies to any record, live-sighting report, or other information in the custody of the Department of Defense that relates to the location, treatment, or condition of any Vietnam-era POW/MIA on or after the date on which the Vietnam-era POW/MIA passed from United States control into a status classified as a prisoner of war or missing in action, as the case may be, until that individual is returned to United States control.

(B) For purposes of this section, a Vietnam-era POW/MIA is any member of the Armed Forces or civilian employee of the United States who was at any time classified as a prisoner of war or missing in action during the Vietnam era and whose person or remains have not been returned to United States control.

(b) EXCEPTIONS.—(1) The Secretary of Defense may not make a record or other information available to the public pursuant to subsection (a) if—

(A) the record or other information is exempt from the disclosure requirements of section 552 of title 5, United States Code, by reason of subsection (b) of that section; or

(B) the record or other information is in a system of records exempt from the requirements of subsection (d) of section 552a of such title pursuant to subsection (j) or (k) of that section.

(2) The Secretary of Defense may not make a record or other information available to the public pursuant to subsection (a) if the record or other information specifically mentions a person by name unless—

(A) in the case of a person who is alive (and not incapacitated) and whose whereabouts are known, that person expressly consents in writing to the disclosure of the record or other information; or

(B) in the case of a person who is dead or incapacitated or whose whereabouts are unknown, a family member or family members of that person determined by the Secretary of Defense to be appropriate for such purpose expressly consent in writing to the disclosure of the record or other information.

(3)(A) The limitation on disclosure in paragraph (2) does not apply in the case of a person who is dead or incapacitated or whose whereabouts are unknown if the family member or members of that person determined pursuant to subparagraph (B) of that paragraph cannot be located after a reasonable effort.

(B) Paragraph (2) does not apply to the access of an adult member of the family of a person to any record or information to the extent that the record or other information relates to that person.

(C) The authority of a person to consent to disclosure of a record or other information for the purposes of paragraph (2) may be delegated to another person or an organization only by means of an express legal power of attorney granted by the person authorized by that paragraph to consent to the disclosure.

(c) DEADLINES.—(1) In the case of records or other information that are required by subsection (a) to be made available to the public and that are in the custody of the Department of Defense on the date of the enactment of this Act, the Secretary shall make such records and other information available to the public pursuant to this section not later than three years after that date. Such records or other information shall be made available as soon as a review carried out for the purposes of subsection (b) is completed.

(2) Whenever after March 1, 1992, a department or agency of the Federal Government receives any record or other information re-

ferred to in subsection (a) that is required by this section to be made available to the public, the head of that department or agency shall ensure that such record or other information is provided to the Secretary of Defense, and the Secretary shall make such record or other information available in accordance with subsection (a) as soon as possible and, in any event, not later than one year after the date on which the record or information is received by the department or agency of the Federal Government.

(3) If the Secretary of Defense determines that the disclosure of any record or other information referred to in subsection (a) by the date required by paragraph (1) or (2) may compromise the safety of a Vietnam-era POW/MIA who may still be alive in Southeast Asia, then the Secretary may withhold that record or other information from the disclosure otherwise required by this section. Whenever the Secretary makes a determination under the preceding sentence, the Secretary shall immediately notify the President and the Congress of that determination.

(d) DEFINITION.—For purposes of this section, the term "Vietnam era" has the meaning given that term in section 101 of title 38, United States Code.

10 USC 113 note.

SEC. 1083. FAMILY SUPPORT CENTER FOR FAMILIES OF PRISONERS OF WAR AND PERSONS MISSING IN ACTION.

President.

(a) REQUEST FOR ESTABLISHMENT.—The President is authorized and requested to establish in the Department of Defense a family support center to provide information and assistance to members of the families of persons who at any time while members of the Armed Forces were classified as prisoners of war or missing in action in Southeast Asia and who have not been accounted for. Such a support center should be located in a facility in the National Capital region.

(b) DUTIES.—The center should be organized and provided with such personnel as necessary to permit the center to assist family members referred to in subsection (a) in contacting the departments and agencies of the Federal Government having jurisdiction over matters relating to such persons.

36 USC 189 note.

SEC. 1084. DISPLAY OF POW/MIA FLAG.

(a) DISPLAY OF POW/MIA FLAG.—The POW/MIA flag, having been recognized and designated in section 2 of Public Law 101-355 (104 Stat. 416) as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation, shall be displayed—

(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and

(2) on, or on the grounds of, the buildings specified in subsection (b) on any day designated by law as National POW/MIA Recognition Day.

(b) SPECIFIED BUILDINGS FOR FLAG DISPLAY.—The buildings referred to in subsection (a)(2) are the buildings containing the primary offices of—

(1) the Secretary of State;
(2) the Secretary of Defense;
(3) the Secretary of Veterans Affairs; and
(4) the Director of the Selective Service System.

(c) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Within 30 days after the date of the enactment of this Act, the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section.

(d) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (a) shall cease to apply upon a determination by the President that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States who have been identified as prisoner of war or missing in action in Southeast Asia.

(e) POW/MIA FLAG DEFINED.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355 (104 Stat. 416).

SEC. 1085. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700) is amended by inserting after "fiscal year 1991" the following "or 1992". 10 USC 2341 note.

SEC. 1086. TECHNICAL DATA PACKAGES FOR LARGE-CALIBER CANNON.

(a) EXTENSION OF EXCEPTION TO ALL FRIENDLY FOREIGN COUNTRIES.—Subsection (b)(1) of section 4542 of title 10, United States Code, is amended by striking out "member nation" and all that follows through "major non-NATO ally" and inserting in lieu thereof "friendly foreign country".

(b) CROSS-REFERENCE CORRECTIONS.—Such section is further amended—

(1) in subsection (c)(3), by striking out "subsection (d)" and inserting in lieu thereof "subsection (f)"; and
(2) in subsection (f), by striking out "subsection (b)(3)" and inserting in lieu thereof "subsection (c)(3)".

SEC. 1087. EMERGENCY DIRECT LOANS FOR SMALL BUSINESS CONCERNS LOCATED IN COMMUNITIES ADVERSELY AFFECTED BY TROOP DEPLOYMENTS DURING THE PERSIAN GULF CONFLICT. 15 USC 636 note.

(a) LOANS AUTHORIZED.—The Administrator of the Small Business Administration may make an emergency direct loan to a small business concern described in subsection (d) that is located in a county in the United States in which at least five small business concerns have suffered severe economic injury as a result of the emergency deployment after July 31, 1990, in connection with the Persian Gulf conflict of members and units of the Armed Forces from military installations in or near that county.

(b) AMOUNT OF LOAN.—A loan made under this section to a small business concern may not exceed $50,000. The terms and interest rates for loans under this section shall be the same as the terms and interest rates provided for loans under section 7(c)(5)(C) of the Small Business Act (15 U.S.C. 636(c)(5)(C)).

(c) SOURCE OF LOAN FUNDS.—The Secretary of Defense shall transfer, to the extent provided in advance in appropriation Acts, funds of the Department of Defense to the Administrator of the Small Business Administration as those funds are actually required for loans under subsection (a). The total amount so transferred may not exceed $30,000,000. The funds shall be transferred only from amounts made available to the Department of Defense pursuant to the authorization of appropriations contained in sections 4103(b) and 4203(a) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 104 Stat. 1851, 1853). No funds other than the funds transferred under this subsection shall be used by the Administrator to provide loans under subsection (a).

(d) ELIGIBLE SMALL BUSINESS CONCERNS.—A small business concern referred to in subsection (a) is a small business concern that—

(1) has suffered economic injury as a result of the emergency deployment of members and units of the Armed Forces in connection with the Persian Gulf conflict; and

(2) has been unable to obtain credit elsewhere.

(e) APPLICATIONS FOR LOANS.—To receive a loan under subsection (a), an eligible small business concern shall submit an application to the Administrator of the Small Business Administration in such form and containing such information as the Administrator may require by regulation. The Administrator may not accept an application for a loan under subsection (a) if the application is submitted after the end of the 180-day period beginning on the date on which the Administrator first accepts such applications.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "county" includes other equivalent political subdivisions of a State.

(g) REGULATIONS.—The Administrator of the Small Business Administration shall prescribe regulations to carry out this section not later than 10 days after the date of the enactment of this Act. Section 553 of title 5, United States Code, shall not apply with respect to promulgating such regulations, except that the Administrator may solicit comments in making any modification of such regulations.

(h) EXPIRATION OF LOAN AUTHORITY.—The authority of the Administrator of the Small Business Administration to make loans under subsection (a) shall expire at the end of the 270-day period beginning on the date on which the Administrator first accepts applications for loans under this section.

SEC. 1088. ADDITIONAL DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES.

10 USC 374 note.

(a) SUPPORT TO OTHER AGENCIES.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1629) is amended—

(1) in subsection (a), by striking out "During fiscal year 1991," and inserting in lieu thereof "During fiscal years 1991, 1992, and 1993,"; and

(2) in subsection (g), by striking out "under section 1001(1), $50,000,000" and inserting in lieu thereof "for fiscal year 1992 under section 301(a)(14) of the National Defense Authorization Act for Fiscal Years 1992 and 1993, $40,000,000".

(b) AERIAL AND MARITIME SUPPORT FOR COUNTER-DRUG ACTIVITIES OF LAW ENFORCEMENT AGENCIES.—Section 124(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Department"; and

(2) by adding at the end the following new paragraph:

"(2) The responsibility conferred by paragraph (1) shall be carried out in support of the counter-drug activities of Federal, State, local, and foreign law enforcement agencies.".

SEC. 1089. TECHNICAL REVISIONS TO CHARTER FOR BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

The Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661) is amended as follows:

(1) Section 1404(b)(3) (20 U.S.C. 4703(b)(3)) is amended by striking out ", at least one of whom" and all that follows through "aerospace education".

(2) Section 1408 (20 U.S.C. 4707) is amended—

(A) in subsection (b), by striking out all after "in" in the second sentence and inserting in lieu thereof "public debt securities of the United States with maturities suitable to the fund."; and

(B) in subsection (c)—

(i) by striking out "(exceptional special obligations issued exclusively to the fund)"; and

(ii) by striking out ", and such" and all that follows through "accrued interest".

(3) Section 1410(b) (20 U.S.C. 4709(b)) is amended by striking out "be compensated" and all that follows through "section 5332" and inserting in lieu thereof "serve as a noncareer appointee of the Senior Executive Service and shall be compensated at a rate determined by the Board in accordance with section 5383".

SEC. 1090. PROTECTION OF KEYS AND KEYWAYS USED IN SECURITY APPLICATIONS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1386. Keys and keyways used in security applications by the Department of Defense

"(a)(1) Whoever steals, purloins, embezzles, or obtains by false pretense any lock or key to any lock, knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment shall be punished as provided in subsection (b).

"(2) Whoever—

"(A) knowingly and unlawfully makes, forges, or counterfeits any key, knowing that such key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment; or

"(B) knowing that any lock or key has been adopted by any part of the Department of Defense, including all Department of

Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, possesses any such lock or key with the intent to unlawfully or improperly use, sell, or otherwise dispose of such lock or key or cause the same to be unlawfully or improperly used, sold, or otherwise disposed of,

shall be punished as provided in subsection (b).

"(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any lock or key knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, delivers any such finished or unfinished lock or any such key to any person not duly authorized by the Secretary of Defense or his designated representative to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished as provided in subsection (b).

"(b) Whoever commits an offense under subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) As used in this section, the term 'key' means any key, keyblank, or keyway adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of title 18, United States Code, is amended by adding after the item relating to section 1385 the following:

"1386. Keys and keyways used in security applications by the Department of Defense.".

SEC. 1091. ADMINISTRATION OF THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by striking out "without the approval of the Director"; and

(2) in subsection (g), by striking out "semiannually" and inserting in lieu thereof "annually".

SEC. 1092. SEPARATE MAINTENANCE ALLOWANCE FOR FEDERAL EMPLOYEES LOCATED AT JOHNSTON ISLAND.

(a) AUTHORITY.—(1) Subchapter IV of chapter 59 of title 5, United States Code, is amended by inserting after section 5942 the following:

"§ 5942a. Separate maintenance allowance for duty at Johnston Island

"(a) Notwithstanding section 5536 of this title, and under regulations prescribed by the President, an employee of an Executive agency (other than a Government corporation) who is assigned to a post of duty at Johnston Island, a possession of the United States in the Pacific Ocean, is entitled to receive a separate maintenance allowance if the head of the employing agency finds that—

"(1) it is necessary for the employee to maintain the employee's spouse or dependents, or both, at a location other than Johnston Island—

"(A) by reason of dangerous or adverse living conditions at Johnston Island; or

"(B) for the convenience of the Federal Government; and

"(2) the allowance is needed to help the employee meet the additional expenses involved in maintaining the employee's spouse or dependents, or both, at such other location rather than at the post.

"(b) The regulations prescribed by the President shall include provisions for determining the rate at which an allowance under this section shall be paid.".

(2) The table of sections for chapter 59 of title 5, United States Code, is amended by inserting after the item relating to section 5942 the following:

"5942a. Separate maintenance allowance for duty at Johnston Island.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act. 5 USC 5942a note.

SEC. 1093. EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM. 5 USC 5925 note.

(a) WAIVER OF REQUIREMENT THAT EMPLOYEE BE DETAILED TO A POST FOR AN "EXTENDED" PERIOD.—An individual who performed service of a type described in subsection (b) shall, upon appropriate written application, be granted the total amount to which such individual would have been entitled for such service under section 5925(a) of title 5, United States Code, disregarding any eligibility requirement relating to the minimum period of time for which an individual must serve at, or be detailed to, a post.

(b) DESCRIPTION OF SERVICE INVOLVED.—This section applies with respect to any period of service if, or to the extent that—

(1) it was performed as an employee—

(A) in connection with Operation Desert Storm;

(B) during the Persian Gulf conflict;

(C) at a post within the area designated by the President, in Executive Order 12744, as a "combat zone" for purposes of section 112 of the Internal Revenue Code of 1986; and

(D) while a differential under section 5925(a) of title 5, United States Code, was authorized with respect to such post; and

(2) no differential under such section 5925(a) was granted to such employee for such service.

(c) REGULATIONS.—The President may prescribe any regulations necessary to carry out this section.

(d) DEFINITIONS.—For the purpose of this section—

(1) the term "employee" has the meaning given such term by section 5921(3) of title 5, United States Code;

(2) the term "Operation Desert Storm" has the meaning given such term by section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (10 U.S.C. 101 note); and

(3) the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on June 2, 1991.

SEC. 1094. PROVISIONAL SUPERVISED EMPLOYMENT OF FEDERAL CHILD CARE SERVICES PERSONNEL.

(a) EMPLOYMENT PENDING COMPLETION OF BACKGROUND CHECK.—Section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) is amended—

(1) in the second sentence of subsection (a)(1), by striking out "6 months after the date of enactment of this chapter, and no additional staff" and inserting in lieu thereof "May 29, 1991. Except as provided in subsection (b)(3), no additional staff"; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) An agency or facility described in subsection (a)(1) may hire a staff person provisionally prior to the completion of a background check if, at all times prior to receipt of the background check during which children are in the care of the person, the person is within the sight and under the supervision of a staff person with respect to whom a background check has been completed.".

(b) ADDITIONAL SAFETY MEASURES FOR FEDERAL CHILD CARE SERVICE FACILITIES.—It is the sense of Congress that each agency of the Federal Government, each facility operated by the Federal Government, and each facility operated under contract with the Federal Government, that provides child care services to children under the age of 18—

(1) modify child care facilities to the extent necessary to ensure that, except for restrooms, there are no secluded areas not open to the general view of persons in such facilities;

(2) provide for regular oversight of the management and operations of child care facilities by an agency official who is not directly in charge of the operation of the facility; and

(3) to the maximum extent feasible allow parental access to children in child care facilities at all times.

SEC. 1095. IRAQ AND THE REQUIREMENTS OF SECURITY COUNCIL RESOLUTION 687.

(a) FINDING.—The Congress finds that the Government of Iraq continues to violate United Nations Security Council Resolution 687, which required Iraq to submit within 15 days of its adoption on April 3, 1991, a declaration of the locations, amounts, and types of all weapons of mass destruction and to "unconditionally accept the destruction, removal or rendering harmless" of chemical weapons, biological weapons, and missiles with a range greater than 150 kilometers and the removal of nuclear weapons-usable material.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Iraq's noncompliance with United Nations Security Council Resolution 687 constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region;

(2) the President should consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 687; and

(3) the Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1).

SEC. 1096. IRAQ AND THE REQUIREMENTS OF SECURITY COUNCIL RESOLUTION 688.

(a) FINDING.—The Congress finds that the Government of Iraq, through its ongoing suppression of the political opposition, including Kurds and Shias, continues to violate the Universal Declaration of Human Rights and United Nations Security Council Resolution 688 which demanded that Iraq "ensure that the human and political rights of all Iraqi citizens are respected".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Iraq's noncompliance with United Nations Security Council Resolution 688 constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region;

(2) the President should consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 688; and

(3) the Congress supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688 consistent with all relevant United Nations Security Council Resolutions and the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1).

SEC. 1097. ANNUAL REPORT ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS. 22 USC 2751 note.

(a) REPORT REQUIRED.—(1) The President shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate an annual report on the transfer by any country of weapons, technology, or materials that can be used to deliver, manufacture, or weaponize nuclear, biological, or chemical weapons (hereinafter in this section referred to as "NBC weapons") to any country other than a country referred to in subsection (d) that is seeking to acquire such weapons, technology, or materials, or other system that the Secretary of Defense has reason to believe could be used to deliver NBC weapons. President.

(2) The first such report shall be submitted not later than 90 days after the date of the enactment of this Act.

(b) MATTERS TO BE COVERED.—Each such report shall cover—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary has reason to believe could be used to manufacture NBC weapons.

(c) CONTENT OF REPORT.—Each such report shall include the following:

(1) The status of missile, aircraft, and other weapons delivery and weaponization programs in any such country, including

efforts by such country to acquire MTCR equipment, NBC-capable aircraft, or any other weapon or major weapon component which is dedicated to the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, manufacture, and deployment programs in any such country, including efforts to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country in the development of—

(A) missile systems, as defined in the MTCR or that the Secretary has reason to believe may be used to deliver NBC weapons;

(B) aircraft and other delivery systems and weapons that the Secretary has reason to believe could be used to deliver NBC weapons; and

(C) NBC weapons.

(4) A listing of those persons and countries which continue to provide such equipment or technology described in paragraph (3) to any country as of the date of submission of the report.

(5) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other agreements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other agreements.

(6) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other agreements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(7) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(8) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The President shall make every effort to submit all of the information required by this section in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) DEFINITIONS.—For purposes of this section:

(1) The terms "missile", "MTCR", and "MTCR equipment or technology" have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(2) The term "weaponize" or "weaponization" means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) REPEAL OF SUPERSEDED LAW.—Section 1704 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1749; 22 U.S.C. 2797) is repealed.

TITLE XI—WARRANT OFFICER MANAGEMENT

Warrant Officer Management Act.

SEC. 1101. SHORT TITLE.

10 USC 571 note.

This title may be cited as the "Warrant Officer Management Act".

PART A—NEW WARRANT OFFICER PERSONNEL SYSTEM

SEC. 1111. ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W-5.

(a) ESTABLISHMENT OF GRADE.—The grade of chief warrant officer, W-5, is hereby established in the Army, Navy, Air Force, and Marine Corps. 10 USC 571 note.

(b) BASIC PAY.—The table relating to warrant officer grades in section 201(b) of title 37, United States Code, is amended to read as follows:

"Pay Grade:	Warrant Officer Grade:
W-5	Chief Warrant Officer, W-5.
W-4	Chief Warrant Officer, W-4.
W-3	Chief Warrant Officer, W-3.
W-2	Chief Warrant Officer, W-2.
W-1	Warrant Officer, W-1.".

(c) RATES OF PAY AND ALLOWANCES.—A warrant officer who holds the grade of Chief Warrant Officer, W-5, is entitled to pay and allowances at the monthly rates as follows: 10 USC 1009 note.

BASIC PAY

	Years of service computed under section 205		
	22 or less	Over 22	Over 26
W-5	3455.90	3587.10	3846.30

BASIC ALLOWANCE FOR QUARTERS

Pay grade	Without dependents		With dependents
	Full rate	Partial rate	
W-5	573.00	25.20	626.40

BASIC ALLOWANCE FOR SUBSISTENCE

134.42

(d) RATES FOR SPECIAL AND INCENTIVE PAYS AND TRANSPORTATION ALLOWANCES.—(1) The table relating to hazardous duty pay in section 301(b) of title 37, United States Code, is amended by inserting below the item relating to the pay grade O–1 the following:

"W-5 ..... 250".

(2) The table relating to submarine duty pay for warrant officers in section 301c(b) of such title is amended—

(A) by striking out the item relating to the pay grade W–4 the first place it appears and inserting in lieu thereof the following:

"W-5 ..... $235 $310 $310 $355 $355 $355 $355
"W-4 ..... 235 310 310 355 355 355 355";

and

(B) by striking out the item relating to the pay grade W–4 the second place it appears and inserting in lieu thereof the following:

"W-5 ..... $355 $355 $355 $355 $355 $355 $355
"W-4 ..... 355 355 355 355 355 355 355".

(3) The table relating to career sea pay for warrant officers in section 305a(b) of such title is amended—

(A) by inserting after the item relating to the pay grade W–4 the first place it appears the following:

"W-5 ..... 150 150 150 150 170 290 310";

(B) by inserting after the item relating to the pay grade W–4 the second place it appears the following:

"W-5 ..... 310 310 310 350 375 400 450";

and

(C) by inserting after the item relating to the pay grade W–4 the last place it appears the following:

"W-5 ..... 450 500 500".

(4) The table relating to transportation of baggage and household effects in section 406(b)(1)(C) of such title is amended by inserting after the item relating to the pay grade O–1 the following:

"W-5 ..... 16,000 17,500".

SEC. 1112. PROMOTION AND RETENTION OF WARRANT OFFICERS.

10 USC 555 *et seq.*

(a) NEW WARRANT OFFICER PERSONNEL SYSTEM.—Part II of subtitle A of title 10, United States Code, is amended by striking out subchapter II of chapter 33 and inserting in lieu thereof the following:

"CHAPTER 33A—APPOINTMENT, PROMOTION, AND INVOLUNTARY SEPARATION AND RETIREMENT FOR MEMBERS ON THE WARRANT OFFICER ACTIVE-DUTY LIST

"Sec.
"571. Warrant officers: grades.
"572. Warrant officers: original appointment; service credit.
"573. Convening of selection boards.
"574. Warrant officer active-duty lists; competitive categories; number to be recommended for promotion; promotion zones.
"575. Recommendations for promotion by selection boards.
"576. Information furnished to selection boards; selection procedures.
"577. Promotions: effect of failure of selection for.
"578. Promotions; how made; effective date.
"579. Removal from a promotion list.
"580. Regular warrant officers twice failing of selection for promotion: involuntary retirement or separation.
"581. Selective retirement.
"582. Warrant officer active-duty list: exclusions.
"583. Definitions.

"§ 571. Warrant officers: grades

"(a) The regular warrant officer grades in the Army, Navy, Air Force, and Marine Corps corresponding to the pay grades prescribed for warrant officers by section 201(b) of title 37 are as follows:

"Warrant officer grade:
"Chief warrant officer, W-5
"Chief warrant officer, W-4
"Chief warrant officer, W-3
"Chief warrant officer, W-2
"Warrant officer, W-1

"(b) Appointments in the grade of regular warrant officer, W-1, shall be made by warrant by the Secretary concerned. Appointments in regular chief warrant officer grades shall be made by commission by the President.

"(c) An appointment may not be made in any of the armed forces in the regular warrant officer grade of chief warrant officer, W-5, if the appointment would result in more than 5 percent of the warrant officers of that armed force on active duty being in the grade of chief warrant officer, W-5. In computing the limitation prescribed in the preceding sentence, there shall be excluded warrant officers described in section 582 of this title.

"§ 572. Warrant officers: original appointment; service credit

"For the purposes of promotion, persons originally appointed in regular or reserve warrant officer grades shall be credited with such service as the Secretary concerned may prescribe. However, such a person may not be credited with a period of service greater than the period of active service performed in the grade, or pay grade corresponding to the grade, in which so appointed, or in any higher grade or pay grade.

"§ 573. Convening of selection boards

"(a)(1) Whenever the Secretary of a military department determines that the needs of the service so require, he shall convene a selection board to recommend for promotion to the next higher warrant officer grade warrant officers on the warrant officer active-

duty list who are in the grade of chief warrant officer, W-2, chief warrant officer, W-3, or chief warrant officer, W-4.

"(2) Warrant officers serving on the warrant officer active duty list in the grade of warrant officer, W-1, shall be promoted to the grade of chief warrant officer, W-2, in accordance with regulations prescribed by the Secretary of the military department concerned. Such regulations shall require that an officer have served not less than 18 months on active duty in the grade of warrant officer, W-1, before promotion to the grade of warrant officer, W-2.

"(b) A selection board shall consist of five or more officers who are on the active-duty list of the same armed force as the warrant officers under consideration by the board. At least five members of a selection board must be serving in a permanent grade above major or lieutenant commander. The Secretary concerned may appoint warrant officers, senior in grade to those under consideration, as additional members of the selection board. If warrant officers are appointed members of the selection board and if competitive categories have been established by the Secretary under section 574(b) of this title, at least one must be appointed from each warrant officer competitive category under consideration by the board, unless there is an insufficient number of warrant officers in the competitive category concerned who are senior in grade to those under consideration and qualified, as determined by the Secretary concerned, to be appointed as additional members of the board.

"(c) The Secretary concerned may convene selection boards to recommend regular warrant officers for continuation on active duty under section 580 of this title and for retirement under section 581 of this title.

"(d) When reserve warrant officers of one of the armed forces are to be considered by a selection board convened under subsection (a), the membership of the board shall, if practicable, include at least one reserve officer of that armed force, with the exact number of reserve officers to be determined by the Secretary concerned.

"(e) No officer may serve on two consecutive boards under this section, if the second board considers any warrant officer who was considered by the first board.

"(f) The Secretary concerned shall prescribe all other matters relating to the functions and duties of the boards, including the number of members constituting a quorum, and instructions concerning notice of convening of boards and communications with boards.

"§ 574. Warrant officer active-duty lists; competitive categories; number to be recommended for promotion; promotion zones

"(a) The Secretary of each military department shall maintain for each armed force under the jurisdiction of that Secretary a single list of all warrant officers (other than warrant officers described in section 582 of this title) who are on active duty.

"(b) The Secretary of each military department may establish competitive categories for promotion. Warrant officers in the same competitive category shall compete among themselves for promotion.

"(c) Before convening a selection board under section 573 of this title, the Secretary concerned shall determine for each grade (or grade and competitive category) to be considered by the board the following:

"(1) The maximum number of warrant officers to be recommended for promotion.

"(2) A promotion zone for warrant officers on the warrant officer active-duty list.

"(d) The position of a warrant officer on the warrant officer active-duty list shall be determined as follows:

"(1) Warrant officers shall be carried in the order of seniority of the grade in which they are serving on active duty.

"(2) Warrant officers serving in the same grade shall be carried in the order of their rank in that grade.

"(3) A warrant officer on the warrant officer active-duty list who receives a temporary appointment or a temporary assignment in a grade other than a warrant officer grade or chief warrant officer grade shall retain his position on the warrant officer active duty list while so serving.

"(e) A chief warrant officer may not be considered for promotion to the next higher grade under this chapter until the officer has completed three years of service on active duty in the grade in which the officer is serving.

"§ 575. Recommendations for promotion by selection boards

"(a) A selection board convened under section 573(a) of this title shall recommend for promotion to the next higher grade those warrant officers considered by the board whom the board, giving due consideration to the needs of the armed force concerned for warrant officers with particular skills, considers best qualified for promotion within each grade (or grade and competitive category) considered by the board.

"(b)(1) In the case of a selection board to consider warrant officers for selection for promotion to the grade of chief warrant officer, W-4, or chief warrant officer, W-5, the Secretary concerned shall establish the number of warrant officers that the selection board may recommend from among warrant officers being considered from below the promotion zone within each grade (or grade and competitive category). The number of warrant officers recommended for promotion from below the promotion zone does not increase the maximum number of warrant officers which the board is authorized under section 574 of this title to recommend for promotion.

"(2) The number of officers recommended for promotion from below the promotion zone may not exceed 10 percent of the total number recommended, except that the Secretary of Defense may authorize such percentage to be increased to not more than 15 percent.

"(c) A selection board convened under section 573(a) of this title may not recommend a warrant officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board find that the officer is fully qualified for promotion.

"(d) Each time a selection board is convened under section 573(a) of this title to consider warrant officers in a competitive category for promotion to the next higher grade, each warrant officer in the promotion zone, and each warrant officer above the promotion zone, for the grade and competitive category under consideration shall be considered for promotion.

"§ 576. Information to be furnished to selection boards; selection procedures

"(a) The Secretary of the military department concerned shall furnish to each selection board convened under section 573 of this title the following:

"(1) The maximum number of warrant officers that may be recommended for promotion from those serving in any grade (or grade and competitive category) to be considered, as determined in accordance with section 574 of this title.

"(2) The names and pertinent records of all officers in each grade (or grade and competitive category) to be considered.

"(3) Such information or guidelines relating to the needs of the armed force concerned for warrant officers having particular skills, including guidelines or information relating to the need for either a minimum number or a maximum number of officers with particular skills within a grade or competitive category, as the Secretary concerned determines to be relevant in relation to the requirements of that armed force.

"(b) From each promotion zone for a grade (or grade and competitive category), the selection board shall recommend for promotion to the next higher warrant officer grade those warrant officers whom it considers best qualified for promotion, but no more than the number specified by the Secretary concerned.

"(c) The names of warrant officers selected for promotion under this section shall be arranged in the board's report in order of the seniority on the warrant officer active-duty list.

Regulations.

"(d) Under such regulations as the Secretary concerned may prescribe, the selection board shall report the names of those warrant officers considered by it whose records establish, in its opinion, their unfitness or unsatisfactory performance. A regular warrant officer whose name is so reported shall be considered, under regulations provided by the Secretary concerned, for retirement or separation under section 1166 of this title.

Reports.

"(e) The report of the selection board shall be submitted to the Secretary of the military department concerned. The Secretary may approve or disapprove all or part of the report.

"(f)(1) Upon receipt of the report of a selection board submitted to him under subsection (e), the Secretary concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under this section. Following such review, unless the Secretary concerned makes a determination as described in paragraph (2), the Secretary shall submit the report as required by subsection (e).

"(2) If, on the basis of a review of the report under paragraph (1), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under this section, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this paragraph, the selection board (or a subsequent selection board convened under section 573 of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with subsection (e).

"§ 577. Promotions: effect of failure of selection for

"A warrant officer who has been considered for promotion by a selection board convened under section 573 of this title, but not selected, shall be considered for promotion by each subsequent selection board that considers officers in his grade (or grade and competitive category) until he is retired or separated or he is selected for promotion. However, the Secretary concerned may, by regulation, preclude from consideration by a selection board by which he would otherwise be eligible to be considered, a warrant officer who has an established separation date that is within 90 days after the date on which the board is convened.

"§ 578. Promotions; how made; effective date

"(a) When the report of a selection board convened under this chapter is approved by the Secretary concerned, the Secretary shall place the names of the warrant officers approved for promotion on a single promotion list for each grade (or grade and competitive category), in the order of the seniority of such officers on the warrant officer active-duty list.

"(b) Promotions of warrant officers on the warrant officer promotion list shall be made when, in accordance with regulations issued by the Secretary concerned, additional warrant officers in that grade (or grade and competitive category), are needed.

"(c) A regular warrant officer who is promoted is appointed in the regular grade to which promoted, and a reserve warrant officer who is promoted is appointed in the reserve grade to which promoted. The date of appointment in that grade and date of rank shall be prescribed by the Secretary concerned. A warrant officer is entitled to the pay and allowances for the grade to which appointed from the date specified in the appointment order.

"(d) Promotions shall be made in the order in which the names of warrant officers appear on the promotion list and after warrant officers previously selected for promotion in the applicable grade (or grade and competitive category) have been promoted.

"§ 579. Removal from a promotion list

"(a) The name of a warrant officer recommended for promotion by a selection board convened under this chapter may be removed from the report of the selection board by the President.

"(b) The Secretary concerned may remove the name of a warrant officer who is on a promotion list as a result of being recommended for promotion by a selection board convened under this chapter at any time before the promotion is effective.

"(c) An officer whose name is removed from the list of officers recommended for promotion by a selection board continues to be eligible for consideration for promotion.

"(d) If the next selection board that considers the warrant officer for promotion under this chapter selects the warrant officer for promotion and the warrant officer is promoted, the Secretary concerned may, upon his promotion, grant him the same effective date for pay and allowances and the same date of rank, and the same position on the warrant officer active-duty list as the warrant officer would have had if his name had not been so removed.

"(e) If the next selection board does not select the warrant officer for promotion, or if his name is again removed under subsection (a) from the list of officers recommended for promotion by the selection

board or under subsection (b) from the warrant officer promotion list, he shall be treated for all purposes as if he has twice failed of selection for promotion.

"§ 580. Regular warrant officers twice failing of selection for promotion: involuntary retirement or separation

"(a)(1) Unless retired or separated sooner under some other provision of law, a regular chief warrant officer who has twice failed of selection for promotion to the next higher regular warrant officer grade shall be retired under paragraph (2) or (3) or separated from active duty under paragraph (4).

"(2) If a warrant officer described in paragraph (1) has more than 20 years of creditable active service on (A) the date on which the Secretary concerned approves the report of the board under section 576(e) of this title, or (B) the date on which his name was removed from the recommended list under section 579 of this title, whichever applies, the warrant officer shall be retired. The date of such retirement shall be not later than the first day of the seventh calendar month beginning after the applicable date under the preceding sentence, except as provided by section 8301 of title 5. A warrant officer retired under this paragraph shall receive retired pay computed under section 1401 of this title.

"(3) If a warrant officer described in paragraph (1) has at least 18 but not more than 20 years of creditable active service on (A) the date on which the Secretary concerned approves the report of the board under section 576(e) of this title, or (B) the date on which his name was removed from the recommended list under section 579 of this title, whichever applies, the warrant officer shall be retired not later than the date determined under the next sentence unless he is selected for promotion to the next higher regular warrant officer grade before that date. The date of the retirement of a warrant officer under the preceding sentence shall be on a date specified by the Secretary concerned, but not later than the first day of the seventh calendar month beginning after the date upon which he completes 20 years of active service, except as provided by section 8301 of title 5. A warrant officer retired under this paragraph shall receive retired pay computed under section 1401 of this title.

"(4)(A) If a warrant officer described in paragraph (1) has less than 18 years of creditable active service on (i) the date on which the Secretary concerned approves the report of the board under section 576(e) of this title, or (ii) the date on which his name was removed from the recommended list under section 579 of this title, whichever applies, the warrant officer shall be separated. The date of such separation shall be not later than the first day of the seventh calendar month beginning after the applicable date under the preceding sentence.

"(B) A warrant officer separated under this paragraph shall receive separation pay computed under section 1174 of this title except in a case in which—

"(i) upon his request and in the discretion of the Secretary concerned, he is enlisted in the grade prescribed by the Secretary; or

"(ii) he is serving on active duty in a grade above chief warrant officer, W-5, and he elects, with the consent of the Secretary concerned, to remain on active duty in that status.

"(5) A warrant officer who is subject to retirement or discharge under this subsection is not eligible for further consideration for promotion.

"(6) In this subsection, the term 'creditable active service' means active service that could be credited to a warrant officer under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114).

"(b) The Secretary concerned may defer, for not more than four months, the retirement or separation under this section of a warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date on which he would otherwise be required to retire or be separated under this section.

"(c) The Secretary concerned may defer, until such date as he prescribes, the retirement under subsection (a) of a warrant officer who is serving on active duty in a grade above chief warrant officer, W-5, and who elects to continue to so serve.

"(d) If a warrant officer who also holds a grade above chief warrant officer, W-5, is retired or separated under subsection (a), his commission in the higher grade shall be terminated on the date on which he is so retired or separated.

"(e)(1) A regular warrant officer subject to discharge or retirement under this section may, subject to the needs of the service, be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 573(c) of this title.

"(2) A warrant officer who is selected for continuation on active duty under this subsection but declines to continue on active duty shall be discharged, retired, or retained on active duty, as appropriate, in accordance with this section.

"(3) Each warrant officer who is continued on active duty under this subsection, not subsequently promoted or continued on active duty, and not on a list of warrant officers recommended for continuation or for promotion to the next higher regular grade shall, unless sooner retired or discharged under another provision of law—

"(A) be discharged upon the expiration of his period of continued service; or

"(B) if he is eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which he completes his period of continued service.

Notwithstanding subparagraph (A), a warrant officer who would otherwise be discharged under such subparagraph and who is within two years of qualifying for retirement under section 1293 of this title shall, unless he is sooner retired or discharged under some other provision of law, be retained on active duty until he is qualified for retirement under that section and then be retired.

"(4) The retirement or discharge of a warrant officer pursuant to this subsection shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

"(5) Continuation of a warrant officer on active duty under this subsection pursuant to the action of a selection board convened under section 573(c) of this title is subject to the approval of the Secretary concerned.

"(6) The Secretary of Defense shall prescribe regulations for the administration of this subsection. Regulations.

"§ 581. Selective retirement

"(a) A regular warrant officer in the Army, Navy, Air Force, or Marine Corps who holds a warrant officer grade above warrant officer, W-1, and whose name is not on a list of warrant officers recommended for promotion and who is eligible to retire under any provision of law may be considered for retirement by a selection board convened under section 573(c) of this title. The Secretary concerned shall specify the maximum number of warrant officers that such a board may recommend for retirement.

"(b) A warrant officer who is recommended for retirement under this section and whose retirement is approved by the Secretary concerned shall be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the Secretary concerned approves the report of the board which recommended the officer for retirement.

"(c) The retirement of a warrant officer pursuant to this section shall be considered to be an involuntary retirement for purposes of any other provision of law.

Regulations.

"(d)(1) The Secretary concerned shall prescribe regulations for the administration of this section. Such regulations shall require that when the Secretary concerned submits a list of regular warrant officers to a selection board convened under section 573(c) of this title to consider regular warrant officers for selection for retirement under this section, the list shall include each warrant officer on the active-duty list in the same grade or same grade and competitive category whose position on the active-duty list is between that of the most junior regular warrant officer in that grade whose name is submitted to the board and that of the most senior regular warrant officer in that grade whose name is submitted to the board.

"(2) Such regulations shall establish procedures to exclude from consideration by the Board any warrant officer who has been approved for voluntary retirement, or who is to be mandatorily retired under any other provision of law, during the fiscal year in which the Board is convened or during the following fiscal year. An officer not considered by a selection board convened under section 573(c) of this title under such regulations because the officer has been approved for voluntary retirement shall be retired on the date approved for the retirement of such officer as of the convening date of such selection board unless the Secretary concerned approves a modification of such date in order to prevent a personal hardship for the officer or for other humanitarian reasons.

"§ 582. Warrant officer active-duty list: exclusions

"Warrant officers in the following categories are not subject to this chapter:

"(1) Reserve warrant officers—

"(A) on active duty for training;

"(B) on active duty under section 672(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;

"(C) on active duty to pursue special work;

"(D) ordered to active duty under section 673b of this title; or

"(E) on full-time National Guard duty.

"(2) Retired warrant officers on active duty.

"(3) Students enrolled in the Army Physician's Assistant Program.

"§ 583. Definitions

"In this chapter:

"(1) The term 'promotion zone' means a promotion eligibility category consisting of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

"(A) in the case of grades below chief warrant officer, W-5, have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of warrant officers recommended for promotion to that grade (other than after having been placed on that list after a selection from below the promotion zone); and

"(B) are senior to the warrant officer designated by the Secretary concerned to be the junior warrant officer in the promotion zone eligible for promotion to the next higher grade.

"(2) The term 'warrant officers above the promotion zone' means a group of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as warrant officers in the promotion zone; and

"(C) are senior to the senior warrant officer in the promotion zone.

"(3) The term 'warrant officers below the promotion zone' means a group of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as warrant officers in the promotion zone; and

"(C) are junior to the junior warrant officer in the promotion zone.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Chapter 33 of such title is amended by striking out the chapter heading, the table of subchapters, and the heading of subchapter I and inserting in lieu thereof the following:

"CHAPTER 33—ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by striking out the item relating to chapter 33 and inserting in lieu thereof the following:

"33. Original Appointments of Regular Officers in Grades Above Warrant Officer Grades 531

"33A. Appointment, Promotion, and Involuntary Separation and Retirement for Members on the Warrant Officer Active-Duty List ..... 571".

SEC. 1113. TEMPORARY APPOINTMENTS.

(a) REPEAL OF PERMANENT AUTHORITY FOR TEMPORARY PROMOTIONS.—Section 602 of title 10, United States Code, is repealed.

(b) AUTHORITY FOR TEMPORARY APPOINTMENTS DURING WAR OR NATIONAL EMERGENCY.—Section 603(a) of such title is amended—

(1) by striking out "commissioned";

(2) by striking out "in warrant officer grades or"; and

(3) by striking out the period at the end of the second sentence and inserting in lieu thereof ", except that an appointment in the grade warrant officer, W-1, shall be made by warrant by the Secretary concerned.".

(c) NAVY AND MARINE CORPS WARRANT OFFICER APPOINTMENTS.—Section 5596 of such title is amended—

(1) in subsection (a), by striking out "appointments—" and all that follows through "of officers designated" and inserting in lieu thereof "appointments of officers designated"; and

(2) in subsection (d), by striking out "subsection (a)(2)" and inserting in lieu thereof "subsection (a)".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1)(A) The heading of section 603 of such title is amended to read as follows:

"§ 603. Appointments in time of war or national emergency".

(B) The table of sections at the beginning of chapter 35 of such title is amended by striking out the items relating to sections 602 and 603 and inserting in lieu thereof the following:

"603. Appointments in time of war or national emergency.".

(2)(A) The heading of section 5596 of such title is amended by striking out "**warrant officers and**".

(B) The item relating to section 5596 in the table of sections at the beginning of chapter 539 of such title is amended by striking out "**warrant officers and**".

SEC. 1114. RANK OF WARRANT OFFICERS.

(a) RANK WITHIN GRADE.—Chapter 43 of title 10, United States Code, is amended by inserting after section 741 the following new section:

"§ 742. Rank: warrant officers

"(a) Among warrant officer grades, warrant officer grades of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

"(b) Rank among warrant officers of the same grade, and date of rank of warrant officers, is determined in the same manner as prescribed in section 741 of this title for officers in grades above warrant officer grades.".

(b) CONFORMING REPEAL.—Section 745 of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 43 of such title is amended—

(1) by inserting after the item relating to section 741 the following new item:

"742. Rank: warrant officers.";

and

(2) by striking out the item relating to section 745.

SEC. 1115. SUSPENSION IN TIME OF WAR OR NATIONAL EMERGENCY.

Section 644 of title 10, United States Code, is amended by striking out "commissioned" in the first sentence.

SEC. 1116. MANDATORY RETIREMENT OF REGULAR ARMY WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking out "A permanent regular warrant officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), a regular warrant officer (other than a regular Army warrant officer in the grade of chief warrant officer, W-5)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) A regular Army warrant officer in the grade of chief warrant officer, W-5, who has at least 30 years of active service as a warrant officer that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114), shall be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.

"(B) A regular Army warrant officer in a warrant officer grade below the grade of chief warrant officer, W-5, who completes 24 years of active service as a warrant officer before he is required to be retired under paragraph (1) shall be retired 60 days after the date on which he completes 24 years of active service as a warrant officer, except as provided by section 8301 of title 5.".

PART B—TRANSITION AND SAVINGS PROVISIONS

10 USC 571 note.

SEC. 1121. TRANSITION FOR CERTAIN REGULAR WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.

(a) CERTAIN OFFICERS TO BE CONSIDERED AS RECOMMENDED FOR PROMOTION.—A regular warrant officer of the Armed Forces (other than the Coast Guard) who on the effective date of this title is on active duty and—

(1) is serving in a temporary grade below chief warrant officer, W-5, that is higher than his permanent grade;

(2) is on a list of officers recommended for promotion to a temporary grade below chief warrant officer, W-5; or

(3) is on a list of officers recommended for promotion to a permanent grade higher than the grade in which he is serving;

shall be considered to have been recommended by a board convened under section 573 of title 10, United States Code, as added by this title, for promotion to the permanent grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

(b) BOARD CONSIDERATION FOR OFFICERS REMOVED FROM PROMOTION LIST.—An officer referred to in paragraph (1) of subsection (a) who is not promoted to the grade to which he is considered under such subsection to have been recommended for promotion because his name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered by a board convened under section 573 of title 10, United States Code, as amended by this title, for promotion to the permanent grade equivalent to the temporary grade in which he was serving on the effective date of this title as if he were serving in his permanent grade.

(c) DATE OF RANK.—The date of rank of an officer referred to in subsection (a)(1) who is promoted to the grade in which he is serving on the effective date of this title is the date of his temporary appointment in that grade.

SEC. 1122. TRANSITION FOR CERTAIN RESERVE WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.

(a) CERTAIN OFFICERS TO BE CONSIDERED AS RECOMMENDED FOR PROMOTION.—(1) Except as provided in subsection (b), a reserve warrant officer of the Armed Forces (other than the Coast Guard) who on the effective date of this title is subject to placement on the warrant officer active-duty list and who—

(A) is serving in a temporary grade below chief warrant officer, W-5, that is higher than his permanent grade; or

(B) is on a list of warrant officers recommended for promotion to a temporary grade below chief warrant officer, W-5, that is the same as or higher than his permanent grade;

shall be considered to have been recommended by a board convened under section 598 of title 10, United States Code, for promotion to the permanent grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

(2) The date of rank of a warrant officer referred to in paragraph (1)(A) who is promoted to the grade in which he is considered under such paragraph to have been recommended for promotion is the date of his temporary appointment in that grade.

(b) RESERVES ON ACTIVE DUTY.—A reserve warrant officer who on the effective date of this title—

(1) is subject to placement on the warrant officer active-duty list;

(2) is serving on active duty in a temporary grade; and

(3) holds a permanent grade higher than the temporary grade in which he is serving,

shall while continuing on active duty retain such temporary grade and shall be considered for promotion to a grade equal to or lower than his permanent grade as if such temporary grade is a permanent grade. If such warrant officer is recommended for promotion, his appointment to such grade shall be a temporary appointment.

SEC. 1123. CONTINUATION OF CERTAIN TEMPORARY APPOINTMENTS OF NAVY AND MARINE CORPS WARRANT OFFICERS.

A warrant officer of the Navy or Marine Corps who, on the effective date of this title, is subject to placement on the warrant officer active-duty list and who—

(1) was appointed as a temporary warrant officer under section 5596 of title 10, United States Code, and

(2) has retained a permanent enlisted status,

shall, while continuing on active duty, retain such temporary status and grade. Such an officer shall be considered for promotion to a higher warrant officer grade under this title as if that temporary grade is a permanent grade. If the officer is recommended for promotion, the officer's appointment to that grade shall be a temporary appointment.

SEC. 1124. SAVINGS PROVISION FOR CERTAIN REGULAR ARMY WARRANT OFFICERS FACING MANDATORY RETIREMENT FOR LENGTH OF SERVICE.

(a) SAVINGS PROVISION.—Subject to subsection (b), a regular warrant officer of the Army who on the effective date of this title—

(1) is a permanent regular chief warrant officer; or

(2) is on a list of officers recommended for promotion to a regular chief warrant officer grade,

may be retained on active duty until he completes 30 years of active service or 24 years of active warrant officer service, whichever is later, that could be credited to him under section 511 of the Career Compensation Act of 1949 (70 Stat. 114) (as in effect on the day before the effective date of this part), and then be retired under the appropriate provision of title 10, United States Code, on the first day of the month after the month in which he completes that service.

(b) EXCEPTIONS.—Subsection (a) does not apply to a regular warrant officer who—

(1) is sooner retired or separated under another provision of law;

(2) is promoted to the regular grade of chief warrant officer, W-5; or

(3) is continued on active duty under section 580(e) of title 10, United States Code, as added by this title.

SEC. 1125. PRESERVATION OF EXISTING LAW FOR COAST GUARD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of sections 555 through 565 of title 10, United States Code, as in effect on the day before the effective date of this title, shall continue to apply to the Coast Guard on and after that date. 10 USC 555 note.

(b) CONFORMING AMENDMENTS TO TITLE 14, UNITED STATES CODE.—(1) Section 286a(a) of title 14, United States Code, is amended by inserting "(as in effect on the day before the effective date of the Warrant Officer Management Act)" after "section 564(a)(3) of title 10".

(2) Section 334(b) of such title is amended by striking out "section 564, 1263, 1293, or 1305 of title 10" and inserting in lieu thereof "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or 1263, 1293, or 1305 of title 10".

PART C—TECHNICAL AND CONFORMING AMENDMENTS AND EFFECTIVE DATE

SEC. 1131. TECHNICAL AND CONFORMING AMENDMENTS.

Title 10, United States Code, is amended as follows:

(1)(A) Sections 521(a) and 741(d)(3) are amended by striking out "warrant officer (W-4)" and inserting in lieu thereof "chief warrant officer, W-5,".

(B) Section 522 is amended by striking out "chief warrant officer (W-4)" and inserting in lieu thereof "chief warrant officer, W-5,".

(2) Section 597(a) is amended by striking out "section 555(a)" and inserting in lieu thereof "section 571(a)".

(3) Section 598 is amended by inserting "not on the warrant officer active-duty list" after "reserve warrant officers".

(4) Section 628(a)(1) is amended by striking out "section 558" and inserting in lieu thereof "section 573".

(5) Section 1166(a) is amended by striking out "section 560" and inserting in lieu thereof "section 576".

(6) Section 1174(a) is amended by striking out "section 564" and inserting in lieu thereof "section 580".

(7) Section 1406 is amended by striking out "564" in the first column in the table in subsection (b) and inserting in lieu thereof "580".

(8)(A) Sections 5414, 5457, 5458, 5501, 5502, 5600(a)(1), 5665, 6389(d), and 6391(a) are amended by striking out "W-4" each place it appears (including in section headings) and inserting in lieu thereof "W-5".

(B) The table of sections at the beginning of each chapter of title 10, United States Code, containing a section referred to in subparagraph (A) (other than sections 5600, 6389, and 6391) is amended by striking out "W-4" in the item relating to each such section and inserting in lieu thereof "W-5".

(9) Section 5503 is amended—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) Chief warrant officer, W-5.".

10 USC 521 note.

SEC. 1132. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on February 1, 1992.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR OPERATION DESERT STORM

SEC. 1201. EXTENSION OF SUPPLEMENTAL AUTHORIZATIONS.

(a) APPLICABILITY OF PUBLIC LAW 102-25 AUTHORIZATIONS TO FISCAL YEAR 1992.—Sections 101 and 102(c) of Public Law 102-25 (105 Stat. 78) are each amended by striking out "fiscal year 1991" each place it appears and inserting in lieu thereof "fiscal years 1991 and 1992".

(b) LIMITATION ON APPLICABILITY OF NOTICE-AND-WAIT REQUIREMENT.—The provisions of section 105 of Public Law 102-25 (105 Stat. 79) shall apply only to appropriations provided in Public Law 102-28 (105 Stat. 161).

(c) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1992 AUTHORIZATIONS.—The amount of the transfer authority provided in section 1001 is increased by the amount of the transfers of funds made to fiscal year 1992 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102-25, as amended by subsection (a).

(d) TECHNICAL AMENDMENTS.—

(1) CORRECTION OF REFERENCE.—Sections 102 and 203(b) of Public Law 102-25 (105 Stat. 75) are amended by striking out "Persian Gulf Conflict Working Capital Account" each place such term appears and inserting in lieu thereof "Persian Gulf Regional Defense Fund".

(2) CONFORMING AMENDMENT.—Sections 101(b)(2), 102(d), and 105(b)(4) of Public Law 102-25 (105 Stat. 75) are amended by striking out "working capital account" each place such term

appears and inserting in lieu thereof "Persian Gulf Regional Defense Fund".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION DESERT STORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1992 from current and future balances in the Defense Cooperation Account the sum of $3,811,096,000 as follows:

(1) PROCUREMENT.—For procurement:

(A) ARMY.—For the Army:

(i) For aircraft, $200,600,000.

(ii) For missiles, $221,800,000.

(iii) For weapons and tracked combat vehicles, $63,300,000.

(iv) For other procurement, $80,500,000.

(B) NAVY.—For the Navy:

(i) For aircraft, $458,000,000.

(ii) For weapons, $8,100,000.

(iii) For other procurement, $112,700,000.

(C) MARINE CORPS.—For the Marine Corps, $4,300,000.

(D) AIR FORCE.—For the Air Force:

(i) For aircraft, $387,700,000.

(ii) For other procurement, $560,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—For research, development, test, and evaluation:

(A) ARMY.—For the Army, $47,800,000.

(B) NAVY.—For the Navy, $6,100,000.

(C) AIR FORCE.—For the Air Force, $26,500,000.

(D) DEFENSE AGENCIES.—For the Defense Agencies, $28,100,000.

(3) OPERATION AND MAINTENANCE.—For operation and maintenance as follows:

(A) ARMY.—For the Army, $227,300,000.

(B) DEFENSE AGENCIES.—For the Defense Agencies, $50,000,000.

(C) ARMY RESERVE.—For the Army Reserve, $23,200,000.

(D) NAVAL RESERVE.—For the Naval Reserve, $28,300,000.

(E) ARMY NATIONAL GUARD.—For the Army National Guard, $41,900,000.

(F) AIR NATIONAL GUARD.—For the Air National Guard, $55,000,000.

(4) WORKING CAPITAL FUNDS.—For providing capital for such funds as follows:

(A) ARMY STOCK FUND.—For the Army Stock Fund, $410,000,000.

(B) NAVY STOCK FUND.—For the Navy Stock Fund, $450,000,000.

(C) AIR FORCE STOCK FUND.—For the Air Force Stock Fund, $280,000,000.

(5) MILITARY PERSONNEL, ARMY NATIONAL GUARD.—For military personnel, Army National Guard, $40,196,000.

(b) AVAILABILITY BY TRANSFER.—To the extent provided in appropriations Acts, amounts appropriated pursuant to subsection (a) shall be available only in accordance with that subsection for—

(1) transfer by the Secretary of Defense to fiscal year 1992 appropriations accounts of the Department of Defense for incremental costs associated with Operation Desert Storm; and

(2) replenishment of the Persian Gulf Regional Defense Fund by transfer from the Defense Cooperation Account.

(c) RELATIONSHIP TO OTHER AUTHORIZATIONS.—The authorizations of appropriations in this section are in addition to the amounts otherwise authorized to be appropriated by any other provision of this Act or by any other Act enacted before the date of the enactment of this Act.

(d) MONTHLY REPORTS ON TRANSFERS.—Not later than seven days after the end of each month in fiscal year 1992, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on the cumulative total amount of the transfers made under the authority of this title through the end of that month.

SEC. 1203. DEFINITIONS.

10 USC 101 note.

(a) INCLUSION OF OPERATION PROVIDE COMFORT.—Section 3(1) of Public Law 102-25 (105 Stat. 77) is amended by striking out "Operation Desert Shield and Operation Desert Storm" and inserting in lieu thereof "Operation Desert Shield, Operation Desert Storm, and Operation Provide Comfort".

(b) INCREMENTAL COSTS ASSOCIATED WITH OPERATION DESERT STORM.—In this title, the term "incremental costs associated with Operation Desert Storm" has the meaning given such term in section 3(2) of Public Law 102-25 (105 Stat. 77).

Military Construction Authorization Act for Fiscal Year 1992.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1992".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects in the amounts shown for the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $105,800,000.
Fort Rucker, $17,700,000.
Redstone Arsenal, $74,700,000.

ALASKA

Fort Greely, $7,600,000.
Fort Richardson, $7,000,000.
Fort Wainwright, $7,950,000.

ARIZONA

Fort Huachuca, $18,000,000.

CALIFORNIA

Fort Hunter Liggett, $4,700,000.
Fort Irwin, $10,320,000.
Sierra Army Depot, $1,950,000.

COLORADO

Fort Carson, $10,500,000.
Pueblo Army Depot, $6,300,000.

GEORGIA

Fort Benning, $2,150,000.
Fort Gordon, $1,200,000.
Fort Stewart, $950,000.

HAWAII

Fort Shafter, $5,650,000.
Schofield Barracks, $3,650,000.

KANSAS

Fort Riley, $2,600,000.

KENTUCKY

Fort Campbell, $17,050,000.
Fort Knox, $23,450,000.

LOUISIANA

Fort Polk, $22,730,000.

MARYLAND

Aberdeen Proving Ground, $11,150,000.
Fort Ritchie, $3,900,000.

MASSACHUSETTS

Natick Research Center, $4,250,000.

MISSOURI

Fort Leonard Wood, $12,200,000.

NEW HAMPSHIRE

Cold Regions Laboratory, $3,700,000.

NEW JERSEY

Fort Dix, $20,000,000.

NEW MEXICO

White Sands Missile Range, $14,209,000.

NEW YORK

Seneca Army Depot, $1,150,000.
United States Military Academy, West Point, $15,800,000.
Fort Drum, $6,200,000.

NORTH CAROLINA

Fort Bragg, $13,400,000.

OKLAHOMA

Fort Sill, $3,350,000.

OREGON

Umatilla Army Depot, $11,100,000.

PENNSYLVANIA

Letterkenny Army Depot, $3,150,000.
Tobyhanna Army Depot, $10,100,000.

TEXAS

Fort Bliss, $22,200,000.
Corpus Christi Army Depot, $3,400,000.
Fort Hood, $46,700,000.
Fort Sam Houston, $4,350,000.
Red River Army Depot, $2,020,000.

UTAH

Dugway Proving Ground, $4,000,000.
Tooele Army Depot, $14,700,000.

VIRGINIA

Fort A.P. Hill, $6,100,000.
Fort Belvoir, $19,950,000.
Fort Eustis, $8,500,000.
Fort Lee, $18,000,000.
Fort Myer, $5,550,000.
Fort Pickett, $2,800,000.
Fort Story, $900,000.
Vint Hill Farms Station, $3,550,000.

WASHINGTON

Fort Lewis, $49,000,000.

WISCONSIN

Fort McCoy, $18,500,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects in the amount shown for the following location outside the United States:

KWAJALEIN ATOLL

Kwajalein, $77,400,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may construct or acquire military family housing units (including land) in the number of units shown, and in the amount shown, for the following installations:

(1) Fort Hunter Liggett, California, one hundred fifty-four units, $22,000,000.

(2) Fort Irwin, California, one hundred seventy-two units, $18,000,000.

(3) Fort Carson, Colorado, one unit, $150,000.

(4) Camp Merrill, Georgia, forty units, $4,550,000.

(5) Fort Stewart, Georgia, one unit, $190,000.

(6) Hawaii, Oahu Various, three hundred sixty units, $41,500,000.

(7) Fort Leonard Wood, Missouri, two units, $360,000.

(8) Fort Lee, Virginia, one unit, $270,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $5,220,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $74,980,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(5), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Fort Eustis, Virginia, in the total amount of $2,800,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,576,674,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $718,829,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $77,400,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $118,400,000, of which $25,000,000 shall be for Host Nation Support construction projects.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,800,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $167,220,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $1,397,025,000, of which not more than $360,783,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the homeowners assistance program, as authorized by section 2832 of title 10, United States Code, $84,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this division may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2106. AUTHORIZED LONG-TERM FACILITIES CONTRACTS.

Subject to section 2809 of title 10, United States Code, the Secretary of the Army may enter into long-term contracts for construction, management, and operation of facilities for the purpose shown, and in the estimated capital investment cost shown, for the following installations:

(1) Redstone Arsenal, Alabama, child development center, $1,900,000.

(2) Redstone Arsenal, Alabama, transient quarters, $6,000,000.

(3) Fort Irwin, California, consolidated maintenance and supply complex, $30,000,000.

(4) Fort McPherson, Georgia, child development center, $2,300,000.

(5) Price Support Center, Illinois, transient quarters, $6,000,000.

(6) Detroit Arsenal, Detroit, Michigan, child development center, $1,100,000.

(7) Fort Belvoir, Virginia, child development center, $6,500,000.

SEC. 2107. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code (as added by section 2809 of this Act), the Secretary of the Army may enter into

rental guarantee agreements for military housing for the number of units shown at the following installations and locations:

(1) Oahu, Hawaii, five hundred units.

(2) Fort Belvoir, Virginia, three hundred units.

SEC. 2108. AUTHORIZATION OF FAMILY HOUSING PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2102(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1760) is amended by striking out "Kansas, Fort Riley, two hundred and four units, $12,500,000." and inserting in lieu thereof "Kansas, Fort Riley, two hundred fifty units, $16,500,000.".

SEC. 2109. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1991 PROJECT.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1758) is amended by striking out the following:

"INDIANA

"Fort Benjamin Harrison, $5,600,000.".

(2) Section 2104(a) of such Act (104 Stat. 1761) is amended—

(A) by striking out "$2,285,237,000" and inserting in lieu thereof "$2,282,937,000"; and

(B) in paragraph (1), by striking out "$582,207,000" and inserting in lieu thereof "$579,907,000".

(b) FISCAL YEAR 1990 PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1614) is amended under the heading "CALIFORNIA" by striking out the following:

"Fort Ord, $2,450,000.

"Sacramento Army Depot, $3,900,000.".

(2) Section 2104(a) of such Act (103 Stat. 1618) is amended—

(A) by striking out "$2,239,165,000" and inserting in lieu thereof "$2,232,815,000"; and

(B) in paragraph (1), by striking out "$554,445,000" and inserting in lieu thereof "$548,095,000".

SEC. 2110. ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL AT FORT WAINWRIGHT, ALASKA.

(a) GRANT AUTHORITY.—The Secretary of the Army may make a direct grant to the Fairbanks North Star Borough School District, Fairbanks, Alaska, for support of the construction of a public elementary school facility sufficient to accommodate the dependents of members of the Armed Forces assigned to Fort Wainwright, Alaska, and dependents of Department of Defense employees employed at Fort Wainwright.

(b) MAXIMUM AUTHORIZED GRANT.—The total amount made available by grant from the Secretary to the Fairbanks North Star Borough School District under subsection (a) may not exceed $11,600,000.

(c) SOURCE OF FUNDS.—(1) To the extent provided in appropriations Acts, funds authorized in title XXI of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1759) to be appropriated for construction of a

school at Fort Wainwright, Alaska, shall be available to carry out this section.

(2) Section 2101(a) of such Act (104 Stat. 1759) (as amended by section 2109(a)) is further amended by striking out "Fort Wainwright, $13,900,000." under the heading "ALASKA" and inserting in lieu thereof "Fort Wainwright, $17,200,000.";

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the grant authorized by this section as the Secretary considers appropriate.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using funds appropriated pursuant to the authorization of appropriations in section 2205(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Security Group Activity, $12,700,000.
Amchitka Island, Fleet Surveillance Support Command, $7,200,000.
Anchorage, Naval Security Group Support Detachment, $2,600,000.
Shemya, Naval Security Group Support Detachment, $3,140,000.

CALIFORNIA

Camp Pendleton, Amphibious Task Force, $17,750,000.
Camp Pendleton, Marine Corps Air Station, $2,010,000.
Camp Pendleton, Marine Corps Base, $1,460,000.
China Lake, Naval Weapons Center, $16,600,000.
Concord, Naval Weapons Station, $1,250,000.
Coronado, Naval Amphibious Base, $1,600,000.
Fallbrook, Naval Weapons Station Annex, $9,700,000.
Miramar, Naval Air Station, $3,250,000.
Monterey, Naval Postgraduate School, $14,900,000.
Port Hueneme, Naval Construction Battalion Center, $17,250,000.
San Diego, Fleet Combat Training Center, Pacific, $640,000.
San Diego, Naval Station, $3,110,000.
San Diego, Naval Submarine Base, $14,130,000.
San Diego, Naval Supply Center, $10,350,000.
San Diego, Navy Public Works Center, $16,800,000.
Seal Beach, Naval Weapons Station, $3,780,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $680,000.
Vallejo, Mare Island Naval Shipyard, $12,570,000.

CONNECTICUT

New London, Naval Submarine Base, $5,680,000.
New London, Submarine Support Facility, $5,800,000.

DISTRICT OF COLUMBIA

District of Columbia, Commandant Naval District Washington, $5,750,000.

FLORIDA

Jacksonville, Naval Aviation Depot, $3,300,000.
Mayport, Naval Station, $3,140,000.
Orlando, Naval Training Center, $21,430,000.
Panama City, Naval Coastal Systems Center, $11,150,000.
Pensacola, Naval Air Station, $4,000,000.
Pensacola, Naval Supply Center, $5,700,000.

GEORGIA

Kings Bay, Naval Submarine Base, $9,780,000.
McIntosh County, $2,881,000.

HAWAII

Barbers Point, Naval Air Station, $3,300,000.
Honolulu, Naval Communication Area Master Station, Eastern Pacific, $1,500,000.
Lualualei, Naval Magazine, $8,700,000.
Pearl Harbor, Naval Inactive Ship Maintenance Facility, $3,200,000.
Pearl Harbor, Naval Shipyard, $800,000.
Pearl Harbor, Naval Submarine Base, $62,000,000.
Pearl Harbor, Navy Public Works Center, $13,440,000.

ILLINOIS

Great Lakes, Naval Training Center, $7,000,000.

INDIANA

Crane, Naval Weapons Support Center, $19,450,000.

MARYLAND

Annapolis, Naval Radio Transmitting Facility, $5,220,000.
Bethesda, National Naval Medical Center, $4,470,000.
Indian Head, Naval Ordnance Station, $6,600,000.
Patuxent River, Naval Air Test Center, $5,800,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $8,450,000.

MISSISSIPPI

Gulfport, Naval Construction Battalion Center, $7,000,000.
Meridian, Naval Air Station, $1,618,000.

NEVADA

Fallon, Naval Air Station, $8,200,000.

NEW JERSEY

Earle, Naval Weapons Station, $4,900,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $2,500,000.
Cherry Point, Marine Corps Air Station, $18,450,000.
Cherry Point, Naval Aviation Depot, $7,700,000.
New River, Marine Corps Air Station, $7,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $4,700,000.

PENNSYLVANIA

Philadelphia, Naval Inactive Ship Maintenance Activity, $4,000,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $3,210,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $2,250,000.
Charleston, Fleet and Mine Warfare Training Center, $14,620,000.
Charleston, Naval Weapons Station, $3,250,000.
Parris Island, Marine Corps Recruit Depot, $5,100,000.

TEXAS

Kingsville, Naval Air Station, $1,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $13,800,000.
Dahlgren, Naval Surface Warfare Center, $18,280,000.
Little Creek, Naval Amphibious Base, $12,730,000.
Norfolk, Naval Air Station, $9,370,000.
Norfolk, Naval Communication Area Master Station, Atlantic, $6,550,000.
Norfolk, Naval Station, $340,000.
Norfolk, Naval Supply Center, $1,250,000.
Norfolk, Navy Public Works Center, $7,300,000.
Norfolk, Oceanographic System Atlantic, $3,250,000.
Oceana, Naval Air Station, $7,270,000.
Portsmouth, Naval Hospital, $6,600,000.
Portsmouth, Shore Intermediate Maintenance Activity, $14,000,000.
Yorktown, Naval Weapons Station, $4,650,000.

WASHINGTON

Bangor, Commander, Submarine Group 9, $2,050,000.
Bangor, Trident Refit Facility, $2,170,000.
Bremerton, Puget Sound Naval Shipyard, $39,700,000.
Bremerton, Puget Sound Naval Supply Center, $12,550,000.
Everett, Naval Station, $21,790,000.
Whidbey Island, Naval Air Station, $6,800,000.

WEST VIRGINIA

Green Bank Naval Observatory, $5,400,000.

VARIOUS LOCATIONS

Land Acquisition, $45,900,000.

(b) OUTSIDE THE UNITED STATES.—Using funds appropriated pursuant to the authorization of appropriations in section 2205(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

BAHRAIN ISLAND

Bahrain Island, Administration Support Unit, $1,300,000.

GUAM

Naval Communication Area Master Station, Western Pacific, $2,000,000.
Navy Public Works Center, $670,000.

ICELAND

Keflavik, Naval Air Station, $9,300,000.
Keflavik, Naval Communication Station, $10,600,000.

ITALY

Naples, Naval Support Activity, $6,500,000.
Sicily, Naval Communication Station, $2,750,000.
Sigonella, Naval Air Station, $12,150,000.

PUERTO RICO

Roosevelt Roads, Naval Station, $10,510,000.

SCOTLAND

Edzell, Naval Security Group Activity, $1,400,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $2,000,000.
Satellite Terminals, $10,570,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(7)(A), the Secretary of the Navy may construct or acquire military family housing units (including land) and perform other military family housing functions for the purpose shown, and in the amount shown, at the following installations:

(1) Camp Pendleton, Marine Corps Base, California, one hundred fifty units, $16,172,000.

(2) Lemoore, Naval Air Station, California, community center, $1,070,000.

(3) Point Mugu, Pacific Missile Test Center, California, one hundred units, $11,160,000.

(4) San Diego, Navy Public Works Center, California, two hundred sixty units, $29,800,000.

(5) Washington Naval District, District of Columbia, demolition, $9,910,000.

(6) Mayport, Naval Station, Florida, community center, $710,000.

(7) Glenview Naval Air Station, Illinois, two hundred units, $16,000,000.

(8) Lakehurst, Naval Air Engineering Center, New Jersey, housing office, $340,000.

(9) Dahlgren, Naval Surface Weapons Center, Virginia, one hundred fifty units, $13,240,000.

(10) Guantanamo Bay, Naval Station, Cuba, two hundred seventy-eight units, $38,400,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(7)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

(c) REPROGRAMMING.—The Secretary of the Navy may construct 148 military family housing units in the amount of $17,128,000 at the Public Works Center, San Diego, California. Funds appropriated for the Department of the Navy for fiscal years 1989 and 1991 for military family housing projects at Naval Base Long Beach, California, that remain available for obligation on the date of the enactment of this Act are hereby authorized to be available, to the extent provided in advance in appropriations Acts, to carry out this subsection.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(7)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $55,438,000.

SEC. 2204. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6), the Secretary of the Navy may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at various locations and in the amount of $1,000,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,832,149,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $739,859,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,750,000.

(3) For military construction projects, Earle, Naval Weapons Station, New Jersey, authorized by section 2201(a) of the Mili-

tary Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1765), $11,400,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,400,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $88,600,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $198,440,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $710,700,000, of which not more than $72,900,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this division may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2206. AUTHORIZED LONG-TERM FACILITIES CONTRACTS.

Subject to section 2809 of title 10, United States Code, the Secretary of the Navy may enter into long-term contracts for construction, management, and operation of facilities for the purpose shown, and in the estimated capital investment cost shown, for the following installations:

(1) Marine Corps Air Station, El Toro, California, bachelor officers quarters, $8,300,000.

(2) Naval Research Laboratory, Washington, District of Columbia, child development center, $1,400,000.

(3) Naval Air Station, Jacksonville, Florida, child development center, $1,000,000.

(4) Naval Air Station, Pensacola, Florida, child development center, $1,100,000.

(5) Naval Avionics Center, Indianapolis, Indiana, child development center, $2,000,000.

(6) Naval Undersea Warfare Engineering Station, Keyport, Washington, child development center, $1,300,000.

SEC. 2207. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code (as added by section 2806 of this Act), the Secretary of the Navy may enter into contracts for the lease of family housing units in the number of units shown, and at the net present values shown, for the following installations and locations:

(1) Bangor, Washington, three hundred units, $21,250,000.

(2) Kings Bay, Georgia, four hundred units, $28,070,000.

(3) Naval Air Station, Whidbey Island, Washington, three hundred units, $21,110,000, a project previously approved by the Navy.

(4) Dahlgren, Naval Surface Warfare Center, Dahlgren, Virginia, one hundred fifty units, $11,000,000.

SEC. 2208. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code (as added by section 2809 of this Act), the Secretary of the Navy may enter into rental guarantee agreements for military housing in the number of units shown at the following installations and locations:

(1) Oahu, Hawaii, three hundred sixty-eight units.

(2) Great Lakes Naval Training Center, Illinois, one hundred fifty units.

(3) Cheltenham, Maryland, two hundred eighty-four units.

SEC. 2209. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1991 PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1763) is amended—

(A) under the heading "CALIFORNIA" by striking out "Long Beach, Naval Station, $3,520,000.";

(B) under the heading "NEW JERSEY" by striking out "Earle, Naval Weapons Station, $85,400,000." and inserting in lieu thereof "Earle, Naval Weapons Station, $31,500,000.";

(C) by striking out the following:

"PENNSYLVANIA

"Warminster, Naval Air Development Center, $10,770,000."; and

(D) under the heading "WASHINGTON" by striking out "Silverdale, Strategic Weapons Facility Pacific, $56,480,000." and inserting in lieu thereof "Silverdale, Strategic Weapons Facility Pacific, $11,060,000.".

(2) Section 2205(a) of such Act (104 Stat. 1767) is amended—

(A) by striking out "$2,014,223,000" and inserting in lieu thereof "$1,954,513,000"; and

(B) in paragraph (1), by striking out "$959,802,000" and inserting in lieu thereof "$900,092,000".

(b) FISCAL YEAR 1990 PROJECTS.—(1) Subsection (a) of section 2201 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) is amended—

(A) under the heading "CALIFORNIA"—

(i) by striking out "Moffett Field Naval Air Station, $1,000,000."; and

(ii) by striking out "Tustin, Marine Corps Air Station, $2,990,000." and inserting in lieu thereof "Tustin, Marine Corps Air Station, $640,000.";

(B) under the heading "CONNECTICUT" by striking out "New London, Naval Underwater Systems Center, $12,600,000."; and

(C) under the heading "PENNSYLVANIA" by striking out "Philadelphia, Naval Shipyard, $10,000,000." and inserting in lieu thereof "Philadelphia, Naval Shipyard, $3,000,000.".

(2) Subsection (b) of such section (103 Stat. 1625) is amended by striking out the following:

"AUSTRALIA

"Exmouth, Harold E. Holt Naval Communications Station, $610,000.".

(3) Section 2204(a) of such Act (103 Stat. 1627) is amended—

(A) by striking out "$1,962,935,000" and inserting in lieu thereof "$1,939,375,000";

(B) in paragraph (1), by striking out "$915,511,000" and inserting in lieu thereof "$892,561,000"; and

(C) in paragraph (2), by striking out "$90,930,000" and inserting in lieu thereof "$90,320,000".

SEC. 2210. SPECIFICATION OF THE MILITARY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE MARINE CORPS SUPPORT ACTIVITY, KANSAS CITY, MISSOURI.

The authority provided in section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) for a military construction project for the Marine Corps Support Activity, Kansas City, Missouri, shall apply only to a military construction project for a Marine Corps Reserve Center to house the Marine Corps Reserve Support Center.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(1), the Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for the following installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $9,200,000.

ALASKA

Eielson Air Force Base, $30,900,000.
Elmendorf Air Force Base, $1,400,000.
Shemya Air Force Base, $38,400,000.

ARIZONA

Davis-Monthan Air Force Base, $4,100,000.
Luke Air Force Base, $8,800,000.

CALIFORNIA

Beale Air Force Base, $2,250,000.
Edwards Air Force Base, $14,300,000.
March Air Force Base, $7,910,000.
Sierra Army Depot, $2,700,000.
Travis Air Force Base, $26,130,000.
Vandenberg Air Force Base, $20,000,000.

COLORADO

Buckley Air National Guard Base, $42,050,000.
Cheyenne Mountain Air Force Base, $610,000.
Falcon Air Force Station, $1,400,000.
Peterson Air Force Base, $26,300,000.
United States Air Force Academy, $21,000,000.

DELAWARE

Dover Air Force Base, $12,750,000.

FLORIDA

Cape Canaveral Air Force Station, $24,000,000.
Eglin Air Force Base, $2,830,000.
Homestead Air Force Base, $4,900,000.
Tyndall Air Force Base, $850,000.

GEORGIA

Robins Air Force Base, $30,450,000.

HAWAII

Camp H. M. Smith, $2,600,000.
Hickam Air Force Base, $7,100,000.

ILLINOIS

Scott Air Force Base, $13,290,000.

KANSAS

McConnell Air Force Base, $7,650,000.

LOUISIANA

Barksdale Air Force Base, $11,200,000.

MARYLAND

Andrews Air Force Base, $8,100,000.

MASSACHUSETTS

Hanscom Air Force Base, $11,200,000.

MICHIGAN

K.I. Sawyer Air Force Base, $1,700,000.

MISSISSIPPI

Columbus Air Force Base, $600,000.
Keesler Air Force Base, $3,400,000.

MISSOURI

Whiteman Air Force Base, $24,450,000.

MONTANA

Conrad Strategic Training Range Site, $700,000.
Havre Strategic Training Range Site, $700,000.

NEBRASKA

Offutt Air Force Base, $13,850,000.

NEVADA

Nellis Air Force Base, $8,400,000.

NEW HAMPSHIRE

New Boston Satellite Tracking Station, $4,210,000.

NEW JERSEY

McGuire Air Force Base, $31,500,000.

NEW MEXICO

Cannon Air Force Base, $1,300,000.
Holloman Air Force Base, $33,600,000.
Kirtland Air Force Base, $5,600,000.

NEW YORK

Griffiss Air Force Base, $2,700,000.
Plattsburgh Air Force Base, $9,040,000.

NORTH CAROLINA

Pope Air Force Base, $8,200,000.
Seymour Johnson Air Force Base, $11,200,000.

NORTH DAKOTA

Dickinson Strategic Training Range Site, $640,000.
Grand Forks Air Force Base, $4,400,000.
Minot Air Force Base, $3,950,000.

OHIO

Wright-Patterson Air Force Base, $39,300,000.

OKLAHOMA

Altus Air Force Base, $61,340,000.
Tinker Air Force Base, $3,700,000.
Vance Air Force Base, $4,750,000.

SOUTH CAROLINA

Charleston Air Force Base, $21,850,000.

SOUTH DAKOTA

Belle Fourche Strategic Training Range Site, $640,000.
Ellsworth Air Force Base, $2,710,000.

TENNESSEE

Arnold Engineering Development Center, $2,400,000.

TEXAS

Dyess Air Force Base, $620,000.
Kelly Air Force Base, $13,900,000.
Lackland Air Force Base, $5,700,000.
Lackland Air Force Base Training Annex, $1,170,000.
Laughlin Air Force Base, $4,250,000.
Randolph Air Force Base, $410,000.
Reese Air Force Base, $2,000,000.
Sheppard Air Force Base, $16,670,000.

UTAH

Hill Air Force Base, $9,200,000.

VIRGINIA

Langley Air Force Base, $5,800,000.

WASHINGTON

Fairchild Air Force Base, $7,050,000.

WYOMING

F.E. Warren Air Force Base, $5,300,000.
Powell Strategic Training Range Site, $700,000.

VARIOUS LOCATIONS

Various Locations, $5,000,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION

Ascension Island Auxiliary Airfield, $11,000,000.

GREENLAND

Thule Air Base, $12,700,000.

GUAM

Andersen Air Force Base, $2,600,000.

PORTUGAL

Lajes Field, $5,000,000.

UNITED KINGDOM

RAF Lakenheath, $3,600,000.
RAF Molesworth, $15,600,000.

VARIOUS LOCATIONS

Classified Location, $3,500,000.
Classified Location, $5,500,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(8)(A), the Secretary of the Air Force may construct or acquire military family housing units (including land) and perform other military family housing functions for the purpose shown, and in the amount shown, at the following installations:

(1) Edwards Air Force Base, California, housing office, $453,000.

(2) Tyndall Air Force Base, Florida, housing maintenance facility, $410,000.

(3) Scott Air Force Base, Illinois, housing office, $550,000.

(4) Andrews Air Force Base, Maryland, housing office, $571,000.

(5) Seymour Johnson Air Force Base, North Carolina, housing office, $365,000.

(6) Tinker Air Force Base, Oklahoma, housing office, $370,000.

(7) Hill Air Force Base, Utah, one hundred thirty units, $11,628,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(8)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(8)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $141,236,000.

SEC. 2304. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2305(a)(7), the Secretary of the Air Force may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Andrews Air Force Base, Maryland, and Whiteman Air Force Base, Missouri, in the total amount of $11,050,000.

SEC. 2305. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,089,303,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $778,970,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $59,500,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as au-

thorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), $44,000,000.

(4) For the construction of facilities for the 37th Tactical Fighter Wing at Holloman Air Force Base, New Mexico, as authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769), $39,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $11,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,300,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $11,050,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $161,583,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $909,400,000, of which not more than $140,900,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2306. AUTHORIZED LONG-TERM FACILITIES CONTRACTS.

Subject to section 2809 of title 10, United States Code, the Secretary of the Air Force may enter into long-term contracts for construction, management, and operation of facilities for the purpose shown, and in the estimated capital investment cost shown, for the following installations:

(1) Eielson Air Force Base, Alaska, child development center, $3,600,000.

(2) McGuire Air Force Base, New Jersey, child development center, $3,900,000.

(3) Cannon Air Force Base, New Mexico, child development center, $1,200,000.

(4) McChord Air Force Base, Washington, child development center, $4,700,000.

SEC. 2307. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code (as added by section 2806 of this Act), the Secretary of the Air Force may enter into contracts for the lease of family housing units in the number of units shown, and at the net present value shown, for the following installations:

(1) March Air Force Base, California, five hundred eighty-two units, $55,360,000.

(2) Cannon Air Force Base, New Mexico, three hundred fifty units, $24,400,000.

SEC. 2308. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code (as added by section 2809 of this Act), the Secretary of the Air Force may enter into rental guarantee agreements for military housing in the number of units shown for the following installations:

(1) Patrick Air Force Base, Florida, five hundred eighty-five units.

(2) Offutt Air Force Base, Nebraska, four hundred units.

SEC. 2309. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2301 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended—

(1) in subsection (a), by striking out "Air Force Academy, $3,000,000." under the heading "COLORADO" and inserting in lieu thereof "Air Force Academy, $18,000,000."; and

(2) in subsection (b), by adding at the end the following:

"VARIOUS LOCATIONS

"Classified location, $3,500,000.".

SEC. 2310. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1991 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) (as amended by section 2309(a)) is further amended—

(A) under the heading "ALASKA" by striking out "Various Locations, $11,000,000.";

(B) by striking out the following:

"ARIZONA

"Williams Air Force Base, $3,650,000.";

(C) under the heading "CALIFORNIA" by striking out "Castle Air Force Base, $8,200,000.";

(D) under the heading "FLORIDA" by striking out "MacDill Air Force Base, $12,250,000." and inserting in lieu thereof "MacDill Air Force Base, $3,350,000.";

(E) by striking out the following:

"INDIANA

"Grissom Air Force Base, $4,500,000.";

(F) under the heading "MICHIGAN" by striking out "Wurtsmith Air Force Base, $960,000."; and

(G) under the heading "TEXAS" by striking out "Carswell Air Force Base, $12,616,000.".

(2) Section 2304(a) of such Act (104 Stat. 1773) is amended—

(A) by striking out "$1,954,059,000" and inserting in lieu thereof "$1,922,733,000";

(B) in paragraph (1), by striking out "$777,081,000" and inserting in lieu thereof "$742,255,000"; and

(C) in paragraph (2), by striking out "$34,200,000" and inserting in lieu thereof "$37,700,000".

(b) FISCAL YEAR 1990 PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1630) is amended—

(A) under the heading "ARIZONA" by striking out "Williams Air Force Base, $1,850,000.";

(B) by striking out the following:

"ARKANSAS

"Ira Eaker Air Force Base, $4,050,000.";

(C) under the heading "COLORADO" by striking out "Lowry Air Force Base, $21,250,000." and inserting in lieu thereof "Lowry Air Force Base, $19,050,000.";

(D) under the heading "FLORIDA" by striking out "MacDill Air Force Base, $4,490,000.";

(E) under the heading "INDIANA" by striking out "Grissom Air Force Base, $6,800,000." and inserting in lieu thereof "Grissom Air Force Base, $4,650,000.";

(F) under the heading "LOUISIANA" by striking out "England Air Force Base, $10,300,000." and inserting in lieu thereof "England Air Force Base, $300,000.";

(G) by striking out the following:

"MAINE

"Loring Air Force Base, $8,500,000.";

(H) under the heading "SOUTH CAROLINA" by striking out "Myrtle Beach Air Force Base, $2,350,000."; and

(I) under the heading "TEXAS"—

(i) by striking out "Bergstrom Air Force Base, $2,400,000."; and

(ii) by striking out "Carswell Air Force Base, $650,000.".

(2) Section 2304(a) of such Act (103 Stat. 1636) is amended—

(A) by striking out "$2,192,638,000" and inserting in lieu thereof "$2,154,998,000"; and

(B) in paragraph (1), by striking out "$945,836,000" and inserting in lieu thereof "$907,196,000".

SEC. 2311. CHANGE IN LOCATION OF PREVIOUSLY AUTHORIZED PROJECT.

Section 2301(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1634) is amended under the heading "OMAN"—

(1) by striking out "Seeb, $2,200,000."; and

(2) by striking out "Thumrait, $23,600,000." and inserting in lieu thereof "Thumrait, $25,800,000.".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1) and, in the case of the projects described in paragraphs (2) and (3) of section 2404(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construc-

tion projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Classified Location, $4,500,000.
Reston, Virginia, $600,000.

DEFENSE LOGISTICS AGENCY

Tracy Defense Depot, California, $2,000,000.
Jacksonville Defense Fuel Support Point, Florida, $2,200,000.
Pensacola Defense Fuel Support Point, Florida, $16,000,000.
Columbus Defense Construction Supply Center, Ohio, $89,000,000.
Dayton Defense Electronics Supply Station, Ohio, $2,000,000.
Craney Island Defense Fuel Support Point, Norfolk, Virginia, $19,800,000.
Fort Belvoir, Virginia, $27,000,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,000,000.
St. Louis Aerospace Center, Missouri, $1,000,000.

DEFENSE MEDICAL FACILITIES OFFICE

Little Rock Air Force Base, Arkansas, $690,000.
San Diego Naval Training Center, California, $17,500,000.
Stockton Naval Communications Station, California, $22,000,000.
Travis Air Force Base, California, $2,000,000.
Fitzsimons Army Hospital, Colorado, $3,000,000.
Homestead Air Force Base, Florida, $60,000,000.
Tyndall Air Force Base, Florida, $800,000.
Hickam Air Force Base, Hawaii, $13,800,000.
Tripler Army Hospital, Hawaii, $3,500,000.
Fallon Naval Air Station, Nevada, $6,000,000.
Nellis Air Force Base, Nevada, $1,000,000.
Camp Lejeune, North Carolina, $4,600,000.
Cherry Point Marine Corps Air Station, North Carolina, $34,000,000.
Fort Bragg, North Carolina, $5,000,000.
Fort Sill, Oklahoma, $2,700,000.
Tinker Air Force Base, Oklahoma, $4,100,000.
Carlisle Barracks, Pennsylvania, $510,000.
Newport Naval Education and Training Center, Rhode Island, $14,000,000.
Dallas Naval Air Station, Texas, $3,500,000.
Fort Lee, Virginia, $11,800,000.
Langley Air Force Base, Virginia, $1,150,000.

DEFENSE NUCLEAR AGENCY

White Sands Missile Range, New Mexico, $20,000,000.
Arnold Engineering Development Center, Tennessee, $7,000,000.

NATIONAL SECURITY AGENCY

Camp Smith, Hickam Air Force Base, Hawaii, $488,000.
Fort George C. Meade, Maryland, $5,722,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $6,000,000.
Uniformed Services University of the Health Sciences, Bethesda, Maryland, $600,000.
Classified Locations, $35,600,000.

SECTION 6 SCHOOLS

Fort Stewart, Georgia, $6,951,000.
Marine Corps Air Station, Beaufort, South Carolina, $989,000.

SPECIAL OPERATIONS COMMAND

Kodiak Coast Guard Support Center, Alaska, $2,050,000.
Coronado Naval Amphibious Base, California, $2,100,000.
Camp Pendleton, California, $4,900,000.
Eglin Air Force Base, Auxiliary Field 3, Florida, $2,400,000.
Eglin Air Force Base, Auxiliary Field 9, Florida, $17,550,000.
Fort Benning, Georgia, $3,900,000.
Fort Campbell, Kentucky, $5,800,000.
Kirtland Air Force Base, New Mexico, $2,050,000.
Fort Bragg, North Carolina, $6,000,000.
Fort A.P. Hill, Virginia, $2,300,000.
Oceana Naval Air Station, Virginia, $2,350,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Diego Garcia Defense Fuel Support Point, $16,100,000.

DEFENSE MEDICAL FACILITIES OFFICE

Camp Essayons, Korea, $1,050,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $5,100,000.

NATIONAL SECURITY AGENCY

Classified Location, $4,490,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $2,100,000.

(c) ON-SITE INSPECTION AGENCY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(13), the Secretary of Defense may acquire or construct portal facilities at various locations in support of the On-Site Inspection Agency in an amount not to exceed $2,000,000.

(d) TRANSFER OF PROJECT AUTHORITY.—The authority to carry out construction and modernization activities in support of the supply distribution mission at the Red River Army Depot, Texas, is hereby transferred to the Secretary of Defense. The Secretary of Defense shall exercise such authority through the head of the Defense Logistics Agency. Amounts appropriated for the Red River Army Depot, Texas, pursuant to the authorization of appropriations in section 2104(a)(3) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1619) are hereby transferred to the Secretary of Defense to carry out such construction and modernization activities.

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(12)(A), the Secretary of Defense may construct or acquire one family housing unit (including land) at a classified location in the total amount not to exceed $160,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(12)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $40,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,680,940,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $434,500,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $28,840,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4035), $37,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), $40,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,000,000.

(6) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4037), $7,000,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,800,000.

(9) For base closure and realignment activities pursuant to title II of the Defense Authorization Amendments and Base

Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), $674,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $297,000,000.

(11) For an energy conservation program under section 2865 of title 10, United States Code, $36,000,000.

(12) For military family housing functions:

(A) For construction and acquisition of military family housing facilities, $200,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $26,000,000, of which not more than $21,664,000 may be obligated or expended for the leasing of military family housing units worldwide.

(13) For acquisition or construction of portal facilities at various locations in support of the On-Site Inspection Agency, $2,000,000.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1992 for military construction functions of the Defense Agencies that remain available for obligation on the date of the enactment of this Act are hereby authorized to be made available, to the extent provided in advance in appropriations Acts, in an amount not to exceed $17,000,000 for the construction of the headquarters building of the Defense Logistics Agency at Fort Belvior, Virginia, as authorized under section 2401(a).

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this division may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $10,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the defense logistics headquarters at Fort Belvoir, Virginia); and

(3) $50,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the hospital replacement at Homestead Air Force Base, Florida).

SEC. 2405. CONTRACTS FOR CERTAIN PROJECTS.

In the case of the military construction projects authorized by section 2401(a) to be constructed at Fort Belvoir, Virginia, and Homestead Air Force Base, Florida, the Secretary of Defense may enter into one or more contracts for the design and construction of the projects in advance of appropriations for the projects. Each such contract shall limit the payments the United States is obligated to make under the contract to the amount of appropriations available, at the time the contract is entered into, for obligation under such contract.

SEC. 2406. SPECIAL OPERATIONS BATTALION HEADQUARTERS, FORT BRAGG, NORTH CAROLINA.

(a) AVAILABILITY OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations in section 2404(a) for

fiscal year 1992, $6,000,000 shall be available only for the construction of a headquarters facility for a special operations battalion at Fort Bragg, North Carolina.

(b) RESTRICTION ON USE.—A facility constructed pursuant to subsection (a) may be used only as a headquarters for a special operations battalion.

SEC. 2407. DESIGN FOR REPLACEMENT FACILITIES FOR FITZSIMONS ARMY MEDICAL CENTER. Contracts.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract for the preparation of the concept design of replacement facilities for the Fitzsimons Army Medical Center located in Aurora, Colorado. The contract shall require that the concept design for the replacement facilities shall—

(1) be completed not later than September 30, 1992;

(2) provide for a capacity of not less than 400 beds; and

(3) accommodate future expansion in the event that such expansion becomes necessary as the result of increased peacetime need or to meet mobilization requirements.

SEC. 2408. DEFENSE MEDICAL FACILITY, HOMESTEAD AIR FORCE BASE, FLORIDA. Reports.

None of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1992 may be obligated for construction of a defense medical facility at Homestead Air Force Base, Florida, until the Secretary of the Air Force submits to the congressional defense committees a report describing the long-term plans of the Air Force for the use of Homestead Air Force Base as an active, operational installation.

SEC. 2409. TERMINATION OF AUTHORITY TO CARRY OUT A CERTAIN PROJECT.

(a) PROJECT AT PHILADELPHIA NAVAL SHIPYARD.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1776) is amended under the heading "DEFENSE MEDICAL FACILITIES OFFICE" by striking out "Philadelphia Naval Shipyard, Pennsylvania, $11,600,000.".

(b) CONFORMING AMENDMENT.—Section 2405 of such Act (104 Stat. 1779) is amended—

(1) by striking out "$1,656,078,000" and inserting in lieu thereof "$1,644,478,000"; and

(2) by striking out "$275,448,000" and inserting in lieu thereof "$263,848,000.".

SEC. 2410. AUTHORIZATION FOR UNAUTHORIZED FISCAL YEAR 1991 APPROPRIATIONS FOR SPECIAL OPERATIONS COMMAND PROJECTS.

(a) AUTHORIZATION.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for each of the following installations and locations inside the United States:

SPECIAL OPERATIONS COMMAND

Fort Bragg, North Carolina, $8,100,000.
Additional Classified Locations, $2,000,000.

Effective date.

(b) CONSTRUCTION WITH FY91 MILITARY CONSTRUCTION AUTHORIZATION.—The authorization provided in subsection (a) for the projects specified in such subsection shall take effect as of November 5, 1990, as if included in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1776).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program as authorized by section 2501, in the amount of $225,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1991, for the costs of acquisition, architectural and engineering services, repair or renovation of improvements on real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $210,745,000; and

(B) for the Army Reserve, $106,507,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,900,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $218,760,000; and

(B) for the Air Force Reserve, $20,800,000.

SEC. 2602. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED AND TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN OTHER PROJECTS.

(a) FISCAL YEAR 1991 PROJECTS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended—

(1) in paragraph (1)(A), by striking out "$297,544,000" and inserting in lieu thereof "$314,887,000";

(2) in paragraph (3)(A), by striking out "$172,340,000" and inserting in lieu thereof "$176,290,000"; and

(3) in paragraph (3)(B), by striking out "$37,700,000" and inserting in lieu thereof "$37,200,000".

(b) FISCAL YEAR 1990 PROJECTS.—Section 2601(3) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1644) is amended—

(1) in subparagraph (A), by striking out "$198,628,000" and inserting in lieu thereof "$195,628,000"; and

(2) in subparagraph (B), by striking out "$46,200,000" and inserting in lieu thereof "$35,600,000".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS IN CERTAIN CASES.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, XXV, and XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1994; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1994; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1995 for military construction projects, land acquisitions, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1991 PROJECTS.—Section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1782) is amended in subsections (a) and (b)—

(1) by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1993"; and

(2) by striking out "fiscal year 1993," and inserting in lieu thereof "fiscal year 1994,".

(b) EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1990 PROJECTS.—(1) Section 2701 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1645) is amended in subsections (b)(1) and (c)(1)—

(A) by striking out "October 1, 1991" and inserting in lieu thereof "October 1, 1992"; and

(B) by striking out "fiscal year 1992," and inserting in lieu thereof "fiscal year 1993 (other than the Military Construction Authorization Act for Fiscal Years 1992 and 1993),".

(2) The amendments made by paragraph (1) shall not apply with respect to authorizations for the following projects authorized in that Act:

(A) Naval Underwater Systems Center in the amount of $12,600,000 at New London, Connecticut, as authorized in section 2201(a) of that Act (103 Stat. 1622).

(B) Eleven units of military family housing in an amount of $1,619,000 at Kelly Air Force Base, Texas, as authorized in section 2302(a) of that Act (103 Stat. 1634).

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding section 2701(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in sections 2101, 2201, 2301, or 2303 of that Act, as extended by section 2106(c), 2206(b), or 2309(b) of the Military Construction Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1762, 1768, 1775) shall remain in effect until October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993 (other than this Act), whichever is later:

(1) Battalion headquarters in the amount of $2,300,000 at Fort Wainwright, Alaska.

(2) Forward Training Area in the amount of $8,280,000 at Marine Corps Air Station, Cherry Point, North Carolina.

(3) Operations facility in the amount of $5,300,000 at Location 276 (Turkey).

(4) Post office in the amount of $550,000 at Incirlik Air Base, Turkey.

(5) Upgrade Capehart Military Family Housing, Phase II, in the amount of $6,006,000 at Holloman Air Force Base, New Mexico.

(d) EXTENSION OF AUTHORIZATION OF ONE FISCAL YEAR 1988 PROJECT.—(1) Notwithstanding section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (Public Law 101-180; 101 Stat. 1206), the authorization for the project described in paragraph (2) shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993 (other than this Act), whichever is later.

(2) The project referred to in paragraph (1) is the project—

(A) for cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddelena, Italy; and

(B) authorized in section 2121(b) of that Act (101 Stat. 1190), as extended by section 2206(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1768).

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

SEC. 2801. CONSTRUCTION OF RESERVE COMPONENT FACILITIES.

Section 2233(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: "or to acquire or construct facilities for such use".

SEC. 2802. TURN-KEY SELECTION PROCEDURES.

(a) REMOVAL OF LIMITATIONS.—Section 2862 of title 10, United States Code, is amended by striking out subsections (b) and (c).

(b) CONFORMING AMENDMENTS.—Subsection (a) of such section is amended—

(1) by striking out "(1)" and inserting in lieu thereof "AUTHORITY TO USE.—"; and

(2) by striking out "(2)" and inserting in lieu thereof "(b) DEFINITION.—".

SEC. 2803. HEALTH, SAFETY, AND ENVIRONMENTAL QUALITY EMERGENCY CONSTRUCTION.

Section 2803(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ", and" and inserting in lieu thereof "or to the protection of health, safety, or the quality of the environment, and"; and

(2) in paragraph (2), by inserting before the period the following: "or the protection of health, safety, or environmental quality, as the case may be".

SEC. 2804. INCREASED AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR ACQUISITION AND CONSTRUCTION OF RESERVE COMPONENT FACILITIES.

Section 2233a(b) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 2805. LONG-TERM FACILITIES CONTRACTS.

(a) MODIFICATION AND PERMANENT EXTENSION OF TEST PROGRAM.—(1) Section 2809 of title 10, United States Code, is amended to read as follows:

"§ 2809. Long-term facilities contracts for certain activities and services

"(a) SUBMISSION AND AUTHORIZATION OF PROPOSED PROJECTS.—The Secretary concerned may enter into a contract for the procurement of services in connection with the construction, management, and operation of a facility on or near a military installation for the provision of an activity or service described in subsection (b) if—

"(1) the Secretary concerned has identified the proposed project for that facility in the budget material submitted to Congress by the Secretary of Defense in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which the contract is proposed to be awarded;

"(2) the Secretary concerned has determined that the services to be provided at that facility can be more economically provided through the use of a long-term contract than through the use of conventional means; and

"(3) the project has been authorized by law.

"(b) AUTHORIZED PURPOSES OF CONTRACT.—The activities and services referred to in subsection (a) are as follows:

"(1) Child care services.

"(2) Utilities, including potable and waste water treatment services.

"(3) Depot supply activities.

"(4) Troop housing.

"(5) Transient quarters.

"(6) Hospital or medical facilities.

"(7) Other logistic and administrative services, other than depot maintenance.

"(c) CONDITIONS ON OBLIGATION OF FUNDS.—A contract entered into for a project pursuant to subsection (a) shall include the following provisions:

"(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that project.

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that project for that fiscal year.

"(3) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

"(d) COMPETITIVE PROCEDURES.—Each contract entered into under this section shall be awarded through the use of competitive procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary concerned shall solicit bids or proposals for a contract for each project that has been authorized by law.

"(e) TERM OF CONTRACT.—A contract under this section may be for any period not in excess of 32 years, excluding the period for construction.

"(f) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into under this section until—

"(1) the Secretary concerned submits to the appropriate committees of Congress, in writing, a justification of the need for the facility for which the contract is to be awarded and an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility; and

"(2) a period of 21 calendar days has expired following the date on which the justification and the economic analysis are received by the committees.".

(2) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 169 of such title is amended to read as follows:

"2809. Long-term facilities contracts for certain activities and services.".

10 USC 2809 note.

(b) APPLICATION OF AMENDMENT.—Section 2809 of title 10, United States Code, as amended by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act.

SEC. 2806. LONG-TERM BUILD TO LEASE AUTHORITY FOR MILITARY FAMILY HOUSING.

(a) MODIFICATION AND PERMANENT EXTENSION OF TEST PROGRAM.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Long-term leasing of military family housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—Subject to subsection (b), the Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into a contract for the lease of family housing units to be constructed or rehabilitated to residential use near a military installation within the United States under the Secretary's jurisdiction at which there is a shortage of family housing. Housing units leased under this section shall be assigned, without rental charge, as family housing to members of the armed forces who are eligible for assignment to military family housing.

"(b) SUBMISSION AND AUTHORIZATION OF PROPOSED LEASE CONTRACTS.—(1) The Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into a lease contract under subsection (a) for such military housing as is authorized by law for the purposes of this section.

"(2) The budget material submitted to Congress by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, in connection with the budget submitted pursuant to section 1105 of title 31 for each fiscal year shall include materials that identify the military housing projects for which lease contracts are proposed to be entered into under subsection (a) in such fiscal year.

"(c) COMPETITIVE PROCESS.—Each contract under subsection (a) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary of a military department, or the Secretary of Transportation, as the case may be, shall solicit bids or proposals for a contract for the lease of military housing authorized in accordance with subsection (b)(1). Such a contract may provide for the contractor of the housing facilities to operate and maintain such housing facilities during the term of the lease.

"(d) CONDITIONS ON OBLIGATION OF FUNDS.—A lease contract entered into for a military housing project under subsection (a) shall include the following provisions:

"(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that project.

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that project for that fiscal year.

"(3) A statement that such a commitment entered into under the authority of this section does not constitute an obligation of the United States.

"(4) A requirement that housing units constructed pursuant to the contract shall be constructed—

"(A) to Department of Defense specifications, in the case of a Department of Defense contract; and

"(B) to Department of Transportation specifications, in the case of a contract for the Coast Guard.

"(e) LEASE TERM.—A contract under this section may be for any period not in excess of 20 years (excluding the period required for construction of the housing facilities).

"(f) RIGHT OF FIRST REFUSAL TO ACQUIRE.—A contract under this section shall provide that, upon the termination of the lease period, the United States shall have the right of first refusal to acquire all right, title, and interest to the housing facilities constructed and leased under the contract.

"(g) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the lease of housing facilities under this section until—

"(1) the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard, submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost-effective when compared with alternative means of furnishing the same housing facilities; and

"(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

"(h) SUPPORT BUILDINGS.—A contract for the lease of family housing under this section may include provision for the lease of a child care center, civic center building, and similar type buildings constructed for the support of family housing.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2835. Long-term leasing of military family housing to be constructed.".

(b) CONFORMING AMENDMENT.—Section 2828 of title 10, United States Code, is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

10 USC 2828 note.

(c) APPLICATION OF AMENDMENTS.—Section 2835 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act. The amendment made by subsection (b)(1) shall not affect the validity of any contract entered into before that date under section 2828(g) of such title, as in effect on the day before that date.

SEC. 2807. INCREASED COST LIMITATIONS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) DEFINITION OF MINOR CONSTRUCTION.—Subsection (a)(1) of section 2805 of title 10, United States Code, is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000".

(b) O&M-FUNDED PROJECTS.—Subsection (c)(1) of such section is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 2808. INCREASE IN THE AMOUNT OF SPACE FOR MILITARY FAMILY HOUSING UNITS UNDER CERTAIN CIRCUMSTANCES.

(a) INCREASE AUTHORIZED FOR HARSH CLIMATES.—Section 2826 of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) The applicable maximum net floor area prescribed by subsection (a) may be increased by 300 square feet for a family housing unit in a location where harsh climatological conditions severely restrict outdoor activity for a significant part of each year, as determined by the Secretary concerned pursuant to regulations prescribed by the Secretary of Defense. The regulations shall apply uniformly to the armed forces.". Regulations.

(b) INCREASE AUTHORIZED WHERE PURCHASE OF LARGER UNITS IS COST EFFECTIVE.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(2), the following new subsection:

"(e) In the case of the acquisition by purchase of military family housing units for members of the armed forces in pay grades below pay grade O–6, the applicable maximum net floor area prescribed by subsection (a) may be increased by 20 percent if the Secretary concerned determines that the purchase of larger units is cost effective when compared to available units within the space limitations specified in that subsection. The authority provided by this subsection shall expire on September 30, 1994.". Termination date.

SEC. 2809. MILITARY HOUSING RENTAL GUARANTEE PROGRAM.

(a) MODIFICATION AND PERMANENT EXTENSION OF TEST PROGRAM.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding after section 2835, as added by section 2806, the following new section:

"§ 2836. Military housing rental guarantee program

"(a) AUTHORITY.—Subject to subsection (b), the Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into an agreement to assure the occupancy of rental housing to be constructed or rehabilitated to residential use by a private developer or by a State or local housing authority on private land, on land owned by a State or local government, or on land owned by the United States, if the housing is to be located on or near a new military installation or an existing military installation that has a shortage of housing to meet the requirements of eligible members of the armed forces (with or without accompanying dependents). The authority provided under this subsection shall be exercised under uniform regulations prescribed by the Secretary of Defense. Regulations.

"(b) SUBMISSION AND AUTHORIZATION OF PROPOSED AGREEMENTS.—(1) The Secretary of a military department, or the Secretary of Transportation with respect to the Coast Guard, may enter into agreements pursuant to subsection (a) for such military housing rental guaranty projects as are authorized by law.

"(2) The budget material submitted to Congress by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, in connection with the budget submitted pursuant to section 1105 of title 31 for each fiscal year shall include materials that identify the military housing rental guaranty projects for which agreements are proposed to be entered into under subsection (a) in that fiscal year.

"(c) CONTENT OF AGREEMENT.—An agreement under subsection (a)—

"(1) may not assure the occupancy of more than 97 percent of the units constructed under the agreement;

"(2) shall establish initial rental rates that are not more than rates for comparable rental dwelling units in the same general market area and may include an escalation clause;

"(3) may apply to existing housing;

"(4) shall require that the housing units be constructed—

"(A) in the case of a Department of Defense agreement, to Department of Defense specifications or, at the discretion of the Secretary of the military department concerned, in compliance with the local building codes; and

"(B) in the case of an agreement for the Coast Guard, to Department of Transportation specifications;

"(5) may not be for a term in excess of 25 years;

"(6) may not be renewed unless the project is located on government owned land, in which case the renewal period may not exceed the original contract term;

"(7) may not assure more than an amount equivalent to the shelter rent of the housing units, determined on the basis of amortizing initial construction costs;

"(8) may only be entered into to the extent that there is a shortage in military family housing;

"(9) may only be entered into if existing military-controlled housing at all installations in the commuting area (except for a new installation or an installation for which there is projected a significant increase in the number of families due to an increase in the number of authorized personnel) has exceeded 97 percent use for a period of not less than 18 consecutive months immediately preceding the date on which the agreement is entered into, excluding units temporarily inactivated for major repair or improvements;

"(10) shall provide for priority of occupancy for military families;

"(11) shall include a provision authorizing the Secretary of the military department concerned, or the Secretary of Transportation with respect to the Coast Guard, to take such action as the Secretary considers appropriate to protect the interests of the United States, including rendering the agreement null and void if, in the opinion of the Secretary, the owner of the housing fails to maintain a satisfactory level of operation and maintenance;

"(12) may provide in the agreement for the rental of a child care center, civic center building, and similar type buildings constructed for the support of family housing;

"(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government at no cost to the occupant to the same extent that these items are provided to occupants of housing owned by the Federal Government; and

"(14) may require that rent collection and operation and maintenance services in connection with the housing be under the terms of a separate agreement or be carried out by personnel of the Federal Government.

"(d) CONDITIONS ON OBLIGATION OF FUNDS.—An agreement entered into for a project pursuant to subsection (a) shall include the following provisions:

"(1) A statement that the obligation of the United States to make payments under the agreement in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that project.

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the agreement when and to the extent that funds are appropriated for such project for such fiscal year.

"(3) A statement that such a commitment entered into under the authority of this section does not constitute an obligation of the United States.

"(e) COMPETITIVE PROCESS.—An agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary of a military department, or the Secretary of Transportation, as the case may be, shall solicit bids or proposals for a guaranty agreement for each military housing rental guaranty project authorized in accordance with subsection (b).

"(f) NOTICE AND WAIT REQUIREMENTS.—An agreement may not be entered into under subsection (a) until—

"(1) the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard, submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed agreement is cost effective when compared with alternative means of furnishing the same housing facilities; and

"(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

"(g) DISPUTES.—The Secretary concerned may require that disputes arising under an agreement entered into under subsection (a) be decided in accordance with the procedures provided for by the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).".

(2) The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2835 (as added by section 2806) the following new item:

"2836. Military housing rental guarantee program.".

(b) CONFORMING AMENDMENT.—Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is repealed.

(c) APPLICATION OF AMENDMENTS.—Section 2836 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act. The amendment made by subsection (b) shall not affect the validity of any contract entered into before that date under section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), as in effect on the day before that date.

10 USC 2836 note.

PART B—DEFENSE BASE CLOSURE AND REALIGNMENT

SEC. 2821. DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AMENDMENTS.

(a) APPOINTMENT OF COMMISSION.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified for 1993 in clause (ii) of subparagraph (B) or for 1995 in clause (iii) of such subparagraph, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.".

(b) EMPLOYMENT OF STAFF BY COMMISSION.—Section 2902(i) of such Act is amended—

(1) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraphs:

"(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.

"(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.

"(C) A person may not be detailed from the Department of Defense to the Commission if, within 12 months before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.

"(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

"(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;

"(ii) review the preparation of such a report; or

"(iii) approve or disapprove such a report."; and

(2) by adding at the end the following new paragraph:

"(6) The following restrictions relating to the personnel of the Commission shall apply during 1992 and 1994:

"(A) There may not be more than 15 persons on the staff at any one time.

"(B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

"(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.".

(c) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS WITH THE COMMISSION.—Section 2902 of such Act is amended by adding at the end the following new subsection:

"(m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.".

(d) DATE FOR COMPLETION OF SELECTION CRITERIA.—Section 2903(b)(2)(B) of such Act is amended— 10 USC 2687 note.

(1) by striking out "February 15" in the first sentence and inserting in lieu thereof "January 15"; and

(2) by striking out "March 15" in the second sentence and inserting in lieu thereof "February 15".

(e) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c) of such Act is amended—

(1) in paragraph (1), by striking out "April 15, 1993, and April 15, 1995," and inserting in lieu thereof "March 15, 1993, and March 15, 1995,";

(2) in paragraph (4), by inserting at the end the following new sentence: "(4) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States."; and

(3) by inserting at the end the following new paragraphs:

"(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.

"(B) Subparagraph (A) applies to the following persons:

"(i) The Secretaries of the military departments.

"(ii) The heads of the Defense Agencies.

"(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations which the Secretary of Defense shall prescribe, regulations which the Secretary of each military department shall prescribe for personnel within that military department, or regulations which the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

"(6) In the case of any information provided to the Commission by a person described in paragraph (5)(B), the Commission shall submit that information to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and the House of Representatives within 24 hours after the submission of the information to the Commission. The Secretary of Defense shall prescribe regulations to ensure the compliance of the Commission with this paragraph.". Regulations.

(f) COMMISSION RECOMMENDATIONS.—Section 2903(d)(2) of such Act is amended—

(1) in subparagraph (B), by striking out "In making" and inserting in lieu thereof "Subject to subparagraph (C), in making"; and

(2) by adding at the end the following new subparagraphs:

"(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1);

Federal Register, publication.

"(iii) publishes a notice of the proposed change in the Federal Register not less than 30 days before transmitting its recommendations to the President pursuant to paragraph (2); and

"(iv) conducts public hearings on the proposed change.

"(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would—

"(i) add a military installation to the list of military installations recommended by the Secretary for closure;

"(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

"(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.".

10 USC 2687 note.

(g) CLARIFICATION OF CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—Section 2908(d) of such Act is amended in the first sentence by striking out "the resolution (but" and all that follows through "do so)." and inserting in lieu thereof the following: "the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred.".

10 USC 2687 note.

(h) MILITARY INSTALLATION DEFINED.—(1) Section 2910(4) of such Act is amended by inserting at the end the following new sentence: "Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.".

Effective date.

(2) The amendment made by paragraph (1) shall take effect as of November 5, 1990, and shall apply as if it had been included in section 2910(4) of the Defense Base Closure and Realignment Act of 1990 on that date.

10 USC 2687 note.

(i) NO AUTHORITY TO WITHHOLD INFORMATION.—Nothing in this section or in the Defense Base Closure and Realignment Act of 1990 shall be construed to authorize the withholding of information from Congress, any committee or subcommittee of Congress, or the Comptroller General of the United States.

10 USC 2687 note.

SEC. 2822. CONSISTENCY IN BUDGET DATA.

(a) MILITARY CONSTRUCTION FUNDING REQUESTS.—In the case of each military installation considered for closure or realignment or for comparative purposes by the Defense Base Closure and Realignment Commission, the Secretary of Defense shall ensure, subject to subsection (b), that the amount of the authorization requested by the Department of Defense for each military construction project in each of the fiscal years 1992 through 1999 for the following fiscal year does not exceed the estimate of the cost of such project (adjusted as appropriate for inflation) that was provided to the Commission by the Department of Defense.

(b) EXPLANATION FOR INCONSISTENCIES.—The Secretary may submit to Congress for a fiscal year a request for the authorization of a military construction project referred to in subsection (a) in an amount greater than the estimate of the cost of the project (adjusted as appropriate for inflation) that was provided to the Commission if the Secretary determines that the greater amount is necessary and

submits with the request a complete explanation of the reasons for the difference between the requested amount and the estimate.

(c) INVESTIGATION.—(1) The Inspector General of the Department of Defense shall investigate each military construction project for which the Secretary is required to submit an explanation to Congress under subsection (b) if the Inspector General determines (under standards prescribed by the Inspector General) that the difference between the requested amount and the estimate for the project is significant.

(2) With respect to each military construction project investigated under paragraph (1), the Inspector General shall determine—

(A) why the amount requested to be authorized in the case of that project exceeds the estimated cost of the project that was submitted to the Commission by the Department of Defense; and

(B) whether the relevant information submitted to the Commission with respect to that project was inaccurate, incomplete, or misleading in any material respect.

(3) The Inspector General shall submit a report to the Secretary describing the results of each investigation conducted under paragraph (1). The Secretary shall forward a copy of the report to the congressional defense committees. Reports.

SEC. 2823. ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES AND MEMBERS OF THE ARMED FORCES FOR HOMEOWNERS ASSISTANCE IN CONNECTION WITH BASE CLOSURES.

(a) EXPANDED ELIGIBILITY.—Subsection (b) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended by striking out the matter above the first proviso and inserting in lieu thereof the following:

"(b)(1) In order to be eligible for the benefits of this section, a civilian employee or a member of the Armed Forces—

"(A) must be assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action, or employed by a nonappropriated fund instrumentality operated in connection with such base or installation;

"(B) must have been transferred from such installation or activity, or terminated as an employee as a result of a reduction in force, within six months prior to public announcement of the closure action; or

"(C) must have been transferred from the installation or activity on an overseas tour within three years prior to public announcement of the closure action.

"(2) A member of the Armed Forces shall also be eligible for the benefits of this section if the member—

"(A) was transferred from the installation or activity within three years prior to public announcement of the closure action; and

"(B) in connection with the transfer, was informed of a future, programmed reassignment to the installation.

"(3) The eligibility of a civilian employee and member of the Armed Forces under paragraph (1) and a member of the Armed Forces under paragraph (2) for benefits under this section in connection with the closure of an installation or activity is subject to the additional conditions set out in paragraphs (4) and (5).".

Ante, p. 1547.

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by striking out "servicemen" and inserting in lieu thereof "member of the Armed Forces of the United States"; and

(B) in paragraph (2), by inserting before the semicolon the following: "or, in the case of a member of the Armed Forces not assigned to that base or installation at the time of public announcement of such closing, will prevent any reassignment of such member to the base or installation".

(2) The first proviso of subsection (b) of such section is amended—

(A) by striking out "*Provided,* That, at" and inserting in lieu thereof the following:

"(4) At";

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(C) by striking out the colon at the end and inserting in lieu thereof a period.

(3) The second proviso of subsection (b) of such section is amended—

(A) by striking out "*Provided further,* That as" and inserting in lieu thereof the following:

"(5) As"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(4) Subsection (l) of such section is amended by striking out "the second proviso of subsection (b)" and inserting in lieu thereof "subsection (b)(5)".

SEC. 2824. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLANS REQUIRED.—The Secretary of Defense shall prepare a proposed and final plan containing the environmental response actions and corrective actions required for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana, including all areas north and south of the firing line.

(b) CONTENT OF PLANS.—The plans required under subsection (a) shall include the following information:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following information:

(A) An identification and detailed description of the environmental response actions and corrective actions required for the environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental response actions and corrective actions.

(C) The total estimated cost of completing such activities and the estimated cost of such environmental response actions and corrective actions for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful completion of such environmental response actions and corrective actions.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare the proposed plan required under subsection (a);

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

Federal Register, publication. Indiana.

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area of the Jefferson Proving Ground not earlier than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit the final plan required by subsection (a) to Congress.

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental response actions and corrective actions required to permit such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, or modifying any Federal, State, or local law or regulation, including the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2825. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

10 USC 2687 note.

(a) AUTHORITY TO CONVEY FACILITIES.—(1) Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of the military department having jurisdiction over a military installation being closed pursuant to a base closure law may convey all right, title, and interest of the United States in a facility located on that installation to a credit union that—

(A) conducts business in the facility; and

(B) constructed or substantially renovated the facility using funds of the credit union.

(2) In the case of the conveyance under paragraph (1) of a facility that was not constructed by the credit union but was substantially renovated by the credit union, the Secretary shall require the credit union to pay an amount determined by the Secretary to be equal to the value of the facility in the absence of the renovations.

(b) AUTHORITY TO CONVEY LAND.—As part of the conveyance of a facility to a credit union under subsection (a), the Secretary of the military department concerned shall permit the credit union to purchase the land upon which that facility is located. The Secretary shall offer the land to the credit union before offering such land for sale or other disposition to any other entity. The purchase price shall be not less than the fair market value of the land, as determined by the Secretary.

(c) LIMITATION.—The Secretary of a military department may not convey a facility to a credit union under subsection (a) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(d) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

10 USC 2687 note.

SEC. 2826. REPORT ON EMPLOYMENT ASSISTANCE SERVICES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the availability of employment assistance services for civilian employees of the Department of Defense who may be affected by reductions in defense employment as a result of the closure and realignment of military installations under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note). The Secretary shall prepare the report in coordination with the Secretary of Labor.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include the following:

(1) A detailed description of plans to reduce the work force, including specific timetables, at military installations currently designated for closure or realignment under those Acts.

(2) A description of the availability of all current Federal, State, and local programs and efforts to provide training and reemployment assistance to involuntarily separated personnel in each community affected by base closure or realignment.

(3) A description of any plans by the Department of Labor and the Department of Defense to expand existing job training programs for civilian employees of the Department of Defense affected by base closure and realignments and the estimated cost of such program expansions.

(4) A description of any specific Army, Navy, or Air Force programs which provide job training and reemployment assistance to civilian workers affected by current base closure and realignment actions, the current cost of these programs, and

any plans to expand these programs to meet future job training and reemployment requirements.

SEC. 2827. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED AND REPORT ON ENVIRONMENTAL RESTORATION COSTS AT SUCH INSTALLATIONS.

(a) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the termination of the authority of the Secretary to carry out a closure or realignment under this part.".

(2) Section 2905(a)(1)(C) of such Act (Public Law 101-510; 104 Stat. 1813; 10 U.S.C. 2687 note) is amended—

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by striking out "or funds appropriated to the Department of Defense for environmental restoration and mitigation".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

Effective date.
10 USC 2687 note.

(b) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to Congress a report on the funding needed for the fiscal year for which the budget is submitted, and for each of the following four fiscal years, for environmental restoration activities at each military installation described in paragraph (2), set forth separately by fiscal year for each military installation.

10 USC 2687 note.

(2) The report required under paragraph (1) shall cover each military installation which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510).

PART C—LAND TRANSACTIONS

SEC. 2831. ACQUISITION OF LAND, BALDWIN COUNTY, ALABAMA.

(a) ACQUISITION OF LAND.—The Secretary of the Navy may acquire the fee simple interest in a parcel of real property consisting of approximately 60 acres within the runway clear zones located at Outlying Landing Field Barin, Baldwin County, Alabama.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Navy.

(c) TERMS AND CONDITIONS.—The Secretary of the Navy may require any terms or conditions in connection with the acquisition under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of Army may convey to the City of Lompoc, California (in this section referred to as the "City"), without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 41 acres located at the United States Disciplinary Barracks, Lompoc, California, together with any improvements on such land.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City use the real property conveyed for—

(1) educational purposes; or

(2) the purposes provided for in section 834 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526).

(c) REVERSION.—If the Secretary of the Army determines at any time that the City is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a), including improvements on the property, shall revert to the United States and the United States shall have the right of immediate entry on that property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require any additional terms and conditions in connection with the conveyance under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2833. LAND EXCHANGE, SCOTT AIR FORCE BASE, ILLINOIS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Air Force may convey to the County of Saint Clair, Illinois (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property known as the Cardinal Creek Housing Complex, Scott Air Force Base, Illinois, consisting of approximately 150 acres, together with the improvements on the property.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a) of the parcel described in that subsection, the County shall convey to the United States a parcel of real property located in the vicinity of Scott Air Force Base, Illinois. The fair market value of the real property conveyed to the United States shall be at least equal to the fair market value of the real property (including the improvements on that property) conveyed to the County under subsection (a).

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The determinations of the Secretary of the Air Force regarding the fair market values of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force. The cost of such surveys shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyances under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, NEW BEDFORD, MASSACHUSETTS.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the City of New Bedford, Massachusetts (in this section referred to as the "City"), all right, title, and interest of the United States in and to the following parcels of real property:

(1) A parcel consisting of approximately 12 acres, with improvements thereon, located at Clark's Point, New Bedford, Massachusetts, and comprising the New Bedford Army Reserve Center.

(2) A parcel consisting of approximately 2,500 square feet, with improvements thereon, located at Clark's Point, New Bedford, Massachusetts.

(3) A utility easement and right of way appurtenant to the parcels referred to in paragraphs (1) and (2) running from Rodney French Boulevard (south).

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the City shall—

(A) accept the parcels to be conveyed under this section in their existing condition;

(B) conduct any response actions with respect to the parcels that are necessary (as determined under the laws of the State of Massachusetts) to prevent the release or threat of release of any oil or hazardous material identified in and described as being located on the parcels in the "Phase One Limited Site Investigation United States Army Reserve Center Fort Rodman Parcel 5 New Bedford, Massachusetts", dated May 1991, and prepared by Tibbetts Engineering Corporation;

(C) agree to indemnify the United States for all costs of necessary response actions with respect to the parcels arising from the failure of the City to conduct any response action referred to in subparagraph (B); and

(D) pay to the United States the amount, if any, by which the fair market value of the parcels on the date of the conveyance of the parcels (as determined in an appraisal satisfactory to the Secretary of the Army) exceeds the cost of the response actions referred to in subparagraph (B).

(2) The cost of the appraisal referred to in paragraph (1)(D) shall be borne by the City.

(3) In this subsection, the terms "response action", "release", "threat of release", "oil", and "hazardous material" shall have the meanings given such terms in section 2 of the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (Mass. Gen. Laws Ann. ch. 21E, § 2 (West 1990)).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the City.

(d) DISPOSITION OF PROCEEDS.—The Secretary of the Army shall deposit any amount received by the Secretary under subsection (b)(1)(D) into the special account referred to in section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(e) ENTRY ONTO PROPERTY.—Beginning on the date of the enactment of this Act, the Secretary of the Army shall permit authorized representatives of the City to enter upon the parcels of real property referred to in subsection (a) for the purpose of preparing the parcels for the construction of a waste water treatment plant.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2835. RELEASE OF REVERSIONARY INTEREST, BERRIEN COUNTY, MICHIGAN.

(a) IN GENERAL.—The Secretary of the Navy shall release the reversionary interest of the United States to approximately 1.7 acres of real property conveyed by the quitclaim deed described in subsection (b).

(b) DEED DESCRIPTION.—The deed referred to in subsection (a) is a quitclaim deed executed by the Secretary of the Navy, dated February 25, 1936, which conveyed to the State of Michigan approximately 1.7 acres of land in Berrien County, Michigan, situated in section 23, township 4 south, range 19 west.

(c) PROPERTY DESCRIPTION.—The exact acreage and legal description of the property that is subject to the reversionary interest to be released under this section shall be determined by surveys satisfactory to the Secretary of the Navy. The cost of any survey shall be borne by the State of Michigan.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require any additional term or condition in connection with the conveyance under this section that the Secretary determines appropriate to protect the interests of the United States.

(e) INSTRUMENT OF RELEASE.—The Secretary of the Navy shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2836. LAND CONVEYANCE, SANTA FE, NEW MEXICO.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Army may convey to the New Mexico State Armory Board (in this section referred to as the "Board") all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 5 acres, including improvements on the parcel, located at 2500 Cerrillos Road, Santa Fe, New Mexico, the location of a United States Army Reserve Center.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a) of the parcels described in that subsection, the Board shall convey to the United States all right, title, and interest of the State of New Mexico in and to a parcel of real property consisting of approximately 13 acres located in Santa Fe County, New Mexico.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Board design and construct on the property conveyed pursuant to subsection (b) (on terms satisfactory to, and subject to the approval of, the Secretary of the Army) a facility suitable for use as a replacement for the United States Army Reserve Center referred to in subsection (a).

(2) That the Board permit (on terms satisfactory to the Secretary and the Board) units of the United States Army Reserve

located in New Mexico to use, at no cost to the United States, Board facilities at the headquarters complex of the New Mexico National Guard, Santa Fe, New Mexico, that are also being used by units of the New Mexico National Guard.

(d) REVERSION.—If the Secretary of the Army determines at any time that the Board is not complying with the conditions specified in subsection (c), all right, title, and interest in and to the property conveyed pursuant to subsection (a), including improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the Board.

(f) USE OF APPROPRIATED FUNDS.—The cost of designing and constructing the United States Army Reserve Center required under subsection (c)(1) shall be paid out of funds appropriated for the construction of such center in Public Law 101-148 (103 Stat. 920) or out of other funds appropriated for the Department of Defense for military construction and made available for such construction project.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require any additional terms and conditions in connection with the conveyances under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2837. REVISION OF LAND CONVEYANCE AUTHORITY, NAVAL RESERVE CENTER, BURLINGTON, VERMONT.

Section 2837(c) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1800) is amended—

(1) in paragraph (1)(A), by striking out "$1,500,000" and inserting in lieu thereof "$800,000"; and

(2) in paragraph (2), by striking out "January 1, 1992" and inserting in lieu thereof "January 1, 1993".

SEC. 2838. LEASE AND DEVELOPMENT OF CERTAIN REAL PROPERTY, NORFOLK, VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Navy may lease to a private entity all or part of approximately 150 acres of real property that is located at the Naval Base, Norfolk, Virginia, and known as the Willoughby site. The lease may be for such period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—(1) As consideration for the lease of real property under subsection (a), the lessee or lessees shall make available to the Secretary of the Navy such facilities or the use of such facilities, or both, as may be constructed or rehabilitated on the property by the lessee or lessees. The lessee or lessees shall be responsible for all costs of constructing, operating, maintaining, or repairing such facilities. The lease of the property shall be the only consideration required from the Secretary in exchange for obtaining or using such facilities.

(2) The value of using or obtaining the facilities under paragraph (1), or both, shall be at least equal to the fair market rental value of

the real property leased under subsection (a), as determined by the Secretary.

(c) CONDITIONS.—(1) The Secretary of the Navy shall provide that any real property leased under this section be developed in consultation with the City of Norfolk, Virginia.

(2) A lease may not be entered into under this section until 21 days after the Secretary submits a plan for the development of the real property to be leased under subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives, including a justification of how the plan is more advantageous to the United States than developing the real property with Federal funds.

(3) Any lease under this section shall be awarded through publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided under chapter 137 of title 10, United States Code.

(4) The Secretary may require such additional terms and conditions in connection with the leases authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is amended by striking out "within one year after the date of the enactment of this Act," and inserting in lieu thereof "not later than November 5, 1992,".

SEC. 2840. LAND EXCHANGE, PEARL HARBOR, HAWAII.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Navy may convey to the City and County of Honolulu, Hawaii (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements on the property) consisting of approximately 43.8 acres in Pearl City, Oahu, Hawaii, and known as Navy Drum Storage Area.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title and interest to approximately 28.3 acres of real property on Waiawa peninsula, Oahu, Hawaii, known as the former Pearl City Sewage Treatment Plant site, together with improvements on the site and associated roadway access and utility easements;

(2) pay to the United States an amount equal to the estimate (determined by the Secretary of the Navy) of the cost to demolish and dispose of sewage treatment plant improvements located on the site;

(3) pay to the United States an amount equal to the estimate (determined by the Secretary) of the cost to construct road access improvements to the site, including a replacement bridge across Waiawa Stream; and

(4) in the event that the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the sum of the amount of the fair market value of the land and improvements referred to in paragraph (1) and the amounts referred to in paragraphs (2) and (3), pay to the United States an amount equal to the excess.

(c) USE OF PROCEEDS.—(1) The Secretary of the Navy may use, to the extent provided in appropriation Acts, the amounts paid by the City under subsection (b)—

(A) to carry out the demolition and disposal activities referred to in paragraph (2) of that subsection; and

(B) to construct the road access improvements referred to in paragraph (3) of that subsection.

(2) The Secretary shall deposit the unobligated balance of such amounts, if any, into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) ENVIRONMENTAL RESTORATION.—(1) The City shall undertake such studies and appraisals as are necessary (as determined by the Secretary of the Navy and the City) to identify the type and quantity of the hazardous substances, if any, that are located on the parcels of real property conveyed pursuant to subsections (a) and (b)(1). The cost of any such studies and appraisals shall be borne by the City.

(2) Upon the completion of the studies and appraisals referred to in paragraph (1), the City and the Secretary shall carry out any remedial actions with respect to the hazardous substances located on such parcels (as identified in such studies and appraisals) that are necessary to protect human health and the environment. The cost of any such remedial actions shall be borne—

(A) by the Secretary, in the case of the parcel of real property conveyed pursuant to subsection (a); and

(B) by the City, in the case of the parcel of real property conveyed pursuant to subsection (b)(1).

(3) The conveyances of real property authorized under subsections (a) and (b)(1) may be completed in whole or in part before the completion of the remedial actions referred to in paragraph (2). The conveyance of a parcel of real property pursuant to this paragraph shall not relieve the Secretary or the City, as the case may be, from completing the remedial actions required for that property.

(e) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1) shall be determined by surveys that are satisfactory to the Secretary of the Navy.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyances under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2841. LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to the State of Connecticut the following:

(1) All right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located adjacent to the State Pier, New London, Connecticut.

(2) The leasehold interest of the United States in and to a parcel of real property on the State Pier, including improvements thereon, located adjacent to the parcel referred to in paragraph (1).

(b) CONDITIONS OF CONVEYANCE.—The conveyances authorized under subsection (a) shall be subject to the following conditions:

(1) The State of Connecticut may not require that the Department of the Navy—

(A) pay the cost of any improvements made to the parcels of property referred to in subsection (a) after the date of the enactment of this Act;

(B) except as provided in paragraph (3), restore the portion of the State Pier subject to the leasehold interest referred to in subsection (a)(2) to its original condition; or

(C) pay to the State of Connecticut any amount of rent for the parcel referred to in subsection (a)(2) under the lease referred to in that subsection after the date of the enactment of the Act.

(2) The Department of the Navy shall pay for all costs associated with the removal of equipment of the Department from the parcels referred to in subsection (a) if such removal is agreed to by the Secretary and the State of Connecticut.

(3) The Department of the Navy shall be responsible for any environmental restoration of the parcel of the State Pier subject to the leasehold interest referred to in subsection (a)(2) that is necessary (as determined by the Secretary) as a result of the lease of the parcel by the Department of the Navy.

(4) In the event that the fair market value (as determined by the Secretary) of the parcel of real property and the leasehold interest conveyed under subsection (a) exceeds the fair market value (as so determined) of any obligations of the United States to the State of Connecticut that are released by the State of Connecticut by reason of paragraphs (1) through (3), the State of Connecticut shall pay the United States the amount of such excess.

(c) PROCEEDS.—Any funds paid to the United States under subsection (b)(4) shall be deposited into the special account established by section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property subject to the conveyances referred to in subsection (a) shall be determined by surveys satisfactory to the Secretary of the Navy. The cost of the surveys shall be borne by the State of Connecticut.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyances under this section as the Secretary determines appropriate to protect the interests of the United States.

PART D—PROHIBITION ON CERTAIN CONSTRUCTION

Spain.

SEC. 2851. PROHIBITION ON CONSTRUCTION AT CROTONE, ITALY.

None of the funds available to the Department of Defense, including contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, may be obligated in connection with relocating functions of the Department of Defense located at Torrejon Air Force Base, Madrid, Spain, on June 15, 1989, to Crotone, Italy.

SEC. 2852. RESTRICTION ON CERTAIN DEVELOPMENT AT FORT HUNTER LIGGETT, CALIFORNIA.

(a) RESTRICTION ON DEVELOPMENT.—Subject to subsection (c), the Secretary of the Army shall prohibit above-ground construction on the real property described in subsection (b) to the extent that the

Secretary determines necessary for maintaining a viewshed buffer area for the Mission San Antonio de Padua.

(b) APPLICABILITY.—Subsection (a) applies to real property (consisting of approximately 339.86 acres) under the jurisdiction of the Secretary that is within the parcel of real property designated as Parcel A on the December 1990 record of survey that—

(1) is recorded with the County of Monterey, California, for Monterey County map location number 5562, Rancho Milpitas, Fort Hunter Liggett, County of Monterey, California;

(2) shows the restricted building zone at Mission San Antonio de Padua; and

(3) shows the exterior boundaries of the Mission San Antonio de Padua appearing on the August 1919 map of resurvey of the Mission prepared by H. F. Cozzens and William Davies.

H.F. Cozzens.
William Davies.

(c) EXCEPTION.—The prohibition in subsection (a) shall not apply in the case of any construction for the maintenance or protection of any improvements to real property that are eligible for inclusion on the National Register of Historic Places.

(d) OTHER USE.—The Secretary may permit the use of the property to which the prohibition in subsection (a) applies for any purpose that is consistent with the prohibition set out in that subsection, including use for access, training, recreation, grazing, forestry, and fire control.

PART E—MISCELLANEOUS

SEC. 2861. REVIEW OF ASSETS OF THE RESOLUTION TRUST CORPORATION BEFORE ACQUISITION OF OPTIONS ON REAL PROPERTY.

Section 2677 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Before acquiring an option on real property under subsection (a), the Secretary of a military department shall review the most recent inventory of real property assets published by the Resolution Trust Corporation under section 21A(b)(12)(F) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)) and determine whether any real property listed in the inventory is suitable for use by the military department for the purposes for which the real property is sought.

"(2) The requirement for the review referred to in paragraph (1) shall terminate on September 30, 1996.".

Termination date.

SEC. 2862. CLARIFICATION OF THE AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO LEASE NONEXCESS PROPERTY.

(a) LEASE CONDITIONS.—Subsection (b) of section 2667 of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking out "must" and inserting in lieu thereof "shall"; and

(B) by striking out "and" at the end of that paragraph;

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the

fair market value of the lease interest, as determined by the Secretary; and"; and

(4) in paragraph (5) (as redesignated by paragraph (2))—

(A) by inserting "improvement," before "maintenance"; and

(B) by inserting "the payment of" before "part or all".

(b) TECHNICAL AMENDMENT.—Subsection (d)(3) of such section is amended—

(1) by striking out subparagraph (A);

(2) by striking out "(B) As part of the request for authorizations of appropriations to such Committees for each fiscal year after fiscal year 1992" and inserting in lieu thereof the following: "As part of the request for authorizations of appropriations submitted to the Committees on Armed Services of the Senate and House of Representatives for each fiscal year"; and

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

SEC. 2863. TEST PROGRAM OF LEASES OF REAL PROPERTY FOR ACTIVITIES RELATED TO SPECIAL FORCES OPERATIONS.

(a) AUTHORITY TO LEASE.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2679 the following new section:

"§ 2680. Leases: land for special operations activities

"(a) AUTHORITY TO ACQUIRE LEASEHOLDS.—The Secretary of Defense may acquire a leasehold interest in real property if the Secretary determines that the acquisition of such interest is necessary in the interests of national security to facilitate special operations activities of forces of the special operations command established pursuant to section 167 of this title.

"(b) LIMITATIONS ON AUTHORITY.—(1) The Secretary may not acquire a leasehold interest in any real property under subsection (a) if the estimated annual rental cost of that real property exceeds $500,000.

"(2) The Secretary may not acquire more than five leasehold interests in real property under subsection (a) during a fiscal year.

"(3) The term of a leasehold interest acquired under this section shall not exceed one year.

"(c) CONSTRUCTION OR MODIFICATION OF FACILITY ON LEASEHOLD.—The Secretary may provide in a lease entered into under this section for the construction or modification of any facility on the leased property in order to facilitate the activities referred to in subsection (a). The total cost of the construction or modification of such facility may not exceed $750,000 in any fiscal year.

"(d) EXPIRATION OF AUTHORITY.—The authority of the Secretary of Defense to acquire a leasehold interest in real property under this section shall expire on September 30, 1993. The expiration of that authority shall not affect the validity of any contract entered into under this section on or before that date.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2679 the following new item:

"2680. Leases: land for special operations activities.".

10 USC 2680 note.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1993, and March 1, 1994, the Secretary of Defense shall submit to the Commit-

tees on Armed Services of the Senate and the House of Representatives a report that—

"(1) identifies each leasehold interest acquired during the previous fiscal year by the Secretary under subsection (a) of section 2680 of title 10, United States Code, as added by subsection (a); and

"(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) of such section during such fiscal year.

SEC. 2864. LAW ENFORCEMENT AUTHORITY ON THE PENTAGON RESERVATION.

Section 2674(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) shall have the same powers (other than the service of civil process) as sheriffs and constables upon the property referred to in the first sentence to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace and suppress affrays or unlawful assemblies, and to enforce any rules or regulations with respect to such property prescribed by duly authorized officials.".

SEC. 2865. REPAIR OF DAMAGES AT MCCONNELL AIR FORCE BASE CAUSED BY TORNADOES. Kansas.

(a) FINDINGS.—Congress finds the following:

(1) On April 26, 1991, tornadoes caused extensive damage to McConnell Air Force Base in Wichita, Kansas.

(2) The immediate repair of the damage caused by the tornadoes is necessary to return this important military installation to its highest state of readiness and to provide the military personnel and their families stationed at this installation the necessary support facilities to assure an appropriate standard of living.

(b) REPAIR REQUIRED.—Pursuant to the authority of the Secretary of the Air Force to restore or replace damaged or destroyed facilities under section 2854 of title 10, United States Code, the Secretary shall expeditiously repair the damage to McConnell Air Force Base in Wichita, Kansas, caused by the devastating tornadoes on April 26, 1991.

SEC. 2866. STUDY OF THE NEED FOR THE CONSTRUCTION OF TORNADO SHELTERS. Reports.

Not later than April 15, 1992, the Secretary of Defense shall submit to the congressional defense committees a report regarding the advisability of constructing tornado shelters at military installations located in areas where tornadoes frequently occur. If the Secretary determines that the construction of shelters is advisable, the report shall contain a proposed schedule for the construction of such shelters.

SEC. 2867. REPORT ON REPLACEMENT BRIDGE NEAR THE NAVY HOMEPORT AT PASCAGOULA, MISSISSIPPI.

Not later than January 15, 1992, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the status of the planning and design of a replacement bridge on Highway 90 near the Navy homeport at Pascagoula, Mississippi.

10 USC 2802 note.

SEC. 2868. REPORTS RELATING TO MILITARY CONSTRUCTION FOR FACILITIES SUPPORTING NEW WEAPON SYSTEMS.

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress with the budget submitted under section 1105 of title 31, United States Code, for the fiscal year in which the first construction of a facility for the permanent basing of a new weapon system is to be authorized a report describing—

(1) the site or sites selected or planned for permanent basing of the planned force of that weapon system;

(2) the rationale for selecting such site or sites; and

(3) the military construction activities proposed for each such site.

(b) NEW WEAPON SYSTEM DEFINED.—For purposes of this section, the term "new weapon system" means any military aircraft or major naval combatant vessel for which a complete permanent basing plan has not been publicly announced before the date of the enactment of this Act.

SEC. 2869. INITIATION OF CONSTRUCTION OF PHOENIX, ARIZONA, AND VICINITY (STAGE 2) FLOOD CONTROL.

(a) IN GENERAL.—With funds appropriated for fiscal year 1992 by the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104) for construction water projects, the Secretary of the Army is directed, with respect to the Phoenix, Arizona, and vicinity (Stage 2) flood control project, to initiate construction to cover the Arizona Canal Diversion Channel—

(1) for approximately 150 linear feet east of Central Avenue in Phoenix;

(2) for 1,760 feet west from 32nd Street to the property line of the Arizona Biltmore in Phoenix; and

(3) from 1,250 east of 32nd Street to the Cudia City Wash Spillway in Paradise Valley.

(b) COST SHARING.—The Federal share of the cost of construction under subsection (a) shall be 90 percent, and the non-Federal share of such cost shall be provided by the city of Phoenix and the town of Paradise Valley, Arizona, for the portions of such construction which are in such city and town, respectively.

(c) EXPEDITED CONSTRUCTION.—The Secretary is directed to take all appropriate steps to expedite construction under subsection (a).

(d) TERMS AND CONDITIONS.—Except as provided in subsection (b), the construction under subsection (a) shall be carried out under the terms and conditions set forth in the agreement dated July 21, 1977, and executed in accordance with section 221 of the Flood Control Act of 1970 (Public Law 91-611) between the Maricopa County Flood Control District and the Secretary of the Army with respect to the project referred to in subsection (a).

(e) TERMINATION OF AUTHORITY.—The authorization in this section shall expire on September 30, 1993.

SEC. 2870. TECHNICAL AMENDMENTS.

Title 10, United States Code, is amended as follows:

(1) Section 2676(d) is amended in the second sentence—

(A) by striking out "(1)"; and

(B) by striking out ", or (2)" and all that follows through "increased cost".

(2) Section 2803(b) is amended in the third sentence by striking out ", or after" and all that follows "that period".

(3) Section 2804(b) is amended in the third sentence by striking out ", or after" and all that follows through "that period".

(4) Section 2805(b)(2) is amended in the second sentence—

(A) by striking out "(A)"; and

(B) by striking out ", or (B)" and all that follows through "that period".

(5) Section 2806(c)(2)(B) is amended—

(A) by striking out "after either" and inserting in lieu thereof "after"; and

(B) by striking out "or after each" and all that follows through "increased contribution".

(6) Section 2807(c)(2) is amended—

(A) by striking out "either"; and

(B) by striking out "or after each" and all that follows through "level of activity".

(7) Section 2854(b) is amended in the second sentence—

(A) by striking out "(1)"; and

(B) by striking ", or (2)" and all that follows through "that period".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1992 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $4,075,800,000 to be allocated as follows:

(A) For research and development, $1,182,600,000.

(B) For weapons testing, $457,500,000.

(C) For production and surveillance, $2,273,950,000.

(D) For program direction, $161,750,000.

(2) For defense nuclear materials production, $1,464,312,000, to be allocated as follows:

(A) For production reactor operations, $584,418,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $531,217,000.

(C) For supporting services, $305,433,000.

(D) For program direction, $43,244,000.

(3) For verification and control technology, $209,900,000.

(4) For nuclear materials safeguards and security technology development program, $88,731,000.

(5) For security investigations, $62,600,000.

(6) For Office of Security evaluations, $15,000,000.

(7) For new production reactors, $142,835,000.
(8) For naval reactors, $723,400,000, to be allocated as follows:
(A) For plant development, $93,000,000.
(B) For reactor development, $285,997,000.
(C) For reactor operation and evaluation, $205,600,000.
(D) For program direction, $15,963,000.
(E) For enriched material, operating, $122,840,000.
(9) For education, training, and technology transfer, $49,900,000, including the following:
(A) For worker protection training, $10,000,000.
(B) For scholarship and fellowship programs, $1,000,000.
(C) For the Hanford health information network, $1,554,000.
(D) For site specific health assessments, $8,000,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1992 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project GPD-101, general plant projects, various locations, $28,800,000.

Project GPD-121, general plant projects, various locations, $34,700,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $6,600,000.

Project 92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $7,200,000.

Project 92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $5,200,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,500,000.

Project 92-D-126, replace emergency notification systems, various locations, $4,200,000.

Project 91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio, $4,000,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $34,100,000.

Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, $12,927,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $1,428,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, New Mexico, $1,515,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $53,608,000.

Project 88-D-122, facilities capability assurance program, various locations, $47,473,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $30,000,000.

Project 87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, California, $5,300,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $12,027,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

(2) For materials production:

Project GPD-146, general plant projects, various locations, $40,000,000.

Project 92-D-140, F and H canyon exhaust upgrades, Savannah River, South Carolina, $12,000,000.

Project 92-D-141, reactor seismic improvement, Savannah River, South Carolina, $14,200,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $2,500,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $2,000,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $3,000,000.

Project 92-D-151, plant maintenance and improvements, Phase I, Savannah River, South Carolina, $4,060,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $8,017,000.

Project 91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River, South Carolina, $2,614,000.

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $12,000,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,000,000.

Project 90-D-150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $14,530,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $105,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $28,150,000.

Project 89-D-148, improved reactor confinement system, Savannah River, South Carolina, $12,121,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $6,528,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $36,865,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $82,700,000.

(3) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(4) For nuclear materials safeguards and security:

Project GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(5) For new production reactors:

Project 92-D-300, new production reactor capacity, various locations, $359,465,000.

Project 92-D-301, new production reactor (NPR) safety center, Los Alamos National Laboratory, New Mexico, $2,000,000.

(6) For naval reactors development:

Project GPN-101, general plant projects, various locations, $8,500,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $4,900,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $15,000,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $2,800,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $5,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, $252,050,000.

(B) For materials production, $92,198,000.

(C) For verification and control technology, $10,100,000.

(D) For nuclear safeguards and security, $5,269,000.

(E) For new production reactors, $11,200,000.

(F) For naval reactors development, $58,400,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) AUTHORIZATION.—Funds are authorized to be appropriated to the Department of Energy for fiscal year 1992 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses, $3,177,142,000, to be allocated as follows:

(A) For corrective activities—environment, $27,689,000.

(B) For corrective activities—defense programs, $33,518,000.

(C) For environmental restoration, $1,074,392,000.

(D) For waste management, $1,723,796,000.

(E) For technology development, $274,778,000.

(F) For transportation management, $18,220,000.

(G) For program direction, $24,749,000.

(2) For plant projects:

Project GPD-171, general plant projects, various locations, $88,027,000.

Project 92-D-171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,640,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $2,400,000.

Project 92-D-173, NOx abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92-D-174, sanitary landfill, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92-D-176, B plant safety class ventilation upgrades, Richland, Washington, $4,400,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $5,800,000.

Project 92-D-180, inter-area line upgrade, Savannah River, South Carolina, $2,100,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $3,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $2,100,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $895,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $800,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, $400,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,100,000.

Project 92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $3,000,000.

Project 92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, California, $3,500,000.

Project 91-D-171, waste receiving and processing facility module 1, Richland, Washington, $7,400,000.

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $30,000,000.

Project 91-D-173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $10,100,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $4,419,000.

Project 91-E-100, environmental and molecular sciences laboratory, Richland, Washington, $17,100,000.

Project 90-D-125, steam ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $8,122,000.

Project 90-D-126, environment, safety, and health improvements, various locations, $7,419,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $1,116,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $6,000,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $5,800,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $3,700,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $8,840,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,500,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho, $25,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, $4,490,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,238,000.

Project 89-D-126, environment, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $41,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $4,170,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $4,231,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $14,145,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $4,330,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,546,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $79,200,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $4,697,000.

Project 86-D-103, decontamination and waste technology, Lawrence Livermore National Laboratory, Livermore, California, $5,060,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,100,000.

(3) For capital equipment, $121,832,000, to be allocated as follows:

(A) For corrective activities—environment, $1,249,000.

(B) For corrective activities—defense programs, $6,520,000.

(C) For waste management, $95,913,000.

(D) For technology development, $17,500,000.

(E) For transportation management, $650,000.

(b) OTHER AUTHORIZATION.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglen in the State of Colorado $10,000,000 for the cost of implementing water management programs. Such reimbursement shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3104. FUNDING LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1992 for operating expenses and plant and capital equipment, $197,000,000 shall be available for the defense inertial confinement fusion program.

(b) W-79 PROJECTILE MODIFICATION.—None of the funds appropriated or otherwise made available for the Department of Energy

for fiscal year 1992 may be obligated for the modification of the W-79 atomic fired artillery projectile.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until— Reports.

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and to the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 or 3103 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) NUCLEAR DIRECTED ENERGY WEAPONS CONCEPTS.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1992 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research and testing for nuclear directed energy weapons concepts, including plant and capital equipment related thereto; and

(2) shall be merged with the funds appropriated to the Department of Energy.

(c) INERTIAL CONFINEMENT FUSION PROGRAMS.—The Secretary of Defense may transfer to the Secretary of Energy not more than $12,000,000 of the funds appropriated to the Department of Defense for the inertial confinement fusion program. Funds so transferred shall be merged with funds appropriated to the Department of Energy national security programs for research and development.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—In addition to the funds authorized to be appropriated for advance planning and construction design under sections 3102 and 3103, the Secretary of Energy may use any other funds available to the Department of Energy in order to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

(b) LIMITATION.—(1) The Secretary may not exercise the authority under subsection (a) in the case of any construction project until— Reports.

(A) the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out with funds under such authority and the circumstances making such activities necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(2) In the computation of the 30-day period, there shall be excluded each day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS

SEC. 3131. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES. 42 USC 7274d.

(a) TRAINING GRANT PROGRAM.—(1) The Secretary of Energy is authorized to award grants to organizations referred to in paragraph (2) in order for such organizations—

(A) to provide training and education to persons who are or may be engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) to develop curricula for such training and education.

(2)(A) Subject to subparagraph (B), the Secretary is authorized to award grants under paragraph (1) to non-profit organizations that have demonstrated (as determined by the Secretary) capabilities in—

(i) implementing and conducting effective training and education programs relating to the general health and safety of workers; and

(ii) identifying, and involving in training, groups of workers whose duties include hazardous substance response or emergency response.

(B) The Secretary shall give preference in the award of grants under this section to employee organizations and joint labor-management training programs that are grant recipients under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a).

(3) An organization awarded a grant under paragraph (1) shall carry out training, education, or curricula development pursuant to Department of Energy orders relating to employee safety training, including orders numbered 5480.4 and 5480.11.

(b) ENFORCEMENT OF EMPLOYEE SAFETY STANDARDS.—(1) Subject to paragraph (2), the Secretary shall assess civil penalties against any contractor of the Department of Energy who (as determined by the Secretary)—

(A) employs individuals who are engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) fails (i) to provide for the training of such individuals to carry out such hazardous substance response or emergency response, or (ii) to certify to the Department of Energy that such employees are adequately trained for such response pursuant to orders issued by the Department of Energy relating to employee safety training (including orders numbered 5480.4 and 5480.11).

(2) Civil penalties assessed under this subsection may not exceed $5,000 for each day in which a failure referred to in paragraph (1)(B) occurs.

(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(d) DEFINITIONS.—For the purposes of this section, the term "hazardous substance" includes radioactive waste and mixed radioactive and hazardous waste.

(e) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(9)(A), $10,000,000 may be used for the purpose of carrying out this section.

42 USC 7274e.

SEC. 3132. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a scholarship and fellowship program for the purpose of enabling individuals to qualify for employment in environmental restoration and waste management positions in the Department of Energy.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship and fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet such other requirements as the Secretary prescribes.

(c) AGREEMENT.—An agreement between the Secretary and a participant in the scholarship and fellowship program established

under this section shall be in writing, shall be signed by the participant, and shall include the following provisions:

(1) The Secretary's agreement to provide the participant with educational assistance for a specified number of school years (not exceeding 5) during which the participant is pursuing a program of education in a qualifying field of study. The assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The participant's agreement (A) to accept such educational assistance, (B) to maintain enrollment and attendance in the program of education until completed, (C) while enrolled in such program, to maintain satisfactory academic progress as prescribed by the institution of higher education in which the participant is enrolled, and (D) after completion of the program of education, to serve as a full-time employee in an environmental restoration or waste management position in the Department of Energy for a period of 12 months for each school year or part thereof for which the participant is provided a scholarship or fellowship under the program established under this section.

(d) REPAYMENT.—(1) Any person participating in a scholarship or fellowship program established under this section shall agree to pay to the United States the total amount of educational assistance provided to the person under the program, plus interest at the rate prescribed by paragraph (4), if the person—

(A) does not complete the course of education as agreed to pursuant to subsection (c), or completes the course of education but declines to serve in a position in the Department of Energy as agreed to pursuant to subsection (c); or

(B) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy before the end of the period for which the person has agreed to continue in the service of the Department of Energy.

(2) If an employee fails to fulfill his agreement to pay to the Government the total amount of educational assistance provided to the person under the program, plus interest at the rate prescribed by paragraph (4), a sum equal to the amount of the educational assistance (plus such interest) is recoverable by the Government from the person or his estate by—

(A) in the case of a person who is an employee, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(B) such other method as is provided by law for the recovery of amounts owing to the Government.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) For purposes of repayment under this section, the total amount of educational assistance provided to a person under the program shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating applicants for award of scholarships and fellowships under the program, the Secretary of Energy may give a preference to an individual who is enrolled in, or accepted for enrollment in, an

educational institution that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the student for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—(1) Subject to paragraph (2), the Secretary shall award at least 20 scholarships (for undergraduate students) and 20 fellowships (for graduate students) during fiscal year 1992.

(2) The requirement to award 20 scholarships and 20 fellowships under paragraph (1) applies only to the extent there is a sufficient number of applicants qualified for such awards.

(h) REPORT TO CONGRESS.—Not later than January 1, 1993, the Secretary of Energy shall submit to Congress a report on activities undertaken under the program and recommendations for future activities under the program.

(i) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(9)(B), $1,000,000 may be used for the purpose of carrying out this section.

Colorado.

SEC. 3133. RESUMPTION OF PLUTONIUM OPERATIONS IN BUILDINGS AT ROCKY FLATS.

(a) RESUMPTION OF PLUTONIUM OPERATIONS.—The Secretary of Energy may not resume plutonium operations in a plutonium operations building at the Rocky Flats Plant, Golden, Colorado, until the Defense Nuclear Facilities Safety Board determines, to the satisfaction of the Board, that the Secretary's response to the Board's recommendations numbered 90-2, 90-5, and 91-1 adequately protects public health and safety with respect to the operation of such building.

(b) RESUMPTION OF PRODUCTION OF PLUTONIUM WARHEAD COMPONENTS.—The production of plutonium warhead components for any particular type of warhead may not be resumed at the Rocky Flats Plant until the later of—

(1) April 1, 1992; or

(2) 30 days after the date on which the Secretary of Defense and the Secretary of Energy certify to Congress that the production of that type of warhead is necessary in the interest of the national security of the United States.

(c) REPORTS ON WARHEAD PIT REUSE.—(1) The Defense Science Board shall prepare and submit to Congress a report on each type of warhead proposed to be produced at the Rocky Flats Plant. The report shall contain the following information:

(A) Whether the reuse of existing plutonium pits in the production of that type of warhead is feasible.

(B) If such reuse is feasible, the approximate cost and date on which it is feasible to begin the production of warheads of that type using such pits.

(C) What modifications (if any) to the warhead, the weapon system for the warhead, or production facilities are necessary to permit the reuse of plutonium pits for the production of warheads of that type, and where (in the case of the warhead or the weapon system) such modifications would be made.

(D) Whether and how the performance of the warheads would be diminished or altered, if at all, by reason of the reuse of such pits for the production of those warheads.

(E) The impact of pit reuse on worker exposure rates, and the amount of waste generated by pit reuse in comparison to new pit production.

(F) Such other matters as the Defense Science Board finds appropriate.

(2) In each instance that the Defense Science Board prepares a report under this subsection, the Board shall submit such report to the Secretary of Defense and the Secretary of Energy at least 30 days before submitting such report to Congress.

(3) In each instance that the Defense Science Board submits a report under this subsection to Congress, the Secretary of Defense and the Secretary of Energy shall jointly submit a report to Congress containing comments on the Board's report and any related matters.

(4) The Defense Science Board shall submit a report to Congress under this subsection with respect to warhead type W-88 not later than March 1, 1992.

(d) FORM OF REPORTS.—Each report submitted pursuant to this section shall be submitted in an unclassified form. Classified information may be submitted in a classified appendix.

(e) DEFINITION.—For purposes of this section, the term "plutonium operations building" means the building numbered 371, 559, 707, 771, 776, 777, or 779 at the Rocky Flats Nuclear Weapons Plant, Golden, Colorado, or any other building at such Plant in which plutonium operations are conducted.

SEC. 3134. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACCOUNT. 42 USC 7274f.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States for the Department of Energy an account to be known as the "Defense Environmental Restoration and Waste Management Account" (hereafter in this section referred to as the "Account").

(b) AMOUNTS IN ACCOUNT.—All sums appropriated to the Department of Energy for environmental restoration and waste management at defense nuclear facilities shall be credited to the Account. Such appropriations shall be authorized annually by law. To the extent provided in appropriations Acts, amounts in the Account shall remain available until expended.

SEC. 3135. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT FIVE-YEAR PLAN AND BUDGET REPORTS. 42 USC 7274g.

(a) FIVE-YEAR PLAN.—(1) Not later than September 1 of each year, the Secretary of Energy shall issue a plan for environmental restoration and waste management activities to be conducted, during the five-year period beginning on October 1 of the next calendar year, at (A) defense nuclear facilities and (B) all other facilities owned or operated by the Department of Energy. The plan also shall contain a description of environmental restoration and waste management activities conducted during the fiscal year in which the plan is submitted and of such activities to be conducted during the fiscal year beginning on October 1 of the same calendar year. Such five-year plan shall be designed to complete environmental restora-

tion at all Department of Energy facilities not later than the year 2019.

(2) The Secretary shall prepare each annual five-year plan in a preliminary form at least four months before the date on which that plan is required to be issued under paragraph (1). The preliminary plan shall contain the matters referred to in paragraph (4) (other than the matters referred to in subparagraph (J) of that paragraph). The Secretary shall provide the preliminary plan to the Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and the public for coordination, review, and comment.

Federal Register, publication.

(3) At the same time the Secretary issues an annual five-year plan under paragraph (1), the Secretary shall submit the plan to the President and Congress, publish a notice of the issuance of the plan in the Federal Register, and make the plan available to the Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and the public.

(4) The annual five-year plan, and the actions and other matters contained in the plan, shall be in accordance with all laws, regulations, permits, orders, and agreements. The plan shall contain the following matters:

(A) A description of the actions, including identification of specific projects, necessary to maintain or achieve compliance with Federal, State, or local environmental laws, regulations, permits, orders, and agreements.

(B) A description of the actions, including identification of specific projects, to be taken at each Department of Energy facility in order to implement environmental restoration activities planned for each such facility.

(C) A description of research and development activities for the expeditious and efficient environmental restoration of such facilities.

(D) A description of the technologies and facilities necessary to carry out the environmental restoration activities.

(E) A description of the waste management activities, including identification of specific projects, necessary to continue to operate the Department of Energy facilities or to decontaminate and decommission the facilities, as the case may be.

(F) A description of research and development activities for waste management.

(G) A description of the technologies and facilities necessary to carry out the waste management activities.

(H) A description of activities and practices that the Secretary is undertaking or plans to undertake to minimize the generation of waste.

(I) The estimated costs of, and personnel required for, each project, action, or activity contained in the plan.

(J) A description of the respects in which the plan differs from the preliminary form of that plan issued pursuant to paragraph (2), together with the reasons for any differences.

(K) A discussion of the implementation of the preceding annual five-year plan.

(L) Such other matters as the Secretary finds appropriate and in the public interest.

(5) The Secretary shall consult with the Administrator of the Environmental Protection Agency, Governors and Attorneys General of affected States, and appropriate representatives of affected

Indian tribes in the preparation of the plan and the preliminary form of the plan pursuant to paragraphs (1) and (2). The Secretary shall include as an appendix to the plan (A) all comments submitted on the preliminary form of the plan by the Administrator, Governors and Attorneys General of affected States, and affected Indian tribes, and (B) a summary of comments submitted by the public.

(6) The Secretary shall include in the annual five-year plan issued in 1992 a discussion of the feasibility and need, if any, for the establishment of a contingency fund in the Department of Energy to provide funds necessary to meet the requirements in environmental laws, to remove an immediate threat to worker or public health and safety, to prevent or improve a condition where postponement of activity would lead to deterioration of the environment, and to undertake additional environmental restoration activities at Department of Energy defense nuclear facilities that are not provided for in the budgets for fiscal years in which it is necessary to meet such requirements or undertake such activities.

(7) The first annual five-year plan issued pursuant to this section shall be issued in 1992.

(b) TREATMENT OF PLANS UNDER NEPA.—The development and adoption of any part of any plan (including any preliminary form of any such plan) under subsection (a) shall not be considered a major Federal action for the purposes of subparagraph (C), (E), or (F) of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). Nothing in this subsection shall affect the Department of Energy's ongoing preparation of a programmatic environmental impact statement on environmental restoration and waste management.

(c) GRANTS.—The Secretary of Energy is authorized to award grants to, and enter into cooperative agreements with, affected States and affected Indian tribes to assist such States and tribes in participating in the development of the annual five-year plan (including the preliminary form of such plan).

(d) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3103, $20,000,000 may be used for the purpose of carrying out subsection (c).

(e) BUDGET REPORTS.—Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the President shall submit to Congress a description of proposed activities and funding levels contained in the annual five-year plan (issued, pursuant to subsection (a)(1), in the year preceding the year in which the budget is submitted to Congress) that are not included in the budget or are included in the budget in a different form or at a different funding level, together with the reasons for such differences.

SEC. 3136. CRITICAL TECHNOLOGY PARTNERSHIPS. 42 USC 2123.

(a) PARTNERSHIPS.—For the purpose of facilitating the transfer of technology, the Secretary of Energy shall ensure, to the maximum extent practicable, that atomic energy defense activities research on, and development of, any dual-use critical technology is conducted through cooperative research and development agreements, or other arrangements, that involve laboratories of the Department of Energy and other entities.

(b) DEFINITIONS.—In this section:

(1) The term "dual-use critical technology" means a technology—

(A) that is critical to atomic energy defense activities, as determined by the Secretary of Energy;

(B) that has military applications and nonmilitary applications; and

(C) that either—

(i)(I) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

(II) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President; or

(ii)(I) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of title 10, United States Code; and

(II) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

(2) The term "cooperative research and development agreement" has the meaning given that term by section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(3) The term "other entities" means—

(A) firms, or a consortium of firms, that are eligible to participate in a partnership or other arrangement with a laboratory of the Department of Energy, as determined in accordance with applicable law and regulations; or

(B) firms, or a consortium of firms, described in subparagraph (A) in combination with one or more of the following:

(i) Institutions of higher education in the United States.

(ii) Departments and agencies of the Federal Government other than the Department of Energy.

(iii) Agencies of State Governments.

(iv) Any other persons or entities that may be eligible and appropriate, as determined in accordance with applicable laws and regulations.

(4) The term "atomic energy defense activities" does not include activities covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program.

New Mexico.
42 USC 7142.

SEC. 3137. NATIONAL ATOMIC MUSEUM.

(a) RECOGNITION AND STATUS.—The museum operated by the Department of Energy and currently located at Building 20358 on Wyoming Avenue South near the corner of M street within the confines of the Kirtland Air Force Base (East), Albuquerque, New Mexico—

(1) is recognized as the official atomic museum of the United States;

(2) shall be known as the "National Atomic Museum"; and

(3) shall have the sole right throughout the United States and its possessions to have and use the name "National Atomic Museum".

(b) VOLUNTEERS.—(1) In operating the National Atomic Museum, the Secretary of Energy may—

(A) recruit, train, and accept the services of individuals without compensation as volunteers for, or in aid of, interpretive functions or other services or activities of and related to the museum; and

(B) provide to volunteers incidental expenses, such as nominal awards, uniforms, and transportation.

(2) Except as provided in paragraphs (3) and (4), a volunteer who is not otherwise employed by the Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(3) For purposes of chapter 171 of title 28 of the United States Code (relating to tort claims), a volunteer under this subsection is considered a Federal employee.

(4) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation for work-related injuries), a volunteer under this subsection is considered an employee of the United States.

(c) AUTHORITY.—(1) In operating the National Atomic Museum, the Secretary of Energy, may—

(A) accept and use donations of money or gifts pursuant to section 652 of the Department of Energy Organization Act (42 U.S.C. 7262), if such gifts or money are designated in a written document signed by the donor as intended for the museum, and such donations or gifts are determined by the Secretary to be suitable and beneficial for use by the museum;

(B) operate a retail outlet on the premises of the museum for the purpose of selling or distributing mementos, replicas of memorabilia, literature, materials, and other items of an informative, educational, and tasteful nature relevant to the contents of the museum; and

(C) exhibit, perform, display, and publish information and materials concerning museum mementos, items, memorabilia, and replicas thereof in any media or place anywhere in the world, at reasonable fees or charges where feasible and appropriate, to substantially cover costs.

(2) The net proceeds of activities authorized under subparagraphs (B) and (C) of paragraph (1) may be used by the National Atomic Museum for activities of the museum.

SEC. 3138. REVISION OF WAIVER OF POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO EMPLOYEES OF CERTAIN NATIONAL LABORATORIES.

(a) REVISION.—Subparagraph (B) of section 207(k)(1) of title 18, United States Code, is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following new clause:

"(ii) Notwithstanding clause (i), a waiver granted under this paragraph to any person who was an officer or employee of Lawrence Livermore National Laboratory, Los Alamos National Laboratory, or Sandia National Laboratory immediately before the person's

Federal Government employment began shall apply to that person's employment by any such national laboratory after the person's employment by the Federal Government is terminated.".

18 USC 207 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to persons granted waivers under section 207(k)(1) of title 18, United States Code, on or after that date.

SEC. 3139. SENSE OF CONGRESS REGARDING DESIGNATION OF SITE FOR NEW PRODUCTION REACTOR AT SAVANNAH RIVER SITE, SOUTH CAROLINA.

(a) FINDINGS.—The Congress finds that the longstanding role of the Savannah River Site, South Carolina, in the production of tritium and other nuclear materials, the infrastructure in place at the Savannah River Site for processing tritium, and the role planned for the Savannah River Site in the nuclear weapons production complex in the future all indicate that the Savannah River Site would be the best site for construction of the new production reactor.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should select the Savannah River Site for the site of the new production reactor.

(c) NOTICE AND WAIT PROVISION.—If the Secretary of Energy selects, in the Record of Decision of the environmental impact statement for the new production reactor, a site for the new production reactor other than the Savannah River Site, the Secretary—

(1) may not obligate any funds for site-specific activities or procurement until the expiration of the 90-day period beginning on the date of the issuance of the Record of Decision, or until Congress approves the site selected, whichever is earlier; and

Reports.

(2) shall submit to Congress, on the date of issuance of the Record of Decision, a report describing the reasons for selecting a site other than the Savannah River Site.

SEC. 3140. REPORT ON SCHEDULE FOR RESUMPTION OF NUCLEAR TESTING TALKS AND TEST BAN READINESS PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States and the Soviet Union share a special responsibility to resume the Nuclear Testing Talks to continue negotiations toward additional limitations on nuclear weapons testing.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report containing a proposed schedule for resumption of the Nuclear Testing Talks and identifying the goals to be pursued in those talks.

(c) NUCLEAR TEST BAN READINESS PROGRAM.—Of the funds appropriated to the Department of Energy for fiscal year 1992 for weapons activities, $20,000,000 shall be available to conduct the nuclear test ban readiness program established pursuant to section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note).

SEC. 3141. WARHEAD DISMANTLEMENT AND MATERIAL DISPOSAL.

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 27, 1991, the President announced as part of a unilateral initiative designed to "enhance stability and reduce the risk of nuclear war," that the United States should explore with the Soviet Union "joint technical cooperation on the safe

and environmentally responsible storage, transportation, dismantling, and destruction of nuclear weapons".

(2) On October 5, 1991, the President of the Soviet Union stated in response that "We hereby stress readiness to embark on a specific dialogue with the United States on the elaboration of safe and ecologically responsible technologies for the storage and transportation of nuclear warheads and nuclear charges, and to design jointly measures to enhance nuclear safety".

(3) The President's initiative and the Soviet response hold out the prospect of enhancing stability and reducing the risk of nuclear war.

(b) CONGRESSIONAL ENDORSEMENT.—Congress strongly endorses the initiative proposed by the President and the Soviet response and looks forward—

(1) to hearing the proposed initiatives of the President during the congressional review of the President's proposed budget for fiscal year 1993; and

(2) to helping facilitate such initiatives through appropriate legislative measures which are requested by the President.

(c) WARHEAD DISMANTLEMENT.—Of the funds appropriated to the Department of Energy for fiscal year 1992 for weapons activities, $10,000,000 shall be available to conduct a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

SEC. 3142. REPORT ON NUCLEAR WEAPONS MATTERS. President.

(a) REPORT.—Not later than April 1, 1992, the President shall submit to the congressional defense committees a report containing the following:

(1) Information on the national security requirements of each of the following items, for the period beginning on September 30, 1991, and ending on September 30, 2001:

(A) The planned stockpile of nuclear weapons.

(B) The amount of tritium necessary to maintain the planned stockpile, including—

(i) the amount of tritium available from inventory;

(ii) the amount of tritium that must be produced and when; and

(iii) an assessment of the need for and duration of operation of the K-reactor, located at the Savannah River Site in South Carolina.

(C) The feasibility and desirability of use of W-76 warheads in place of W-88 warheads in the Trident II missiles carried by Trident Fleet Ballistic Missile submarines.

(D) The need for and duration of operation of the Rocky Flats Plant facilities (other than Building 559) located at Golden, Colorado, for the purposes of—

(i) production of W-88 warheads; and

(ii) plutonium operations other than warhead production.

(E) The earliest practicable date for the commencement of operation of facilities that replace the K-reactor and the Rocky Flats Plant, including an assessment of the effect of a delay (beyond the second quarter of fiscal year 1992) in the selection of the site and the technology for the new production reactor.

(2) A plan for assistance to the workforce at Rocky Flats and the K-reactor, including retraining for new employment opportunities at the sites, that could be provided in the event that either facility ceases production.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified and unclassified form.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1992 $12,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. POWERS AND FUNCTIONS OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) POWERS.—(1) Subsection (b)(1)(A) of section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by striking out "100" and inserting in lieu thereof "150".

(2) Subsection (g) of such section is amended by striking out "The Board" and inserting in lieu thereof "Notwithstanding any other provision of law relating to the use of competitive procedures, the Board".

(b) EXPANSION AND CLARIFICATION OF AUTHORITY RELATING TO ATOMIC WEAPONS.—(1) Section 318(1)(B) of such Act (42 U.S.C. 2286g(1)(B)) is amended by striking out "with the assembly or testing of nuclear explosives or".

(2) Section 312 of such Act (42 U.S.C. 2286a) is amended—

(A) by inserting "(a) IN GENERAL.—" before "The Board shall perform"; and

(B) by adding at the end the following new subsection:

"(b) EXCLUDED FUNCTIONS.—The functions of the Board under this chapter do not include functions relating to the safety of atomic weapons. However, the Board shall have access to any information on atomic weapons that is within the Department of Energy and is necessary to carry out the functions of the Board.".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

PART A—CHANGES IN STOCKPILE AMOUNTS

SEC. 3301. AUTHORIZATION OF DISPOSALS.

50 USC 98d note.

(a) AUTHORITY.—During fiscal years 1992 and 1993, the National Defense Stockpile Manager may dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed $150,000,000 during each of such fiscal years. Such disposal may be made only as specified in subsection (b).

(b) MATERIALS AUTHORIZED TO BE DISPOSED.—Any disposal under subsection (a) shall be made—

(1) from quantities of materials in the National Defense Stockpile previously authorized for disposal by law, including the materials authorized for disposal in accordance with the table contained in section 3302(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1686); or

(2) in the case of materials in the National Defense Stockpile that have been determined to be excess to the current requirements of the stockpile, in accordance with the following table:

Material	Unit	Quantities
Bismuth	LB	500,000
Diamond, industrial, crushing bort	KT	10,000,000
Fluorspar, metallurgical grade	SDT	20,000
Graphite, Malagasy	ST	3,635
Manganese, battery grade	SDT	25,000
Manganese, chemical grade	SDT	173,000
Mercury	FL	15,000
Mica, muscovite block	LB	2,700,000
Mica, muscovite splittings	LB	1,100,000
Tin	MT	15,000

(c) ADDITIONAL AUTHORITY.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

(d) LIMITATION ON DISPOSALS.—The National Defense Stockpile Manager may dispose of materials under this section during fiscal years 1992 and 1993 only to the extent that the total amount received (or to be received) from such disposals for each of such fiscal years does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3302. AUTHORIZATION OF ACQUISITIONS.

(a) ACQUISITIONS.—During each of the fiscal years 1992 and 1993, the National Defense Stockpile Manager shall obligate $150,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) RESEARCH AND DEVELOPMENT PROGRAMS.—Of the amount specified in subsection (a), $25,000,000 may be obligated during each of such fiscal years for materials development and research under clause (G) of such section.

PART B—PROGRAMMATIC CHANGES

SEC. 3311. MATERIALS DEVELOPMENT AND RESEARCH.

(a) AVAILABILITY OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND FOR DEVELOPMENT AND RESEARCH.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

"(G) Contracting under competitive procedures for materials development and research to—

"(i) improve the quality and availability of materials stockpiled from time to time in the stockpile; and

"(ii) develop new materials for the stockpile.".

(b) MATTERS TO BE DISCUSSED IN ANNUAL MATERIALS PLAN.—Section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (2), and (3), respectively, and adjusting the margins of those paragraphs; and

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(2) by adding at the end of paragraph (2), as so designated, the following new sentences: "Each such report shall also contain details regarding the materials development and research projects to be conducted under section 9(b)(2)(G) during the fiscal years covered by the report. With respect to each development and research project, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used.".

SEC. 3312. ROTATION OF STOCKPILE MATERIALS FOR BETTER MATERIALS.

Section 6(a)(4) of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98e(a)(4)) is amended by inserting before the semicolon the following: "or better material".

SEC. 3313. INCREASED INTERVALS BETWEEN REPORTS TO CONGRESS.

(a) REPORT ON STOCKPILE OPERATIONS.—Section 11(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)) is amended—

(1) in the first sentence—

(A) by striking out "The President" and inserting in lieu thereof "Not later than January 15 of each year, the President"; and

(B) by striking out "every six months a" and inserting in lieu thereof "an annual";

(2) in paragraph (1), by striking out "6-month period" and inserting in lieu thereof "fiscal year";

(3) in paragraph (2), by striking out "period" and inserting in lieu thereof "fiscal year"; and

(4) in paragraph (5), by striking out "next fiscal year" and inserting in lieu thereof "current fiscal year".

(b) REPORT ON STOCKPILE REQUIREMENTS.—(1) Subsection (a) of section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5) is amended—

(A) by striking out "The Secretary" in the first sentence and inserting in lieu thereof "Not later than January 15 of every other year, the Secretary";

(B) by striking out "an annual report" in the first sentence and inserting in lieu thereof "a report"; and

(C) by striking out "shall be submitted with the annual report submitted under section 11(b) and" in the second sentence.

(2) The heading of such section is amended by striking out "ANNUAL" and inserting in lieu thereof "BIENNIAL".

(3) The first report required by section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(a)), as amended by paragraph (1) shall be submitted not later than January 15, 1993. 50 USC 98h-5 note.

SEC. 3314. CONTINUATION OF DISPOSAL AUTHORITY DURING PERIODS OF VACANCY IN THE POSITION OF STOCKPILE MANAGER OR DEFICIENCY IN DELEGATION OF AUTHORITY TO THE STOCKPILE MANAGER.

Section 16 of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98h-7) is amended by striking out subsection (d).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.), as follows:

(1) For fiscal year 1992, $148,628,000.

(2) For fiscal year 1993, $137,728,000.

Panama Canal Commission Authorization Act for Fiscal Year 1992.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1992".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1992.

(b) LIMITATION ON RECEPTION AND REPRESENTATION EXPENSES.—Of amounts available to the Panama Canal Commission for fiscal year 1992, not more than $52,000 may be used for official reception and representation expenses, of which—

(1) not more than $12,000 may be used for expenses of the Supervisory Board of the Commission;

(2) not more than $6,000 may be used for expenses of the Secretary of the Commission; and

(3) not more than $34,000 for fiscal year 1992 may be used for expenses of the Administrator of the Commission.

(c) PURCHASE OF PASSENGER MOTOR VEHICLES.—Funds available to the Panama Canal Commission for fiscal year 1992 may be used for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

SEC. 3503. GENERAL PROVISIONS.

(a) PAY INCREASES.—Notwithstanding section 1341 of title 31, United States Code, funds available for use by the Panama Canal Commission for fiscal year 1992 may be obligated to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) EXPENSES IN ACCORDANCE WITH LAW.—Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. REVISION OF EXECUTIVE PAY SCHEDULE FOR THE ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

(a) REVISION.—Section 5315 of title 5, United States Code, is amended by inserting at the end the following:

"Administrator of the Panama Canal Commission.".

(b) CONFORMING AMENDMENT.—Section 5316 of such title is amended by striking out "Administrator of the Panama Canal Commission.".

SEC. 3505. POLICY ON MILITARY BASE RIGHTS IN PANAMA.

(a) FINDINGS.—The Congress finds that—

(1) the Panama Canal is a vital strategic asset to the United States and its allies;

(2) the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and the Panama Canal Treaty, both signed on September 7, 1977, mandate that (A) no United States troops are to remain in Panama after December 31, 1999; (B) the Canal Zone is to be incorporated into Panama; (C) United States Panama-based communications facilities are to be phased out; (D) all United States training in Panama of Latin American soldiers is to be halted; and (E) management and operational control of the Canal is to be turned over to Panamanian authorities;

(3) the government of President Guillermo Endara has demonstrated its determination to restore democracy to Panama by quickly moving to implement changes in the nation's political, economic, and judicial systems;

(4) friendly cooperative relations currently exist between the United States and the Republic of Panama;

(5) the region has a history of unstable governments which pose a threat to the future operation of the Panama Canal, and the United States must have the discretion and the means to defend the Canal and ensure its continuous operation and availability to the military and commercial shipping of the United States and its allies in times of crisis;

(6) the Panama Canal is vulnerable to disruption and closure by unforeseen events in Panama, by terrorist attack, and by air strikes or other attack by foreign powers;

(7) the United States fleet depends upon the Panama Canal for rapid transit ocean to ocean in times of emergency, as demonstrated during World War II, the Korean Conflict, the Vietnam Conflict, the Cuban Missile Crisis, and the Persian Gulf Conflict, thereby saving 13,000 miles and three weeks steaming effort around Cape Horn;

(8) the presence of the United States Armed Forces offers a viable defense against sabotage or other threat to the Panama Canal; and

(9) the 10,000 United States military personnel now based in Panama, including the headquarters of the United States Southern Command, cannot remain there beyond December 31, 1999, without a new agreement with Panama.

(b) POLICY.—It is the sense of the Congress that the President—

(1) should begin negotiations with the Government of

Panama, at a mutually acceptable time, to consider whether the two Governments should allow the permanent stationing of United States military forces in Panama beyond December 31, 1999; and

(2) should consult with the Congress throughout those negotiations.

Approved December 5, 1991.

LEGISLATIVE HISTORY—H.R. 2100 (S. 1507):

HOUSE REPORTS: Nos. 102-60 (Comm. on Armed Services) and 102-311 (Comm. of Conference).
SENATE REPORTS: No. 102-113 accompanying S. 1507 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 20-22, considered and passed House.
July 31-Aug. 2, S. 1507 considered and passed Senate; H.R. 2100, amended, passed in lieu.
Nov. 18, House agreed to conference report.
Nov. 21, 22, Senate considered and agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 5, Presidential statement.

Public Law 102-191
102d Congress

An Act

To amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes.

Dec. 5, 1991
[H.R. 2629]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Women's Business Development Act of 1991.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Development Act of 1991".

SEC. 2. WOMEN'S DEMONSTRATION PROJECTS.

The Small Business Act is amended by adding at the end the following new section:

"SEC. 28. (a) The Administration may provide financial assistance to private organizations to conduct 3-year demonstration projects for the benefit of small business concerns owned and controlled by women. The projects shall provide— 15 USC 656.

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(b)(1) As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) If the project first receives its Federal financial assistance prior to fiscal year 1993, an annual amount that is not less than the amount of the Federal financial assistance provided each year.

"(B) If the project first receives Federal financial assistance in fiscal year 1993, or thereafter, annual amounts equal to—

"(i) in the first year, 1 non-Federal dollar for each 2 Federal dollars;

"(ii) in the second year, 1 non-Federal dollar for each Federal dollar; and

"(iii) in the third and final year, 2 non-Federal dollars for each Federal dollar.

"(2) Up to one-half of the non-Federal matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

"(3) The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal matching funds are obtained.

"(4) If any recipient of assistance under this section fails to obtain the required non-Federal contribution during any year of any project, it shall not be eligible thereafter for advance disbursements under paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded. In addition, prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(c) Each applicant for assistance under this section initially shall submit a 3-year plan on proposed fundraising and training activities, and may receive financial assistance under this section for a maximum of 3 years per site. The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the applicant in conducting programs or on-going efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the applicant to commence a demonstration project within a minimum amount of time; and

"(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(d) For purposes of this section, the term 'small business concern' means a small business concern, either start-up or existing, owned and controlled by women, and—

"(1) which is at least 51 percent owned by 1 or more women; and

"(2) the management and daily business operations of which are controlled by 1 or more women.

Appropriation authorization.

"(e) There are authorized to be appropriated $4,000,000 for each fiscal year to carry out the demonstration projects authorized by this section. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate to achieve the purposes of this section, except that it shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.

Reports.

"(f) The Administration shall prepare and transmit an annual report, beginning February 1, 1992, to the Committees on Small Business of the Senate and House of Representatives on the effectiveness of all demonstration projects conducted under the

authority of this section. Such report shall provide information concerning—

"(1) the number of individuals receiving assistance;

"(2) the number of start-up business concerns formed;

"(3) the gross receipts of assisted concerns;

"(4) increases or decreases in profits of assisted concerns; and

"(5) the employment increases or decreases of assisted concerns.

"(g) The Administration shall not provide financial assistance under this section to any new project after October 1, 1995, except that it may fund projects which commenced prior thereto.".

SEC. 3. ADMINISTRATIVE PROVISION.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking subsection (c) and redesignating subsections (d) through (j) as subsections (c) through (k). Projects funded pursuant to the provisions of former subsection (c) shall be deemed to be funded under and shall be treated as if funded under section 28 of the Small Business Act, as added by section 2. 15 USC 637 note.

SEC. 4. PERMANENT AUTHORIZATION OF SMALL LOAN PROGRAM.

Section 7(a)(19)(B) of the Small Business Act (15 U.S.C. 636(a)(19)(B)) is amended by striking "during fiscal years 1989, 1990, and 1991,".

SEC. 5. NATIONAL WOMEN'S BUSINESS COUNCIL.

Subparagraph (G) of section 403(b) of the Women's Business Ownership Act of 1988 (102 Stat. 2695) is amended to read as follows: 15 USC 631 note.

"(G) The Chairperson and Vice Chairperson of the council shall be designated by the President and may be either a representative of the public sector or the private sector, except that the Chairperson and Vice Chairperson shall not be from the same sector concurrently. Each shall serve for a maximum term of 2 years. No person may be designated to the same office for 2 consecutive terms, nor may consecutive designees as Chairperson be from the public sector.". President.

Approved December 5, 1991.

LEGISLATIVE HISTORY—H.R. 2629:

HOUSE REPORTS: No. 102-178 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 8, considered and passed House.
Nov. 20, considered and passed Senate, amended.
Nov. 21, House concurred in Senate amendment.

Public Law 102-192
102d Congress

Joint Resolution

Dec. 5, 1991
[S.J. Res. 184]

Designating the month of November 1991, as "National Accessible Housing Month".

Whereas the Congress in the Americans with Disabilities Act of 1990 found that there are 43,000,000 individuals with disabilities in this Nation;

Whereas 70 percent of all Americans will, at some time in their lives, have a temporary or permanent disability that will prevent them from climbing stairs;

Whereas 32,000,000 Americans are currently over age 65 and many older citizens acquire vision, hearing, and physical disabilities as part of the aging process;

Whereas many older Americans who acquire a disability are forced to leave their homes because the homes are no longer accessible to them;

Whereas 1 out of every 3 persons in the United States will need housing that is accessible to the disabled at some point in their lives;

Whereas the need for accessible single-family homes is growing;

Whereas the need for public information and education in the area of accessible single-family homes is increasing;

Whereas this Nation has placed a high priority on integrating Americans with disabilities into our towns and communities;

Whereas the private sector has helped increase public awareness of the need for accessible housing, as exemplified by the national public education campaign conducted by the National Easter Seal Society and Century 21 Real Estate Corporation, entitled "Easy Access Housing for Easier Living"; and

Whereas increased public awareness of the need for accessible housing should prompt the participation of civic leaders, and representatives and officials of State and local governments, in the drive to meet this need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1991, is designated as "National Accessible Housing Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Approved December 5, 1991.

LEGISLATIVE HISTORY—S.J. Res. 184:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 4, considered and passed Senate.
Nov. 22, considered and passed House.

59-139 O - 91 (192)

Public Law 102-193
102d Congress

An Act

To temporarily extend the Defense Production Act of 1950.

Dec. 6, 1991
[H.R. 3919]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1991" and inserting "March 1, 1992".

SEC. 2. EFFECTIVE DATE.

50 USC app. 2166 note.

This Act shall take effect on September 30, 1991.

Approved December 6, 1991.

LEGISLATIVE HISTORY—H.R. 3919:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-194
102d Congress

An Act

Dec. 9, 1991
[S. 272]

To provide for a coordinated Federal program to ensure continued United States leadership in high-performance computing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

High-Performance Computing Act of 1991.
15 USC 5501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing Act of 1991".

15 USC 5501.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to reap fully the benefits of high-performance computing.

(4) A high-capacity and high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-capacity and high-speed computer networks.

(5) Several Federal agencies have ongoing high-performance computing programs, but improved long-term interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multiagency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-capacity and high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

15 USC 5502.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by—

(1) expanding Federal support for research, development, and application of high-performance computing in order to—

(A) establish a high-capacity and high-speed National Research and Education Network;

(B) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities available for use through the Network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computing software tools and applications software;

(F) accelerate the development of computing systems and subsystems;

(G) provide for the application of high-performance computing to Grand Challenges;

(H) invest in basic research and education, and promote the inclusion of high-performance computing into educational institutions at all levels; and

(I) promote greater collaboration among government, Federal laboratories, industry, high-performance computing centers, and universities; and

(2) improving the interagency planning and coordination of Federal research and development on high-performance computing and maximizing the effectiveness of the Federal Government's high-performance computing efforts.

SEC. 4. DEFINITIONS. 15 USC 5503.

As used in this Act, the term—

(1) "Director" means the Director of the Office of Science and Technology Policy;

(2) "Grand Challenge" means a fundamental problem in science or engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources;

(3) "high-performance computing" means advanced computing, communications, and information technologies, including scientific workstations, supercomputer systems (including vector supercomputers and large scale parallel systems), high-capacity and high-speed networks, special purpose and experimental systems, and applications and systems software;

(4) "Network" means a computer network referred to as the National Research and Education Network established under section 102; and

(5) "Program" means the National High-Performance Computing Program described in section 101.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM. 15 USC 5511.

(a) NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—(1) The President. President shall implement a National High-Performance Computing Program, which shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(2) The Program shall—

(A) provide for the establishment of policies for management and access to the Network;

(B) provide for oversight of the operation and evolution of the Network;

(C) promote connectivity among computer networks of Federal agencies and departments;

(D) provide for efforts to increase software availability, productivity, capability, portability, and reliability;

(E) provide for improved dissemination of Federal agency data and electronic information;

(F) provide for acceleration of the development of high-performance computing systems, subsystems, and associated software;

(G) provide for the technical support and research and development of high-performance computing software and hardware needed to address Grand Challenges;

(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(I) provide—

(i) for the security requirements, policies, and standards necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks, including research required to establish security standards for high-performance computing systems and networks; and

(ii) that agencies and departments identified in the annual report submitted under paragraph (3)(A) shall define and implement a security plan consistent with the Program and with applicable law.

(3) The Director shall—

Reports.

(A) submit to the Congress an annual report, along with the President's annual budget request, describing the implementation of the Program;

(B) provide for interagency coordination of the Program; and

(C) consult with academic, State, industry, and other appropriate groups conducting research on and using high-performance computing.

(4) The annual report submitted under paragraph (3)(A) shall—

(A) include a detailed description of the goals and priorities established by the President for the Program;

(B) set forth the relevant programs and activities, for the fiscal year with respect to which the budget submission applies, of each Federal agency and department, including—

(i) the Department of Agriculture;

(ii) the Department of Commerce;

(iii) the Department of Defense;

(iv) the Department of Education;

(v) the Department of Energy;

(vi) the Department of Health and Human Services;
(vii) the Department of the Interior;
(viii) the Environmental Protection Agency;
(ix) the National Aeronautics and Space Administration;
(x) the National Science Foundation; and
(xi) such other agencies and departments as the President or the Director considers appropriate;

(C) describe the levels of Federal funding for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies, for specific activities, including education, research, hardware and software development, and support for the establishment of the Network;

(D) describe the levels of Federal funding for each agency and department participating in the Program for the fiscal year during which such report is submitted, and the levels proposed for the fiscal year with respect to which the budget submission applies; and

(E) include an analysis of the progress made toward achieving the goals and priorities established for the Program.

(b) HIGH-PERFORMANCE COMPUTING ADVISORY COMMITTEE.—The President shall establish an advisory committee on high-performance computing consisting of non-Federal members, including representatives of the research, education, and library communities, network providers, and industry, who are specially qualified to provide the Director with advice and information on high-performance computing. The recommendations of the advisory committee shall be considered in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of— President.

(1) progress made in implementing the Program;
(2) the need to revise the Program;
(3) the balance between the components of the Program;
(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology; and
(5) other issues identified by the Director.

(c) OFFICE OF MANAGEMENT AND BUDGET.—(1) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget which— Reports.

(A) identifies each element of its high-performance computing activities which contributes directly to the Program or benefits from the Program; and

(B) states the portion of its request for appropriations that is allocated to each such element.

(2) The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency and departmental responsibilities set forth in the annual report submitted under subsection (a)(3)(A), and shall include, in the President's annual budget estimate, a statement of the portion of each appropriate agency's or department's annual budget estimate relating to its activities undertaken pursuant to the Program.

15 USC 5512.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) ESTABLISHMENT.—As part of the Program, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of the National Research and Education Network, portions of which shall, to the extent technically feasible, be capable of transmitting data at one gigabit per second or greater by 1996. The Network shall provide for the linkage of research institutions and educational institutions, government, and industry in every State.

(b) ACCESS.—Federal agencies and departments shall work with private network service providers, State and local agencies, libraries, educational institutions and organizations, and others, as appropriate, in order to ensure that the researchers, educators, and students have access, as appropriate, to the Network. The Network is to provide users with appropriate access to high-performance computing systems, electronic information resources, other research facilities, and libraries. The Network shall provide access, to the extent practicable, to electronic information resources maintained by libraries, research facilities, publishers, and affiliated organizations.

(c) NETWORK CHARACTERISTICS.—The Network shall—

(1) be developed and deployed with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and research institutions and educational institutions;

(3) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(4) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards, whose development will encourage the establishment of privately operated high-speed commercial networks;

(5) be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security;

(6) have accounting mechanisms which allow users or groups of users to be charged for their usage of copyrighted materials available over the Network and, where appropriate and technically feasible, for their usage of the Network;

(7) ensure the interoperability of Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy for each component network;

(8) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible, in order to minimize Federal investment in network hardware;

(9) support research and development of networking software and hardware; and

(10) serve as a test bed for further research and development of high-capacity and high-speed computing networks and demonstrate how advanced computers, high-capacity and high-speed computing networks, and data bases can improve the national information infrastructure.

(d) DEFENSE ADVANCED RESEARCH PROJECTS AGENCY RESPONSIBILITY.—As part of the Program, the Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(e) INFORMATION SERVICES.—The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation.

(f) USE OF GRANT FUNDS.—All Federal agencies and departments are authorized to allow recipients of Federal research grants to use grant moneys to pay for computer networking expenses.

(g) REPORT TO CONGRESS.—Within one year after the date of enactment of this Act, the Director shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES. 15 USC 5521.

(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

(1) the National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and support basic research and human resource development in all aspects of high-performance computing and advanced high-speed computer networking;

(2) to the extent that colleges, universities, and libraries cannot connect to the Network with the assistance of the private sector, the National Science Foundation shall have pri-

mary responsibility for assisting colleges, universities, and libraries to connect to the Network;

(3) the National Science Foundation shall serve as the primary source of information on access to and use of the Network; and

(4) the National Science Foundation shall upgrade the National Science Foundation funded network, assist regional networks to upgrade their capabilities, and provide other Federal departments and agencies the opportunity to connect to the National Science Foundation funded network.

(b) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for the purposes of the Program $213,000,000 for fiscal year 1992; $262,000,000 for fiscal year 1993; $305,000,000 for fiscal year 1994; $354,000,000 for fiscal year 1995; and $413,000,000 for fiscal year 1996.

15 USC 5522.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Aeronautics and Space Administration shall conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aerospace sciences, earth and space sciences, and remote exploration and experimentation.

(b) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of the Program $72,000,000 for fiscal year 1992; $107,000,000 for fiscal year 1993; $134,000,000 for fiscal year 1994; $151,000,000 for fiscal year 1995; and $145,000,000 for fiscal year 1996.

15 USC 5523.

SEC. 203. DEPARTMENT OF ENERGY ACTIVITIES.

(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) COLLABORATIVE CONSORTIA.—In accordance with the Program, the Secretary of Energy shall establish High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for participating vendors of high-performance computing systems to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) TECHNOLOGY TRANSFER.—The results of research and development carried out under this section shall be transferred to the private sector and others in accordance with applicable law.

(d) ANNUAL REPORTS TO CONGRESS.—Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Congress a report on activities taken to carry out this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Secretary of Energy for the purposes of the Program $93,000,000 for fiscal year 1992; $110,000,000 for fiscal year 1993; $138,000,000 for fiscal year 1994: $157,000,000 for fiscal year 1995; and $169,000,000 for fiscal year 1996.

(2) There are authorized to be appropriated to the Secretary of Energy for fiscal years 1992, 1993, 1994, 1995, and 1996, such funds as may be necessary to carry out the activities that are not part of the Program but are authorized by this section.

SEC. 204. DEPARTMENT OF COMMERCE ACTIVITIES. 15 USC 5524.

(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I—

(1) the National Institute of Standards and Technology shall—

(A) conduct basic and applied measurement research needed to support various high-performance computing systems and networks;

(B) develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computing systems in networks and for common user interfaces to systems; and

(C) be responsible for developing benchmark tests and standards for high-performance computing systems and software; and

(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research in weather prediction and ocean sciences, particularly in development of new forecast models, in computational fluid dynamics, and in the incorporation of evolving computer architectures and networks into the systems that carry out agency missions.

(b) HIGH-PERFORMANCE COMPUTING AND NETWORK SECURITY.—Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(c) STUDY OF IMPACT OF FEDERAL PROCUREMENT REGULATIONS.—(1) The Secretary of Commerce shall conduct a study to—

(A) evaluate the impact of Federal procurement regulations that require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors use to develop the software; and

(B) determine whether such regulations discourage development of improved software development tools and techniques.

Reports.

(2) The Secretary of Commerce shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated—

(1) to the National Institute of Standards and Technology for the purposes of the Program $3,000,000 for fiscal year 1992; $4,000,000 for fiscal year 1993; $5,000,000 for fiscal year 1994; $6,000,000 for fiscal year 1995; and $7,000,000 for fiscal year 1996; and

(2) to the National Oceanic and Atmospheric Administration for the purposes of the Program $2,500,000 for fiscal year 1992; $3,000,000 for fiscal year 1993; $3,500,000 for fiscal year 1994; $4,000,000 for fiscal year 1995; and $4,500,000 for fiscal year 1996.

15 USC 5525.

SEC. 205. ENVIRONMENTAL PROTECTION AGENCY ACTIVITIES.

(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Environmental Protection Agency shall conduct basic and applied research directed toward the advancement and dissemination of computational techniques and software tools which form the core of ecosystem, atmospheric chemistry, and atmospheric dynamics models.

(b) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Environmental Protection Agency for the purposes of the Program $5,000,000 for fiscal year 1992; $5,500,000 for fiscal year 1993; $6,000,000 for fiscal year 1994; $6,500,000 for fiscal year 1995; and $7,000,000 for fiscal year 1996.

15 USC 5526.

SEC. 206. ROLE OF THE DEPARTMENT OF EDUCATION.

(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the Secretary of Education is authorized to conduct basic and applied research in computational research with an emphasis on the coordination of activities with libraries, school facilities, and education research groups with respect to the advancement and dissemination of computational science and the development, evaluation and application of software capabilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Department of Education for the purposes of this section $1,500,000 for fiscal year 1992; $1,700,000 for fiscal year 1993; $1,900,000 for fiscal year 1994; $2,100,000 for fiscal year 1995; and $2,300,000 for fiscal year 1996.

15 USC 5527.

SEC. 207. MISCELLANEOUS PROVISIONS.

(a) NONAPPLICABILITY.—Except to the extent the appropriate Federal agency or department head determines, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) ACQUISITION OF PROTOTYPE AND EARLY PRODUCTION MODELS.—In accordance with Federal contracting law, Federal agencies and

departments participating in the Program may acquire prototype or early production models of new high-performance computing systems and subsystems to stimulate hardware and software development. Items of computing equipment acquired under this subsection shall be considered research computers for purposes of applicable acquisition regulations.

SEC. 208. FOSTERING UNITED STATES COMPETITIVENESS IN HIGH-PERFORMANCE COMPUTING AND RELATED ACTIVITIES. 15 USC 5528.

(a) FINDINGS.—The Congress finds the following:

(1) High-performance computing and associated technologies are critical to the United States economy.

(2) While the United States has led the development of high-performance computing, United States industry is facing increasing global competition.

(3) Despite existing international agreements on fair competition and nondiscrimination in government procurements, there is increasing concern that such agreements are not being honored, that more aggressive enforcement of such agreements is needed, and that additional steps may be required to ensure fair global competition, particularly in high-technology fields such as high-performance computing and associated technologies.

(4) It is appropriate for Federal agencies and departments to use the funds authorized for the Program in a manner which most effectively fosters the maintenance and development of United States leadership in high-performance computers and associated technologies in and for the benefit of the United States.

(5) It is appropriate for Federal agencies and departments to use the funds authorized for the Program in a manner, consistent with the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), which most effectively fosters reciprocal competitive procurement treatment by foreign governments for United States high-performance computing and associated technology products and suppliers.

(b) ANNUAL REPORT.—

(1) REPORT.—The Director shall submit an annual report to Congress that identifies—

(A) any grant, contract, cooperative agreement, or cooperative research and development agreement (as defined under section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)) made or entered into by any Federal agency or department for research and development under the Program with—

(i) any company other than a company that is either incorporated or located in the United States, and that has majority ownership by individuals who are citizens of the United States; or

(ii) any educational institution or nonprofit institution located outside the United States; and

(B) any procurement exceeding $1,000,000 by any Federal agency or department under the Program for—

(i) unmanufactured articles, materials, or supplies mined or produced outside the United States; or

(ii) manufactured articles, materials, or supplies other than those manufactured in the United States substantially all from articles, materials, or supplies

mined, produced, or manufactured in the United States,

under the meaning of title III of the Act of March 3, 1933 (41 U.S.C. 10a–10d; popularly known as the Buy American Act) as amended by the Buy American Act of 1988.

(2) CONSOLIDATION OF REPORTS.—The report required by this subsection may be included with the report required by section 101(a)(3)(A).

(c) REVIEW OF SUPERCOMPUTER AGREEMENT.—

(1) REPORT.—The Under Secretary for Technology Administration of the Department of Commerce (in this subsection referred to as the "Under Secretary") shall conduct a comprehensive study of the revised "Procedures to Introduce Supercomputers" and the accompanying exchange of letters between the United States and Japan dated June 15, 1990 (commonly referred to as the "Supercomputer Agreement") to determine whether the goals and objectives of such Agreement have been met and to analyze the effects of such Agreement on United States and Japanese supercomputer manufacturers. Within 180 days after the date of enactment of this Act, the Under Secretary shall submit a report to Congress containing the results of such study.

(2) CONSULTATION.—In conducting the comprehensive study under this subsection, the Under Secretary shall consult with approprite Federal agencies and departments and with United States manufacturers of supercomputers and other appropriate private sector entities.

(d) APPLICATION OF BUY AMERICAN ACT.—This Act does not affect the applicability of title III of the Act of March 3, 1933 (41 U.S.C. 10a–10d; popularly known as the Buy American Act), as amended by the Buy American Act of 1988, to procurements by Federal agencies and departments undertaken as a part of the Program.

Approved December 9, 1991.

LEGISLATIVE HISTORY—S. 272 (H.R. 656):

HOUSE REPORTS: No. 102–66, Pt. 1 (Comm. on Science, Space, and Technology) and Pt. 2 (Comm. on Education and Labor), both accompanying H.R. 656.

SENATE REPORTS: No. 102–57 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 11, H.R. 656 considered and passed House.

Sept. 11, S. 272 considered and passed Senate. H.R. 656 considered and passed Senate, amended.

Nov. 20, S. 272 considered and passed House, amended.

Nov. 22, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 9, Presidential remarks.

Public Law 102-195
102d Congress

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes.

Dec. 9, 1991
[H.R. 1988]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992.
42 USC 2451 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992".

SEC. 2. FINDINGS.

Congress finds that—

(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

(2) a balanced civil space science program should be funded at a level of at least 20 percent of the aggregate amount in the budget of the National Aeronautics and Space Administration for "Research and development" and "Space flight, control, and data communications";

(3) development of an adequate data base for life sciences in space will be greatly enhanced through closer scientific cooperation with the Soviet Union, including active use of manned Soviet space stations;

(4) the space program can make substantial contributions to health-related research and should be an integral part of the Nation's health research and development program;

(5) Landsat data and the continuation of the Landsat system beyond Landsat 6 are essential to the Mission to Planet Earth and other long-term environmental research programs;

(6) increased use of defense-related remote sensing data and data technology by civilian agencies and the scientific community can benefit national environmental study and monitoring programs;

(7) the generation of trained scientists and engineers through educational initiatives and academic research programs outside of the National Aeronautics and Space Administration is essential to the future of the United States civil space program;

(8) the strengthening and expansion of the Nation's space transportation infrastructure, including the enhancement of launch sites and launch site support facilities, are essential to support the full range of the Nation's space-related activities;

(9) the aeronautical program contributes to the Nation's technological competitive advantage, and it has been a key factor in maintaining preeminence in aviation over many decades; and

(10) the National Aero Space Plane program can have benefits to the military and civilian aviation programs from the new and innovative technologies developed in propulsion systems, aerodynamics, and control systems that could be enormous, especially for high-speed aeronautical and space flight.

42 USC 2451 note.

SEC. 3. POLICY.

It is the policy of the United States that—

(1) the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the "Administrator"), in planning for national programs in environmental study and human space flight and exploration, should ensure the resiliency of the space infrastructure;

(2) a stable and balanced program of civil space science should be planned to minimize future year funding requirements in order to accommodate a steady stream of new initiatives;

(3) any new launch system undertaken or jointly undertaken by the National Aeronautics and Space Administration should be based on defined mission and program requirements or national policies established by Congress;

(4) in fulfilling the mission of the National Aeronautics and Space Administration to improve the usefulness, performance, speed, safety, and efficiency of space vehicles, the Administrator should establish a program of research and development to enhance the competitiveness and cost effectiveness of commercial expendable launch vehicles; and

(5) the National Aeronautics and Space Administration should promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR NASA.

(a) RESEARCH AND DEVELOPMENT.—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Research and development", for the following programs:

(1) United States International Space Station Freedom, $2,028,900,000 for fiscal year 1992, of which $18,000,000 is authorized for the design and development of an Assured Crew Return Vehicle.

(2) Space transportation capability development, $679,800,000, of which $40,000,000 is authorized for propulsion technology development, and $10,000,000 is authorized for launch vehicle design studies, including single-stage-to-orbit vehicles.

(3) Physics and astronomy, $1,104,600,000, of which $3,000,000 is authorized for carrying out scientific programs which have otherwise been eliminated from the Space Station.

(4) Life sciences, $163,900,000.

(5) Planetary exploration, $299,300,000.

(6) Earth science and applications, $756,600,000, of which—

(A) $5,000,000 is authorized for the purchase of Landsat data at cost for global change research;

(B) $5,000,000 is authorized for the purchase of long-lead parts for a follow-on to Landsat 6;

(C) $1,000,000 is authorized for remote sensing data conversion;

(D) $3,000,000 is authorized for a pilot study and prototype demonstration to convert remotely-sensed aircraft and satellite data into machine readable form for global change research; and

(E) $2,000,000 is authorized for converting Landsat data collected prior to the date of enactment of this Act into a more durable archive medium.

(7) Materials processing in space, $120,800,000.

(8) Communications, $39,400,000.

(9) Information systems, $42,000,000.

(10) Technology utilization, $32,000,000.

(11) Commercial use of space, $107,000,000.

(12) Aeronautical research and technology, $591,200,000.

(13) Transatmospheric research and technology, $72,000,000.

(14) Space research and technology, $324,800,000, of which $10,000,000 is authorized for a solar dynamics power research and technology development program, including a ground test of the technology, and $10,000,000 for a program of component technology development, validation, and demonstration directed at commercial launch competitiveness.

(15) Exploration activities, $34,500,000.

(16) Safety, reliability, and quality assurance, $33,600,000.

(17) Tracking and data advanced systems, $22,000,000.

(18) Academic programs, $64,600,000.

(b) SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Space flight, control, and data communications", for the following programs:

(1) Space shuttle production and operational capability, $1,328,900,000, of which $375,000,000 is authorized for the Advanced Solid Rocket Motor program.

(2) Space shuttle operations, $2,970,600,000.

(3) Launch services, $291,900,000, amounts of which may be expended for the Mobile Satellite launch if—

(A) the Administrator, in consultation with the Chairman of the Federal Communications Commission, determines that uncertainties with respect to the status of the American Mobile Satellite Corporation as the sole Federal Communications Commission license holder for mobile satellite services have been resolved; and

(B) at least 30 days prior to the obligation of any funds for the Mobile Satellite launch, the Administrator submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report detailing plans for reimbursement to the National Aeronautics and Space Administration for its portion of launch costs of the Mobile Satellite. Reports.

(4) Space and ground network, communications, and data systems, $920,900,000.

(c) CONSTRUCTION OF FACILITIES.—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Construction of facilities", including land acquisition, as follows:

(1) Construction of Space Station Processing Facility, Kennedy Space Center, $35,000,000.

(2) Modification for Earthquake Protection, Downey/Palmdale, California, Johnson Space Center, $4,400,000.

(3) Modifications for Safe Haven, Vehicle Assembly Building, High-Bay 2, Kennedy Space Center, $7,500,000.

(4) Rehabilitation of Crawlerway, Kennedy Space Center, $3,000,000.

(5) Restoration of Shuttle Landing Facility Shoulders, Kennedy Space Center, $4,000,000.

(6) Restoration of the High Pressure Gas Facility, Stennis Space Center, $6,500,000.

(7) Construction of Addition for Flight Training and Operations, Johnson Space Center, $13,000,000.

(8) Construction of Advanced Solid Rocket Motor Program Facilities (various locations), $100,000,000.

(9) Modernization of Industrial Area Chilled Water System, Kennedy Space Center, $4,000,000.

(10) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, $1,400,000.

(11) Replacement of 15 KV Load Break Switches, Kennedy Space Center, $1,300,000.

(12) Repair of Site Water System, White Sands Test Facility, $1,300,000.

(13) Replacement of Central Plant Chillers and Boiler, Johnson Space Center, $5,700,000.

(14) Modifications to X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $5,200,000.

(15) Restoration and Modernization of High Voltage Distribution System, Goddard Space Flight Center, $7,000,000.

(16) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, $17,000,000.

(17) Modernization of Main Electrical Substation, Jet Propulsion Laboratory, $5,500,000.

(18) Restoration of Utilities, Wallops Flight Facility, $3,500,000.

(19) Repair and Modernization of the 12-foot Pressure Wind Tunnel, Ames Research Center, $25,000,000.

(20) Upgrade of Outdoor Aerodynamic Research Facility, Ames Research Center, $3,300,000.

(21) Modernization of 16-foot Transonic Tunnel, Langley Research Center, $3,400,000.

(22) Modifications to the High Pressure Air System, Langley Research Center, $11,700,000.

(23) Rehabilitation of Central Air System, Lewis Research Center, $5,600,000.

(24) Rehabilitation of Icing Research Tunnel, Lewis Research Center, $2,600,000.

(25) Construction of Data Interface Facility, White Sands Test Facility, $4,000,000.

(26) Rehabilitation of Tracking and Data Relay Satellite System (TDRSS) Ground Terminal, White Sands Test Facility, $5,700,000.

(27) Repair of facilities at various locations, not in excess of $1,000,000 per project, $31,700,000.

(28) Rehabilitation and modification of facilities at various locations, not in excess of $1,000,000 per project, $34,800,000.

(29) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $750,000 per project, $12,900,000.

(30) Environmental compliance and restoration, $36,000,000.

(31) Facility planning and design, not otherwise provided for, $34,000,000.

Notwithstanding the amounts authorized in paragraphs (1) through (31), the total amount authorized by this subsection shall not exceed $430,300,000.

(d) RESEARCH AND PROGRAM MANAGEMENT.—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Research and program management", $2,422,300,000.

(e) INSPECTOR GENERAL.—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Inspector General", $14,600,000.

(f) USE OF FUNDS FOR CERTAIN CAPITAL ITEMS AND GRANTS.—(1) Notwithstanding the provisions of subsection (i), appropriations authorized in this Act for "Research and development" and "Space flight, control, and data communications" may be used—

(A) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(B) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities.

(2) Title to facilities described in paragraph (1)(B) shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each grant under paragraph (1)(B) shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

(3) None of the funds appropriated for "Research and development" and "Space flight, control, and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any facility, the estimated cost of which, including collateral equipment, exceeds $750,000, unless the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(g) AVAILABILITY OF APPROPRIATED AMOUNTS.—Appropriations authorized under this section for "Research and development", for "Space flight, control, and data communications", or for "Construction of facilities" may remain available until expended. Appropriations authorized under this section for "Research and program management" for maintenance and operation of facilities and for other services shall remain available through the next fiscal year following the fiscal year for which such amount is appropriated. 42 USC 2459a.

(h) USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS AND EXTRAORDINARY EXPENSES.—Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the

Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(i) USE OF FUNDS FOR FACILITIES.—(1) Except as provided in subsection (f), funds appropriated pursuant to subsections (a), (b), and (d) may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities, but only if the cost of each such project, including collateral equipment, does not exceed $200,000.

(2) Except as provided in subsection (f), funds appropriated pursuant to subsections (a) and (b) may be used for unforeseen programmatic facility project needs, but only if the cost of each such project, including collateral equipment, does not exceed $750,000.

(3) Funds appropriated pursuant to subsection (d) may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, but only if the cost of each project, including collateral equipment, does not exceed $500,000.

(j) CRAF/CASSINI MISSION.—Section 103(a)(1)(S) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101-611; 104 Stat. 3192), is amended—

(1) by striking "$1,600,000,000" and inserting in lieu thereof "$1,900,000,000";

(2) in clause (i), by striking the semicolon at the end and inserting in lieu thereof ", of which not more than $263,000,000 shall be available for fiscal year 1992;"; and

(3) in clause (iii), by striking "$640,000,000" and inserting in lieu thereof "$940,000,000".

(k) TOTAL AUTHORIZATIONS FOR FISCAL YEARS 1993 AND 1994.—There is authorized to be appropriated to the National Aeronautics and Space Administration for "Research and development", "Space flight, control, and data communications", "Construction of facilities", "Research and program management", and "Inspector General" a total amount of $15,601,000,000 for fiscal year 1993, and $16,959,000,000, for fiscal year 1994, to remain available until expended.

(l) REPROGRAMMING FOR TRANSATMOSPHERIC RESEARCH AND TECHNOLOGY.—The Administrator may reprogram up to $67,000,000 of the amount authorized for "Research and development" for fiscal year 1992 to use for the purposes described in subsection (a)(13). No such funds may be obligated until a period of 30 days has passed after the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of such transfer.

SEC. 5. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Appropriations authorized under section 4(c) (1) through (31)—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward by 10 percent; or

Reports.

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward by 25 percent, to meet unusual cost variations.

The total amount authorized to be appropriated under section 4(c) (1) through (31) shall not be increased as a result of actions authorized under paragraphs (1) and (2).

SEC. 6. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated pursuant to section 4 (a) and (b) to the "Construction of facilities" appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized under section 4(c) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its cost, and the reasons therefor. Reports.

SEC. 7. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by Congress from requests as originally made to either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by section 4 (a), (b), and (d); and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt, by each such committee, of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 8. FACILITY MAINTENANCE OFFICE.

The Administrator shall create a Facility Maintenance Office within the Office of Management Systems and Facilities which shall plan and direct facilities maintenance management for all National Aeronautics and Space Administration sites.

42 USC 2459.

SEC. 9. GEOGRAPHICAL DISTRIBUTION.

It is the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 10. PEACEFUL USES OF SPACE STATION.

No civil space station authorized under section 4(a)(1) of this Act may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

42 USC 2473 note.

SEC. 11. TRANSMISSION OF BUDGET ESTIMATES.

The Administrator shall, at the time of submission of the President's annual budget, transmit to Congress—

(1) a 5-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

(2) an estimate of the life-cycle costs associated with each such program.

SEC. 12. NATIONAL SCHOLARS PROGRAM FEASIBILITY STUDY.

(a) STUDY.—The Administrator shall conduct a study to evaluate the feasibility of initiating a National Scholars Program, as described under subsection (b), under which a select group of students would receive Federal support for education in mathematics, science, and related disciplines. The purpose of the National Scholars Program would be to help increase the number of Ph.D. recipients in mathematics, science, and related disciplines among the Nation's economically disadvantaged.

(b) DESCRIPTION OF NATIONAL SCHOLARS PROGRAM.—Under the National Scholars Program referred to in subsection (a), the Administrator would—

(1) select economically disadvantaged high school students for participation in science programs supported by the National Aeronautics and Space Administration or other institutions where they would receive specialized instruction in mathematics and science and would learn about practical applications of mathematics and science in the programs and activities of the National Aeronautics and Space Administration; and

(2) select economically disadvantaged undergraduate and graduate students as recipients of Federal financial support for predoctoral and doctoral studies in mathematics, science, and related disciplines.

(c) CONTENTS OF STUDY.—The study required by subsection (a) shall address, among other matters—

(1) whether the National Aeronautics and Space Administration could adequately implement the National Scholars Program;

(2) different options for structuring the National Scholars Program, including its establishment as a pilot program;

(3) the cost of the Program, with annual cost estimates for the first 10 years of the Program;

(4) alternative funding sources for the Program;

(5) the criteria for selecting students for participation in the Program;

(6) the appropriate number of students for annual participation in the Program;

(7) the organizational location within the National Aeronautics and Space Administration at which the Program and its activities would be administered;

(8) the management of the Program;

(9) the possible ways in which the Program or its concepts can be extended to other Federal agencies, State agencies, educational institutions, and private organizations;

(10) the existence of any current public or private sector programs which are similar to the Program, the benefits and disadvantages of those similar programs, and whether a new program would unnecessarily duplicate current efforts; and

(11) the extent to which existing Federal, State, and other science education programs and activities could be used to complement or supplement the Program.

(d) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the results of the study required by subsection (a).

SEC. 13. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended to read as follows:

"AUTHORIZED APPROPRIATIONS

"SEC. 24. There is authorized to be appropriated to the Secretary for fiscal year 1992—

"(1) $5,104,000 to carry out this Act; and

"(2) $20,000,000 for a program to ensure the resiliency of the Nation's space launch infrastructure, only if a statute is enacted into law to establish that program within the Department of Transportation.".

SEC. 14. NATIONAL SPACE COUNCIL AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), $1,491,000 for fiscal year 1992, of which not more than $1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it. 42 USC 2471 note.

(b) LANDSAT DATA CONTINUITY.—It is the sense of Congress that the National Space Council, in coordination with the Committee on Earth and Environmental Sciences, should establish policy recommendations for carrying out the President's commitment to maintaining the continuity of Landsat data, including plans and programs for a successor to Landsat 6, organizational options and recommendations for acquiring Landsat data for global change research, national security, environmental management, and other

governmental purposes, and options and recommendations for encouraging the use of Landsat data by commercial firms and development of the commercial market for such data. Such policy recommendations shall be transmitted in writing to Congress at the time of submission of the President's fiscal year 1993 budget.

SEC. 15. OFFICE OF SPACE COMMERCE AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce $491,000 for fiscal year 1992.

SEC. 16. AMENDMENT OF PUBLIC LAW 100-147.

42 USC 2451 note.

Section 107(a) of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147; 101 Stat. 864) is amended—

(1) by inserting ", in both then year and constant dollars," immediately after "estimated cost";

(2) by inserting "assembly (including related costs);" immediately after "construction of facilities;"; and

(3) by adding at the end the following new sentence: "Each such plan shall also include the estimated cost, in both then year and constant dollars, of operations for at least the first full year of steady operations of the space station.".

SEC. 17. MULTIYEAR CONTRACTING.

Along with submission to Congress of the National Aeronautics and Space Administration fiscal year 1993 budget request, the Administrator shall—

(1) present a study which assesses the usefulness of granting similar authority as under section 2306(h) of title 10, United States Code, to the National Aeronautics and Space Administration; and

(2) recommend no less than five candidate programs to be considered by Congress for multiyear contracting.

SEC. 18. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, including any subcontract under such a contract.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Administrator, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products. Reports.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 19. QUALITY ASSURANCE PERSONNEL. 42 USC 2459e.

(a) EXCLUSION OF NASA PERSONNEL.—A person providing articles to the National Aeronautics and Space Administration under a contract entered into after the date of enactment of this Act may not exclude National Aeronautics and Space Administration quality assurance personnel from work sites except as provided in a contract provision described in subsection (b).

(b) CONTRACT PROVISIONS.—The National Aeronautics and Space Administration shall not enter into any contract which permits the exclusion of National Aeronautics and Space Administration quality assurance personnel from work sites unless the Administrator has submitted a copy of the provision permitting such exclusion to the Congress at least 60 days before entering into such contract.

SEC. 20. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENDEAVOR TEACHER FELLOWSHIP TRUST FUND. 42 USC 2467a.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States, in tribute to the dedicated crew of the Space Shuttle Challenger, a trust fund to be known as the "National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund" (hereafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of gifts and donations accepted by the National Aeronautics and Space Administration pursuant to section 208 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476b), as well as other amounts which may from time to time, at the discretion of the Administrator, be transferred from the National Aeronautics and Space Administration Gifts and Donations Trust Fund. Gifts and property.

(b) INVESTMENT OF TRUST FUND.—The Administrator shall direct the Secretary of the Treasury to invest and reinvest funds in the Trust Fund in public debt securities with maturities suitable for the needs of the Trust Fund, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Interest earned shall be credited to the Trust Fund.

(c) PURPOSE.—Income accruing from the Trust Fund principal shall be used to create the National Aeronautics and Space Administration Endeavor Teacher Fellowship Program, to the extent provided in advance in appropriation Acts. The Administrator is authorized to use such funds to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science, or technology disciplines. Awards shall be made pursuant to standards established for the fellowship program by the Administrator.

Civil Space Employee Testing Act of 1991.
42 USC 2473c.

SEC. 21. DRUG AND ALCOHOL TESTING.

(a) SHORT TITLE.—This section may be cited as the "Civil Space Employee Testing Act of 1991".

(b) FINDINGS.—The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) the success of the United States civil space program is contingent upon the safe and successful development and deployment of the many varied components of that program;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the positions affecting safety, security, and national security;

(4) the use of alcohol and illegal drugs has been demonstrated to adversely affect the performance of individuals, and has been proven to have been a critical factor in accidents in the workplace;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

(c) TESTING PROGRAM.—(1) The Administrator shall establish a program applicable to employees of the National Aeronautics and Space Administration whose duties include responsibility for safety-sensitive, security, or national security functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

Regulations.

(2) The Administrator shall, in the interest of safety, security, and national security, prescribe regulations within 18 months after the date of enactment of this Act. Such regulations shall establish a program which requires National Aeronautics and Space Administration contractors to conduct preemployment, reasonable suspicion, random, and post-accident testing of contractor employees responsible for safety-sensitive, security, or national security functions (as determined by the Administrator) for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such

employees for such use in violation of applicable law or Federal regulation.

(3) In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension, disqualification, or dismissal of any employee to which paragraph (1) or (2) applies, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such employee has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(d) PROHIBITION ON SERVICE.—(1) No individual who is determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after the date of enactment of this Act shall serve as a National Aeronautics and Space Administration employee with responsibility for safety-sensitive, security, or national security functions (as determined by the Administrator), or as a National Aeronautics and Space Administration contractor employee with such responsibility, unless such individual has completed a program of rehabilitation described in subsection (e).

(2) Any such individual determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after the date of enactment of this Act who—

(A) engaged in such use while on duty;

(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (e);

(C) following such determination refuses to undertake such a rehabilitation program; or

(D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties which such individual performed prior to the date of such determination.

(e) PROGRAM FOR REHABILITATION.—(1) The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (c) in need of assistance in resolving problems with the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. Each contractor is encouraged to make such a program available to all of its employees in addition to those employees referred to in subsection (c)(2). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any National Aeronautics and Space Administration contractor from establishing a program under this subsection in cooperation with any other such contractor. Regulations.

(2) The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the National Aeronautics and Space Administration whose duties include responsibility for safety-sensitive, security, or national security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(f) PROCEDURES FOR TESTING.—In establishing the programs required under subsection (c), the Administrator shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the initial confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information of employees; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(g) EFFECT ON OTHER LAWS AND REGULATIONS.—(1) No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section.

(2) Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before the date of enact-

ment of this Act that govern the use of alcohol and controlled substances by National Aeronautics and Space Administration employees with responsibility for safety-sensitive, security, and national security functions (as determined by the Administrator), or by National Aeronautics and Space Administration contractor employees with such responsibility.

(h) DEFINITION.—For the purposes of this section, the term "controlled substance" means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.

Approved December 9, 1991.

LEGISLATIVE HISTORY—H.R. 1988:

HOUSE REPORTS: No. 102-41 (Comm. on Science, Space, and Technology).
SENATE REPORTS: No. 102-97 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 2, considered and passed House.
Sept. 27, considered and passed Senate, amended.
Nov. 7, concurred in Senate amendment with an amendment.
Nov. 22, concurred in House amendment.

Public Law 102-196
102d Congress

An Act

Dec. 9, 1991
[H.R. 3370]

To direct the Secretary of the Interior to carry out a study and make recommendations to the Congress regarding the feasibility of establishing a Native American cultural center in Oklahoma City, Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

20 USC 80q-13 note.

SECTION 1. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall carry out a comprehensive study to—

(1) determine the feasibility of establishing a cultural center in Oklahoma City, Oklahoma, for the purpose of showcasing the historical culture of the Native American heritage that is a significant part of Oklahoma's history; and

(2) identify potential sites for such center in the Oklahoma City area.

(b) FACTORS CONSIDERED.—In identifying potential sites for the center under subsection (a)(2), the Secretary shall consider—

(1) the relevance of the site to the tribal history of the Native American tribes in Oklahoma; and

(2) the suitability of the site for attracting the greatest number of visitors.

(c) CONSULTATION.—The study shall be conducted in consultation with the Indian tribes and organizations of Oklahoma and appropriate agencies of the State of Oklahoma.

20 USC 80q-13 note.

SEC. 2. REPORT.

Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report containing a detailed statement of the findings and conclusions of the study carried out under section 1. Such report shall include—

(1) recommendations regarding the establishment of such a center; and

(2) a site plan and preliminary design documents for each potential site identified by the study.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

20 USC 80q-13 note.

There is authorized to be appropriated not more than $200,000 for the purposes of carrying out this Act.

Approved December 9, 1991.

LEGISLATIVE HISTORY—H.R. 3370:

HOUSE REPORTS: No. 102-353 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 23, considered and passed House.
Nov. 25, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 9, Presidential statement.

Public Law 102-197
102d Congress

Joint Resolution

Dec. 9, 1991
[H.J. Res. 346]

Approving the extension of nondiscriminatory treatment with respect to the products of the Union of Soviet Socialist Republics.

19 USC 2434 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of nondiscriminatory treatment to the products of the Union of Soviet Socialist Republics transmitted by the President to the Congress on October 9, 1991.

Approved December 9, 1991.

LEGISLATIVE HISTORY—H.J. Res. 346 (S.J. Res. 215):

HOUSE REPORTS: No. 102-338 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 20, considered and passed House.
Nov. 25, considered and passed Senate.

Public Law 102-198
102d Congress

An Act

To make certain technical corrections in the Judicial Improvements Act of 1990 and other provisions of law relating to the courts.

Dec. 9, 1991
[S. 1284]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL COUNCILS OF CIRCUITS.

Section 332(a)(1) of title 28, United States Code, as amended by section 323 of the Judicial Improvements Act of 1990, is amended by—

(1) striking "such member" and inserting "such number"; and
(2) striking "services" and inserting "service".

SEC. 2. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Chapter 23 of title 28, United States Code, as added by section 103 of the Judicial Improvements Act of 1990, is amended—

(1) in section 471 by striking "this title" and inserting "this chapter"; and
(2) in section 474(a)—
(A) in paragraph (1)—
(i) by striking "chief judges" and inserting "chief judge"; and
(ii) by striking "court of appeals for such"; and
(B) in paragraph (2)—
(i) by striking "a court of appeals" and inserting "a circuit may designate another judge of the court of appeals of that circuit,"; and
(ii) by striking "court to perform the chief" and inserting "court, to perform that chief".

SEC. 3. VENUE.

Section 1391(b) of title 28, United States Code, as amended by section 311 of the Judicial Improvements Act of 1990, is amended by striking "if (1)" and inserting "in (1)".

SEC. 4. REMOVAL OF SEPARATE AND INDEPENDENT CLAIMS.

Section 1441(c) of title 28, United States Code, as amended by section 312 of the Judicial Improvements Act of 1990, is amended by—

(1) striking the comma after "title"; and
(2) striking "may may" and inserting "may".

SEC. 5. APPEAL OF ABSTENTION DETERMINATIONS UNDER TITLE 11 OF THE UNITED STATES CODE.

Section 305(c) of title 11, United States Code, as amended by section 309 of the Judicial Improvements Act of 1990, is amended by striking "this title" both places it appears and inserting "title 28".

SEC. 6. OUTSIDE EARNED INCOME LIMITATIONS.

Section 502(b) of the Ethics in Government Act of 1978 (5 U.S.C. App. 7 502(b)), as amended by section 601(a) of the Ethics Reform Act of 1989 and section 319 of the Judicial Improvements Act of 1990, is amended to read as follows:

"(b) TEACHING COMPENSATION OF JUSTICES AND JUDGES RETIRED FROM REGULAR ACTIVE SERVICE.—For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income—

"(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

"(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

"(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.".

SEC. 7. RETIREMENT SYSTEM FOR CLAIMS COURT JUDGES.

(a) RETIREMENT OF JUDGES OF THE CLAIMS COURT.—Section 178 of title 28, United States Code, as added by section 306(a) of the Judicial Improvements Act of 1990, is amended—

(1) in subsection (f)(2)(A) by inserting "(except for subchapters III and VII)" after "chapter 84"; and

(2) in subsection (j)—

(A) in paragraph (1)—

(i) by striking "(2)" and inserting "(4)"; and

(ii) by striking "so practices law" and inserting "engages in any such activity";

(B) in paragraph (2) by striking "If" and inserting "Subject to paragraph (4), if"; and

(C) in paragraph (3) by inserting "for" after "(other than".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8339(n) of title 5, United States Code, as amended by section 306(c)(4) of the Judicial Improvements Act of 1990, is amended by inserting a comma after "United States commissioner".

(c) THRIFT SAVINGS PLAN.—(1) The section 8440b of title 5, United States Code, entitled "Claims Court Judges", as added by section 306(d) of the Judicial Improvements Act of 1990, is amended—

(A) by redesignating such section as section 8440c; and

(B) in subsection (b)—

(i) in paragraph (4)(A) by striking "subsection (d)" and inserting "subsection (c)";

(ii) by striking paragraph (7) and redesignating paragraph (8) as (7); and

(iii) by adding at the end the following:

"(8) Notwithstanding paragraph (4)(B), if any Claims Court judge who elects to make contributions to the Thrift Savings Fund under subsection (a) retires before becoming entitled to an annuity under section 178 of title 28, and such judge's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the

nonforfeitable account balance to the participant in a single payment unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, to have the nonforfeitable account balance transferred to an eligible retirement plan as provided in section 8433(e).

"(9) Notwithstanding paragraph (4)(A), if any Claims Court judge retires under circumstances making such judge eligible to make an election under section 8433(b), and such judge's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b).".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by striking

"8440b. Claims Court judges."

and inserting after the last item under subchapter III the following:

"8440c. Claims Court judges."

(3) Paragraphs (8) and (9) of section 8440c(b) of title 5, United States Code (as added by paragraph (1)) shall be effective as of January 1, 1991, and shall apply to any Claims Court judge retiring on or after such date. Effective date. 5 USC 8440c note.

(4)(A) The section 8440c of title 5, United States Code, entitled "Judges of the United States Court of Veterans Appeals" is amended by redesignating such section as section 2440d. 5 USC 8440c, 8440d.

(B) The table of sections at the beginning of subchapter III of chapter 84 of title 5, United States Code, is amended by striking

"8440c. Judges of the United States Court of Veterans Appeals."

and inserting

"8440d. Judges of the United States Court of Veterans Appeals.".

(C) Section 5(b) of Public Law 102-82 is amended— 5 USC 8440d note.

(i) by striking "8440c" and inserting "8440d"; and

(ii) by striking "(as added by subsection (a))".

(D) section 7296(f)(2)(A) of title 38, United States Code, as amended by section 5(c)(1) of Public Law 102-82, is amended by striking "8440c" and inserting "8440d".

(E) section 7297(n) of title 38, United States Code, as amended by section 5(c)(2) of Public Law 102-82, is amended by striking "8440c" and inserting "8440d".

(d) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(g) of title 5, United States Code, as added by section 306(e) of the Judicial Improvement Act of 1990, is amended by inserting a comma after "such chapter".

SEC. 8. NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL.

(a) MEMBERSHIP.—Section 411 of the National Commission on Judicial Discipline and Removal Act (title IV of the Judicial Improvements Act of 1990) (28 U.S.C. 372 note) is amended by striking subsections (e) and (f) and redesignating subsections (g) through (h) as subsections (e) through (f), respectively.

(b) CLERICAL AMENDMENTS.—(1) The subtitle heading for subtitle II of the Judicial Discipline and Removal Reform Act of 1990 is amended by striking "Impeachment" and inserting "Discipline and Removal".

(2) Section 409 of the National Commission on Judicial Discipline and Removal Act (28 U.S.C. note) is amended by striking "hereafter" and inserting "hereinafter".

28 USC 372 note.

SEC. 9. STUDY OF CRIMINAL JUSTICE ACT PROGRAM.

Section 318(c) of the Judicial Improvements Act of 1990 is amended by striking "March 31, 1992" and inserting "March 31, 1993".

18 USC 3006A note.

SEC. 10. OTHER TECHNICAL CORRECTIONS TO TITLE 28, UNITED STATES CODE.

(a) PROCEDURE FOR REMOVAL.—Section 1446 of title 28, United States Code, is amended—

(1) by striking "petition for" each place it appears and inserting "notice of";

(2) in subsection (c)(3), by striking "petition is first denied" and inserting "prosecution is first remanded";

(3) by striking paragraphs (4) and (5) of subsection (c) and inserting the following:

"(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

"(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.";

(4) by striking "petition" each place it appears and inserting "notice"; and

(5) in subsection (d)—

(A) by striking "the removal" and inserting "removal"; and

(B) by striking out "and bond".

(b) PROCEDURE AFTER REMOVAL GENERALLY.—Section 1447(b) of title 28, United States Code, is amended by striking "petitioner" and inserting "removing party".

(c) APPOINTMENT OF CIRCUIT JUDGES.—Section 44(c) of title 28, United States Code, is amended by striking "this Act" and inserting "the Federal Courts Improvement Act of 1982".

28 USC 2074 note.

SEC. 11. AMENDMENTS TO RULES OF CIVIL PROCEDURE.

28 USC app.

(a) TECHNICAL AMENDMENT.—Rule 15(c)(3) of the Federal Rules of Civil Procedure for the United States Courts, as transmitted to the Congress by the Supreme Court pursuant to section 2074 of title 28, United States Code, to become effective on December 1, 1991, is amended by striking "Rule 4(m)" and inserting "Rule 4(j)".

28 USC app.

(b) AMENDMENT TO FORMS.—Form 1-A, Notice of Lawsuit and Request for Waiver of Service of Summons, and Form 1-B, Waiver of Service of Summons, included in the transmittal by the Supreme Court described in subsection (a), shall not be effective and Form 18-

A, Notice and Acknowledgment for Service by Mail, abrogated by the Supreme Court in such transmittal, effective December 1, 1991, shall continue in effect on or after that date.

SEC. 12. CONFORMITY WITH RULES OF APPELLATE PROCEDURE.

Section 2107 of title 28, United States Code, is amended—

(1) by designating the first and second paragraphs as subsections (a) and (b), respectively;

(2) by striking the third and fourth paragraphs;

(3) by designating the fifth paragraph as subsection (d); and

(4) by inserting after subsection (b), as so designated, the following:

"(c) The district court may, upon motion filed not later than 30 days after the expiration of the time otherwise set for bringing appeal, extend the time for appeal upon a showing of excusable neglect or good cause. In addition, if the district court finds—

"(1) that a party entitled to notice of the entry of a judgment or order did not receive such notice from the clerk or any party within 21 days of its entry, and

"(2) that no party would be prejudiced,

the district court may, upon motion filed within 180 days after entry of the judgment or order or within 7 days after receipt of such notice, whichever is earlier, reopen the time for appeal for a period of 14 days from the date of entry of the order reopening the time for appeal.".

Approved December 9, 1991.

LEGISLATIVE HISTORY—S. 1284:

HOUSE REPORTS: No. 102-322 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 12, considered and passed Senate.
Nov. 19, considered and passed House, amended.
Nov. 22, Senate concurred in House amendments.

Public Law 102-199
102d Congress

An Act

Dec. 10, 1991
[H.R. 525]

To amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls Clubs of America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME CHANGE.

The Act entitled "An Act to incorporate the Boys' Clubs of America", approved August 6, 1956 (70 Stat. 1052; 36 U.S.C. 691 et seq.) is amended—

(1) in the title by striking "Boys" and inserting in lieu thereof "Boys & Girls";

36 USC 691.

(2) in the first section—

(A) by striking "successors," and inserting in lieu thereof "successors; and Gerald W. Blakeley, Jr., Boston, Massachusetts; Roscoe C. Brown, Jr., Bronx, New York; Cees Bruynes, Stamford, Connecticut; Honorable Arnold I. Burns, New York, New York; John L. Burns, Greenwich, Connecticut; Hays Clark, Hobe Sound, Florida; Mrs. Albert L. Cole, Hobe Sound, Florida; Honorable Michael Curb, Burbank, California; Robert W. Fowler, Atlantic Beach, Florida; Thomas G. Garth, New York, New York; Moore Gates, Jr., Princeton, New Jersey; Ronald J. Gidwitz, Chicago, Illinois; John S. Griswold, Greenwich, Connecticut; Claude H. Grizzard, Atlanta, Georgia; George V. Grune, Pleasantville, New York; Peter L. Haynes, New York, New York; James S. Kemper, Northbrook, Illinois; Plato Malozemoff, New York, New York; Edmund O. Martin, Oklahoma City, Oklahoma; Donald E. McNicol, Esq., New York, New York; Carolyn P. Millbank, Greenwich, Connecticut; Jeremiah Milbank, New York, New York; C. W. Murchison III, Dallas, Texas; W. Clement Stone, Lake Forest, Illinois, and their successors,"; and

(B) by striking "Boys" and inserting in lieu thereof "Boys & Girls"; and

36 USC 693.

(3) in section 3 by striking "boys" and inserting in lieu thereof "youth".

SEC. 2. CONFORMING AMENDMENT.

Paragraph (16) of the first section of Public Law 88-504 (36 U.S.C. 1101(16)) is amended by striking "Boys" and inserting in lieu thereof "Boys & Girls".

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 525:

HOUSE REPORTS: No. 102-197 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 18, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-200
102d Congress

An Act

Dec. 10, 1991
[H.R. 829]

To amend title 28, United States Code, to make changes in the composition of the Eastern and Western Districts of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGES IN EASTERN AND WESTERN DISTRICTS OF VIRGINIA.

Section 127 of title 28, United States Code, is amended—

(1) in subsection (a) by striking "Culpeper,", "Louisa,", and "Orange,"; and

(2) in subsection (b)—

(A) by inserting "Culpeper," after "Craig,";

(B) by inserting "Louisa," after "Lee,"; and

(C) by inserting "Orange," after "Nelson,".

28 USC 127 note.

SEC. 2. APPLICABILITY OF AMENDMENTS.

(a) PENDING ACTIONS.—The amendments made by section 1 shall not apply to any action commenced before the date of the enactment of this Act and pending in the United States District Court for the Eastern District of Virginia on such date.

(b) JURIES.—The amendments made by section 1 shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Eastern or Western District of Virginia on the date of the enactment of this Act.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 829:

HOUSE REPORTS: No. 102-370 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 25, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-201
102d Congress

An Act

Little Bighorn Battlefield National Monument.

Dec. 10, 1991
[H.R. 848]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Montana.
Indians.

TITLE I

16 USC 431 note.

SEC. 101. REDESIGNATION OF MONUMENT.

The Custer Battlefield National Monument in Montana shall, on and after the date of enactment of this Act, be known as the "Little Bighorn Battlefield National Monument" (hereafter in this Act referred to as the "monument"). Any reference to the Custer Battlefield National Monument in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Little Bighorn Battlefield National Monument.

SEC. 102. CUSTER NATIONAL CEMETERY.

The cemetery located within the monument shall be designated as the Custer National Cemetery.

TITLE II

16 USC 431 note.

SEC. 201. FINDINGS.

The Congress finds that—

(1) a monument was erected in 1881 at Last Stand Hill to commemorate the soldiers, scouts, and civilians attached to the 7th United States Cavalry who fell in the Battle of the Little Bighorn;

(2) while many members of the Cheyenne, Sioux, and other Indian Nations gave their lives defending their families and traditional lifestyle and livelihood, nothing stands at the battlefield to commemorate those individuals; and

(3) the public interest will best be served by establishing a memorial at the Little Bighorn Battlefield National Monument to honor the Indian participants in the battle.

SEC. 202. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish a committee to be known as the Little Bighorn Battlefield National Monument Advisory Committee (hereafter in this Act referred to as the "Advisory Committee").

(b) MEMBERSHIP AND CHAIRPERSON.—The Advisory Committee shall be composed of 11 members appointed by the Secretary, with 6 of the individuals appointed representing Native American tribes who participated in the Battle of the Little Bighorn or who now reside in the area, 2 of the individuals appointed being nationally recognized artists and 3 of the individuals appointed being knowledgeable in history, historic preservation, and landscape ar-

chitecture. The Advisory Committee shall designate one of its members as Chairperson.

(c) QUORUM; MEETINGS.—Six members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall act and advise by affirmative vote of a majority of the members voting at a meeting at which a quorum is present. The Advisory Committee shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the monument. Advisory Committee meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) ADVISORY FUNCTIONS.—The Advisory Committee shall advise the Secretary to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.

(e) TECHNICAL STAFF SUPPORT.—In order to provide staff support and technical services to assist the Advisory Committee in carrying out its duties under this Act, upon request of the Advisory Committee, the Secretary of the Interior is authorized to detail any personnel of the National Park Service to the Advisory Committee.

(f) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.

(g) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776), are hereby waived with respect to the Advisory Committee.

(h) TERMINATION.—The Advisory Committee shall terminate upon dedication of the memorial authorized under section 203.

SEC. 203. MEMORIAL.

(a) DESIGN, CONSTRUCTION, AND MAINTENANCE.—In order to honor and recognize the Indians who fought to preserve their land and culture in the Battle of the Little Bighorn, to provide visitors with an improved understanding of the events leading up to and the consequences of the fateful battle, and to encourage peace among people of all races, the Secretary shall design, construct, and maintain a memorial at the Little Bighorn Battlefield National Monument.

(b) SITE.—The Secretary, in consultation with the Advisory Committee, shall select the site of the memorial. Such area shall be located on the ridge in that part of the Little Bighorn Battlefield National Monument which is in the vicinity of the 7th Cavalry Monument, as generally depicted on a map entitled "Custer Battlefield National Monument General Development Map" dated March 1990 and numbered 381/80,044-A.

(c) DESIGN COMPETITION.—The Secretary, in consultation with the Advisory Committee, shall hold a national design competition to select the design of the memorial. The design criteria shall include but not necessarily be limited to compatibility with the monument and its resources in form and scale, sensitivity to the history being portrayed, and artistic merit. The design and plans for the memorial shall be subject to the approval of the Secretary.

SEC. 204. DONATIONS OF FUNDS, PROPERTY, AND SERVICES.

Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing for the memorial.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE III

SEC. 301. EXTENSION OF ALIENABILITY RESTRICTIONS ON SETTLEMENT COMMON STOCK.

Section 37(a) of Public Law 92-203, the Alaska Native Claims Settlement Act (43 U.S.C. 1629c(a)) is amended by striking "December 18, 1991." and inserting in lieu thereof "July 16, 1993: *Provided, however,* That this prohibition shall not apply to a Native Corporation whose board of directors approves, no later than March 1, 1992, a resolution (certified by the corporate secretary of such corporation) electing to decline the application of such prohibition.".

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 848:

HOUSE REPORTS: No. 102-126 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-173 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, considered and passed House.
Nov. 22, considered and passed Senate, amended.
Nov. 25, House concurred in Senate amendment.

Public Law 102-202
102d Congress

An Act

Dec. 10, 1991
[H.R. 990]

To authorize additional appropriations for land acquisition at Monocacy National Battlefield, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 430s note.

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LAND ACQUISITION.

There are authorized to be appropriated up to $20,000,000 for acqusition of lands and interests in lands for purposes of the Monocacy National Battlefield, Maryland; such sums shall be in addition to other funds available for such purposes.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 990:

HOUSE REPORTS: No. 102-85 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-237 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 3, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-203
102d Congress

An Act

To designate the building in St. Louis, Missouri, which is currently known as the Wellston Station, as the "Gwen B. Giles Post Office Building".

Dec. 10, 1991
[H.R. 3322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 1409 Hamilton Avenue, St. Louis, Missouri, known as the Wellston Station, is designated as the "Gwen B. Giles Post Office Building".

SEC. 2. REFERENCES.

Any reference in any law, map, regulation, document, record, or other paper of the United States to the building referred to in section 1 shall be deemed to be a reference to the Gwen B. Giles Post Office Building.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 3322:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-204
102d Congress

An Act

Dec. 10, 1991
[H.R. 3531]

To authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1992, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Patent and Trademark Office Authorization Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Patent and Trademark Office for fiscal year 1992—

(1) $95,000,000 for salaries and necessary expenses, which shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund established under section 10101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508);

(2) such sums as are equal to the amount collected during that year from fees under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 and following); and

(3) $24,000,000 for administrative, capital, or other expenditures not provided for under paragraphs (1) and (2).

(b) AMENDMENTS TO BUDGET RECONCILIATION ACT.—Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended as follows:

35 USC 41 note.

(1) Subsection (a) is amended—

(A) by striking "of 69 percent, rounded by standard arithmetic rules,"; and

(B) by inserting before the period ", in order to ensure that the amounts specified in subsection (c) are collected".

(2) Subsection (b)(1)(B) is amended by inserting "of these surcharges," after "(B)".

(3) Subsection (c) is amended—

(A) by striking "REVISIONS" and inserting "ESTABLISHMENT OF SURCHARGES"; and

(B) by striking "surcharges" and all that follows through "Trademarks" and inserting "the Commissioner of Patents and Trademarks shall establish surcharges under subsection (a)".

Effective date.
35 USC 41 note.

(c) WAIVER OF CERTAIN RESTRICTIONS.—Surcharges established for fiscal year 1992 under section 10101(c) of the Omnibus Budget Reconciliation Act of 1990 may take effect on or after 1 day after such surcharges are published in the Federal Register. Section 553 of title 5, United States Code, shall not apply to the establishment of such surcharges for fiscal year 1992.

SEC. 3. APPROPRIATIONS AUTHORIZED TO BE CARRIED OVER.

Amounts appropriated under this Act may remain available until expended.

SEC. 4. OVERSIGHT OF PATENT AND TRADEMARK FEES.

Section 42 of title 35, United States Code, is amended by adding at the end the following:

"(e) The Secretary of Commerce shall, on the day each year on which the President submits the annual budget to the Congress, provide to the Committees on the Judiciary of the Senate and the House of Representatives—

"(1) a list of patent and trademark fee collections by the Patent and Trademark Office during the preceding fiscal year;

"(2) a list of activities of the Patent and Trademark Office during the preceding fiscal year which were supported by patent fee expenditures, trademark fee expenditures, and appropriations;

"(3) budget plans for significant programs, projects, and activities of the Office, including out-year funding estimates;

"(4) any proposed disposition of surplus fees by the Office; and

"(5) such other information as the committees consider necessary.".

SEC. 5. PATENT AND TRADEMARK FEES.

(a) FEE SCHEDULES.—(1) Section 41(a) of title 35, United States Code, is amended to read as follows:

"(a) The Commissioner shall charge the following fees:

"(1)(A) On filing each application for an original patent, except in design or plant cases, $500.

"(B) In addition, on filing or on presentation at any other time, $52 for each claim in independent form which is in excess of 3, $14 for each claim (whether independent or dependent) which is in excess of 20, and $160 for each application containing a multiple dependent claim.

"(2) For issuing each original or reissue patent, except in design or plant cases, $820.

"(3) In design and plant cases—

"(A) on filing each design application, $200;

"(B) on filing each plant application, $330;

"(C) on issuing each design patent, $290; and

"(D) on issuing each plant patent, $410.

"(4)(A) On filing each application for the reissue of a patent, $500.

"(B) In addition, on filing or on presentation at any other time, $52 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $14 for each claim (whether independent or dependent) which is in excess of 20 and also in excess of the number of claims of the original patent.

"(5) On filing each disclaimer, $78.

"(6)(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $190.

"(B) In addition, on filing a brief in support of the appeal, $190, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $160.

"(7) On filing each petition for the revival of an unintentionally abandoned application for a patent or for the unintention-

ally delayed payment of the fee for issuing each patent, $820, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $78.

"(8) For petitions for 1-month extensions of time to take actions required by the Commissioner in an application—

"(A) On filing a first petition, $78;

"(B) on filing a second petition, $172; and

"(C) on filing a third petition or subsequent petition, $340.

"(9) Basic national fee for an international application where the Patent and Trademark Office was the International Preliminary Examining Authority and the International Searching Authority, $450.

"(10) Basic national fee for an international application where the Patent and Trademark Office was the International Searching Authority but not the International Preliminary Examining Authority, $500.

"(11) Basic national fee for an international application where the Patent and Trademark Office was neither the International Searching Authority nor the International Preliminary Examining Authority, $670.

"(12) Basic national fee for an international application where the international preliminary examination has been paid to the Patent and Trademark Office, and the international preliminary examination report states that the provisions of Article 33 (2), (3), and (4) of the Patent Cooperation Treaty have been satisfied for all claims in the application entering the national stage, $66.

"(13) For filing or later presentation of each independent claim in the national stage of an international application in excess of 3, $52.

"(14) For filing or later presentation of each claim (whether independent or dependent) in a national stage of an international application in excess of 20, $14.

"(15) For each national stage of an international application containing a multiple dependent claim, $160.

For the purpose of computing fees, a multiple dependent claim as referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.".

(2) Subsection (b) of section 41 of title 35, United States Code, is amended by striking "a patent in force" and all that follows through the end of paragraph 3. and inserting the following: "in force all patents based on applications filed on or after December 12, 1980:

"(1) 3 years and 6 months after grant, $650.

"(2) 7 years and 6 months after grant, $1,310.

"(3) 11 years and 6 months after grant, $1,980.".

(3) Subsection (d) of section 41 of title 35, United States Code, is amended to read as follows:

"(d) The Commissioner shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Commissioner shall charge the following fees for the following services:

"(1) For recording a document affecting title, $40 per property.

"(2) For each photocopy, $.25 per page.

"(3) For each black and white copy of a patent, $3.

The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.".

(b) AUTHORITY TO INCREASE FEES.—Section 41(f) of title 35, United States Code, is amended by striking "on October 1, 1985, and every third year thereafter, to reflect any fluctuations occurring during the previous three years" and inserting "on October 1, 1992, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months".

(c) NOTICE OF FEES.—(1) Section 41(g) of title 35, United States Code, is amended to read as follows:

Federal Register, publication. Effective date.

"(g) No fee established by the Commissioner under this section shall take effect until at least 30 days after notice of the fee has been published in the Federal Register and in the Official Gazette of the Patent and Trademark Office.".

35 USC 41 note.

(2) Fees established by the Commissioner of Patents and Trademarks under section 41(d) of title 35, United States Code, during fiscal year 1992 may take effect on or after 1 day after such fees are published in the Federal Register. Section 41(g) of title 35, United States Code, and section 553 of title 5, United States Code, shall not apply to the establishment of such fees during fiscal year 1992.

(d) PATENT AND TRADEMARK COLLECTIONS; PUBLIC ACCESS.—(1) Section 41 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Commissioner shall maintain, for use by the public, paper or microform collections of United States patents, foreign patent documents, and United States trademark registrations arranged to permit search for and retrieval of information. The Commissioner may not impose fees directly for the use of such collections, or for the use of the public patent or trademark search rooms or libraries.

"(2) The Commissioner shall provide for the full deployment of the automated search systems of the Patent and Trademark Office so that such systems are available for use by the public, and shall assure full access by the public to, and dissemination of, patent and trademark information, using a variety of automated methods, including electronic bulletin boards and remote access by users to mass storage and retrieval systems.

"(3) The Commissioner may establish reasonable fees for access by the public to the automated search systems of the Patent and Trademark Office. If such fees are established, a limited amount of free access shall be made available to users of the systems for purposes of education and training. The Commissioner may waive the payment by an individual of fees authorized by this subsection upon a showing of need or hardship, and if such a waiver is in the public interest.

Reports.

"(4) The Commissioner shall submit to the Congress an annual report on the automated search systems of the Patent and Trademark Office and the access by the public to such systems. The Commissioner shall also publish such report in the Federal Register. The Commissioner shall provide an opportunity for the submission of comments by interested persons on each such report.".

(2)(A) The section heading for section 41 of title 35, United States Code, is amended to read as follows:

"§ 41. Patent fees; patent and trademark search systems".

(B) The items in the table of sections at the beginning of chapter 4 of title 35, United States Code, are amended to read as follows:

"41. Patent fees; patent and trademark search systems.
"42. Patent and Trademark Office funding.".

(C) The chapter heading for chapter 4 of title 35, United States Code, is amended to read as follows:

"CHAPTER 4—PATENT FEES; FUNDING; SEARCH SYSTEMS".

(D) The items relating to chapters 3 and 4 in the table of chapters for part I of title 35, United States Code, are amended to read as follows:

"3. Practice before Patent and Trademark Office **31**
"4. Patent Fees; Funding; Search Systems ..... **41".**

(e) USE OF FEES.—Subsection 42(c) of title 35, United States Code is amended to read as follows:

"(c) Revenues from fees shall be available to the Commissioner to carry out, to the extent provided in appropriation Acts, the activities of the Patent and Trademark Office. Fees available to the Commissioner under section 31 of the Trademark Act of 1946 may be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.".

(f) TRADEMARK FEES.—(1) Section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) is amended to read as follows:

"(a) The Commissioner shall establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks. Fees established under this subsection may be adjusted by the Commissioner once each year to reflect, in the aggregate, any fluctuations during the preceding 12 months in the Consumer Price Index, as determined by the Secretary of Labor. Changes of less than 1 percent may be ignored. No fee established under this section shall take effect until at least 30 days after notice of the fee has been published in the Federal Register and in the Official Gazette of the Patent and Trademark Office.".

Effective date. Federal Register, publication.

15 USC 1113 note.

(2) Fees established by the Commissioner of Patents and Trademarks under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) during fiscal year 1992—

(A) may, notwithstanding the second sentence of such section 31(a), reflect fluctuations during the preceding 3 years in the Consumer Price Index; and

(B) may take effect on or after 1 day after such fees are published in the Federal Register.

Effective date. Federal Register, publication.

The last sentence of section 31(a) of the Trademark Act of 1946 and section 553 of title 5, United States Code, shall not apply to the establishment of such fees during fiscal year 1992.

(g) INTERNATIONAL APPLICATION FEES.—(1) Section 376 of title 35, United States Code, is amended—

(A) in subsection (a)—

(i) in the second sentence by inserting after "Office" the following: "shall charge a national fee as provided in section 41(a), and"; and

(ii) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(B) in subsection (b) in the last sentence by striking "the preliminary examination fee" and inserting "the national fee, the preliminary examination fee,".

(2) Section 371(c)(1) of title 35, United States Code, is amended by striking "prescribed under section 376(a)(4) of this part" and inserting "provided in section 41(a) of this title".

SEC. 6. USE OF EXCHANGE AGREEMENTS RELATING TO AUTOMATIC DATA PROCESSING RESOURCES PROHIBITED. 35 USC 6 note.

The Commissioner of Patents and Trademarks may not, during fiscal year 1992, enter into any agreement for the exchange of items or services (as authorized under section 6(a) of title 35, United States Code) relating to automatic data processing resources (including hardware, software and related services, and machine readable data). The preceding sentence shall not apply to an agreement relating to data for automation programs which is entered into with a foreign government or with an international intergovernmental organization.

SEC. 7. INDEMNIFICATION OF EMPLOYEES.

The Commissioner of Patents and Trademarks is authorized to indemnify any officer or employee of the Patent and Trademark Office who participated in the Law School Tuition Assistance Program of the Patent and Trademark Office, against tax liability incurred as a result of payments made to law schools under that program in tax years 1988, 1989, and 1990.

SEC. 8. DUTIES OF COMMISSIONER.

Section 6(a) of title 35, United States Code, is amended by striking "; and shall have" and inserting ", including programs to recognize, identify, assess and forecast the technology of patented inventions and their utility to industry; and shall have".

SEC. 9. REPEAL OF PRIOR AUTHORIZATION ACTS.

Subsections (b) and (c) of section 104 of Public Law 100-703 are repealed. 35 USC 41 note.

SEC. 10. GAO REPORTING REQUIREMENT.

Section 202(b)(3) of title 35, United States Code, is amended by striking "each year" and inserting "every 5 years".

SEC. 11. PATENT INFORMATION DISSEMINATION. 35 USC 41 note.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "CD-ROMs" means compact discs formatted with read-only memory, including such discs that make use of advanced optical storage technology;

(2) the term "classified patent information" means patent information organized by the subject matter of the claimed invention according to the United States Patent Classification System or the classification system used by the country or authority that issues a patent;

(3) the term "Commissioner" means the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks; and

(4) the term "patent information" means a complete and exact facsimile of a patent or patent application, including the text and all images contained therein (such as drawings, diagrams, formulas, and tables).

(b) INFORMATION DISSEMINATION PROGRAM.—No later than January 1, 1992, the Commissioner shall establish a demonstration program which shall make patent information available in accordance with the provisions of this section, through October 1, 1992. The Commissioner shall produce master CD-ROMs containing classified patent information and provide copies of them to the public for purchase.

(c) INFORMATION TO BE DISSEMINATED.—The patent information that shall be disseminated pursuant to this section shall be patent information in the possession of the Commissioner in computer readable form, including information on selected subclasses of United States patents, as determined by the Commissioner.

(d) FEES.—The Commissioner shall establish fees for the purchase of CD-ROMs, at a rate sufficient to recover the estimated average marginal cost of producing and processing purchase orders for copies of master CD-ROMs.

(e) REPORT.—On the date that is 1 year after the date of the enactment of this Act the Commissioner shall submit to Congress a report on the implementation of this section.

SEC. 12. DEFINITION.

For purposes of this Act, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provision of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 and following).

SEC. 13. EFFECTIVE DATE.

Federal Register, publication. 35 USC 41 note.

This Act takes effect on the date of the enactment of this Act, except that the fees established by the amendment made by section 5(a) shall take effect on or after 1 day after such fees are published in the Federal Register.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 3531:

HOUSE REPORTS: No. 102-382 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 25, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-205
102d Congress

An Act

To waive the period of Congressional review for certain District of Columbia acts.

Dec. 10, 1991
[H.R. 3709]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) WAIVER.—Notwithstanding section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) ACTS DESCRIBED.—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The District of Columbia Government Comprehensive Merit Personnel Act of 1978 Temporary Amendment Act of 1991 (D.C. Act 9-85).

(2) The District of Columbia Regional Airports Authority Act of 1985 Temporary Amendment Act of 1991 (D.C. Act 9-88).

(3) The Board of Education Special Election Act of 1991 (D.C. Act 9-89).

(4) The Closing of a Public Alley and Abandonment of an Easement in Square 488, S.O. 86-267, Act of 1988 Covenant Modification Temporary Act of 1991 (D.C. Act 9-90).

(5) The Closing of Glover Archbold Parkway N.W., Temporary Act of 1991 (D.C. Act 9-93).

(6) The Uniform Law on Notarial Acts Amendment Act of 1991 (D.C. Act 9-94).

(7) The Residential Property Tax Relief Act of 1977 Application Deadline and Free Clinic Assistance Program Act of 1986 Extension Temporary Amendment Act of 1991 (D.C. Act 9-95).

(8) The District of Columbia Commission on Baseball Act of 1991 (D.C. Act 9-96).

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.R. 3709:

HOUSE REPORTS: No. 102-298 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 12, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-206
102d Congress

Joint Resolution

Dec. 10, 1991
[H.J. Res. 191]

Designating January 5, 1992 through January 11, 1992 as "National Law Enforcement Training Week".

Whereas law enforcement training and sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training to the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 5, 1992 through January 11, 1992, is designated as "National Law Enforcement Training Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the

awareness of all citizens, particularly the youth of this Nation, of the importance of law enforcement training and related disciplines.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 191 (S.J. Res. 100):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-207
102d Congress

Joint Resolution

Dec. 10, 1991
[H.J. Res. 212]

To designate the week beginning February 16, 1992, as "National Visiting Nurse Associations Week".

Whereas visiting nurse associations have served homebound Americans since 1885;

Whereas such associations annually provide home care and support services to more than 1,500,000, men, women, children, and infants;

Whereas such associations serve 422 urban and rural communities in 45 States;

Whereas such associations adhere to high standards of quality and provide personalized and cost-effective home health care and support, regardless of an individual's ability to pay;

Whereas such associations are voluntary in nature, independently owned, and community based;

Whereas such associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such associations ensure that individuals who are chronically ill or who have physical or mental handicaps receive the therapeutic benefits of care and support services in the home;

Whereas, in the absence of such associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such associations provide a wide range of services, including health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, friendly visiting services, social services, nutritional counseling, specialized nursing care by registered nurses, and meals on wheels;

Whereas, in each community serviced by such an association, local volunteers support the association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the association's office, and providing tender loving care; and

Whereas the need for home health care for young and old alike continues to grow annually: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning February 16, 1992, is designated as "National Visiting Nurse Associations Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 212 (S.J. Res. 124):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 22, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-208
102d Congress

Joint Resolution

Dec. 10, 1991
[H.J. Res. 300]

Designating the month of May 1992 as "National Trauma Awareness Month".

Whereas more than 9,000,000 individuals in the United States suffer traumatic injury each year;

Whereas traumatic injury is the leading cause of death of individuals less than 44 years of age in the United States;

Whereas every individual is a potential victim of traumatic injury;

Whereas traumatic injury often occurs without warning;

Whereas traumatic injury frequently renders its victims incapable of caring for themselves;

Whereas past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions;

Whereas the people of the United States spend more than $148,500,000,000 on the problem of trauma;

Whereas the problem of trauma can be remedied only by prevention and treatment through emergency medical services and trauma systems; and

Whereas the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992 is designated as "National Trauma Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 300 (S.J. Res. 229):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 22, considered and passed House.
Nov. 26, H.J. Res. 300 and S.J. Res. 229 considered and passed Senate.

Public Law 102-209
102d Congress

Joint Resolution

Designating December 1991 as "Bicentennial of the District of Columbia Month".

Dec. 10, 1991
[H.J. Res. 356]

Whereas the year 1991 is recognized as the 200th anniversary of the District of Columbia because many of the events important to the founding of the Nation's Capital occurred during that year;

Whereas on January 24, 1791, George Washington selected the site along the Potomac River as the district for the permanent seat of the Government of the United States where the vision of the infant nation dedicated to the principles of self-government could be realized;

Whereas in February 1791, Andrew Ellicott and Benjamin Banneker began to survey the new district, which would become the center of a continent and leader of the free world;

Whereas on September 9, 1791, the Commissioners charged with the founding of the city informed Major Pierre L'Enfant that the Federal district was to be called the Territory of Columbia and the Federal city the City of Washington;

Whereas on December 13, 1791, L'Enfant's grand plan for the development of the Nation's Capital, which included magnificent vistas, radiating avenues, beautiful parks and promenades, cascading fountains, and public spaces for national monuments, and which reflected the patriotic enthusiasm that the Federal city forever serve as a temple to liberty, was submitted to the Congress;

Whereas on December 19, 1791, the State of Maryland forever ceded and relinquished to the Congress and the Government of the United States the final land grant to form the new district;

Whereas the creation of the District of Columbia was an important act of self-government by the first Federal Congress designed to strengthen and preserve the political institutions of a free people, and the District itself is a time-honored symbol of the Republic;

Whereas the grandeur and beauty of the District of Columbia are acclaimed throughout the world;

Whereas the sacrifices of a people dedicated to freedom are forever remembered in the inspiring memorials located in the District of Columbia;

Whereas the people of the District of Columbia have made contributions to the arts, law, music, and culture that have been recognized throughout the Nation and the world;

Whereas the District of Columbia is a national treasure as the repository of much of our Nation's history; and

Whereas the District of Columbia is truly where the people of the United States, through our elected representatives, exercise the right of self-governance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 1991 is designated as "Bicentennial of the District of Columbia

Month", and the President is authorized and requested to issue a proclamation—

(1) honoring the 200th anniversary of the founding of the District of Columbia as the Nation's Capital; and

(2) calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 356:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-210
102d Congress

Joint Resolution

Designating December 21, 1991, as "Basketball Centennial Day".

Dec. 10, 1991
[H.J. Res. 372]

Whereas basketball, the only major sport founded in America, was invented by Dr. James Naismith in 1891;

Whereas the first basketball game was played by Dr. James Naismith's gymnastics class, using nine players on each side, peach baskets nailed to the wall at both ends of the gym, and a soccer ball;

Whereas basketball was first played by women in 1893;

Whereas basketball, the American Game, grew in popularity over the next two years throughout the United States and several foreign countries, and by the turn of the century was being played in 20 nations;

Whereas basketball became an official Olympic sport in Berlin in 1936, and the United States defeated Canada to win the first Gold Medal;

Whereas basketball at every level of play has been enjoyed by millions of spectators;

Whereas our youth—the future of our Nation—have become involved in various basketball leagues that have contributed to the ideals of dedication, commitment, and teamwork; and

Whereas basketball, the American Game, is played and enjoyed by many people in America and in the rest of the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 21, 1991, is designated as "Basketball Centennial Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Approved December 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 372:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-211
102d Congress

An Act

Dec. 11, 1991
[H.R. 690]

To authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 461 note.

SECTION 1. PURPOSES.

The purposes of this Act are to—

(1) preserve and interpret the life and work of Mary McLeod Bethune;

(2) preserve and interpret the history, lives, and contributions of African American women; and

(3) preserve and interpret the struggle for civil rights in the United States of America.

District of Columbia.
16 USC 461 note.

SEC. 2. ACQUISITION.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may acquire, with the consent of the owner thereof, by donation or by purchase with donated or appropriated funds, the property designated under the Act of October 15, 1982 (Public Law 97-329; 96 Stat. 1615), as the Mary McLeod Bethune Council House National Historic Site, located at 1318 Vermont Avenue, N.W., Washington, D.C., together with such structures and improvements thereon and such personal property associated with the site as he deems appropriate for interpretation of the site.

16 USC 461 note.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—Upon acquisition of the property described in section 2, the cooperative agreement referred to in section 3 of the Act of October 15, 1982 (Public Law 97-329; 96 Stat. 1615) shall cease to have any force and effect, and upon acquisition of such property, the Secretary shall administer the Mary McLeod Bethune Council House National Historic Site (hereinafter in this Act referred to as the "historic site") in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(b) COOPERATIVE AGREEMENT.—(1) The Secretary is authorized and directed to enter into a cooperative agreement with nonprofit organizations dedicated to preserving and interpreting the life and work of Mary McLeod Bethune and the history and contributions of African American women—

(A) to provide to the public such programs, seminars, and lectures as are appropriate to interpret the life and work of Mary McLeod Bethune and the history and contributions of African American women, and

(B) to administer the archives currently located at the historic site, including providing reasonable access to the archives by scholars and other interested parties.

(2) The Secretary is authorized to provide space and administrative support for such nonprofit organization.

(c) MANAGEMENT AND DEVELOPMENT.—The historic site shall be operated and managed in accordance with a General Management Plan. The Advisory Commission appointed under section 4 shall fully participate in an advisory capacity with the Secretary in the development of the General Management Plan for the historic site. The Secretary and the Advisory Commission shall meet and consult on matters relating to the management and development of the historic site as often as necessary, but at least semiannually.

SEC. 4. ADVISORY COMMISSION. 16 USC 461 note.

(a) ESTABLISHMENT.—There is hereby established the Mary McLeod Bethune Council House National Historic Site Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall carry out the functions specified in section 3(c) of this Act.

(b) MEMBERSHIP.—The Commission shall be composed of 15 members appointed by the Secretary for 4-year terms as follows:

(1) 3 members appointed from recommendations submitted by the National Council of Negro Women, Inc.

(2) 2 members appointed from recommendations submitted by other national organizations in which Mary McLeod Bethune played a leadership role.

(3) 2 members appointed from recommendations submitted by the Bethune Museum and Archives, Inc.

(4) 2 members who shall have professional expertise in the history of African American women.

(5) 2 members who shall have professional expertise in archival management.

(6) 3 members who shall represent the general public.

(7) 1 member who shall have professional expertise in historic preservation.

Any member of the Commission appointed for a definite term may serve after the expiration of his or her term until his or her successor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—Members of the Commission shall serve without compensation except that the Secretary is authorized to pay such expenses as are reasonably incurred by the members in carrying out their responsibilities under this Act.

(d) OFFICERS.—The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) BYLAWS, RULES, AND REGULATIONS.—The Commission shall make such bylaws, rules, and regulations as it considers necessary to

carry out its functions under this Act. The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix) are hereby waived with respect to this Commission.

16 USC 461 note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 690:

HOUSE REPORTS: No. 102-36 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-88 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 24, considered and passed House.
Oct. 24, considered and passed Senate, amended.
Nov. 26, Senate receded from its amendment.

Public Law 102-212
102d Congress

An Act

To establish the Silvio O. Conte National Fish and Wildlife Refuge along the Connecticut River, and for other purposes.

Dec. 11, 1991
[H.R. 794]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT

Silvio O. Conte National Fish and Wildlife Refuge Act.
16 USC 668dd note.

SECTION 101. SHORT TITLE.

This title may be cited as the "Silvio O. Conte National Fish and Wildlife Refuge Act".

SEC. 102. FINDINGS.

The Congress finds and declares the following:

(1) The late Silvio Conte was a long-time champion of the preservation of natural resources, including the Connecticut River, shepherding through Congress legislation meant to restore the river and its wildlife to health.

(2) The Connecticut River and its riparian lands are unique environmental resources which provide habitat for significant anadromous, migratory, and resident fish; migratory waterfowl; and other wildlife species, including such threatened or endangered species as the shortnosed sturgeon and bald eagle.

(3) Federal, State, and local governments have spent over $600,000,000 to clean up the Connecticut River and improve the quality of its fish and wildlife habitat, resulting in the reestablishment or improvement of the populations of many species such as the Atlantic salmon, American shad, bald eagle, and peregrine falcon.

(4) The Connecticut River valley is home to over two million people, and accordingly the river and riparian lands are of great value for environmental education and natural resource based recreation.

(5) The Connecticut River valley is threatened with spoilation, removal from public access, and ecological downgrading and is a significant source of energy and means of commerce for New England.

(6) Despoiling the Connecticut River and its riparian lands will result in the permanent loss of unique social, educational, and environmental assets and will devalue the significant Federal, State and local investments made to clean up the river.

SEC. 103. DEFINITIONS.

For the purposes of this Act—

(1) the term "affected States" means the Commonwealth of Massachusetts, and the States of Vermont, New Hampshire, and Connecticut;

(2) the term "refuge" means the Silvio Conte National Fish and Wildlife Refuge established under section 106 of this Act;

(3) the term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(4) the term "selection area" means the lands and waters of the Connecticut River basin, including the main stem of the river and its tributaries from its source at Fourth Connecticut Lake to Long Island Sound.

SEC. 104. PURPOSES.

The purposes for which the refuge is established are—

(1) to conserve, protect, and enhance the Connecticut River valley populations of Atlantic salmon, American shad, river herring, shortnosed sturgeon, bald eagles, peregrine falcons, osprey, black ducks, and other native species of plants, fish, and wildlife;

(2) to conserve, protect, and enhance the natural diversity and abundance of plant, fish, and wildlife species and the ecosystems upon which these species depend within the refuge;

(3) to protect species listed as endangered or threatened, or identified as candidates for listing, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.);

(4) to restore and maintain the chemical, physical, and biological integrity of wetlands and other waters within the refuge;

(5) to fulfill the international treaty obligations of the United States relating to fish and wildlife and wetlands; and

(6) to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation and access to the extent compatible with the other purposes stated in this section.

SEC. 105. SELECTION OF LANDS.

Within three years after the date of the enactment of this Act, the Secretary shall—

(1) consult with appropriate State and local officials, including those representing State government natural heritage inventory agencies, the Long Island Sound Management Conference as established under the National Estuary Program, private conservation organizations, and other interested parties in designating the refuge boundaries;

(2) define and designate the refuge boundaries, including all subunits, within the selection area that would fulfill the purposes set forth in section 104 of this Act; and

Federal Register, publication.

(3) prepare a detailed map depicting the refuge boundaries designated under paragraph (2), which the Secretary shall keep on file and available for public inspection at offices of the United States Fish and Wildlife Service, and publish notice in the Federal Register of such availability.

SEC. 106. ACQUISITION AND ESTABLISHMENT OF REFUGE.

(a) ACQUISITION.—To the extent authorized under the Fish and Wildlife Act of 1956 (16 U.S.C. 742f-a-5), the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460k-4-11), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Conservation Act (16 U.S.C. 715-715s), the Emergency Wetlands Resources Act of 1986, as amended (16 U.S.C.

3901 et seq.), the North American Wetlands Conservation Act (16 U.S.C. 4401-4413), and other existing laws, the Secretary may acquire for inclusion in the refuge by purchase or donation such lands and waters or interests therein (including permanent conservation easements) within the boundaries defined and designated under section 105 of this Act. All lands, waters, and interests therein so acquired shall be part of the refuge.

(b) ESTABLISHMENT.—When sufficient property within the boundaries defined and designated under section 105 of this Act have been acquired to constitute an area that can be effectively managed as a refuge, the Secretary shall establish the refuge, to be named the "Silvio Conte National Fish and Wildlife Refuge", by publishing a notice to that effect in the Federal Register and publications of local circulation.

Federal Register, publication.

(c) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries of the refuge defined and designated under section 105 of this Act as may be appropriate to carry out the purposes of this Act or to facilitate the acquisition of property within the refuge.

(d) INTERIM REPORT TO CONGRESS.—Within one year of the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works in the United States Senate and the Committee on Merchant Marine and Fisheries in the United States House of Representatives a report describing those lands and waters that the Secretary proposes to acquire under the Fish and Wildlife Act of 1956 (16 U.S.C. 742f-a-5), the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460k-4-11), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Conservation Act (16 U.S.C. 715-715s), the Emergency Wetlands Resources Act of 1986, as amended (16 U.S.C. 3901 et seq.), the North American Wetlands Conservation Act (16 U.S.C. 4401-4413), and other existing laws for inclusion in the refuge at a subsequent time. The Secretary also shall include in the report an estimate of the total number of acres of lands or waters or interests therein that may be acquired for inclusion within the refuge boundaries under the authority of this Act and other existing laws and the approximate cost of such acquisition.

SEC. 107. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 106 pursuant to—

(1) the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and the Refuge Recreation Act (16 U.S.C. 460k-460k-4); and

(2) the purposes for which the refuge is established, as set forth in section 104 of this Act.

(b) OUTREACH AND EDUCATION.—The Secretary shall work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purposes for which the refuge is established, as set forth in section 104 of this Act.

Contracts. Intergovernmental relations.

(c) USE OF OTHER AUTHORITY.—The Secretary may utilize such other statutory authority as may be available to the Secretary for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpre-

tive education, as the Secretary considers appropriate to carry out the purposes of the refuge as set forth in section 104 of this Act.

SEC. 108. SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND FUNCTIONS.—Within three months after the date of enactment of this Act, the Secretary shall establish a committee to be known as the "Silvio Conte National Fish and Wildlife Refuge Advisory Committee" (hereinafter referred to as the "Advisory Committee") which shall assist the Secretary on community outreach and education programs that further the purposes of the refuge.

(b) MEMBERSHIP; TERMS.—The Advisory Committee shall be composed of fifteen members, each appointed by the Secretary within three months of the date of enactment of this Act for a term not to exceed three years, as follows:

(1) four members, including one from each of the affected States, to be recommended by the Governor of each State as representing the cities or towns bordering the Connecticut River and its tributaries;

(2) four members, including one from each of the affected States, to be recommended by the Governor of each State as representing State agencies with responsibility for conservation or water quality programs;

(3) four members, including one from each of the affected States to be appointed from recommendations made by the Governor of that affected State, who shall represent nonprofit conservation organizations or citizen groups with direct interest in the purposes of the refuge;

(4) one member of the Long Island Sound Management Conference; and

(5) two members to be designated by the Secretary, including one who represents the energy and commerce interests associated with the Connecticut River.

(c) CHAIRMAN.—The Advisory Committee shall elect one member of the Advisory Committee to be its chairman.

(d) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner in which the original appointment was made.

(e) COMPENSATION.—A member of the Advisory Committee shall not receive any compensation for service on the committee.

(f) MAJORITY VOTE.—The Advisory Committee shall act by affirmative vote of a majority of the members thereof.

SEC. 109. INTERPRETATION AND EDUCATION CENTER.

(a) IN GENERAL.—The Secretary is authorized to construct, administer, and maintain at appropriate sites within the refuge, or pursuant to subsection (b) cooperate in the construction, operation and maintenance at an appropriate site, not more than four aquatic resources and wildlife interpretation and education centers, known as Silvio Conte National Fish and Wildlife Refuge Education Centers, along with administrative facilities, to provide opportunities for the study, understanding, and enjoyment of aquatic resources and wildlife in its natural habitats.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized—

(1) to enter agreements to share the construction and operation of and the land acquisition for the center, including the

costs thereof, with State and local governments and other public and private entities;

(2) to utilize appropriated or donated funds for construction, operation and maintenance expenses: *Provided,* That Federal interests arising from such expenditures are protected by a long-term lease, agreement, or transfer of property interest; and

(3) to interpret the Connecticut River's aquatic and wildlife resources in the context of the region's cultural, geological, and ecological history.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out the purposes of this Act.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. ESTABLISHMENT AND TERMS OF SILVIO O. CONTE MEMORIAL SCHOLARSHIP FUND.

(a) IN GENERAL.—In recognition of Silvio O. Conte's longstanding contribution and devotion to the conservation of our Nation's natural resources, and his life-long commitment to education, the Director of the United States Fish and Wildlife Service, hereinafter referred to as the Director, is authorized to enter into an agreement with the National Fish and Wildlife Foundation, hereinafter referred to as the Foundation, and the University of Massachusetts/Amherst, hereinafter referred to as the University, to establish the Silvio O. Conte Memorial Scholarship Fund. The purpose of the agreement is to encourage students to enter the fields of fisheries and wildlife ecology and conservation, natural resources policy and administration, or ecology by establishing a scholarship fund at the University.

(b) TERMS OF AGREEMENT.—Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the agreement authorized under subsection (a) of this section shall direct that the University shall—

(1) establish the Silvio O. Conte Memorial Scholarship Fund for the purpose of awarding scholarships for a period not exceeding three years to eligible candidates in advanced degree programs in the fields of fisheries and wildlife ecology and conservation, natural resources policy and administration, or ecology;

(2) invest funds provided by the Director, the Foundation and any other contributors in interest-bearing accounts;

(3) award scholarships annually utilizing the interest generated from such investment accounts minus the amount equal to inflation;

(4) match the scholarship awards with in-kind contributions of equal value, such as waivers of tuition or fees or the provision of other financial aid;

(5) establish eligibility criteria based upon financial needs, academic achievement, and potential contribution of the profession;

(6) announce the availability of the scholarship in a manner which ensures that it is widely distributed and that minority and socially-disadvantaged candidates are made aware of the opportunity;

(7) upon request by the Director, make available the investment accounts for his inspection; and

Reports.

(8) prepare and provide to the Director annually a report regarding the expenditures from the investment accounts which shall include the number of scholarships awarded, the amount of each scholarship, and the share of each scholarship provided by the University.

(c) AUTHORIZATION.—The Director is authorized to make a one-time contribution of up to $50,000 to the University to establish the Silvio O. Conte Memorial Scholarship Fund.

(d) TERMINATION OF AGREEMENT.—At such time as the parties agree to terminate the agreement authorized under subsection (a) of this section, the principle and interest in the account shall be deposited in the Migratory Bird Conservation Fund.

SEC. 202. WILDLIFE INTERPRETATION AND EDUCATION CENTER.

Title II of Public Law 100-610 is amended by adding at the end the following new section:

16 USC 668dd note.

"SEC. 208. WILDLIFE INTERPRETATION AND EDUCATION CENTER.

"(a) The Secretary is authorized to construct, administer, and maintain at an appropriate site, a wildlife interpretation and education or visitor center.

"(b) The Secretary is authorized—

"(1) to enter agreements to share the construction and operation of and the land acquisition for the center, including the costs thereof, with State and local governments and other public and private entities;

"(2) to utilize appropriated or donated funds for construction, operation and maintenance expenses, provided that Federal interests arising from such expenditures are protected by a long-term lease, agreement, or transfer of property interest; and

"(3) to interpret the Pettaquamscutt Cove region's aquatic and wildlife resources in the context of the region's cultural, geological, and ecological history.".

TITLE III—CULEBRA NATIONAL WILDLIFE REFUGE

SEC. 301. HEADQUARTERS FACILITY FOR CULEBRA NATIONAL WILDLIFE REFUGE.

The headquarters facility and residence for the Culebra National Wildlife Refuge may be constructed on lands leased from the Commonwealth of Puerto Rico on a long-term basis.

SEC. 302. COST-SHARING FOR STATE COASTAL WETLANDS GRANTS.

(a) FEDERAL SHARE.—Section 305(d)(1) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3954(d)(1)) is amended by striking "has established a trust fund, from which the principal is not spent, for the purpose of acquiring coastal wetlands, other natural area or open spaces." and inserting in lieu thereof: "has established and is using one of the following for the purpose of acquiring coastal wetlands, other natural areas or open spaces:

"(A) a trust fund from which the principal is not spent; or

"(B) a fund derived from a dedicated recurring source of monies including, but not limited to, real estate transfer fees or taxes, cigarette taxes, tax check-offs, or motor vehicle license plate fees.".

(b) EFFECTIVE DATE.—This section shall apply to grants awarded in fiscal year 1992 and each fiscal year thereafter. 16 USC 3954 note.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 794:

HOUSE REPORTS: No. 102-58 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 102-165 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 14, considered and passed House.
Nov. 23, considered and passed Senate, amended.
Nov. 25, House concurred in Senate amendments.

Public Law 102-213
102d Congress

An Act

Dec. 11, 1991
[H.R. 948]

To designate the United States courthouse located at 120 North Henry Street in Madison, Wisconsin, as the "Robert W. Kastenmeier United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 120 North Henry Street in Madison, Wisconsin, shall be known and designated as the "Robert W. Kastenmeier United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert W. Kastenmeier United States Courthouse".

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 948:

HOUSE REPORTS: No. 102-167 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-214
102d Congress

An Act

To amend the Wild and Scenic Rivers Act by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Dec. 11, 1991
[H.R. 1099]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Lamprey River Study Act of 1991.
Conservation.
16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lamprey River Study Act of 1991".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following new paragraph:

"( ) LAMPREY, NEW HAMPSHIRE.—The segment from the southern Lee town line downstream to the confluence with Woodman's Brook at the base of Sullivan Falls in Durham.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(11) The study of the Lamprey River, New Hampshire, shall be completed by the Secretary of the Interior and the report thereon submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 1099 (S. 461):

HOUSE REPORTS: No. 102-348 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-230 accompanying S. 461 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 23, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-215
102d Congress

An Act

Dec. 11, 1991
[H.R. 3012]

To amend the Wild and Scenic Rivers Act by designating the White Clay Creek in Delaware and Pennsylvania for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

White Clay Creek Study Act. Conservation. 16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Clay Creek Study Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the White Clay Creek watershed is one of only a few relatively undisturbed areas remaining within one of the most densely populated areas in the country;

(2) the Creek and several of its tributaries were placed on the Nationwide Rivers Inventory List by the National Park Service for initially meeting the criteria of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(3) the concerns and interests of those people who live, work, and recreate within the watershed will be reflected in the development of a study and management plan by the Secretary of the Interior pursuant to this Act; and

(4) the conservation of the watershed, and its outstanding natural, cultural, and recreational values, is important to the residents within the watershed and to the residents within the surrounding suburban and urban areas of Delaware and Pennsylvania.

SEC. 3. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"(112) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The headwaters of the river in Pennsylvania to its confluence with the Christina River in Delaware, including the East, West, and Middle Branches, Middle Run, Pike Creek, Mill Creek, and other main branches and tributaries as determined by the Secretary of the Interior (herein after referred to as the White Clay Creek).".

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"(11)(A) The study of the White Clay Creek in Delaware and Pennsylvania shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph.

"(B) In carrying out the study, the Secretary of the Interior shall prepare a map of the White Clay Creek watershed in Delaware and Pennsylvania, and shall develop a recommended management plan for the White Clay Creek. The plan shall provide recommendations

as to the protection and management of the White Clay Creek, including the role the State and local governments, and affected landowners, should play in the management of the White Clay Creek if it is designated as a component of the National Wild and Scenic Rivers System.

"(C) The Secretary shall prepare the study, including the recommended management plan, in cooperation and consultation with appropriate State and local governments, and affected landowners.".

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3012 (S. 1552):

HOUSE REPORTS: No. 102-344 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-233 accompanying S. 1552 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 23, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-216
102d Congress

An Act

Dec. 11, 1991
[H.R. 3169]

To lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia and its environs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10(b) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" (40 U.S.C. 1010(b)) is amended by striking out "five-year period" and inserting in lieu thereof "seven-year period".

40 USC 1010 note.

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall take effect on October 1, 1991.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3169:

HOUSE REPORTS: No. 102-257 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-211 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 21, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-217
102d Congress

An Act

To designate certain National Forest System lands in the State of Georgia as wilderness, and for other purposes.

Dec. 11, 1991
[H.R. 3245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chattahoochee National Forest Protection Act of 1991.
Conservation.
16 USC 460ggg note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chattahoochee National Forest Protection Act of 1991".

16 USC 460ggg.

SEC. 2. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Georgia are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

16 USC 1132 note.

(1) Certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 7,800 acres, as generally depicted on a map entitled "Blood Mountain Wilderness—Proposed", dated October 1991, and which shall be known as Blood Mountain Wilderness.

16 USC 1132 note.

(2) Certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 16,880 acres, as generally depicted on a map entitled "Chattahoochee Headwaters Wilderness—Proposed", dated July 1991, and which shall be known as Mark Trail Wilderness.

(3) Certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 1,160 acres, as generally depicted on a map entitled "Brasstown Wilderness Addition—Proposed", dated July 1991, and which is hereby incorporated in and shall be part of the Brasstown Wilderness as designated by section 2(2) of the Georgia Wilderness Act of 1986 (100 Stat. 3129).

(b) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

16 USC 460ggg-1.

SEC. 3. NATIONAL SCENIC AREA.

(a) DESIGNATION AND PURPOSES.—For the purposes of protecting and enhancing the natural beauty, special ecological features, watershed integrity, mature-forest habitat, scenic recreation opportunities and other distinctive values of certain lands in Georgia, the lands in the Chattahoochee National Forest, Georgia, which comprise approximately 7,100 acres, as generally depicted on a map entitled "Coosa Bald Scenic Area—Proposed", dated July 1991, are designated as a national scenic area and shall be known as the

Coosa Bald National Scenic Area (hereafter in this section referred to as the "scenic area").

(b) ADMINISTRATION.—(1) Subject to valid existing rights, the Secretary shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in such a way as to further the purposes of this section.

(2) The Secretary may permit additional road construction in the scenic area in furtherance of the purposes for which the scenic area is established. Except as provided in this section, the Secretary may not conduct timber harvesting in the scenic area. The Secretary may remove timber in the scenic area in furtherance of this section, but only in a manner which does not impair the purposes for which the scenic area is established. Salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or are in imminent danger from insect or disease attack, is authorized to maintain forest health. Timber harvesting is authorized to provide for visitor safety.

(3) By virtue of this designation alone, the Secretary need not change patterns of public access or closure on existing permanent national forest development roads. At his discretion, however, the Secretary may open or close such existing roads for public use for reasons of sound resource management.

(4) Nothing in this section shall prevent the completion of existing timber sales under contract.

(5) The scenic area is hereby withdrawn from the operation of all laws pertaining to mineral leasing.

(6) The Secretary may also permit, in his discretion, the continued maintenance of existing wildlife openings, in cooperation with the State of Georgia and other Federal, State, and private cooperators, and may permit new wildlife openings in furtherance of the purposes for which the scenic area is established.

(7) The Secretary shall protect, enhance, and promote the public's opportunities for primitive and semiprimitive experiences in the scenic area.

16 USC 460ggg-2.

SEC. 4. RECREATION AREA.

(a) DESIGNATION AND PURPOSES.—For the purposes of ensuring the protection of certain natural, scenic, fish and wildlife, historic and archaeological, wildland and watershed values, and providing for the enhancement of the recreation opportunities associated with these values, certain lands in the Chattahoochee National Forest, Georgia, which comprise approximately 23,330 acres, as generally depicted on a map entitled "Springer Mountain National Recreation Area—Proposed", dated October 1991, are hereby designated as a national recreation area and shall be known as Springer Mountain National Recreation Area (hereafter in this section referred to as the "recreation area").

(b) ADMINISTRATION.—(1) Subject to valid existing rights, the Secretary shall administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests in such a way as to further the purposes of this section. Except as provided in this section, the Secretary may not conduct timber harvesting in the recreation area. The Secretary may remove timber in the recreation area in furtherance of this section, but only in a manner which does not impair the purposes for which the recreation area is established. Salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other

catastrophe, or are in imminent danger from insect or disease attack, is authorized to maintain forest health. Timber harvesting is authorized to provide for visitor safety.

(2) Nothing in this section shall prevent the completion of existing timber sales under contract. The Secretary may permit additional road construction in the area in furtherance of the purposes for which the recreation area is established.

(3) By virtue of the designation under this section, the Secretary need not change patterns of public access or closure on existing permanent national forest development roads. At his discretion, however, the Secretary may open or close such existing roads to public use for reasons of sound resource management.

(4) Lands within the recreation area are hereby withdrawn from the operation of all laws pertaining to mineral leasing.

(5) The Secretary may permit, in his discretion, the continued maintenance of existing wildlife openings, in cooperation with the State of Georgia and other Federal, State, and private cooperators, and may permit new wildlife openings in furtherance of the purposes for which the recreation area is established.

(6) The Secretary shall protect, enhance, and promote the public's opportunities for primitive and semiprimitive recreation in the recreation area.

(7) Designation by this section shall not interfere with rights of access to privately held lands.

SEC. 5. MAPS AND LEGAL DESCRIPTIONS.

16 USC 460ggg-3.

As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

16 USC 460ggg note.

SEC. 6. SAVINGS CLAUSE.

Privately held lands within the areas designated by this Act will not be administered as wilderness, a national scenic area, or a national recreation area, as appropriate, unless such lands are acquired by the Secretary.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3245:

HOUSE REPORTS: No. 102-345, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 23, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-218
102d Congress

An Act

To amend title 38, United States Code, to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department.

Dec. 11, 1991
[H.R. 3327]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF MINORITY AFFAIRS OFFICER.

(a) CHIEF MINORITY AFFAIRS OFFICER.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 317. Chief Minority Affairs Officer

"(a) The Secretary shall designate one of the Assistant Secretaries of the Department as the Chief Minority Affairs Officer of the Department.

"(b) The Chief Minority Affairs Officer shall have the following duties:

"(1) To investigate and examine the policies, regulations, programs, and other activities of the Department as they affect minority group members who are veterans or receive benefits from the Department.

"(2) To assess the needs of minority group members who are veterans or who receive benefits from the Department as those needs relate to the activities of, and benefits provided by, the Department and to evaluate the manner and extent to which the activities of, and benefits provided, by the Department fulfill those needs.

"(3) To advise the Secretary regarding the effect on minority group members of policies, regulations, programs, and other activities of the Department and of methods to ensure that minority group members are afforded an opportunity to participate fully in the activities and benefits of the Department.

"(4) To carry out any additional functions and activities that the Secretary prescribes with regard to minority group members who are veterans or who receive benefits from the Department.

"(c) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian);

"(5) Pacific-Islander American; or

"(6) female.

"(d) Not less than every two years, the Secretary shall submit to the Congress a report containing a detailed description of any activities and policies of the Department relating to minority group

Reports.

members who are veterans or who receive benefits from the Department and the duties of the Chief Minority Affairs Officer, with respect to the previous two-year period.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"317. Chief Minority Affairs Officer.".

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3327:

HOUSE REPORTS: No. 102-347 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 25, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-219
102d Congress

An Act

To amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

Dec. 11, 1991
[H.R. 3387]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION.

Section 17(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, 40 U.S.C. 885(a)) is amended by striking out all that follows "1991;" and inserting in lieu thereof the following: "and $2,807,000 for the fiscal year 1992.".

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3387:

HOUSE REPORTS: No. 102-286 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-239 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 5, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-220
102d Congress

An Act

Dec. 11, 1991
[H.R. 3604]

To direct acquisitions within the Eleven Point Wild and Scenic River, to establish the Greer Spring Special Management Area in Missouri, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Greer Spring Acquisition and Protection Act of 1991.
Conservation.
16 USC 539h note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Greer Spring Acquisition and Protection Act of 1991".

16 USC 539h note.

SEC. 2. ACQUISITION OF THE DENNIG TRACT.

(a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is hereby authorized and directed, subject to appropriations, to acquire all of the lands, waters, and interests therein, on a willing seller basis only, within the area generally depicted on a map entitled "Dennig Tract", dated November 5, 1991 (hereinafter referred to as "the map"). The map, together with a legal description of such lands, shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture. The boundaries of the Mark Twain National Forest are hereby modified to include the area denoted "Dennig Property Outside of National Forest Boundary" on the map. Such map and legal description shall have the same force and effect as if included in this Act, except that the correction of clerical and typographical errors in such map and legal description may be made by the Secretary.

(b) Such modified boundaries shall be considered as the boundaries in existence as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-9).

16 USC 539h note.

SEC. 3. ELEVEN POINT WILD AND SCENIC RIVER.

The Secretary shall manage the lands, waters, and interests therein within the area referred to on the map as "The Eleven Point Wild and Scenic Corridor" (hereinafter referred to as "the corridor"), pursuant to the provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287). Lands acquired pursuant to section 2 of this Act within the corridor shall not be counted against the average one-hundred-acre-per-mile fee limitation of Section 6(a)(1) of the Wild and Scenic Rivers Act, nor shall such lands outside the corridor be subject to the provisions of Section 6(a)(2) of the Wild and Scenic Rivers Act.

16 USC 539h.

SEC. 4. GREER SPRING SPECIAL MANAGEMENT AREA.

(a) OBJECTIVES AND ESTABLISHMENTS.—In order to provide for public outdoor recreation use, including fishing and hunting, in a natural setting, and the enjoyment of certain areas within the Mark Twain National Forest, to protect those areas' natural, archaeological, and scenic resources, and to provide for appropriate resource management of those areas, there is hereby established the Greer Spring Special Management Area (hereinafter referred to as "the

special management area"). The Secretary shall manage the special management area in accordance with this Act, and with provisions of law generally applicable to units of the National Forest System to the extent consistent with this Act.

(b) AREA INCLUDED.—The special management area shall consist of lands, waters, and interests therein within the area referred to on the map as "The Greer Spring Special Management Area". The Secretary is authorized to make minor revisions to the boundary of the special management area.

(c) TIMBER HARVESTING.—The Secretary shall permit the harvesting of timber within the special management area only in those cases where, in the judgment of the Secretary, the harvesting of timber is required in order to control insects or disease, for public safety, for salvage sales, or to accomplish the objectives of the special management area as described in subsection (a). To the extent practicable, timber harvesting shall be conducted only by the individual tree selection method.

(d) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing on lands and waters within the special management area in accordance with applicable Federal and State law.

(e) MINING AND MINERAL LEASING.—Subject to valid, existing rights, lands within the special management areas are withdrawn from location, entry, and patent under the mining laws of the United States, and from the operation of the mineral and geothermal leasing laws of the United States.

(f) VEHICULAR ACCESS.—The Secretary shall construct and maintain only those roads within the special management area and corridor which are indicated on the map: *Provided,* That the Secretary shall provide access to such roads, or to timber harvesting pursuant to subsection (c), in such a manner as to minimize environmental impact.

SEC. 5. APPROPRIATIONS.

16 USC 539h note.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3604:

HOUSE REPORTS: No. 102-346, Pt. 1 (Comm. on Agriculture) and Pt. 2 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 22, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-221
102d Congress

An Act

Dec. 11, 1991
[H.R. 3932]

To improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF JAMES MADISON MEMORIAL FELLOWSHIP ACT.

The James Madison Memorial Fellowship Act (20 U.S.C. 4501 et seq.) is amended—

20 USC 4502.

(1) in subsection (b) of section 803, by adding at the end the following new paragraph:

"(3) A member of the Board whose term has expired may continue to serve until the earlier of—

"(A) the date on which a successor has taken office; or

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired."; and

20 USC 4510.

(2) in subsection (a) of section 811—

(A) in paragraph (1)—

(i) by striking "an other" and inserting "and other"; and

(ii) by striking "(1)"; and

(B) by striking paragraph (2).

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3932:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed House and Senate.

Public Law 102-222
102d Congress

An Act

To ensure that the ceiling established with respect to health education assistance loans does not prohibit the provision of Federal loan insurance to new and previous borrowers under such loan program, and for other purposes.

Dec. 11, 1991
[S. 2050]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEALTH EDUCATION ASSISTANCE LOANS.

42 USC 294a note.

Notwithstanding section 728(a) of the Public Health Service Act (42 U.S.C. 294a(a)), or any other provision of law, Federal loan insurance may be provided under subpart I of part C of title VII of the Public Health Service Act for loans to new and previous borrowers under such subpart in fiscal year 1992. With respect to fiscal year 1992, the ceiling referred to in such section 728(a) shall be $290,000,000, as provided for in the Act entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.".

SEC. 2. PILOT PROGRAM IN CLINICAL PHARMACOLOGY.

Grants.

(a) ESTABLISHMENT.—The Commissioner of Food and Drugs is authorized to award through a competitive bid process a grant for a pilot program for the training of individuals in clinical pharmacology at an appropriate medical school without such a program. Such grant shall be for the purpose of evaluating the extent to which such a program can contribute to an identifiable increase in the number of trained biomedical, scientific personnel in clinical pharmacology.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 1992 through 1996 $750,000 for each fiscal year to carry out this section.

Approved December 11, 1991.

LEGISLATIVE HISTORY—S. 2050:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 25, considered and passed Senate.
Nov. 26, considered and passed House, amended.
Senate concurred in House amendment.

Public Law 102-223
102d Congress

An Act

Dec. 11, 1991
[S. 2098]

To authorize the President to appoint Major General Jerry Ralph Curry to the Office of Administrator of the Federal Aviation Administration.

49 USC 106 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Major General Jerry Ralph Curry to the Office of Administrator of the Federal Aviation Administration. Major General Curry's appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he shall hold as an officer on the retired list of the United States Army, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, Major General Curry shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Army, shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Army, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, Major General Curry shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Army.

SEC. 3. Nothing in this Act shall be construed as approval by the Congress of any future appointments of military persons to the Office of Administrator of the Federal Aviation Administration.

Approved December 11, 1991.

LEGISLATIVE HISTORY—S. 2098:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed Senate and House.

Public Law 102-224
102d Congress

Joint Resolution

Dec. 11, 1991
[S.J. Res. 198]

To recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

Whereas on Sunday morning, December 7, 1941, at 7:55 a.m., the first wave of dive and high level bombers from the Imperial Japanese Combined Fleet attacked Hickam and Wheeler Airfields in the United States territory of Hawaii;

Whereas the first bombs fell on Ford Island at Pearl Harbor;

Whereas American fighter planes were strafed and destroyed on the ground at Pearl Harbor, Hickam Airfield, Kaneohe Naval Air Station, Bellows Airfield, Ewa Marine Corps Air Station, Schofield Barracks, and Wheeler Airfield;

Whereas the United States Pacific Fleet was devastated, but its carriers were still afloat, and Pearl Harbor's shipyards, fuel storage area, and submarine base remarkably suffered very little damage;

Whereas Federal civilian employees responded magnificently that fateful morning and met their country's call to duty with distinction and valor;

Whereas Federal civilian employees were instrumental in the remarkable salvage effort to raise and repair several of the naval vessels that were put back in action before the end of World War II;

Whereas of the 2,403 Americans killed in connection with the attack on Pearl Harbor, 68 were civilians, and of the 1,178 Americans wounded in connection with the attack, 35 were civilians;

Whereas Federal civilian employees exhibited the highest sense of patriotism and exemplary performance at Pearl Harbor and during World War II;

Whereas on December 4, 1991, ceremonies coordinated by the National Park Service will be held in the State of Hawaii to recognize the contributions of Federal civilian employees; and

Whereas we should honor these distinguished individuals during the commemoration of the fiftieth anniversary of the attack on Pearl Harbor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 4, 1991, is designated as "Federal Civilian Employees Remembrance Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with

appropriate ceremonies and activities recognizing the important contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II, and thanking such dedicated and committed individuals for their sacrifice and devotion to their country.

Approved December 11, 1991.

LEGISLATIVE HISTORY—S.J. Res. 198:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 22, considered and passed Senate.
Nov. 26, considered and passed House.

Public Law 102-225
102d Congress

An Act

Dec. 11, 1991
[H.R. 3881]

To expand the boundaries of Stones River National Battlefield, Tennessee, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STONES RIVER NATIONAL BATTLEFIELD BOUNDARY CHANGE.

The Act entitled "An Act to amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes", approved December 23, 1987 (101 Stat. 1433), is amended as follows:

16 USC 426n.

(1) In the first sentence of section 1(a) strike "numbered 327/80,001, and dated March 1987" and insert "numbered 327/80,004B, and dated November 1991".

(2) In section 1(b), insert "(1)" after "LANDS.—", and add at the end thereof the following:

"(2)(A) Before acquiring any lands under this Act where the surface of such lands has been substantially disturbed or which are believed by the Secretary to contain hazardous substances, the Secretary shall prepare a report on the potential hazardous substances associated with such lands and the estimated cost of restoring such lands, together with a plan of the remedial measures necessary to allow acquisition of such lands to proceed in a timely manner, consistent with the requirements of subparagraph (B). The Secretary shall submit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

"(B) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

"(3)(A) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed 25 years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

"(B) Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of

the property in accordance with the purposes of this Act. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

"(C) This paragraph applies only to owners who have reached the age of majority.

"(D) As used in this paragraph, the term 'improved property' means a detached, year-round noncommercial residential dwelling, the construction of which was begun before the date of enactment of this paragraph, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.".

(3) Section 2 is amended to read as follows:

"SEC. 2. AGREEMENT. 16 USC 426o.

"The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, containing each of the following provisions—

"(1) If the city agrees to acquire sufficient interest in land to construct a trail linking the battlefield with Fortress Rosecrans, to construct such trail, and to operate and maintain the trail in accordance with standards approved by the Secretary, the Secretary shall (A) transfer to the city the funds available to the Secretary for the acquisition of such lands and for the construction of the trail, and (B) provide technical assistance to the city and to Rutherford County for the purpose of development and planning of the trail.

"(2) The Secretary shall agree to accept the transfer by donation from the city of the remnants of Fortress Rosecrans at Old Fort Park, and following such transfer, to preserve and interpret the fortress as part of the battlefield.

"(3) In administering the Fortress Rosecrans, the Secretary is authorized to enter a cooperative agreement with the city of Murfreesboro, Tennessee, for the rendering, on a nonreimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.".

(4) Redesignate section 3 as section 4, and insert the following new section after section 2: 16 USC 426p.

"SEC. 3. PLANNING. 16 USC 426o-1.

"(a) PREPARATION OF PLAN FOR REDOUBT BRANNAN.—The Secretary shall, on or before February 1, 1992, prepare a plan for the preservation and interpretation of Redoubt Brannan.

"(b) UPDATE OF GENERAL MANAGEMENT PLAN.—The Secretary shall, on or before March 31, 1993, update the General Management Plan for the Stones River National Battlefield.

"(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide technical assistance to the city and to Rutherford County in the development of zoning ordinances and other land use controls that

would help preserve historically significant areas adjacent to the battlefield.

"(d) MINOR BOUNDARY REVISIONS.—If the planning activities conducted under subsections (a) and (b) of this section show a need for minor revisions of the boundaries indicated on the map referred to in section 1 of this Act, the Secretary may, following timely notice in writing to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so and providing an opportunity for public comment, make such minor revisions by publication of a revised boundary map or other description in the Federal Register.".

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3881:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 23, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-226
102d Congress

An Act

To designate an area as the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge".

Dec. 11, 1991
[H.R. 2105]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF AREA KNOWN AS RANCHO LA BAHIA AS THE "MYRTLE FOESTER WHITMIRE DIVISION OF THE ARANSAS NATIONAL WILDLIFE REFUGE".

16 USC 668dd note.

(a) DESIGNATION.—Upon acquisition by the United States Fish and Wildlife Service, the area in Calhoun County, Texas, commonly known as Rancho La Bahia shall be known and designated as the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge".

Texas.

(b) LEGAL REFERENCES.—A reference in any law, map, regulation, document, or record of the United States to the area referred to in subsection (a) is deemed to be a reference to the "Myrtle Foester Whitmire Division of the Aransas National Wildlife Refuge".

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 2105:

HOUSE REPORTS: No. 102-249 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 15, considered and passed House.
Nov. 26, considered and passed Senate.

Public Law 102-227
102d Congress

An Act

Dec. 11, 1991
[H.R. 3909]

To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tax Extension Act of 1991.

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "Tax Extension Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—6-MONTH EXTENSION OF CERTAIN EXPIRING TAX PROVISIONS

SEC. 101. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) EXTENSION.—Paragraph (5) of section 864(f) (relating to allocation of research and experimental expenditures) is amended to read as follows:

"(5) YEARS TO WHICH RULE APPLIES.—

"(A) IN GENERAL.—This subsection shall apply to the taxpayer's first 3 taxable years beginning after August 1, 1989, and on or before August 1, 1992.

"(B) REDUCTION.—Notwithstanding subparagraph (A), in the case of the taxpayer's first taxable year beginning after August 1, 1991, this subsection shall only apply to qualified research and experimental expenditures incurred during the first 6 months of such taxable year."

26 USC 864 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after August 1, 1989.

SEC. 102. RESEARCH CREDIT.

(a) EXTENSION.—Subsection (h) of section 41 (relating to credit for increasing research activities) is amended—

(1) by striking "December 31, 1991" each place it appears and inserting "June 30, 1992", and

(2) by striking "January 1, 1992" each place it appears and inserting "July 1, 1992".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 28(b)(1) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

26 USC 28 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1991.

SEC. 103. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (d) of section 127 (relating to educational assistance programs) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

(2) SPECIAL RULE.—In the case of any taxable year beginning in 1992, only amounts paid before July 1, 1992, by the employer for educational assistance for the employee shall be taken into account in determining the amount excluded under section 127 of the Internal Revenue Code of 1986 with respect to such employee for such taxable year. 26 USC 127 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991. 26 USC 127 note.

SEC. 104. EMPLOYER-PROVIDED GROUP LEGAL SERVICES PLANS.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (e) of section 120 (relating to amounts received under qualified group legal services plans) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

(2) SPECIAL RULE.—In the case of any taxable year beginning in 1992, only amounts paid before July 1, 1992, by the employer for coverage for the employee, his spouse, or his dependents, under a qualified group legal services plan for periods before July 1, 1992, shall be taken into account in determining the amount excluded under section 120 of the Internal Revenue Code of 1986 with respect to such employee for such taxable year.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991. 26 USC 120 note.

SEC. 105. TARGETED JOBS CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 51(c) (relating to termination) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 1991. 26 USC 51 note.

SEC. 106. ENERGY INVESTMENT CREDIT FOR SOLAR AND GEOTHERMAL PROPERTY.

Subparagraph (B) of section 48(a)(2) (relating to energy percentage) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

SEC. 107. LOW-INCOME HOUSING CREDIT.

(a) EXTENSION.—

(1) Paragraph (1) of section 42(o) is amended—

(A) by striking ", for any calendar year after 1991",

(B) by inserting before the comma at the end of subparagraph (A) "to any amount allocated after June 30, 1992", and

(C) by striking "1991" in subparagraph (B) and inserting "June 30, 1992".

(2) Paragraph (2) of section 42(o) is amended—

(A) by striking "1992" each place it appears and inserting "July 1, 1992",

(B) by striking "December 31, 1991" in subparagraph (B) and inserting "June 30, 1992",

(C) by striking "December 31, 1993" in subparagraph (B) and inserting "June 30, 1994", and

(D) by striking "January 1, 1994" in subparagraph (C) and inserting "July 1, 1994".

26 USC 42 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1991.

SEC. 108. QUALIFIED MORTGAGE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 143(a)(1) (defining qualified mortgage bond) is amended by striking "December 31, 1991" each place it appears and inserting "June 30, 1992".

(b) MORTGAGE CREDIT CERTIFICATES.—Subsection (h) of section 25 (relating to interest on certain home mortgages) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

(c) EFFECTIVE DATES.—

26 USC 143 note. (1) BONDS.—The amendment made by subsection (a) shall apply to bonds issued after December 31, 1991.

26 USC 25 note. (2) CERTIFICATES.—The amendment made by subsection (b) shall apply to elections for periods after December 31, 1991.

SEC. 109. QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) (relating to termination dates) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

26 USC 144 note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 1991.

SEC. 110. HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (6) of section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "December 31, 1991" and inserting "June 30, 1992".

26 USC 162 note. (2) SPECIAL RULE.—In the case of any taxable year beginning in 1992—

(A) only amounts paid before July 1, 1992, by the individual for insurance coverage for periods before July 1, 1992, shall be taken into account in determining the amount deductible under section 162(l) of the Internal Revenue Code of 1986 with respect to such individual for such taxable year, and

(B) for purposes of subparagraph (A) of section 162(l)(2) of such Code, the amount of the earned income described in such subparagraph taken into account for such taxable year shall be the amount which bears the same ratio to the total amount of such earned income as the number of months in such taxable year ending before July 1, 1992, bears to the number of months in such taxable year.

26 USC 162 note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 111. EXPENSES FOR DRUGS FOR RARE CONDITIONS.

(a) IN GENERAL.—Subsection (e) of section 28 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is

amended by striking "December 31, 1991" and inserting "June 30, 1992".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 1991. 26 USC 28 note.

SEC. 112. CHARITABLE CONTRIBUTIONS OF APPRECIATED PROPERTY.

Subparagraph (B) of section 57(a)(6) (relating to appreciated property charitable deduction) is amended by adding at the end thereof the following new sentence: "In the case of a contribution made before July 1, 1992, in a taxable year beginning in 1992, such term shall not include any tangible personal property."

TITLE II—MODIFICATION TO CORPORATE ESTIMATED TAX PROVISIONS

SEC. 201. TEMPORARY INCREASE IN AMOUNT OF CORPORATE ESTIMATED TAX PAYMENTS.

(a) GENERAL RULE.—Subsection (d) of section 6655 (relating to amount of required installment) is amended by adding at the end thereof the following new paragraph:

"(3) TEMPORARY INCREASE IN AMOUNT OF INSTALLMENT BASED ON CURRENT YEAR TAX.—In the case of any taxable year beginning after 1991 and before 1997—

"(A) Paragraph (1)(B)(i) and subsection (e)(3)(A)(i) shall be applied by substituting for '90 percent' each place it appears the current year percentage determined under the following table:

In the case of a taxable year beginning in:	The current year percentage is:
1992	93
1993 or 1994	94
1995 or 1996	95.

"(B) Appropriate adjustments to the table contained in subsection (e)(2)(B)(ii) shall be made to reflect the provisions of subparagraph (A)."

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6655(e) is amended by striking "modified by subsection (d)(2)" and inserting "modified by paragraphs (2) and (3) of subsection (d)".

26 USC 6655 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

Approved December 11, 1991.

LEGISLATIVE HISTORY—H.R. 3909 (S. 2042):

HOUSE REPORTS: No. 102-377 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed House.
Nov. 27, considered and passed Senate.

Public Law 102-228
102d Congress

An Act

To amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with implementation of the Treaty on Conventional Armed Forces in Europe.

Dec. 12, 1991
[H.R. 3807]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conventional Forces in Europe Treaty Implementation Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conventional Forces in Europe Treaty Implementation Act of 1991".

SEC. 2. AUTHORITY TO TRANSFER CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS.

22 USC 2751.

The Arms Export Control Act is amended by adding at the end the following:

"CHAPTER 9—TRANSFER OF CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS

"SEC. 91. PURPOSE.

22 USC 2799.

"The purpose of this chapter is to authorize the President to support, consistent with the CFE Treaty, a NATO equipment transfer program that will—

"(1) enhance NATO's forces,

"(2) increase NATO standardization and interoperability, and

"(3) better distribute defense burdens within the NATO alliance.

"SEC. 92. CFE TREATY OBLIGATIONS.

22 USC 2799a.

"The authorities provided in this chapter shall be exercised consistent with the obligations incurred by the United States in connection with the CFE Treaty.

"SEC. 93. AUTHORITIES.

22 USC 2799b.

"(a) GENERAL AUTHORITY.—The President may transfer to any NATO/CFE country, in accordance with NATO plans, defense articles—

"(1) that are battle tanks, armoured combat vehicles, or artillery included within the CFE Treaty's definition of 'conventional armaments and equipment limited by the Treaty';

"(2) that were, as of the date of signature of the CFE Treaty, in the stocks of the Department of Defense and located in the CFE Treaty's area of application; and

"(3) that the President determines are not needed by United States military forces within the CFE Treaty's area of application.

"(b) ACCEPTANCE OF NATO ASSISTANCE IN ELIMINATING DIRECT COSTS OF TRANSFERS.—In order to eliminate direct costs of facilitating transfers of defense articles under subsection (a), the United States may utilize services provided by NATO or any NATO/CFE country, including inspection, repair, or transportation services with respect to defense articles so transferred.

"(c) ACCEPTANCE OF NATO ASSISTANCE IN MEETING CERTAIN UNITED STATES OBLIGATIONS.—In order to facilitate United States compliance with the CFE Treaty-mandated obligations for destruction of conventional armaments and equipment limited by the CFE Treaty, the United States may utilize services or funds provided by NATO or any NATO/CFE country.

"(d) AUTHORITY TO TRANSFER ON A GRANT BASIS.—Defense articles may be transferred under subsection (a) without cost to the recipient country.

"(e) THIRD COUNTRY TRANSFERS RESTRICTIONS.—For purposes of sections 3(a)(2), 3(a)(3), 3(c), and 3(d) of this Act, defense articles transferred under subsection (a) of this section shall be deemed to have been sold under this Act.

"(f) MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.—The President shall ensure that transfers by the United States under subsection (a), taken together with transfers by other NATO/CFE countries in implementing the CFE Treaty, are of such valuations so as to be consistent with the United States policy, embodied in section 620C of the Foreign Assistance Act of 1961, of maintaining the military balance in the Eastern Mediterranean.

"(g) EXPIRATION OF AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority of subsection (a) expires at the end of the 40-month period beginning on the date on which the CFE Treaty enters into force.

"(2) TRANSITION RULE.—Paragraph (1) does not apply with respect to a transfer of defense articles for which notification under section 94(a) is submitted before the end of the period described in that paragraph.

22 USC 2799c.

"SEC. 94. NOTIFICATIONS AND REPORTS TO CONGRESS.

"(a) NOTIFICATIONS.—Not less than 15 days before transferring any defense articles pursuant to section 93(a), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

"(b) ANNUAL REPORTS.—Not later than February 1 each year, the President shall submit to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that—

"(1) lists all transfers made to each recipient NATO/CFE country by the United States under section 93(a) during the preceding calendar year;

"(2) describes how those transfers further the purposes described in paragraphs (1) through (3) of section 91; and

"(3) lists, on a country-by-country basis, all transfers to another country of conventional armaments and equipment limited by the CFE Treaty—

"(A) by each NATO/CFE country (other than the United States) in implementing the CFE Treaty, and

"(B) by each Warsaw Pact country in implementing the CFE Treaty.

"SEC. 95. DEFINITIONS. 22 USC 2799d.

"As used in this chapter—

"(1) the term 'CFE Treaty' means the Treaty on Conventional Armed Forces in Europe (signed at Paris, November 19, 1990);

"(2) the term 'conventional armaments and equipment limited by the CFE Treaty' has the same meaning as the term 'conventional armaments and equipment limited by the Treaty' does under paragraph 1(J) of article II of the CFE Treaty;

"(3) the term 'NATO' means the North Atlantic Treaty Organization;

"(4) the term 'NATO/CFE country' means a member country of NATO that is a party to the CFE Treaty and is listed in paragraph 1(A) of article II of the CFE Treaty within the group of States Parties that signed or acceded to the Treaty of Brussels of 1948 or the Treaty of Washington of 1949 (the North Atlantic Treaty); and

"(5) the term 'Warsaw Pact country' means a country that is listed in paragraph 1(A) of article II of the CFE Treaty within the group of States Parties that signed the Treaty of Warsaw of 1955.".

TITLE II—SOVIET WEAPONS DESTRUCTION

Soviet Nuclear Threat Reduction Act of 1991.

PART A—SHORT TITLE

SEC. 201. SHORT TITLE. 22 USC 2551 note.

This title may be cited as the "Soviet Nuclear Threat Reduction Act of 1991".

PART B—FINDINGS AND PROGRAM AUTHORITY

SEC. 211. NATIONAL DEFENSE AND SOVIET WEAPONS DESTRUCTION.

(a) FINDINGS.—The Congress finds—

(1) that Soviet President Gorbachev has requested Western help in dismantling nuclear weapons, and President Bush has proposed United States cooperation on the storage, transportation, dismantling, and destruction of Soviet nuclear weapons;

(2) that the profound changes underway in the Soviet Union pose three types of danger to nuclear safety and stability, as follows: (A) ultimate disposition of nuclear weapons among the Soviet Union, its republics, and any successor entities that is not conducive to weapons safety or to international stability; (B) seizure, theft, sale, or use of nuclear weapons or components; and (C) transfers of weapons, weapons components, or weapons know-how outside of the territory of the Soviet Union, its republics, and any successor entities, that contribute to worldwide proliferation; and

(3) that it is in the national security interests of the United States (A) to facilitate on a priority basis the transportation, storage, safeguarding, and destruction of nuclear and other weapons in the Soviet Union, its republics, and any successor

entities, and (B) to assist in the prevention of weapons proliferation.

(b) EXCLUSIONS.—United States assistance in destroying nuclear and other weapons under this title may not be provided to the Soviet Union, any of its republics, or any successor entity unless the President certifies to the Congress that the proposed recipient is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;

(4) facilitating United States verification of weapons destruction carried out under section 212;

(5) complying with all relevant arms control agreements; and

(6) observing internationally recognized human rights, including the protection of minorities.

SEC. 212. AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President, consistent with the findings stated in section 211, may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.

(b) TYPE OF PROGRAM.—The program under this section shall be limited to cooperation among the United States, the Soviet Union, its republics, and any successor entities to (1) destroy nuclear weapons, chemical weapons, and other weapons, (2) transport, store, disable, and safeguard weapons in connection with their destruction, and (3) establish verifiable safeguards against the proliferation of such weapons. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

PART C—ADMINISTRATIVE AND FUNDING AUTHORITIES

SEC. 221. ADMINISTRATION OF NUCLEAR THREAT REDUCTION PROGRAMS.

(a) FUNDING.—

(1) TRANSFER AUTHORITY.—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal year 1992 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed $400,000,000 for use in reducing the Soviet military threat under part B.

(2) LIMITATION.—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense

determines essential for the readiness of the Armed Forces, including amounts for—

(A) training activities; and

(B) depot maintenance activities.

(b) DEPARTMENT OF DEFENSE.—The Department of Defense shall serve as the executive agent for any program established under part B.

(c) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

(d) CHARGES AGAINST FUNDS.—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in providing assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (a) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

(e) DETERMINATION BY DIRECTOR OF OMB.—No amount may be obligated for the program under part B unless expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1992 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 222. REPAYMENT ARRANGEMENTS.

(a) REIMBURSEMENT ARRANGEMENTS.—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

(b) NATURAL RESOURCES, ETC.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

SEC. 223. DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

It is the sense of the Senate that the committee of conference on House Joint Resolution 157 should consider providing the necessary authority in the conference agreement for the President to transfer funds pursuant to this title.

PART D—REPORTING REQUIREMENTS

SEC. 231. PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.

Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under part B for which the President plans to obligate such funds.

SEC. 232. QUARTERLY REPORTS ON PROGRAM.

Not later than 30 days after the end of each quarter of fiscal years 1992 and 1993, the President shall transmit to the Congress a report on the activities to reduce the Soviet military threat carried out under part B. Each such report shall set forth, for the preceding quarter and cumulatively, the following:

(1) Amounts spent for such activities and the purposes for which they were spent.

(2) The source of the funds obligated for such activities, stated specifically by program.

(3) A description of the participation of the Department of Defense, and the participation of any other United States Government department or agency, in such activities.

(4) A description of the activities carried out under part B and the forms of assistance provided under part B.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the program under part B.

TITLE III—EMERGENCY AIRLIFT AND OTHER SUPPORT

SEC. 301. AUTHORITY TO TRANSFER CERTAIN FUNDS TO PROVIDE EMERGENCY AIRLIFT AND OTHER SUPPORT.

(a) FINDINGS.—The Congress finds—

(1) that political and economic conditions within the Soviet Union and its republics are unstable and are likely to remain so for the foreseeable future;

(2) that these conditions could lead to the return of antidemocratic forces in the Soviet Union;

(3) that one of the most effective means of preventing such a situation is likely to be the immediate provision of humanitarian assistance; and

(4) that should this need arise, the United States should have funds readily available to provide for the transport of such assistance to the Soviet Union, its republics, and any successor entities.

(b) AUTHORITY TO TRANSFER CERTAIN FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense, at the direction of the President, may during fiscal year 1992, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts sufficient funds, not to exceed $100,000,000, from funds described in paragraph (3) in order to transport, by military or commercial means, food, medical supplies, and other types of

humanitarian assistance to the Soviet Union, its republics, or any successor entities—with the consent of the relevant republic government or independent successor entity—in order to address emergency conditions which may arise in such republic or successor entity, as determined by the President. As used in this subsection, the term "humanitarian assistance" does not include construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dumptrucks, generators, and compressors.

(2) REPORTS BY THE SECRETARY OF STATE.—The Secretary of State shall promptly report to the President regarding any emergency conditions which may require such humanitarian assistance. The Secretary's report shall include an estimate of the extent of need for such assistance, discuss whether the consent of the relevant republic government or independent successor entity has been given for the delivery of such assistance, describe steps other nations and organizations are prepared to take in response to an emergency, and discuss the foreign policy implications, if any, of providing such assistance.

(3) SOURCE OF FUNDS.—Any funds which are transferred pursuant to this subsection shall be drawn from amounts appropriated to the Department of Defense for fiscal year 1992 or from balances in working capital accounts established under section 2208 of title 10, United States Code.

(4) EMERGENCY REQUIREMENTS.—The Congress designates all funds transferred pursuant to this section as "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. Notwithstanding any other provision of law, funds shall be available for transfer pursuant to this section only if, not later than the date of enactment of the appropriations Act or joint resolution that makes funds available for transfer pursuant to this section, the President, in a single designation, designates the entire amount of funds made available for such transfer by that appropriations Act or joint resolution to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REPAYMENT ARRANGEMENTS.—

(1) REIMBURSEMENT ARRANGEMENTS.—Assistance provided under subsection (b) to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

(2) NATURAL RESOURCES, ETC.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this subsection that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

(d) DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—It is the sense of the Senate that the committee of conference on House Joint Resolution 157 should consider providing the necessary authority in the conference agreement for the Secretary of Defense to transfer funds pursuant to this title.

SEC. 302. REPORTING REQUIREMENTS.

(a) PRIOR NOTICE.—Before any funds are transferred for the purposes authorized in section 301(b), the President shall notify the Committees on Armed Services and the Commitees on Appropriations of the Senate and the House of Representatives of the account, budget activity, and particular program or programs from which the transfer is planned to be made and the amount of the transfer.

(b) REPORTS TO THE CONGRESS.—Within ten days after directing the Secretary of Defense to transfer funds pursuant to section 301(b), the President shall provide a report to the Committees on Armed Services of the Senate and House of Representatives, the Committees on Appropriations of the Senate and House of Representatives, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives. This report shall at a minimum, set forth—

(1) the amount of funds transferred under this title, including the source of such funds;

(2) the conditions which prompted the use of this authority;

(3) the form and number of lift assets planned to be used to deliver assistance pursuant to this title;

(4) the types and purpose of the cargo planned to be delivered pursuant to this title; and

(5) the locations, organizations, and political institutions to which assistance is planned to be delivered pursuant to this title.

TITLE IV—ARMS CONTROL AND DISARMAMENT ACT

SEC. 401. ARMS CONTROL AND DISARMAMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended—

(1) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(2) in paragraph (1) as so redesignated, by striking out "$36,000,000 for the fiscal year 1990 and $37,316,000 for the fiscal year 1991" and inserting in lieu thereof "$44,527,000 for fiscal year 1992 and $45,862,810 for fiscal year 1993"; and

(3) in paragraph (2) as so redesignated, by striking out "fiscal years 1990 and 1991" and inserting in lieu thereof "each fiscal year for which an authorization of appropriations is provided in paragraph (1)".

(b) ADMINISTRATIVE AUTHORITIES REGARDING INVESTIGATIONS.—Section 41 of that Act (22 U.S.C. 2581) is amended—

(1) by redesignating paragraphs (h) and (i) as paragraphs (i) and (j), respectively; and

(2) by inserting after paragraph (g) the following new paragraph (h):

"(h) administer oaths and take sworn statements in the course of an investigation made pursuant to the Director's responsibilities under this Act;".

(c) ACDA REVITALIZATION.—Not later than December 15, 1992, the Inspector General of the Arms Control and Disarmament Agency (who serves also as the Inspector General of the Department of State) shall submit to the President, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate a report with regard to the Agency's fulfillment of the primary functions described in section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551). Such report shall address the current ability and performance of the Agency in carrying out these functions and shall provide detailed recommendations for any changes in executive branch organization and direction needed to fulfill these primary functions. Within 60 days after submission of this report, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate comments on any recommendations contained in the report dealing with executive branch organization and direction.

Reports.
22 USC 2551 note.

SEC. 402. ON-SITE INSPECTION AGENCY.

(a) RESPONSIBILITIES OF THE ON-SITE INSPECTION AGENCY.—

(1) ADDITIONAL RESPONSIBILITIES.—Section 61 of the Arms Control and Disarmament Act (22 U.S.C. 2595) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the On-Site Inspection Agency has additional responsibilities to those specified in paragraph (4), including the monitoring of nuclear tests pursuant to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and the monitoring of the inspection provisions of such additional arms control agreements as the President may direct;".

(2) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 64 of that Act (22 U.S.C. 2595c) is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(C) by adding after paragraph (2) the following:

"(3) the term 'Peaceful Nuclear Explosions Treaty' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes (signed at Washington and Moscow, May 28, 1976); and

"(4) the term 'Threshold Test Ban Treaty' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests (signed at Moscow, July 3, 1974).".

(b) IMPROVING CONGRESSIONAL OVERSIGHT OF ON-SITE INSPECTION ACTIVITIES.—Title V of that Act is amended—

(1) by redesignating section 64 as section 65; and

(2) by inserting after section 63 the following:

22 USC 2595c.

"SEC. 64. IMPROVING CONGRESSIONAL OVERSIGHT OF ON-SITE INSPECTION ACTIVITIES.

22 USC 2595b-1.

"(a) REPORT FROM THE PRESIDENT.—Concurrent with the submission to the Congress of the request for authorization of appropriations for OSIA for fiscal year 1993, the President shall submit a

report on OSIA to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Armed Services of the House of Representatives and Senate. The report shall include a review of—

"(1) the history of OSIA, including how, when, and under what auspices it was established, including the applicable texts of the relevant executive orders;

"(2) the missions and tasks assigned to OSIA to date;

"(3) any additional missions and tasks likely to be assigned to OSIA during fiscal year 1993;

"(4) the budgetary history of OSIA; and

"(5) the extent to which OSIA plays a role in arms control policy formulation and operational implementation.

"(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—Any notification submitted to the Congress with respect to a proposed transfer, reprogramming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and shall be subject to review by those committees.".

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 3807 (S. 1987):

CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 19, considered and passed House.
Nov. 25, considered and passed Senate, amended.
Nov. 26, House concurred in Senate amendments with amendments.
Nov. 27, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 12, Presidential statement.

Public Law 102-229
102d Congress

Joint Resolution

Making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for other purposes.

Dec. 12, 1991
[H.J. Res. 157]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992.

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

Missile Procurement, Army

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Missile procurement, Army", $78,000,000, to remain available for obligation until September 30, 1994, and in addition, $67,000,000, to be derived by transfer from "Missile procurement, Air Force, 1991/1993", to remain available for obligation until September 30, 1993.

Shipbuilding and Conversion, Navy

For an additional amount for "Shipbuilding and conversion, Navy", for LSD-41 dock landing ship, cargo variant program, advance procurement of engines and generators, $25,000,000, to remain available for obligation until September 30, 1996.

National Guard and Reserve Equipment

For an additional amount for "National Guard and Reserve equipment", $10,100,000, to remain available until September 30, 1994, for the purchase of one MH-60G helicopter.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF ADDITIONAL FUNDS)

For additional incremental costs of the Department of Defense, the Department of Veterans Affairs, and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm) and under the terms and conditions of the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991" (Public Law 102-28), in addition to the amounts that may be transferred to appropriations available to the Department of Defense and other Departments pursuant to that Act, not to exceed $3,968,500,000 may be transferred during fiscal year 1992 from either the Defense Cooperation Account, or as appropriate, the Persian Gulf Regional Defense Fund, to the following accounts in not to exceed the following amounts:

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $227,300,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $270,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $75,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $23,200,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $28,300,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $41,900,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", $270,800,000, to remain available for obligation until September 30, 1994.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $21,800,000, to remain available for obligation until September 30, 1994.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", $63,000,000, to remain available for obligation until September 30, 1994.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", $80,500,000, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", $521,000,000, to remain available for obligation until September 30, 1994.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", $8,100,000, to remain available for obligation until September 30, 1994.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", $112,700,000, to remain available for obligation until September 30, 1994.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $4,300,000, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $309,500,000, to remain available for obligation until September 30, 1994.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $560,000,000, to remain available for obligation until September 30, 1994.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", $76,900,000, to remain available for obligation until September 30, 1994.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, development, test and evaluation, Army", $47,800,000, to remain available for obligation until September 30, 1993.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, development, test and evaluation, Navy", $6,100,000, to remain available for obligation until September 30, 1993.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, development, test and evaluation, Air Force", $24,300,000, to remain available for obligation until September 30, 1993.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, development, test and evaluation, Defense Agencies", $28,100,000, to remain available for obligation until September 30, 1993.

DEFENSE BUSINESS OPERATIONS FUND

(TRANSFER OF FUNDS)

For an additional amount for "Defense business operations fund", $1,140,000,000.

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $17,900,000, to remain available for obligation until expended.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(TRANSFER OF FUNDS)

For an additional amount for "Medical care", $10,000,000.

DEPARTMENT OF DEFENSE—MILITARY

(TRANSFER OF EXISTING FUNDS)

For the purpose of adjusting amounts which may be transferred pursuant to the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991" (Public Law 102-28) and under the terms and conditions of that Act, during the fiscal year 1992, the Secretary of Defense may make adjustments to the amounts provided for transfer by such Act in amounts not to exceed $6,282,400,000 and provide for the transfer of such amounts to the following accounts in not to exceed the following amounts to be available to the Department of Defense during fiscal year 1992: *Provided,* That the Secretary of Defense shall provide prior notification to the Committees on Appropriations of the House of Representatives and the Senate indicating the accounts from which the funds will be derived for such transfers:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

To be derived by transfer, $685,000,000 for "Military personnel, Army".

MILITARY PERSONNEL, NAVY

To be derived by transfer, $70,000,000 for "Military personnel, Navy".

MILITARY PERSONNEL, MARINE CORPS

To be derived by transfer, $18,000,000 for "Military personnel, Marine Corps".

MILITARY PERSONNEL, AIR FORCE

To be derived by transfer, $81,000,000 for "Military personnel, Air Force".

RESERVE PERSONNEL, ARMY

To be derived by transfer, $80,000,000 for "Reserve personnel, Army".

RESERVE PERSONNEL, AIR FORCE

To be derived by transfer, $4,000,000 for "Reserve personnel, Air Force".

NATIONAL GUARD PERSONNEL, ARMY

To be derived by transfer, $10,000,000 for "National Guard personnel, Army".

NATIONAL GUARD PERSONNEL, AIR FORCE

To be derived by transfer, $3,000,000 for "National Guard personnel, Air Force".

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

To be derived by transfer, $2,717,500,000 for "Operation and maintenance, Army".

OPERATION AND MAINTENANCE, NAVY

To be derived by transfer, $1,080,000,000 for "Operation and maintenance, Navy".

OPERATION AND MAINTENANCE, MARINE CORPS

To be derived by transfer, $165,000,000 for "Operation and maintenance, Marine Corps".

OPERATION AND MAINTENANCE, AIR FORCE

To be derived by transfer, $1,241,400,000 for "Operation and maintenance, Air Force".

OPERATION AND MAINTENANCE, ARMY RESERVE

To be derived by transfer, $6,000,000 for "Operation and maintenance, Army Reserve".

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

To be derived by transfer, $59,200,000 for "Operation and maintenance, Air Force Reserve".

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

To be derived by transfer, $3,600,000 for "Operation and maintenance, Army National Guard".

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

To be derived by transfer, $58,700,000 for "Operation and maintenance, Air National Guard".

GENERAL PROVISIONS—CHAPTER I

SEC. 101. The prohibition in section 132(a)(2) of Public Law 101-189 (103 Stat. 1383) does not apply to the obligation of $70,200,000 provided in "Aircraft procurement, Army" of chapter I, title I for the procurement of AH-64 Apache attack helicopters.

SEC. 102. Of the funds provided in title III of Public Law 101-165 for "Other procurement, Air Force", not more than $80,000,000 shall be available, and may be obligated and expended, for costs arising from the cancellation of the Alaskan OTH-B radar program and powerplant lease: *Provided,* That such funds will be available for contract termination, site restoration, modification of facilities and other costs associated with the termination of the Alaskan OTH-B radar program and powerplant lease, or the transfer and modification of facilities and material located at or procured for the Alaskan OTH-B radar program or powerplant to any other Department of Defense activity or program at the OTH-B radar powerplant site.

KURDISH PROTECTION FORCE

(TRANSFER OF FUNDS)

SEC. 103. In addition to other transfer authority granted by this or any other Act, and under the terms and conditions of the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991" (Public Law 102-28), the Secretary of Defense may transfer not to exceed $100,000,000 for costs incurred during fiscal years 1991 and 1992 from the Defense Cooperation Account, or as appropriate, the Persian Gulf Regional Defense Fund to appropriate Department of Defense appropriations for costs incurred through February 1992 in support of United States military forces in and around Iraq and Turkey known as the Kurdish Protection or Ready Reaction Force.

RESTRICTION ON ARMS SALES TO SAUDI ARABIA AND KUWAIT

SEC. 104. (a) No funds appropriated or otherwise made available by this or any other Act may be used in any fiscal year to conduct, support, or administer any sale of defense articles or defense services to Saudi Arabia or Kuwait until that country has paid in full, either in cash or in mutually agreed in-kind contributions, the following commitments made to the United States to support Operation Desert Shield/Desert Storm: 22 USC 2751 note.

(1) In the case of Saudi Arabia, $16,839,000,000.

(2) In the case of Kuwait, $16,006,000,000.

(b) For purposes of this section, the term "any sale" means any sale with respect to which the President is required to submit a numbered certification to the Congress pursuant to the Arms Export Control Act on or after the effective date of this section.

(c) This section shall take effect 120 days after the date of enactment of this joint resolution. Effective date.

(d) Any military equipment of the United States, including battle tanks, armored combat vehicles, and artillery, included within the Conventional Forces in Europe Treaty definition of "conventional armaments and equipment limited by the Treaty", which may be transferred to any other NATO country shall be subject to the notification procedures stated in section 523 of Public Law 101-513 and in section 634A of the Foreign Assistance Act of 1961.

MIDDLE EAST HUMANITARIAN RELIEF

SEC. 105. (a) Of the funds appropriated from the Defense Cooperation Account for the Kurdish Ready Reaction Force, up to $15,000,000 may be made available only for the prepositioning of

relief supplies in the Middle East to meet emergency Kurdish and other Iraqi-related humanitarian needs and related transportation costs.

(b) In addition, the Secretary of Defense may transfer up to $15,000,000 in additional funds from the Defense Cooperation Account to the appropriate appropriations accounts within the Department of Defense for these Kurdish and other Iraqi-related humanitarian purposes.

CLASSIFIED PROGRAM

SEC. 106. (a) In section 110 of the Classified Annex incorporated into the Department of Defense Appropriations Act, 1992, the matter beginning with "Notwithstanding" and ending with *"Provided,* That" shall have no force or effect.

(b) The funds described in section 110 of such Classified Annex may be obligated for the program described therein only in accordance with the Classified Annex incorporated into the National Defense Authorization Act for Fiscal Years 1992 and 1993.

SEC. 107. None of the funds available to the Department of Defense in fiscal year 1992 may be used by the Department of the Army to award a contract for the procurement of four-ton dolly jacks if such equipment is or would be manufactured outside the United States of America and would be procured under any contract, agreement, arrangement, compact or other such instrument for which any provisions including price differential provisions of the Buy American Act of 1933, as amended, or any other Federal buy national law was waived: *Provided,* That the Secretary of the Army may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 108. In addition to other transfer authority available to the Department of Defense, the Secretary of Defense may transfer from amounts appropriated to the Department of Defense for fiscal year 1992 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed $400,000,000, to the appropriate accounts within the Department of Defense for reducing the Soviet nuclear threat and for the purposes set forth in the Soviet Nuclear Threat Reduction Act of 1991 contained in H.R. 3807, as passed the Senate on November 25, 1991, and under the terms and conditions of such Act: *Provided,* That the readiness of the United States Armed Forces shall not be diminished by such transfer of funds.

(TRANSFER OF FUNDS)

SEC. 109. In addition to other transfer authority available to the Department of Defense, the Secretary of Defense, upon the declaration of an emergency by the President under the terms of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, may transfer from amounts appropriated to the Department of Defense for fiscal year 1992 or from balances in working capital accounts established under section 2208 of title 10, United

States Code, not to exceed $100,000,000, to the appropriate accounts within the Department of Defense, in order to transport by military or commercial means, food, medical supplies, and other types of humanitarian assistance to the Soviet Union, or its Republics, or localities therein—with the consent of the relevant Republic government or its independent successor—in order to address emergency conditions which may arise therein, and for the purposes set forth in section 301 of H.R. 3807, as passed the Senate on November 25, 1991, and under the terms and conditions of such section 301 of H.R. 3807: *Provided,* That the readiness of the United States Armed Forces shall not be diminished by such transfer of funds: *Provided further,* That the Committees on Appropriations be notified of transfers under this provision fifteen days in advance.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

ADMINISTRATIVE PROVISION

Section 518(a) of the "General Provisions" in H.R. 2519, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, is amended by striking out "Section 662A(c)" and inserting in lieu thereof "Section 1722A(c)". *Ante,* p. 779.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISION—HOME

Section 217(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(a)) is amended—

(1) in the first sentence of paragraph (1), by inserting "and after reserving amounts for the insular areas under paragraph (3)" before the first comma; and

(2) by adding at the end the following new paragraph:

"(3) INSULAR AREAS.—For each fiscal year, of any amounts approved in appropriations Acts to carry out this title, the Secretary shall reserve for grants to the insular areas the greater of (A) $750,000, or (B) 0.5 percent of the amounts appropriated under such Acts. The Secretary shall provide for the distribution of amounts reserved under this paragraph among the insular areas pursuant to specific criteria for such distribution. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment.". Regulations.

Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) in paragraph (1), by striking "Guam" and all that follows through "American Samoa,"; and

(2) by adding at the end the following new paragraph:

"(24) The term 'insular area' means any of the following: Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.".

ADMINISTRATIVE PROVISION—STAFFING

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (H.R. 2519), is amended—

(1) in the appropriating paragraph entitled "Personal Services and Travel, Office of Public and Indian Housing" by striking "$10,424,000" and inserting in lieu thereof "$12,788,000" each time it appears in the paragraph;

Ante, p. 753.

(2) in the appropriating paragraph entitled "Personal Services and Travel, Office of Policy Development and Research" by striking "$10,705,000" and inserting in lieu thereof "$8,717,000" each time it appears in the paragraph; and

Ante, p. 754.

(3) in the appropriating paragraph entitled "Personal Services and Travel, Office of General Counsel" by striking "$14,985,000" and inserting in lieu thereof "$14,609,000" each time it appears in the paragraph.

Ante, p. 754.

INDEPENDENT AGENCIES

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

Of the funds made available under this head in Public Law 102-139, not to exceed $950,000, to remain available until September 30, 1993, shall be available for the purpose of providing financial assistance (through grant or contract made, to the maximum extent feasible, not later than 150 days after enactment of this Act) to facilitate the furnishing of legal and other assistance, without charge, to veterans and other persons who are unable to afford the cost of legal representation in connection with decisions to which section 7252(a) of title 38, United States Code, may apply, or with other proceedings in the Court, through a program that furnishes case screening and referral, training and education for attorney and related personnel, and encouragement and facilitation of pro bono representation by members of the bar and law school clinical and other appropriate programs, such as veterans service organizations, and through defraying expenses incurred in providing representation to such persons: *Provided,* That such grants or contracts shall be made by the Legal Services Corporation pursuant to a reimbursable payment from the United States Court of Veterans Appeals for the purposes described herein: *Provided further,* That the Legal Services Corporation is authorized to receive a reimbursable payment from the United States Court of Veterans Appeals for the purpose of providing the financial assistance described herein: *Provided further,* That no funds made available herein shall be used for the payment of attorney fees: *Provided further,* That, not later than 180 days after the enactment of this Act, and, again, not later than one year after a grant or contract is made pursuant to the provisions of this paragraph, the Legal Services Corporation and the United States Court of Veterans Appeals shall report to the appropriate committees of the Congress regarding the implementation of the provisions of this paragraph.

Grants.
Contracts.

Reports.

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

Of the funds appropriated for the wastewater treatment facilities fund under title VI of the Federal Water Pollution Control Act, up to one-half of one per centum may be made available by the Administrator for direct grants to Indian tribes for construction of wastewater treatment facilities.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For emergency disaster assistance payments necessary to provide for expenses in presidentially-declared disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an additional amount for "Disaster relief", $943,000,000, to remain available until expended, of which $143,000,000 shall be available only after submission to the Congress of a formal budget request by the President designating the $143,000,000 as an emergency: *Provided,* That up to $1,250,000 of the funds made available under this heading may be transferred to, and merged with, amounts made available to the Federal Emergency Management Agency under the heading "Salaries and expenses" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Public Law 102-139): *Provided further,* That hereafter, beginning in fiscal year 1993, and in each year thereafter, notwithstanding any other provision of law, all amounts appropriated for disaster assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that are in excess of either the historical annual average obligation of $320,000,000, or the amount submitted in the President's initial budget request, whichever is lower, shall be considered as "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and such amounts shall hereafter be so designated. 42 USC 5203.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The last proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), is hereby deleted. 103 Stat. 861.

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on Severely Distressed Public Housing, in carrying out its functions under title V of the Department of Housing and Urban Development Reform

Act of 1989 (Public Law 101-235), $250,000, to remain available until expended, to be derived by transfer from amounts provided to the Department of Housing and Urban Development under the heading "Salaries and expenses" in Public Law 102-139.

CHAPTER III

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

7 USC 1421 note.

In view of the occurrence of recent natural disasters—similar to the volcano eruption of 1980, the earthquake of 1989, and the hurricane of 1989—droughts, floods, freezes, tornadoes, and other catastrophes which resulted in billions of dollars in damages, and in an effort to restore the economy and to alleviate the effects of the disasters, an additional $1,750,000,000, to remain available until expended, is hereby made available for losses associated with 1990 crops as authorized by Public Law 101-624, and for losses associated with 1991 and 1992 crops under the same terms and conditions: *Provided,* That $995,000,000 of this amount is available for payments to producers for losses on either 1990 or 1991 crops, at the producer's option: *Provided further,* That the remaining $755,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further,* That this $755,000,000 shall be available for crop losses for one of the years 1990, 1991 or 1992, at the producer's option, but shall not be for a year for which disaster payments were previously provided to the producer: *Provided further,* That $100,000,000 of the $755,000,000 is set aside for program crops planted in 1991 for harvest in 1992: *Provided further,* That, consistent with the amounts made available above, emergency loans made with respect to damage to an annual crop planted for harvest in 1991 under subtitle C of the Consolidated Farm and Rural Development Act shall be made available without regard to the purchase of crop insurance under the Federal Crop Insurance Act by the producer who requests such a loan.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Notwithstanding any other provision of law, funds available to the Animal and Plant Health Inspection Service of the Department of Agriculture for fiscal year 1992 shall be made available as a grant in the amount of $530,000 to the State of Maine Department of Agriculture, Food and Rural Resources for potato disease detection, control, prevention, eradication and related activities including the payment of compensation to persons for economic losses associated with such efforts conducted or to be conducted in the State of Maine and any unobligated balances of funds previously appropriated or earmarked for potato disease efforts by the Secretary of Agriculture shall remain available until expended by the Secretary.

TITLE II—GENERAL PROVISIONS

SEC. 200. FINDING OF DIRE EMERGENCY CONDITIONS.—The Congress finds that—

(a) the President has designated and requested the Congress to designate over $1,140,000,000 in 1991 international assistance funds to meet emergency needs in foreign lands;

(b) natural disasters (including floods, droughts, tornadoes, hurricanes, earthquakes, freezes, and typhoons) have occurred in the United States and its territories causing loss of life, human suffering, loss of income, and property loss or damage with dire emergency financial situations;

(c) since October 1990, there have been 44 presidentially-declared disasters and 89 disasters declared by the Secretary of Agriculture affecting every area of the Nation in almost every State for which Federal funds are not available to meet emergency needs, resulting in calls for the National Guard and other assistance;

(d) as a consequence of these disasters, millions of acres of land are or were under water, millions of acres of farm land are not able to be planted, and highways, dams, roads, and bridges have not been repaired. Many of the people in communities, counties, States, and many private businesses have been dangerously affected, and the local authorities in many cases are unable to meet the financial costs; and

(e) the combination of the effects of these conditions and the current recession constitutes a dire emergency situation (8,582,000 people are unemployed, total employment has declined by over 1,400,000 jobs in the last year, over 7,500 businesses are failing each month, and foreign purchases of United States land and companies are increasing) which will, if not corrected by increased production, necessitate the need for a Job Creation Bill similar to what was enacted in 1983.

SEC. 201. No part of any appropriation contained in this joint resolution shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

CONGRESSIONAL DESIGNATION OF EMERGENCY

SEC. 202. Although the President has only designated portions of the funds in this joint resolution pertaining to the incremental costs of Desert Shield/Desert Storm and certain Federal Emergency Management Agency costs as "emergency requirements", the Congress believes that the same or higher priority should be given to helping American people recover from natural disasters and other emergency situations as has been given to foreign aid "emergency" needs. The Congress therefore designates all funds in Titles I and II of this joint resolution as "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESTRICTIONS ON ASSISTANCE FOR KENYA

SEC. 203. (a) RESTRICTIONS.—None of the funds appropriated by this joint resolution or any other provision of law under the heading "Economic Support Fund" or "Foreign Military Financing Program" may be made available for Kenya unless the President

determines, and so certifies to the Congress, that the Government of Kenya—

(1) has released all political detainees and has ended the prosecution of individuals for the peaceful expression of their political beliefs;

(2) has ceased the physical abuse or mistreatment of prisoners;

(3) has restored judicial independence;

(4) has taken significant steps toward respecting human rights and fundamental freedoms, including the freedom of thought, conscience, belief, expression, and the freedom to advocate the establishment of political parties and organizations; and

(5) has implemented the principle of freedom of movement, including the right of all citizens of Kenya to leave and return to their country.

(b) PROHIBITION.—

(1) LIMITATION ON NEW PROJECT ASSISTANCE.—During fiscal year 1992, funds appropriated by this or any other Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 that are provided for assistance to the Government of Kenya for new projects shall be made available only for new projects—

(A) that promote basic human needs, directly address poverty, enhance employment generation, and address environmental concerns; or

(B) to improve the performance of democratic institutions, or otherwise promote the objectives being sought in the certification required by subsection (a).

(2) CONGRESSIONAL NOTIFICATION.—During fiscal year 1992, none of the funds appropriated by this or any other Act to carry out the provisions of chapters 1 and 10 of the Foreign Assistance Act of 1961 shall be obligated unless the Committees on Appropriations are notified at least 15 days in advance in accordance with the regular notification procedures of those Committees.

(3) APPLICABILITY.—The provisions of paragraphs (1) and (2) of this subsection shall cease to apply 30 days after the certification described in subsection (a) is made to the Congress.

(c) DATE OF AVAILABILITY OF FUNDS.—None of the funds appropriated by this joint resolution or any other provision of law under the heading "Economic Support Fund" or "Foreign Military Financing Program" may be obligated or expended for Kenya until 30 days after the certification described in subsection (a) is made to the Congress.

SEC. 204. SENSE OF THE SENATE REGARDING UNITED STATES RECOGNITION OF UKRAINIAN INDEPENDENCE.

(a) FINDINGS.—The Senate makes the following findings:

(1) On August 24, 1991, the democratically elected Ukrainian parliament declared Ukrainian independence and the creation of an independent, democratic state—Ukraine.

(2) That declaration reflects the desire of the people of Ukraine for freedom and independence following long years of communist oppression, collectivization, and centralization.

(3) On December 1, 1991, a republic-wide referendum will be held in Ukraine to confirm the August 24, 1991, declaration of independence.

(4) Ukraine is pursuing a peaceful and democratic path to independence and has pledged to comply with the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe.

(5) Ukraine and Russia signed an agreement on August 29, 1991, recognizing each other's rights to state independence and affirming each other's territorial integrity.

(6) Ukraine, a nation of 52,000,000 people, with its own distinct linguistic, cultural, and religious traditions, is determined to take its place among the family of free and democratic nations of the world.

(7) The Congress has traditionally supported the rights of people to peaceful and democratic self-determination.

(8) As recognized in Article VIII of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, "all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President—

(1) should recognize Ukraine's independence and undertake steps toward the establishment of full diplomatic relations with Ukraine should the December 1, 1991, referendum confirm Ukrainian parliament's independence declaration; and

(2) should use United States assistance, trade, and other programs to support the Government of Ukraine and encourage the further development of democracy and a free market in Ukraine.

SEC. 205. The appropriation entitled "Fishing Vessel Obligations Guarantees" in Public Law 102-140 is amended by striking the sum "$10,000,000" and inserting in lieu thereof the sum "$24,000,000". *Ante*, p. 801.

SEC. 206. From the funds made available for Land Acquisition of the United States Fish and Wildlife Service in the fiscal year 1992 Department of the Interior and Related Agencies Appropriations Act (Public Law 102-154), $965,000 is hereby appropriated by transfer to the Resource Management account of the United States Fish and Wildlife Service.

SEC. 207. Notwithstanding any other provision of law, amounts received by the United States for restitution and future restoration (including replacement or acquisition of equivalent natural resources) in settlement of United States v. Exxon Corporation and Exxon Shipping Company (Case No. A90-015-1CR and 2CR), hereinafter the Plea Agreement, United States v. Exxon Corporation et al. (Civil No. A91-082 CIV) and State of Alaska v. Exxon Corporation et al. (Civil No. A91-083 CIV), hereinafter referred to together as the Agreement and Consent Decree, as approved by the United States District Court for the District of Alaska on October 8, 1991, in fiscal year 1992 and thereafter shall be deposited into the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102-154. Such amounts, and the interest accruing thereon, shall be available to the Federal Trustees identified in the Agreement and Consent Decree for necessary expenses for assessment and restoration of areas affected by the discharge of oil from the T/V EXXON VALDEZ on March 23-24, 1989, for fiscal year 1992 and thereafter in accordance with the Plea Agreement and the Agreement and Consent Decree: *Provided,* That such amounts (and 43 USC 1474b note.

accrued interest) shall remain available until expended: *Provided further,* That such amounts may be transferred to any account, as authorized by section 311(f)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(f)(5)), to carry out the provisions of the Plea Agreement and the Agreement and Consent Decree: *Provided further,* That herein and hereafter any amounts deposited into the Natural Resource Damage Assessment and Restoration Fund shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent such amounts are not, in his judgment, required to meet current withdrawals: *Provided further,* That interest earned by such investments shall be available for obligation without further appropriation: *Provided further,* That, for fiscal year 1992, the Federal Trustees shall provide written notification of the proposed transfer of such amounts to the Appropriations Committees of the House of Representatives and the Senate thirty days prior to the actual transfer of such amounts: *Provided further,* That, for fiscal year 1993 and thereafter, the Federal Trustees shall submit in the President's Budget for each fiscal year the proposed use of such amounts.

WAIVER OF CERTAIN RECOVERY REQUIREMENTS

SEC. 208. Section 2713(d) of the Public Health Service Act (42 U.S.C. 300aaa-12(d)) is amended by striking "(a)(2)" and inserting "(a)".

SEC. 209. (a) Section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), is amended to read as follows:

"SEC. 307E. (a) The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

"(1) construct a National Garden demonstrating the diversity of plans, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Conservatory to Third Streets, S.W., in the District of Columbia; and

"(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

"(b)(1) Gifts or bequests of money under subsection (a)(2) shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled 'Botanic Garden, Gifts and Donations'. The gifts or bequests described under subsection (a)(2) shall be accepted only in the total amount provided in appropriations Acts.

"(2) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to section 3709 of the Revised Statutes, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

"(c)(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally

related work assignments for students in nonpay status, if the service is to be rendered without compensation.

"(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5, United States Code.

"(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5, United States Code.

"(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Botanic Garden.

"(d) Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.".

(b) Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989, not more than $2,000,000 shall be accepted and not more than $2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden. 40 USC 216c note.

SEC. 210. (a) The caption for section 713 of title 18, United States Code, is amended as follows:

"§ 713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate.".

(b) Subsection (a) of section 713 of title 18, United States Code, is amended by inserting "or the seal of the United States Senate," after "Vice President of the United States,".

(c) Subsection (c) of section 713 of title 18, United States Code, is—

(1) amended to read as follows:

"A violation of the provisions of this section may be enjoined at the suit of the Attorney General,

"(1) in the case of the great seal of the United States and the seals of the President and Vice President, upon complaint by any authorized representative of any department or agency of the United States; and

"(2) in the case of the seal of the United States Senate, upon complaint by the Secretary of the Senate."; and

(2) redesignated as subsection (d).

(d) Section 713 of title 18, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) Whoever, except as directed by the United States Senate, or the Secretary of the Senate on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Senate, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than six months, or both.".

(e) The table of sections for chapter 33 of title 18, United States Code, is amended by striking the item for section 713 and inserting the following:

"713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate.".

SEC. 211. Section 311(i) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(i)) is amended by striking out "with respect to sessions of Congress beginning with the second session of the One Hundred Second Congress," and inserting in lieu thereof "beginning on May 1, 1992,".

Nevada.

SEC. 212. The Secretary of Defense shall continue the construction of a composite medical replacement facility located at Nellis Air Force Base, Nevada, as authorized in the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) and the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510) and as provided for in the Military Construction Appropriations Act, 1990 (Public Law 101-148) and the Military Construction Appropriations Act, 1991 (Public Law 101-519).

SEC. 213. Unobligated funds in the amount of $990,000 authorized and appropriated under Public Law 102-143 for bridge safety repairs in Vermont shall be made available as follows—$350,000 to the City of Barre for the Granite Street Bridge, $350,000 to the City of Montpelier for the Bailey Avenue Bridge, $90,000 to the town of Brandon for the replacement of the Dean Bridge, and $90,000 for the Town of Williston and $110,000 for the Town of Essex for the North Williston Road Bridge—without regard to whether or not such expenses are incurred in accordance with sections 101, 106, 110, and 120 of title 23 of the United States Code.

SEC. 214. Section 4001(a)(14) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1301(a)(14)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by adding "and" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

"(C)(i) notwithstanding any other provision of this title, during any period in which an individual possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of an affected air carrier of which he was an accountable owner, whether through the ownership of voting securities, by contract, or otherwise, the affected air carrier shall be considered to be under common control not only with those persons described in subparagraph (B), but also with all related persons; and

"(ii) for purposes of this subparagraph, the term—

"(I) 'affected air carrier' means an air carrier, as defined in section 101(3) of the Federal Aviation Act of 1958, that holds a certificate of public convenience and necessity under section 401 of such Act for route number 147, as of November 12, 1991;

"(II) 'related person' means any person which was under common control (as determined under subparagraph (B)) with an affected air carrier on October 10, 1991, or any successor to such related person;

"(III) 'accountable owner' means any individual who on October 10, 1991, owned directly or indirectly through the application of section 318 of the Internal Revenue Code of 1986 more than 50 percent of the total voting power of the stock of an affected air carrier;

"(IV) 'successor' means any person that acquires, directly or indirectly through the application of section 318 of the Internal Revenue Code of 1986, more than 50 percent of the total voting power of the stock of a

related person, more than 50 percent of the total value of the securities (as defined in section 3(20) of this Act) of the related person, more than 50 percent of the total value of the assets of the related person, or any person into which such related person shall be merged or consolidated; and

"(V) 'individual' means a living human being;".

This joint resolution may be cited as the "Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of 'Operation Desert Shield/Desert Storm' Act of 1992".

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.J. Res. 157 (H.R. 3543):

HOUSE REPORTS: Nos. 102-255 accompanying H.R. 3543 (Comm. on Appropriations) and 102-394 (Comm. of Conference).
SENATE REPORTS: No. 102-216 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 28, considered and passed House.
Oct. 29, H.R. 3543 considered and passed House.
Nov. 22, H.J. Res. 157 considered and passed Senate, amended.
Nov. 26, House agreed to conference report.
Nov. 27, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 12, Presidential statement.

Public Law 102-230
102d Congress

An Act

Dec. 12, 1991
[H.R. 3576]

To amend the Cranston-Gonzalez National Affordable Housing Act to reserve assistance under the HOME Investment Partnerships Act for certain insular areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESERVATION OF ASSISTANCE.

Section 217(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(a)) is amended—

(1) in the first sentence of paragraph (1), by inserting "and after reserving amounts for the insular areas under paragraph (3)" before the first comma; and

(2) by adding at the end the following new paragraph:

"(3) INSULAR AREAS.—

Grants.

"(A) IN GENERAL.—For each fiscal year, of any amount approved in an appropriations Act to carry out this title, the Secretary shall reserve for grants to the insular areas an amount that reflects—

"(i) their share of the total population of eligible jurisdictions; and

"(ii) any adjustments that the Secretary determines are reasonable in light of available data that are related to factors set forth in subsection (b)(1)(B).

Regulations.

"(B) SPECIFIC CRITERIA.—The Secretary shall provide for the distribution of amounts reserved under this paragraph among the insular areas in accordance with specific criteria to be set forth in a regulation promulgated by the Secretary after notice and public comment.

"(C) TRANSITIONAL PROVISIONS.—For fiscal year 1992, the reservation for insular areas specified in subparagraph (A) shall be made from any funds which become available for reallocation in accordance with the provisions of section 216(6)(A).".

SEC. 2. DEFINITIONS.

Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) in paragraph (1), by striking "Guam" and all that follows through "the Marshall Islands" and inserting "the insular areas"; and

(2) by adding at the end the following new paragraph:

"(24) The term 'insular areas' means Guam, the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.".

Virginia.

SEC. 3. EXTENSION OF TIME TO SUBMIT CDBG STATEMENT.

Notwithstanding any other provision of law, the City of Petersburg, Virginia is authorized to submit not later than 10 days following the enactment of this Act, and the Secretary of Housing and

Urban Development shall consider and accept, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(1)) in connection with a grant to the City of Petersburg under title I of such Act for fiscal year 1991.

SEC. 4. LOW-INCOME HOUSING COVENANTS.

Section 515(p)(4) of the Housing Act of 1949 (42 U.S.C. 1485(p)(4)) is amended by adding at the end "The preceding sentence shall not be interpreted as authorizing the Secretary to—

"(A) limit the ability of a housing credit agency to require an owner of housing, in order to receive a low-income housing tax credit, to enter into a restrictive covenant, in such form and for such period as the housing credit agency deems appropriate, to maintain the occupancy characteristics of the project as prescribed in section 42(h)(6) of the Internal Revenue Code of 1986; or

"(B) deny or delay closing of financing under this section by reason of the existence, or occupancy terms, of any such restrictive covenant.".

SEC. 5. FLOOD ELEVATION DETERMINATION. Louisiana.

Notwithstanding the time limit set forth in section 1363(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104 (c) and (d)), St. Charles Parish, Louisiana, may file an appeal with the Director of the Federal Emergency Management Agency with respect to certain flood elevation determinations for the area in and near the Ormond Country Club Estates located in St. Charles Parish, Louisiana, not later than June 1, 1992.

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 3576:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 21, considered and passed House.
Nov. 23, considered and passed Senate, amended.
Nov. 26, House concurred in Senate amendment.

Public Law 102-231
102d Congress

An Act

Dec. 12, 1991
[H.R. 1476]

To provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

San Carlos Indian Irrigation Project Divestiture Act of 1991.
Energy.

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Carlos Indian Irrigation Project Divestiture Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) To provide water for irrigating, first, land allotted to Pima Indians on the Gila River Reservation and, second, other lands in public or private ownership which, in the opinion of the Secretary of the Interior, could be served without diminishing the supply necessary for the Indian lands, Congress, by the Act of June 7, 1924, authorized construction of Coolidge Dam and creation of San Carlos Reservoir on the Gila River in Arizona.

(2) The Secretary, through the San Carlos Irrigation Project administered by the Bureau of Indian Affairs, operates Coolidge Dam and approximately one hundred irrigation wells to provide water to SCIP lands on the Gila River Reservation and to the SCIP lands outside the reservation which is within the San Carlos Irrigation and Drainage District.

(3) A hydroelectric power system was developed at Coolidge Dam pursuant to the Act of March 7, 1928, as amended, to generate power incidental to the use of San Carlos Reservoir for storing irrigation water. The system's primary purpose was to provide power for irrigation pumping on SCIP lands and for BIA agency and school purposes and for irrigation pumping by Apache Indians on the San Carlos Reservation.

(4) SCIP's transmission and distribution system, which has been extended to domestic and commercial users on SCIP lands and to other homes and businesses not on SCIP lands, currently provides service within portions of Pinal, Pima, Maricopa, Graham, and Gila Counties covering approximately 3,000 square miles.

(5) Unexpectedly low and erratic Gila River flows into San Carlos Reservoir since 1928 have limited power generation at Coolidge Dam, causing SCIP to secure additional power through contracts with the Western Area Power Administration, the Salt River Project, and Arizona Public Service Company to meet its customers' needs. Since October 1983, when a flood damaged the switchyard at Coolidge Dam, no power has been generated at the dam.

(6) Much of SCIP's power system needs modernization, with some facilities over sixty years old, well past their design life. However, Federal budgetary and administrative policies have

impaired long-range, consistent planning and construction necessary for efficient SCIP operation and maintenance and for timely replacement of obsolete or worn out facilities.

(7) Under current repayment terms, the shared obligation of the San Carlos Irrigation and Drainage District and the Gila River Indian Community to repay the United States for construction of SCIP's hydroelectric power system and certain improvements thereto will not be met until after the year 2010.

(8) The Gila River Indian Community, the San Carlos Apache Indian Tribe, and the San Carlos Irrigation and Drainage District have petitioned the Congress to authorize the Secretary to divest the United States of ownership and responsibility for SCIP's electric power transmission and distribution systems, to settle the outstanding debt owned by the United States in connection with the construction of those systems, to apportion equitably among them SCIP's allocation of Federal power resources, and to take such other actions as necessary to carry out divestiture.

(9) On September 15, 1989, the Gila River Indian Community and the Arizona Public Service Company, and the San Carlos Irrigation and Drainage District, the Arizona Public Service Company, Trico Electric Cooperative, Inc., and Electrical District No. 2 of Pinal County, Arizona, signed Statements of Principles by which divestiture would be implemented between and among them subsequent to enactment of Federal enabling authorities as provided in this Act. The same entities subsequently signed extensions of the Statements of Principles, as amended.

(b) PURPOSE.—The purposes of this Act are—

(1) to authorize the Secretary to divest the United States of ownership of the electric transmission and distribution system of the San Carlos Irrigation Project;

(2) to provide for the settlement of the debt obligations owed to the United States by the Gila River Indian Community and the San Carlos Irrigation and Drainage District in connection with the construction of the electric transmission and distribution system;

(3) to provide for the reallocation of power resources currently allocated to SCIP from Federal hydroelectric power sources;

(4) to provide funds for the disposal of hazardous waste materials associated with those areas and components of the SCIP electric system transferred to the Gila River Indian Community and the San Carlos Apache Tribe and with those areas and components retained by the Secretary;

(5) to facilitate the implementation of divestiture in an orderly and economic manner, consistent with the desire and intent of the parties to the Statements of Principles and with due regard for the rights and interests of current SCIP employees; and

(6) to assist the Gila River Indian Community and the San Carlos Apache Tribe in their efforts to achieve greater self-determination and economic self-sufficiency.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Arizona Public Service Company" means an electric utility corporation organized and existing under the laws of the State of Arizona;

(2) the term "Arizona Corporation Commission" means the entity established by Article 15 of the Arizona Constitution to regulate and supervise public service corporations in the State of Arizona;

(3) the term "Arizona Power Authority" means the entity established under Arizona law to receive and market Arizona's allotted share of power generated at Hoover Dam;

(4) the terms "Electrical District No. 2" and "ED2" mean Electrical District Number 2, an electrical district organized under the laws of the State of Arizona;

(5) the terms "Gila River Indian Community" and "GRIC" mean the governing body of that community of Pima and Maricopa Indians organized pursuant to section 16 of the Act of June 18, 1934 (25 U.S.C. 476) and occupying the Gila River Reservation in Arizona;

(6) the term "preference power" means electric power provided to municipalities, other public corporations or agencies, cooperatives, and nonprofit organizations pursuant to the Act of June 17, 1902 (32 Stat. 388), and amendments and supplements thereto, commonly referred to as Reclamation Law;

(7) the term "present value" means the economic value of a present cash payment utilizing the discount rates and methodology established by the Secretary pursuant to section 5301 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203; 101 Stat. 1330-268);

(8) the terms "San Carlos Apache Tribe" and "SCAT" mean the governing body of that tribe of Indians organized pursuant to section 16 of the Act of June 18, 1934 (25 U.S.C. 476) and occupying the San Carlos Reservation in Arizona;

(9) the terms "San Carlos Irrigation Project" and "SCIP" mean the project authorized pursuant to the Act of June 7, 1924 (43 Stat. 475), expanded pursuant to the Act of March 7, 1928 (45 Stat. 200, 210), and administered by the Bureau of Indian Affairs;

(10) the terms "San Carlos Irrigation and Drainage District" and "SCIDD" mean an irrigation and drainage district organized under the laws of Arizona;

(11) the term "SCIP electric system" means all electric transmission and distribution facilities, including existing associated easements, owned by the United States on behalf of SCIP and administered by SCIP's Power Division, except Coolidge Dam, the electric generating facilities within the dam's powerhouse, the lines connecting the powerhouse with the switchyard, together with such switchyard located on land withdrawn for Coolidge Dam;

(12) the term "Secretary" means the Secretary of the Interior;

(13) the term "Statements of Principles" means the document entered into by the Arizona Public Service Company, the San Carlos Irrigation and Drainage District, Trico Electric Cooperative, Inc., and Electrical District No. 2 on September 15, 1989, as amended and extended on January 14, 1991, and the document entered into by the Arizona Public Service Company and the Gila River Indian Community Utility Authority on September 15, 1989, as amended and extended on March 8, 1991, setting

forth agreements among the respective parties concerning divestiture of SCIP assets both on and off reservation; and

(14) the terms "Trico Electrical Cooperative" and "TRICO" mean the Trico Electrical Cooperative, a corporation organized under the laws of the State of Arizona.

SEC. 4. DIVESTITURE.

(a) IN GENERAL.—Notwithstanding the Act of September 22, 1961 (25 U.S.C. 15), the Secretary is directed to transfer the SCIP electric system and associated assets in accordance with the provisions of this Act no later than December 31, 1992.

(b) TRANSFER TO GRIC.—The Secretary shall transfer to the GRIC all right, title, and interest of the United States in and to that portion of the SCIP electric system located on the Gila River Reservation, including the 5.6-mile section of 69-KV transmission line from Coolidge Substation to the reservation.

(c) TRANSFER TO SCAT.—The Secretary shall transfer to SCAT all right, title, and interest of the United States in and to that portion of the SCIP electric system located on the San Carlos Apache Reservation.

(d) TRANSFER TO SCIDD.—Subject to the requirements of section 5(d), the Secretary shall transfer, as is, to SCIDD all right, title, and interest of the United States in and to those portions of the SCIP electric system not transferred under subsection (b) or (c) or otherwise transferred or reserved under subsection (a), (e) or (f), expressly disclaiming all warranties, expressed or implied, including the implied warranties of merchantability and fitness for a particular purpose.

(e) TRANSFER OF ASSOCIATED ASSETS.—The Secretary shall negotiate an agreement with GRIC, SCAT, and SCIDD providing for the transfer to GRIC, SCAT, and SCIDD of all right, title, and interest of the United States in and to all associated assets of the SCIP electric system not transferred under subsections 4(b), 4(c), and 4(d) of this section, including but not limited to vehicles, tools, hardware, spare parts, poles, transformers, meters, conductors, and other electric system components. The Secretary shall distribute these assets in a manner that reflects the proportionate number of miles of distribution lines to be transferred to GRIC, SCAT, and SCIDD (including lines provided to SCAT under sections 5(a)(2) and 5(a)(3) of this Act) and retained in accordance with the implementation of the Statements of Principles.

(f) RETENTION OF FACILITIES BY THE UNITED STATES.—The Secretary shall retain ownership of the electric generating facilities located in the powerhouse and switchyard at Coolidge Dam, including lines from the powerhouse to the switchyard.

(g) OPERATION AND MAINTENANCE.—Upon completion of the transfer of the SCIP electric system and associated assets as provided in this Act, the Secretary shall have no responsibility for the operation, maintenance, and repair of such system and associated assets, or for the electric generating facilities within the Coolidge Dam powerhouse.

SEC. 5. ALLOCATION OF FUNDS.

(a) IN GENERAL.—The Secretary shall allocate all funds credited to the SCIP Power Division as of September 30, 1991, as adjusted for activity between September 30, 1991, and the effective date of this Act, including cash and temporary investments managed by the

Bureau of Indian Affairs, customer deposits and customer advances held by the Treasury of the United States, reservations for line extensions and installation services, reservations for replacement, funds obligated for future power purchases, unreserved and unrestricted funds, trade and other accounts receivable, and accrued interest income, as follows:

(1) To GRIC, SCAT, and SCIDD, all customer deposits and all customer advances held by the Treasury of the United States, in amounts corresponding to the actual deposits and advances made by the customers who shall be located within the respective areas to be served by GRIC, SCAT, and SCIDD as of the effective date of this Act, together with such information necessary to enable GRIC, SCAT, and SCIDD to credit such deposits and advances to the appropriate customer accounts.

(2) To SCAT, such sums as may be necessary (not to exceed $1,200,000) to be used for construction of a 21KV transmission line from Peridot, Arizona, to the community of Bylas on the San Carlos Apache Reservation.

(3) To SCAT, such sums as may be necessary (not to exceed $160,000) to be used to purchase all right, title, and interest in the electric system presently owned by the Arizona Public Service Company within the exterior boundaries of the San Carlos Apache Reservation and extending from the western boundary of said reservation easterly to the town of Cutter, Arizona.

(4) To a SCIP employee severance fund, to be established by the Secretary, not to exceed $750,000, solely for the purpose of providing severance pay to SCIP Power Division employees eligible for such pay under applicable Federal law and regulations, except that within 180 days after the effective date of this Act, any funds remaining in the severance fund shall be transferred to GRIC.

(5) To a SCIP reserve account, to be established and administered by the Secretary, $4,000,000, to be retained by the Secretary until October 1, 1995, at which time the Secretary shall, first, deposit into the Environmental Protection Account established pursuant to section 6 an amount equal to the present value of the SCIP electrical system debt obligation owed by GRIC and its allotted landowners as of September 30, 1991, and second, transfer the balance remaining in the account to GRIC. Prior to October 1, 1995, the Secretary may, in his discretion and pursuant to his authorities under Public Law 93-638 (25 U.S.C. 450 et seq.), make available to GRIC and SCAT the funds not retained for deposit into the Environmental Protection Account for use in electric system expansion and rehabilitation on their respective reservations and for expenses associated with providing electric service on such reservations.

(6) To GRIC, any funds remaining after the allocations set forth in the preceding paragraphs (1), (2), (3), (4), and (5) to be used for electric system expansion and rehabilitation on the Gila River Reservation and for expenses associated with providing electric utility services on such reservation.

(b) ACCOUNTING PENDING DIVESTITURE.—From the date of enactment of this Act through the date of allocation of funds as provided in this section and section 10, the Secretary shall ensure that no cash, temporary investments, or other funds are transferred from the SCIP Power Division to the SCIP Irrigation Division or to other

Bureau of Indian Affairs managed projects, accounts, funds, or activities, and no Power Division funds shall be reserved or obligated for other than routine repairs and maintenance of the SCIP Power Division utility plant and for operation of the Power Division.

(c) GRIC DEBT RESOLUTION.—Deposit into the Environmental Protection Account of the amount specified in subsection (a)(5) shall constitute full satisfaction of the SCIP electric system debt owed by GRIC or its allotted landowners and shall be cause for the Secretary to cancel any liens against allotted lands of any member of GRIC or against tribal lands within SCIP in connection with such debt.

(d) SCIDD DEBT RESOLUTION; AGREEMENT.—As a condition precedent to the transfer of the SCIP system and other assets as provided in section 4(d), the SCIDD shall enter into an agreement with the Secretary. Such agreement shall provide that—

(1) SCIDD will pay the Secretary an amount equal to the present value of the SCIP electric system debt obligation owed by SCIDD to the United States as of September 1, 1991, such amount to be paid from the proceeds of SCIDD's sale to the Arizona Public Service Company of various system assets as prescribed by the Statement of Principles entered into by SCIDD;

(2) the total amount to be paid by SCIDD under the agreement shall be paid to the Secretary in annual installments of not less than $479,000 for the fiscal years beginning with the fiscal year in which this Act takes effect (as provided in section 10) and ending with fiscal year 1995;

(3) SCIDD disclaims any right, title, or interest in SCIP Power Division funds to be allocated pursuant to subsection (a), except for such funds as may be credited to SCIDD pursuant to subsection (a)(1); and

(4) payment by SCIDD to the Secretary of the present value amount specified in paragraph (1) shall constitute full satisfaction of the SCIP electric system debt owed by SCIDD.

(e) DEPOSIT INTO ENVIRONMENTAL PROTECTION ACCOUNT.—The Secretary shall deposit the funds paid by SCIDD pursuant to subsection (d)(1) into the Environmental Protection Account established under section 6.

(f) SCAT DEBT RESOLUTION.—The Secretary shall waive any debt for electrical service (not to exceed $165,000) which SCIP claims is owed by the San Carlos Apache Tribal Utility Authority or SCAT as of September 1, 1991.

SEC. 6. ENVIRONMENTAL PROTECTION ACCOUNT.

The Secretary shall establish an account, to be administered by the Bureau of Indian Affairs, to fund such efforts as may be necessary and appropriate to dispose of hazardous waste materials associated with those areas and components of the SCIP electric system transferred to GRIC and SCAT and with those areas and components retained by the Secretary. Beginning on October 1, 1991, funds deposited into this account pursuant to sections 5(a)(2) and 5(e) shall be used to carry out the purposes of this section until exhausted. Any funds remaining in the account after October 1, 2005, shall revert to the general fund of the United States Treasury. The Secretary shall be responsible for any hazardous waste disposal required by this section not covered by the funds deposited pursuant to sections 5(a)(5) and 5(e).

Contracts.

SEC. 7. FEDERAL POWER REALLOCATION.

(a) REALLOCATION OF RESOURCES.—Upon the request of the Secretary, the Secretary of Energy shall enter into such agreements as are necessary to reallocate SCIP's allocation of Federal power resources—capacity and energy—as provided in this section.

(b) SUCCESSORS IN INTEREST.—The Secretary of Energy shall treat GRIC, SCIDD, and SCAT as successors in interest to SCIP in reallocating SCIP's allocation of capacity and energy from the Parker-Davis Project (the two projects consolidated by the Act of May 28, 1954 (Chapter 241; 68 Stat. 143)) and the Colorado River Storage Project (43 U.S.C. 620 et seq.), including capacity and energy available pursuant to the Memorandum of Understanding numbered 14-06-300-2632 and Memorandum of Understanding numbered DE-MS65-80WP 39041 between the Western Area Power Administration, Department of Energy, and the Bureau of Indian Affairs, Department of the Interior, and any other agreement to provide preference power to SCIP prior to December 31, 1992.

(c) PROPORTIONS ASSIGNED.—The SCIP allocations of winter and summer capacity and energy shall be assigned to GRIC, SCIDD, and SCAT in accordance with the proportions set forth in the table included in the report of the Senate Select Committee on Indian Affairs on this Act.

(d) RATES.—Preference power—capacity and energy—shall be delivered to GRIC, SCAT, and SCIDD pursuant to the allocations provided for in this section at the rate established for preference power as determined in accordance with ratemaking procedures established by the Department of Energy.

(e) BOULDER CANYON PROJECT.—The Bureau of Indian Affairs shall assign its contract with the Arizona Power Authority for capacity and energy from the Boulder Canyon Project (43 U.S.C. 617 et seq.; 45 Stat. 1057) in accordance with the proportions referred to in subsection (c) and the Secretary shall request the Arizona Power Authority to take all necessary actions required to effectuate such assignment in accordance with the contract dated as of September 15, 1986, between the Arizona Power Authority and the SCIP.

Contracts.

(f) LONG-TERM POWER SUPPLY; RATES.—The Secretary shall enter into an agreement with GRIC and SCIDD to provide a long-term power supply to the irrigation wells and pumps installed by SCIP to provide water to SCIP lands on and off the lands of GRIC. The rate for the electricity supplied by GRIC and SCIDD shall be based on the average cost per kilowatt hour for power purchased by GRIC and SCIDD from the Parker-Davis Project and marketed by the Western Area Power Administration, plus an allowance for the cost of operating and maintaining the transmission and distribution systems of GRIC and SCIDD, including administrative costs and reserves, as long as such power is made available to GRIC and SCIDD in quantities sufficient to meet SCIP's pumping requirements. The rate shall be reviewed and adjusted annually to reflect any changes in the average cost of power purchased by the Parker-Davis Project and the actual costs incurred by GRIC and SCIDD to operate and maintain the transmission and distribution systems.

SEC. 8. FEDERAL EMPLOYEES.

(a) ELECTION TO CONTINUE CERTAIN BENEFITS.—Any Federal employee at SCIP whose position is terminated by reason of this Act who, within thirty days of such termination, is employed by the San Carlos Apache Tribal Utility Authority or the Gila River Indian

Community Utility Authority is entitled, if the employee and the respective authority so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 (relating to compensation for work injuries) of title 5, United States Code, and for this purpose employment with the tribal authority shall be deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the tribal authority any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the tribal authority, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefit payable under subchapter I of chapter 81 of title 5, United States Code, as follows:

(A) Payments on account of injury or disability shall be credited against disability compensation payable to the injured employee.

(B) Payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

(2) To retain coverage, rights, and benefits under chapter 83 (relating to retirement) or chapter 84 (relating to Federal employees' retirement system) of title 5, United States Code, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the tribal authority are currently deposited in the Civil Service Retirement and Disability Fund (pursuant to chapter 83 or chapter 84 of title 5, United States Code) and, if appropriate, the Thrift Savings Fund (pursuant to section 8432 of title 5, United States Code), and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 or 8411 of title 5, United States Code. Days of unused sick leave to the credit of an employee under a formal leave system at the time the employee leaves Federal employment to be employed by a tribal authority remain to his credit for retirement purposes during covered service with the tribal authority.

(3) To retain coverage, rights, and benefits under chapter 89 (relating to health insurance) of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal authority are currently deposited in the Employee's Health Benefit Fund (pursuant to section 8909 of title 5, United States Code), and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(4) To retain coverage, rights, and benefits under chapter 87 (relating to life insurance) of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal authority are currently deposited in the Employee's Life Insurance Fund (pursuant to section 8714 of title 5, United States Code), and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United State Code.

(b) AGENCY CONTRIBUTIONS.—During the period an employee is entitled to the coverage, rights, and benefits pursuant to subsection (a), the tribal authority employing such employee shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of subsection (a).

(c) PRIORITY PLACEMENT.—The Secretary shall establish and maintain a Departmental Priority Placement Program for SCIP employees serving in competitive positions under career or career-conditional appointments who have satisfactory levels of performance and who receive a notice of involuntary separation as a result of divestiture of the SCIP electric system pursuant to the provisions of this Act. Employees must apply in writing for placement into the program not later than thirty calendar days after receipt of notice of involuntary separation. Employees shall be entitled to be placed on a priority basis into vacant positions outside the competitive area from which they are separated, at the same grade or level they last held in the agency and for which they are qualified, based upon the availability of such positions.

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "employee" means an employee as defined in section 2106 of title 5, United States Code;

(2) the term "agency" means the Bureau of Indian Affairs; and

(3) the term "involuntary separation" means any separation from agency employment against the will and without the consent of the employee.

(e) REGULATIONS.—The Secretary may prescribe regulations necessary to carry out the provisions of this section and to protect and assure the compensation, retirement, insurance, leave, reemployment rights, and such other similar civil service employment rights as he finds appropriate.

SEC. 9. MISCELLANEOUS.

(a) EFFECT ON EXISTING RIGHTS.—Nothing in this Act shall—

(1) affect any right of the City of Mesa, Arizona, to deliver electric service to lands currently owned by the City of Mesa in Pinal County, Arizona; or

(2) be construed as having any effect on the right of any Arizona incorporated rural electric cooperative to seek to provide electric service pursuant to existing Federal or State law.

(b) APPROVAL BY ARIZONA CORPORATION COMMISSION.—Approval by the Arizona Corporation Commission of the allocation of electric service areas and systems as set forth in the Statements of Principles shall constitute recognition and confirmation of the financial viability and territorial integrity of the signatories to the Statements of Principles within the meaning of the provisions of the Rural Electrification Act of May 20, 1936, as amended (7 U.S.C. 901 et seq.; 49 Stat. 1363; 63 Stat. 948).

(c) EXISTING OBLIGATION OF THE UNITED STATES.—Nothing in this Act shall affect any obligation of the United States to SCAT to provide power at the rate of 2 mils per kilowatt hour for irrigation pumping and agency and school purposes pursuant to the Act of March 7, 1928 (45 Stat. 200, 210).

(d) SCIP IRRIGATION DIVISION.—The Secretary is authorized to expend not more than $1,200,000 from funds credited to the SCIP Irrigation Division to acquire not more than ten acres of land and to

acquire or construct such facilities as may be necessary and appropriate to provide for the efficient maintenance, operation, and administration of the SCIP Irrigation Division.

SEC. 10. EFFECTIVE DATE. Contracts.

(a) IN GENERAL.—Transfer of SCIP facilities and assets to GRIC, SCAT, and SCIDD under section 4 and allocation of funds under section 5 shall not take effect until such time as the Secretary issues a statement of findings that—

(1) the Arizona Corporation Commission has approved, pursuant to Arizona law, the allocation of electric service areas and systems as set forth in the Statements of Principles;

(2) the Secretary has entered into an agreement with GRIC, SCAT, and SCIDD providing for the division of assets as provided in section 4(e);

(3) the Secretary has entered into an agreement with GRIC and SCIDD providing for a long-term power supply to SCIP pumps as provided in section 7(f);

(4) all agreements necessary for the reallocation of preference power as required by section 7 have been executed and the Bureau of Indian Affairs has assigned its contract with the Arizona Power Authority to GRIC, SCAT and SCIDD in accordance with the terms of such contract and the proportions prescribed in section 7;

(5) the Arizona Public Service Company has terminated its existing wholesale power agreement with SCIP and released SCIP from paying any termination charges under such agreement; and

(6) SCIDD has entered into the agreement with the Secretary as required in section 5(d).

(b) REVERSION IF REQUIREMENTS NOT MET.—Unless all of the conditions and requirements set forth in subsection (a) have been met by December 31, 1992, all contracts entered into pursuant to this Act shall be null and void, the United States shall retain ownership and control of the SCIP electric system and all associated funds and assets as it did before the date of the enactment of this Act, and any preference power reallocation made pursuant to section 7 of this Act shall revert back to the SCIP under the same terms

and conditions that existed prior to the date of the enactment of this Act.

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 1476:

HOUSE REPORTS: No. 102-360 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 23, considered and passed House.
Nov. 25, considered and passed Senate.

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Public Law 102-232
102d Congress

An Act

To amend the Immigration and Nationality Act to restore certain exclusive authority in courts to administer oaths of allegiance for naturalization, to revise provisions relating to O and P nonimmigrants, and to make certain technical corrections relating to the immigration laws.

Dec. 12, 1991
[H.R. 3049]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Miscellaneous and Technical Immigration and Naturalization Amendments of 1991.
8 USC 1101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous and Technical Immigration and Naturalization Amendments of 1991".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JUDICIAL NATURALIZATION CEREMONIES AMENDMENTS

Sec. 101. Short title of title.
Sec. 102. Court authority to administer oaths of allegiance for naturalization.

TITLE II—O AND P NONIMMIGRANT AMENDMENTS

Sec. 201. Short title of title.
Sec. 202. Repeal of numerical limitations on P-1 and P-3 nonimmigrants; GAO report.
Sec. 203. Standards for classification of P-1 nonimmigrants.
Sec. 204. Consultation requirement.
Sec. 205. Amendments relating to O nonimmigrants.
Sec. 206. Amendments relating to P nonimmigrants.
Sec. 207. Other amendments.
Sec. 208. Effective date.

TITLE III—MISCELLANEOUS AND TECHNICAL CORRECTIONS

Sec. 301. Short title of title; reference to the Immigration and Nationality Act.
Sec. 302. Corrections relating to title I of the Immigration Act of 1990.
Sec. 303. Corrections relating to title II of the Immigration Act of 1990.
Sec. 304. Corrections relating to title III of the Immigration Act of 1990.
Sec. 305. Corrections relating to title IV of the Immigration Act of 1990.
Sec. 306. Corrections relating to title V of the Immigration Act of 1990.
Sec. 307. Corrections relating to title VI of the Immigration Act of 1990.
Sec. 308. Corrections relating to title VII of the Immigration Act of 1990.
Sec. 309. Additional miscellaneous corrections.
Sec. 310. Effective dates.

TITLE I—JUDICIAL NATURALIZATION CEREMONIES AMENDMENTS

Judicial Naturalization Ceremonies Amendments of 1991.
8 USC 1101 note.

SEC. 101. SHORT TITLE OF TITLE.

This title may be cited as the "Judicial Naturalization Ceremonies Amendments of 1991".

SEC. 102. COURT AUTHORITY TO ADMINISTER OATHS OF ALLEGIANCE FOR NATURALIZATION.

(a) IN GENERAL.—Subsection (b) of section 310 of the Immigration and Nationality Act (8 U.S.C. 1421), as amended by section 401(a) of the Immigration Act of 1990, is amended to read as follows:

"(b) COURT AUTHORITY TO ADMINISTER OATHS.—

"(1) JURISDICTION.—Subject to section 337(c)—

"(A) GENERAL JURISDICTION.—Except as provided in subparagraph (B), each applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by an eligible court described in paragraph (5). Each such eligible court shall have authority to administer such oath of allegiance to persons residing within the jurisdiction of the court.

"(B) EXCLUSIVE AUTHORITY.—An eligible court described in paragraph (5) that wishes to have exclusive authority to administer the oath of allegiance under section 337(a) to persons residing within the jurisdiction of the court during the period described in paragraph (3)(A)(i) shall notify the Attorney General of such wish and, subject to this subsection, shall have such exclusive authority with respect to such persons during such period.

"(2) INFORMATION.—

"(A) GENERAL INFORMATION.—In the case of a court exercising authority under paragraph (1), in accordance with procedures established by the Attorney General—

"(i) the applicant for naturalization shall notify the Attorney General of the intent to be naturalized before the court, and

"(ii) the Attorney General—

"(I) shall forward to the court (not later than 10 days after the date of approval of an application for naturalization in the case of a court which has provided notice under paragraph (1)(B)) such information as may be necessary to administer the oath of allegiance under section 337(a), and

"(II) shall promptly forward to the court a certificate of naturalization (prepared by the Attorney General).

"(B) ASSIGNMENT OF INDIVIDUALS IN THE CASE OF EXCLUSIVE AUTHORITY.—If an eligible court has provided notice under paragraph (1)(B), the Attorney General shall inform each person (residing within the jurisdiction of the court), at the time of the approval of the person's application for naturalization, of—

"(i) the court's exclusive authority to administer the oath of allegiance under section 337(a) to such a person during the period specified in paragraph (3)(A)(i), and

"(ii) the date or dates (if any) under paragraph (3)(B) on which the court has scheduled oath administration ceremonies.

If more than one eligible court in an area has provided notice under paragraph (1)(B), the Attorney General shall permit the person, at the time of the approval, to choose the court to which the information will be forwarded for administration of the oath of allegiance under this section.

"(3) SCOPE OF EXCLUSIVE AUTHORITY.—

"(A) LIMITED PERIOD AND ADVANCE NOTICE REQUIRED.—The exclusive authority of a court to administer the oath of allegiance under paragraph (1)(B) shall apply with respect to a person—

"(i) only during the 45-day period beginning on the date on which the Attorney General certifies to the court that an applicant is eligible for naturalization, and

"(ii) only if the court has notified the Attorney General, prior to the date of certification of eligibility, of the day or days (during such 45-day period) on which the court has scheduled oath administration ceremonies.

"(B) AUTHORITY OF ATTORNEY GENERAL.—Subject to subparagraph (C), the Attorney General shall not administer the oath of allegiance to a person under subsection (a) during the period in which exclusive authority to administer the oath of allegiance may be exercised by an eligible court under this subsection with respect to that person.

"(C) WAIVER OF EXCLUSIVE AUTHORITY.—Notwithstanding the previous provisions of this paragraph, a court may waive exclusive authority to administer the oath of allegiance under section 337(a) to a person under this subsection if the Attorney General has not provided the court with the certification described in subparagraph (A)(i) within a reasonable time before the date scheduled by the court for oath administration ceremonies. Upon notification of a court's waiver of jurisdiction, the Attorney General shall promptly notify the applicant.

"(4) ISSUANCE OF CERTIFICATES.—The Attorney General shall provide for the issuance of certificates of naturalization at the time of administration of the oath of allegiance.

"(5) ELIGIBLE COURTS.—For purposes of this section, the term 'eligible court' means—

"(A) a District Court of the United States in any State, or

"(B) any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited.".

(b) CONFORMING AMENDMENTS.—

(1) FUNCTIONS OF CLERKS.—Section 339(a) of such Act (8 U.S.C. 1450(a)) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) deliver to each person administered the oath of allegiance by the court pursuant to section 337(a) the certificate of naturalization prepared by the Attorney General pursuant to section 310(b)(2)(A)(ii),",

(B) in paragraph (2), by inserting "a list of applicants actually taking the oath at each scheduled ceremony and" after "Attorney General",

(C) by striking paragraph (3),

(D) in paragraph (4), by striking the period at the end and inserting ", and" and by redesignating such paragraph as paragraph (3),

(E) by inserting after paragraph (3), as so redesignated, the following new paragraph:

"(4) be responsible for all blank certificates of naturalization received by them from time to time from the Attorney General and shall account to the Attorney General for them whenever required to do so.", and

(F) by adding at the end the following:

"No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificates shall be returned to the Attorney General.".

(2) EXPEDITED ADMINISTRATION OF OATH.—Subsection (c) of section 337 of such Act (8 U.S.C. 1448) is amended to read as follows:

"(c) Notwithstanding section 310(b), an individual may be granted an expedited judicial oath administration ceremony or administrative naturalization by the Attorney General upon demonstrating sufficient cause. In determining whether to grant an expedited judicial oath administration ceremony, a court shall consider special circumstances (such as serious illness of the applicant or a member of the applicant's immediate family, permanent disability sufficiently incapacitating as to prevent the applicant's personal appearance at the scheduled ceremony, developmental disability or advanced age, or exigent circumstances relating to travel or employment). If an expedited judicial oath administration ceremony is impracticable, the court shall refer such individual to the Attorney General who may provide for immediate administrative naturalization.".

(3) FEES.—Section 344 of such Act (8 U.S.C. 1455) is amended by adding at the end the following new subsection:

"(f)(1) The Attorney General shall pay over to courts administering oaths of allegiance to persons under this title a specified percentage of all fees described in subsection (a)(1) collected by the Attorney General with respect to persons administered the oath of allegiance by the respective courts. The Attorney General, annually and in consultation with the courts, shall determine the specified percentage based on the proportion, of the total costs incurred by the Service and courts for essential services directly related to the naturalization process, which are incurred by courts.

Reports.

"(2) The Attorney General shall provide on an annual basis to the Committees on the Judiciary of the House of Representatives and of the Senate a detailed report on the use of the fees described in paragraph (1) and shall consult with such Committees before increasing such fees.".

8 USC 1421 note.

(c) EFFECTIVE DATE.—The amendments made by this title shall take effect 30 days after the date of the enactment of this Act.

O and P Nonimmigrant Amendments of 1991.

TITLE II—O AND P NONIMMIGRANT AMENDMENTS

8 USC 1101 note.

SEC. 201. SHORT TITLE OF TITLE.

This title may be cited as the "O and P Nonimmigrant Amendments of 1991".

SEC. 202. REPEAL OF NUMERICAL LIMITATIONS ON P-1 AND P-3 NONIMMIGRANTS; GAO REPORT.

(a) IN GENERAL.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)), as added by section 205(a) of the Immigration Act of 1990, is amended—

(1) by adding "or" at the end of subparagraph (A),

(2) by striking ", or" at the end of subparagraph (B) and inserting a period, and

(3) by striking subparagraph (C).

(b) REPORT.—(1) By not later than October 1, 1994, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and of the House of Representatives a report containing information relating to the admission of artists, entertainers, athletes, and related support personnel as nonimmigrants under subparagraphs (O) and (P) of section 101(a)(15) of the Immigration and Nationality Act, and information on the laws, regulations, and practices in effect in other countries that affect United States citizens and permanent resident aliens in the arts, entertainment, and athletics, in order to evaluate the impact of such admissions, laws, regulations, and practices on such citizens and aliens. 8 USC 1101 note.

(2) Not later than 30 days after the date the Committee of the Judiciary on the Senate receives the report under paragraph (1), the Chairman of the Committee shall make the report available to interested parties and shall hold a hearing respecting the report. No later than 90 days after the date of receipt of the report, such Committee shall report to the Senate its findings and any legislation it deems appropriate.

SEC. 203. STANDARDS FOR CLASSIFICATION OF P-1 NONIMMIGRANTS.

(a) SUBSTITUTION OF NEW STANDARDS.—Clause (i) of section 101(a)(15)(P) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended to read as follows: 8 USC 1101.

"(i)(a) is described in section 214(c)(4)(A) (relating to athletes), or (b) is described in section 214(c)(4)(B) (relating to entertainment groups);".

(b) NEW STANDARDS.—Section 214(c)(4) of such Act, as added by section 207(b)(2)(B) of the Immigration Act of 1990, is amended by redesignating subparagraphs (A) through (C) as subparagraphs (C) through (E) and by inserting before subparagraph (C), as so redesignated, the following new subparagraphs:

"(A) For purposes of section 101(a)(15)(P)(i)(a), an alien is described in this subparagraph if the alien—

"(i) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance, and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing as such an athlete with respect to a specific athletic competition.

"(B)(i) For purposes of section 101(a)(15)(P)(i)(b), an alien is described in this subparagraph if the alien—

"(I) performs with or is an integral and essential part of the performance of an entertainment group that has (except as provided in clause (ii)) been recognized internationally as being outstanding in the discipline for a sustained and substantial period of time,

"(II) in the case of a performer or entertainer, except as provided in clause (iii), has had a sustained and substantial relationship with that group (ordinarily for at least one year) and provides functions integral to the performance of the group, and

"(III) seeks to enter the United States temporarily and solely for the purpose of performing as such a performer or entertainer or as an integral and essential part of a performance.

"(ii) In the case of an entertainment group that is recognized nationally as being outstanding in its discipline for a sustained and substantial period of time, the Attorney General may, in consideration of special circumstances, waive the international recognition requirement of clause (i)(I).

"(iii)(I) The one-year relationship requirement of clause (i)(II) shall not apply to 25 percent of the performers and entertainers in a group.

"(II) The Attorney General may waive such one-year relationship requirement for an alien who because of illness or unanticipated and exigent circumstances replaces an essential member of the group and for an alien who augments the group by performing a critical role.

"(iv) The requirements of subclauses (I) and (II) of clause (i) shall not apply to alien circus personnel who perform as part of a circus or circus group or who constitute an integral and essential part of the performance of such circus or circus group, but only if such personnel are entering the United States to join a circus that has been recognized nationally as outstanding for a sustained and substantial period of time or as part of such a circus.".

SEC. 204. CONSULTATION REQUIREMENT.

8 USC 1184.

Section 214(c) of the Immigration and Nationality Act, as amended by section 207(b)(2) of the Immigration Act of 1990, is amended—

(1) in paragraph (3)(A), by striking "after consultation with peer groups in the area of the alien's ability" and inserting "after consultation in accordance with paragraph (6)",

(2) in paragraph (3)(B), by striking "after consultation with labor organizations with expertise in the skill area involved" and inserting "after consultation in accordance with paragraph (6) or, in the case of such an alien seeking entry for a motion picture or television production, after consultation with such a labor organization and a management organization in the area of the alien's ability",

(3) in paragraph (4)(C), as redesignated by section 203(b), by striking "clause (ii) of",

(4) in paragraph (4)(D), as redesignated by section 203(b), by striking "after consultation with labor organizations with expertise in the specific field of athletics or entertainment involved" and inserting "after consultation in accordance with paragraph (6)",

(5) by redesignating paragraph (6) as paragraph (7), and

(6) by inserting after paragraph (5) the following new paragraph:

"(6)(A)(i) To meet the consultation requirement of paragraph (3)(A) in the case of a petition for a nonimmigrant described in section 101(a)(15)(O)(i) (other than with respect to aliens seeking entry for a motion picture or television production), the petitioner shall submit

with the petition an advisory opinion from a peer group (or other person or persons of its choosing, which may include a labor organization) with expertise in the specific field involved.

"(ii) To meet the consultation requirement of paragraph (3)(B) in the case of a petition for a nonimmigrant described in section 101(a)(15)(O)(ii) (other than with respect to aliens seeking entry for a motion picture or television production), the petitioner shall submit with the petition an advisory opinion from a labor organization with expertise in the skill area involved.

"(iii) To meet the consultation requirement of paragraph (4)(D) in the case of a petition for a nonimmigrant described in section 101(a)(15)(P)(i) or 101(a)(15)(P)(iii), the petitioner shall submit with the petition an advisory opinion from a labor organization with expertise in the specific field of athletics or entertainment involved.

"(B) To meet the consultation requirements of subparagraph (A), unless the petitioner submits with the petition an advisory opinion from an appropriate labor organization, the Attorney General shall forward a copy of the petition and all supporting documentation to the national office of an appropriate labor organization within 5 days of the date of receipt of the petition. If there is a collective bargaining representative of an employer's employees in the occupational classification for which the alien is being sought, that representative shall be the appropriate labor organization.

"(C) In those cases in which a petitioner described in subparagraph (A) establishes that an appropriate peer group (including a labor organization) does not exist, the Attorney General shall adjudicate the petition without requiring an advisory opinion.

"(D) Any person or organization receiving a copy of a petition described in subparagraph (A) and supporting documents shall have no more than 15 days following the date of receipt of such documents within which to submit a written advisory opinion or comment or to provide a letter of no objection. Once the 15-day period has expired and the petitioner has had an opportunity, where appropriate, to supply rebuttal evidence, the Attorney General shall adjudicate such petition in no more than 14 days. The Attorney General may shorten any specified time period for emergency reasons if no unreasonable burden would be thus imposed on any participant in the process.

"(E)(i) The Attorney General shall establish by regulation expedited consultation procedures in the case of nonimmigrant artists or entertainers described in section 101(a)(15)(O) or 101(a)(15)(P) to accommodate the exigencies and scheduling of a given production or event. Regulations.

"(ii) The Attorney General shall establish by regulation expedited consultation procedures in the case of nonimmigrant athletes described in section 101(a)(15)(O)(i) or 101(a)(15)(P)(i) in the case of emergency circumstances (including trades during a season).

"(F) No consultation required under this subsection by the Attorney General with a nongovernmental entity shall be construed as permitting the Attorney General to delegate any authority under this subsection to such an entity. The Attorney General shall give such weight to advisory opinions provided under this section as the Attorney General determines, in his sole discretion, to be appropriate.".

SEC. 205. AMENDMENTS RELATING TO O NONIMMIGRANTS.

(a) DEFINITION OF EXTRAORDINARY ABILITY IN THE ARTS FOR O NONIMMIGRANTS.—Section 101(a) of the Immigration and Nationality Act, as amended by sections 123 and 204(c) of the Immigration Act of 1990, is amended by adding at the end the following new paragraph:

8 USC 1101.

"(46) The term 'extraordinary ability' means, for purposes of section 101(a)(15)(O)(i), in the case of the arts, distinction.".

(b) ELIMINATING ADDITIONAL PAPERWORK REQUIREMENT FOR O-1s.—Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, as amended by section 207(a)(3) of the Immigration Act of 1990, is amended by striking ", but only" and all that follows up to the semicolon at the end.

(c) CLARIFICATION OF SIGNIFICANT PHOTOGRAPHY FOR O-2s.—Section 101(a)(15)(O)(ii)(III)(b) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended by striking "significant principal photography" and inserting "significant production (including pre- and post-production work)".

(d) CLARIFICATION OF MULTIPLE EVENTS FOR VISAS FOR O NONIMMIGRANTS.—Section 214(a)(2)(A) of the Immigration and Nationality Act, as added by section 207(b)(1) of the Immigration Act of 1990, is amended by inserting "(or events)" after "event".

8 USC 1184.

(e) CONSULTATION WITH RESPECT TO READMITTED O-1 NONIMMIGRANTS.—Section 214(c)(3) of the Immigration and Nationality Act, as added by section 207(b)(2)(B) of the Immigration Act of 1990, is amended by adding at the end the following: "The Attorney General shall provide by regulation for the waiver of the consultation requirement under subparagraph (A) in the case of aliens who have been admitted as nonimmigrants under section 101(a)(15)(O)(i) because of extraordinary ability in the arts and who seek readmission to perform similar services within 2 years after the date of a consultation under such subparagraph. Not later than 5 days after the date such a waiver is provided, the Attorney General shall forward a copy of the petition and all supporting documentation to the national office of an appropriate labor organization.".

Regulations.

SEC. 206. AMENDMENTS RELATING TO P NONIMMIGRANTS.

(a) ELIMINATING 3-MONTH OUT-OF-COUNTRY RULE FOR P-2 AND P-3 NONIMMIGRANTS.—Section 214(a)(2)(B) of the Immigration and Nationality Act, as added by section 207(b)(1) of the Immigration Act of 1990, is amended—

(1) by striking "(B)(i)" and inserting "(B)", and

(2) by striking clause (ii).

(b) TREATMENT OF FOREIGN ORGANIZATIONS FOR P-2 NONIMMIGRANTS.—Section 101(a)(15)(P)(ii)(II) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended by inserting "or organizations" after "and an organization".

(c) TREATMENT OF P-2 NONIMMIGRANTS.—(1) Section 101(a)(15)(P)(ii)(II) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended by striking ", between the United States and the foreign states involved".

(2) Section 214(c)(4)(E) of the Immigration and Nationality Act, as added by 207(b)(2)(B) of the Immigration Act of 1990 and as redesig-

nated by section 203(b) of this title, is amended by striking ", in order to assure reciprocity in fact with foreign states". 8 USC 1184.

(d) PERFORMANCE OF TEACHING AND COACHING FUNCTIONS BY P-3 NONIMMIGRANTS.—Section 101(a)(15)(P)(iii)(II) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended— 8 USC 1101.

(1) by striking "for the purpose of performing" and inserting "to perform, teach, or coach", and

(2) by inserting "commercial or noncommercial" before "program".

SEC. 207. OTHER AMENDMENTS.

(a) RETURN TRANSPORTATION REQUIREMENT FOR O AND P NONIMMIGRANTS.—Section 214(c)(5) of the Immigration and Nationality Act, as added by section 207(b)(2) of the Immigration Act of 1990, is amended by inserting "(A)" after "(5)" and by adding at the end the following new subparagraph: 8 USC 1184.

"(B) In the case of an alien who enters the United States in nonimmigrant status under section 101(a)(15)(O) or 101(a)(15)(P) and whose employment terminates for reasons other than voluntary resignation, the employer whose offer of employment formed the basis of such nonimmigrant status and the petitioner are jointly and severally liable for the reasonable cost of return transportation of the alien abroad. The petitioner shall provide assurance satisfactory to the Attorney General that the reasonable cost of that transportation will be provided.".

(b) ENTRY OF FASHION MODELS UNDER H-1B.—Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, as amended by section 205(c)(1) of the Immigration Act of 1990, is amended—

(1) by inserting "or as a fashion model" after "214(i)(1)", and

(2) by inserting "or, in the case of a fashion model, is of distinguished merit and ability" after "214(i)(2)".

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(3)), as amended by section 207(b)(2) of the Immigration Act of 1990 and by section 204 of this title, is amended by adding at the end the following new paragraph:

"(8) The Attorney General shall submit annually to the Committees on the Judiciary of the House of Representatives and of the Senate a report describing, with respect to petitions under each subcategory of subparagraphs (H), (O), (P), and (Q) of section 101(a)(15) the following:

"(A) The number of such petitions which have been filed.

"(B) The number of such petitions which have been approved and the number of workers (by occupation) included in such approved petitions.

"(C) The number of such petitions which have been denied and the number of workers (by occupation) requested in such denied petitions.

"(D) The number of such petitions which have been withdrawn.

"(E) The number of such petitions which are awaiting final action.".

8 USC 1184 note.

(2) DEADLINE FOR FIRST REPORT.—The first report under section 214(c)(8) of the Immigration and Nationality Act shall be provided not later than April 1, 1993.

8 USC 1101 note.

SEC. 208. EFFECTIVE DATE.

The provisions of, and amendments made by, this title shall take effect on April 1, 1992.

Immigration Technical Corrections Act of 1991.

TITLE III—MISCELLANEOUS AND TECHNICAL CORRECTIONS

SEC. 301. SHORT TITLE OF TITLE; REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

8 USC 1101 note.

(a) This title may be cited as the "Immigration Technical Corrections Act of 1991".

(b) In this title, the term "INA" means the Immigration and Nationality Act.

SEC. 302. CORRECTIONS RELATING TO TITLE I OF THE IMMIGRATION ACT OF 1990.

8 USC 1151.

(a)(1) Section 201 of the INA, as amended by section 101(a) of the Immigration Act of 1990, is amended—

(A) in subsection (c)(3), by striking "(3) The number computed under this paragraph for a fiscal year" and inserting the following:

"(3)(A) The number computed under this paragraph for fiscal year 1992 is zero.

"(B) The number computed under this paragraph for fiscal year 1993 is the difference (if any) between the worldwide level established under paragraph (1) for the previous fiscal year and the number of visas issued under section 203(a) during that fiscal year.

"(C) The number computed under this paragraph for a subsequent fiscal year"; and

(B) in subsection (d)(2), by striking "(2) The number computed under this paragraph for a fiscal year" and inserting the following:

"(2)(A) The number computed under this paragraph for fiscal year 1992 is zero.

"(B) The number computed under this paragraph for fiscal year 1993 is the difference (if any) between the worldwide level established under paragraph (1) for the previous fiscal year and the number of visas issued under section 203(b) during that fiscal year.

"(C) The number computed under this paragraph for a subsequent fiscal year".

8 USC 1151.

(2) Section 101 of the Immigration Act of 1990 is amended by adding at the end the following new subsection:

8 USC 1151 note.

"(c) TRANSITION.—In applying the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by subsection (a)) in the case of a alien whose citizen spouse died before the date of the enactment of this Act, notwithstanding the deadline specified in such sentence the alien spouse may file the classification petition referred to in such sentence within 2 years after the date of the enactment of this Act.".

8 USC 1152.

(3) Section 202(a)(4)(A) of the INA, as amended by section 102(1) of the Immigration Act of 1990, is amended by striking "MINIMUM".

(b)(1) Section 112 of the Immigration Act of 1990 is amended— 8 USC 1153 note.

(A) in subsection (c), by striking "temporary or" before paragraph (1), and

(B) by adding at the end the following:

"(d) DEFINITIONS.—The definitions in the Immigration and Nationality Act shall apply in the administration of this section.".

(2) Section 203(b) of the INA, as inserted by section 121(a) of the Immigration Act of 1990, is amended— 8 USC 1153.

(A) in paragraphs (1), (2), and (3), by striking "40,000" and inserting "28.6 percent of such worldwide level" each place it appears,

(B) in paragraph (1)(C), by striking "who seeks" and inserting "the alien seeks",

(C) in paragraphs (4) and (5), by striking "10,000" and inserting "7.1 percent of such worldwide level" each place it appears, and

(D) in paragraph (2)(B), by inserting "professions," after "arts,".

(3) Section 216A of the INA, as inserted by section 121(b)(1) of the Immigration Act of 1990, is amended— 8 USC 1186b.

(A) in subsection (c)(2)(A), by inserting "(and the alien's spouse and children if it was obtained on a conditional basis under this section or section 216)" after "status of the alien", and

(B) in subsections (c)(3)(B) and (d)(2)(A), by striking "obtaining the status of".

(4) Section 121(b)(2) of the Immigration Act of 1990 is amended by striking "exclusion" and inserting "deportation". 104 Stat. 4994.

(5) Section 124(a) of the Immigration Act of 1990 is amended— 8 USC 1153 note.

(A) in paragraph (1)—

(i) by inserting "(or paragraph (2) as the spouse or child of such an alien)" after "paragraph (3)", and

(ii) by adding at the end the following new sentence: "If the full number of such visas are not made available in fiscal year 1991 or 1992, the shortfall shall be added to the number of such visas to be made available under this section in the succeeding fiscal year."; and

(B) in paragraph (3)(A), by striking "(and has been so employed during the 12 previous, consecutive months)" and inserting "except for temporary absences at the request of the employer and has been employed in Hong Kong for at least 12 consecutive months".

(6) Section 132 of the Immigration Act of 1990 is amended— 8 USC 1153 note.

(A) in subsection (a), by inserting "(or in subsection (d) as the spouse or child of such an alien)" after "subsection (b)";

(B) in subsection (a), by adding at the end the following new sentence: "If the full number of such visas are not made available in fiscal year 1992 or 1993, the shortfall shall be added to the number of such visas to be made available under this section in the succeeding fiscal year.";

(C) in subsection (b)(1), effective after fiscal year 1992, by striking "that is not contiguous to the United States and"; Effective date.

(D) in subsection (c)—

(i) effective beginning with fiscal year 1993, by striking "in the chronological order in which aliens apply for each fiscal year" and inserting "strictly in a random order among those who qualify during the application period for each fiscal year established by the Secretary of State", Effective date.

(ii) by inserting before the period at the end the following: "and except that if more than one application is submitted for any fiscal year (beginning with fiscal year 1993) with respect to any alien all such applications submitted with respect to the alien and fiscal year shall be voided", and

(iii) by adding at the end the following: "If the minimum number of such visas are not made available in fiscal year 1992 or 1993 to such natives, the shortfall shall be added to the number of such visas to be made available under this section to such natives in the succeeding fiscal year. In applying this section, natives of Northern Ireland shall be deemed to be natives of Ireland."; and

Ireland.

(E) in subsection (e)—

(i) by striking "the grounds" and all that follows through "shall not apply, and",

(ii) by striking "of such section" and inserting "of section 212(a) of the Immigration and Nationality Act", and

(iii) by adding at the end the following: "In addition, the provisions of section 212(e) of such Act shall not apply so as to prevent an individual's application for a visa or admission under this section.".

8 USC 1153 note.

(7) Section 134(a) of the Immigration Act of 1990 is amended by inserting "(or in subsection (d) as the spouse or child of such an alien)" after "subsection (b)".

8 USC 1101 note.

(c)(1) Section 141 of the Immigration Act of 1990 is amended—

(A) in the heading, by striking "**LEGAL**",

(B) in subsection (a), by striking "Legal",

(C) in subsection (a)(1)(B), by striking "of the Subcommittee" and all that follows through "International Law", and

(D) by adding at the end the following new subsection:

"(i) PRESIDENTIAL REPORT.—The President shall conduct a review and evaluation and provide for the transmittal of reports to the Congress in the same manner as the Commission is required to conduct a review and evaluation and to transmit reports under subsection (b).".

(2) The item in the table of contents of such Act relating to section 141 is amended to read as follows:

"Sec. 141. Commission on Immigration Reform.".

8 USC 1101 note.

(d)(1) Section 152(b)(1)(A) of the Immigration Act of 1990 is amended by striking "who has performed faithful service" and inserting "and has performed faithful service as such an employee".

8 USC 1255.

(2) Section 245 of the INA, as amended by section 2(c) of the Armed Forces Immigration Adjustment Act of 1991, is amended—

(A) in subsection (c)(2), by inserting "(J)," after "(I),", and

(B) by adding at the end the following new subsection:

"(h) In applying this section to a special immigrant described in section 101(a)(27)(J)—

"(1) such an immigrant shall be deemed, for purposes of subsection (a), to have been paroled into the United States; and

"(2) in determining the alien's admissibility as an immigrant—

"(A) paragraphs (4), (5)(A), and (7)(A) of section 212(a) shall not apply, and

"(B) the Attorney General may waive other paragraphs of section 212(a) (other than paragraphs (2)(A), (2)(B), (2)(C)

(except for so much of such paragraph as related to a single offense of simple possession of 30 grams or less of marijuana), (3)(A), (3)(B), (3)(C), or (3)(E)) in the case of individual aliens for humanitarian purposes, family unity, or when it is otherwise in the public interest.

The relationship between an alien and the alien's natural parents or prior adoptive parents shall not be considered a factor in making a waiver under paragraph (2)(B). Nothing in this subsection or section 101(a)(27)(J) shall be construed as authorizing an alien to apply for admission or be admitted to the United States in order to obtain special immigrant status described in such section.".

(3) Section 241(h) of the INA, as amended by section 153(b) of the Immigration Act of 1990, is amended by striking the comma after "(3)(A)". 8 USC 1251.

(4) Section 154 of the Immigration Act of 1990 is amended— 8 USC 1201 note.

(A) in subsection (b)(1)(A), by inserting "or China" after "Hong Kong",

(B) in subsection (b)(1)(B)(i), by inserting "of" after "of section 203(a)", and

(C) by striking paragraph (3) of subsection (c).

(5) Section 155 of the Immigration Act of 1990 is amended— 8 USC 1153 note.

(A) in subsection (a), by inserting "(or section 203(e), in the case of fiscal year 1992)" after "203(c)", and

(B) in subsection (b), by striking "or the child" and inserting "or who are the spouse or child".

(e)(1) Section 161(a) of the Immigration Act of 1990 is amended by striking "in this section," and inserting "in this title, this title and". 8 USC 1101 note.

(2) Section 161(c)(1) of the Immigration Act of 1990 is amended—

(A) by inserting "or an application for labor certification before such date under section 212(a)(14)" after "before such date)",

(B) in subparagraph (A), by inserting "or application" after "such a petition",

(C) in subparagraph (A), by inserting ", or 60 days after the date of certification in the case of labor certifications filed in support of the petition under section 212(a)(14) of such Act before October 1, 1991, but not certified until after October 1, 1993" after "(by not later than October 1, 1993", and

(D) by adding at the end the following new sentence:

"In the case of a petition filed under section 204(a) of such Act before October 1, 1991, but which is not described in paragraph (4), and for which a filing fee was paid, any additional filing fee shall not exceed one-half of the fee for the filing of the new petition referred to in subparagraph (A).".

(3) Section 203(f) of the INA, as inserted by section 162(a) of the Immigration Act of 1990, is amended— 8 USC 1153.

(A) by striking "PRESUMPTION.—" and all that follows through "so described." and inserting "AUTHORIZATION FOR ISSUANCE.—", and

(B) by striking "201(b)(1) or in subsection (a) or (b)" and inserting "201(b)(2) or in subsection (a), (b), or (c)".

(4) Section 204(a)(1) of the INA, as amended by section 162(b) of the Immigration Act of 1990, is amended— 8 USC 1154.

(A) in subparagraph (A), by adding at the end the following: "An alien described in the second sentence of section 201(b)(2)(A)(i) also may file a petition with the Attorney General under this subparagraph for classification under such section.",

(B) in subparagraph (F), by striking "Secretary of State" and inserting "Attorney General", and

(C) in subparagraph (G)(iii), by striking "or registration".

8 USC 1154. (5) Section 204(e) of the INA, as amended by section 162(b)(3) of the Immigration Act of 1990, is amended by striking "a immigrant" and inserting "an immigrant".

8 USC 1182. (6) Paragraph (1) of section 162(e) of the Immigration Act of 1990 is repealed, and the provisions of law amended by such paragraph are restored as though such paragraph had not been enacted.

8 USC 1255. (7) Section 245(b) of the INA, as amended by section 162(e)(3) of the Immigration Act of 1990, is amended—

(A) by striking "201(a)" and inserting "202 and 203", and

(B) by striking "for the succeeding fiscal year" and inserting "for the fiscal year then current".

Effective date. (8) Effective as if included in section 162(e) of the Immigration Act of 1990—

8 USC 1101. (A) clauses (ii)(II) and (iii)(II) of section 101(a)(27)(I) of the INA are amended by striking "applies for a visa or adjustment of status" and inserting "files a petition for status",

8 USC 1186a. (B) section 216(g)(1) of the INA is amended by striking "203(a)(8)" and inserting "203(d)"; and

8 USC 1201. (C) section 221(a) of the INA is amended by striking "non-preference,".

Effective date. 8 USC 1182. (9) Effective as if included in the Immigration Nursing Relief Act of 1989, section 212(m)(2)(A) of the INA is amended, by inserting after the first sentence following clause (vi) the following: "Notwithstanding the previous sentence, a facility that lays off a registered nurse other than a staff nurse still meets clause (i) if, in its attestation under this subparagraph, the facility has attested that it will not replace the nurse with a nonimmigrant described in section 101(a)(15)(H)(i)(a) (either through promotion or otherwise) for a period of 1 year after the date of the lay off.".

Effective date. 8 USC 1255 note. (10) Effective as if included in the Immigration Nursing Relief Act of 1989, as amended by section 162(f)(1)(B) of the Immigration Act of 1990, section 2(b) of the Immigration Nursing Relief Act of 1989 is amended by inserting after "registered nurse," the following: "who, as of September 1, 1989, is present in the United States and had been admitted to the United States in the status of nonimmigrant under section 101(a)(15)(H)(i) of such Act to perform services as a registered nurse but has failed to maintain that status due to the expiration of the time limitation with respect to such status,".

SEC. 303. CORRECTIONS RELATING TO TITLE II OF THE IMMIGRATION ACT OF 1990.

8 USC 1187. (a)(1) Section 217 of the INA, as amended by section 201(a) of the Immigration Act of 1990, is amended—

(A) in subsection (a)(4), by striking "BY SEA OR AIR" and inserting "INTO THE UNITED STATES", and

(B) in the heading of subsection (b), by striking "RIGHTS" and inserting "RIGHTS".

(2) Section 217(e)(1) of the INA, as redesignated by section 201(a)(7) of the Immigration Act of 1990, is amended by striking "(a)(4)(C)" and inserting "(a)(4)".

8 USC 1281. (3) The second sentence of section 251(d) of the INA, as inserted by section 203(b)(2) of the Immigration Act of 1990, is amended by striking "charterer" and inserting "consignee".

(4) Section 258(c)(2)(B) of the INA, as inserted by section 203(a)(1) of the Immigration Act of 1990, is amended by striking "each such list" and inserting "each list". 8 USC 1288.

(5)(A) Section 101(a)(15)(H)(i)(b) of the INA, as amended by section 205(c)(1) of the Immigration Act of 1990, is amended by inserting "subject to section 212(j)(2)," after "(b)". 8 USC 1101.

(B) Section 212(j) of the INA is amended by striking paragraph (2) and inserting the following: 8 USC 1182.

"(2) An alien who is a graduate of a medical school and who is coming to the United States to perform services as a member of the medical profession may not be admitted as a nonimmigrant under section 101(a)(15)(H)(i)(b) unless—

"(A) the alien is coming pursuant to an invitation from a public or nonprofit private educational or research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency, or

"(B)(i) the alien has passed the Federation licensing examination (administered by the Federation of State Medical Boards of the United States) or an equivalent examination as determined by the Secretary of Health and Human Services, and

"(ii)(I) has competency in oral and written English or (II) is a graduate of a school of medicine which is accredited by a body or bodies approved for the purpose by the Secretary of Education (regardless of whether such school of medicine is in the United States).".

(6) Section 212(n)(1)(A)(ii) of the INA, as added by section 205(c)(3) of the Immigration Act of 1990, is amended by striking "for such aliens" and inserting "for such a nonimmigrant".

(7)(A) Section 101(a)(15)(H)(i) of the INA, as amended by section 205(c)(1) of the Immigration Act of 1990, is amended by striking ", and had approved by,".

(B) Section 212(n) of the INA, as added by section 205(c)(3) of the Immigration Act of 1990, is amended—

(i) in paragraph (1)(A)—

(I) by striking "and to other individuals employed in the occupational classification and in the area of employment" and inserting "admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b)",

(II) by amending subclause (I) to read as follows:

"(I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question, or",

(III) after subclause (II), by striking "determined" and inserting "based on the best information available";

(ii) in paragraph (1)(D), by striking "(and accompanying documentation)" and inserting "(and such accompanying documents as are necessary)";

(iii) in paragraph (1), by moving the matter after the first sentence of subparagraph (D) flush with the left margin and by adding at the end the following:

"The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary finds that the application is incomplete or obviously inaccurate, the Secretary shall provide the certification described in section 101(a)(15)(H)(i)(b) within 7 days of the date of the filing of the application.";

(iv) in paragraph (2)(C), by striking "(or a substantial failure" and all that follows through "misrepresentation" and inserting "of paragraph (1)(B), a substantial failure to meet a condition of paragraphs (1)(C) or (1)(D), a willful failure to meet a condition of paragraph (1)(A), or a misrepresentation";

(v) in paragraph (2)(D), by striking "In addition to the sanctions provided under subparagraph (C), if" and inserting "If"; and

(vi) in paragraph (2)(D), by inserting before the period at the end the following: ", whether or not a penalty under subparagraph (C) has been imposed".

Regulations. 8 USC 1101 note.

(8) The Secretary of Labor shall issue final or interim final regulations to implement the changes made by this section to section 101(a)(15)(H)(i)(b) and section 212(n) of the Immigration and Nationality Act no later than January 2, 1992.

8 USC 1101 note.

(9) Section 206(a) of the Immigration Act of 1990 is amended by inserting "and section 124(a)(3)(A) of this Act" after "Immigration and Nationality Act".

8 USC 1184.

(10) Section 214(c)(2) of the INA, as added by section 206(b)(2) of the Immigration Act of 1990, is amended—

(A) in subparagraph (A), by striking "individuals petitions" and inserting "individual petitions", and

(B) in subparagraph (D)(ii), by striking "involved" and inserting "involves".

(11) Section 214(a)(2)(A) of the INA, as added by section 207(b)(1) of the Immigration Act of 1990, is amended by striking "under section 101(a)(15)(O)" and inserting "described in section 101(a)(15)(O)".

(12) Section 214(c)(5) of the INA, as added by section 207(b)(2)(B) of the Immigration Act of 1990, is amended by striking "101(H)(ii)(b)" and inserting "101(a)(15)(H)(ii)(b)".

8 USC 1184 note.

(13) Section 207(c) of the Immigration Act of 1990 is amended by inserting "of the Immigration and Nationality Act" after "101(a)(15)(H)(ii)(a)" each place it appears.

8 USC 1101.

(14) Section 101(a)(15)(Q) of the INA, as added by section 208(3) of the Immigration Act of 1990, is amended by striking "designated" and inserting "approved".

8 USC 1184 note.

(b)(1) Section 221(a) of the Immigration Act of 1990 is amended—

(A) in the matter before paragraph (1), by striking "in a position unrelated to the alien's field of study and", and

(B) in paragraph (1), by inserting "academic" before "year".

(2) Section 221(b) of the Immigration Act of 1990 is amended—

(A) by inserting "and the Secretary of Labor" after "the Commissioner of the Immigration and Naturalization", and

(B) by inserting "a report" after "to the Congress".

8 USC 1101 note.

(3) Section 222(a) of the Immigration Act of 1990 is amended by striking "Subject to the succeeding provisions of this section" and inserting "Subject to subsection (b)".

8 USC 1101 note.

(4) Section 223(a) of the Immigration Act of 1990 is amended—

(A) by striking the period at the end of paragraph (2) and inserting a comma, and

(B) by adding at the end the following:

"or who is the spouse or minor child of such an alien if accompanying or following to join the alien.".

SEC. 304. CORRECTIONS RELATING TO TITLE III OF THE IMMIGRATION ACT OF 1990.

(a) Section 302(c) of the Immigration Act of 1990 is amended by striking "AFFECT", "supercede", and "affect" and inserting "EFFECT", "supersede", and "effect", respectively. 8 USC 1254a note.

(b) Section 244A of the INA, as inserted by section 302(a) of the Immigration Act of 1990, is amended— 8 USC 1254a.

(1) in subsection (a)(1), by inserting after "designated under subsection (b)" the following: "(or in the case of an alien having no nationality, is a person who last habitually resided in such designated state)",

(2) in paragraph (1)(B), by adding at the end the following: "In the case of aliens registered pursuant to a designation under this section made after July 17, 1991, the Attorney General may impose a separate, additional fee for providing an alien with documentation of work authorization. Notwithstanding section 3302 of title 31, United States Code, all fees collected under this subparagraph shall be credited to the appropriation to be used in carrying out this section.", and

(3) in subsection (c)(1)(A), by inserting after "designated under subsection (b)(1)" the following: "(or in the case of an alien having no nationality, is a person who last habitually resided in such designated state)".

(c)(1) In the case of an alien described in paragraph (2) whom the Attorney General authorizes to travel abroad temporarily and who returns to the United States in accordance with such authorization— 8 USC 2154a note.

(A) the alien shall be inspected and admitted in the same immigration status the alien had at the time of departure if—

(i) in the case of an alien described in paragraph (2)(A), the alien is found not to be excludable on a ground of exclusion referred to in section 301(a)(1) of the Immigration Act of 1990, or

(ii) in the case of an alien described in paragraph (2)(B), the alien is found not to be excludable on a ground of exclusion referred to in section 244A(c)(2)(A)(iii) of the Immigration and Nationality Act; and

(B) the alien shall not be considered, by reason of such authorized departure, to have failed to maintain continuous physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act if the absence meets the requirements of section 244(b)(2) of such Act.

(2) Aliens described in this paragraph are the following:

(A) Aliens provided benefits under section 301 of the Immigration Act of 1990 (relating to family unity).

(B) Aliens provided temporary protected status under section 244A of the Immigration and Nationality Act, including aliens provided such status under section 303 of the Immigration Act of 1990.

SEC. 305. CORRECTIONS RELATING TO TITLE IV OF THE IMMIGRATION ACT OF 1990.

(a) Section 310(b) of the INA, as amended by section 401(a) of the Immigration Act of 1990, is amended by striking "District Court" and inserting "district court". 8 USC 1421.

(b) Section 407(c)(11) of the Immigration Act of 1990 is amended by striking ", other than subsection (d)". 8 USC 1440.

8 USC 1439. (c) Section 407(d)(8) of the Immigration Act of 1990 is amended by striking "Section 328(c) (8 U.S.C. 1439(c)) is amended" and inserting "Subsections (b)(3) and (c) of section 328 (8 U.S.C. 1439) are amended".

8 USC 1445. (d) Subsection (g) of section 334 of the INA, as redesignated by section 407(d)(12)(E) of the Immigration Act of 1990, is redesignated as subsection (f).

8 USC 1445. (e) Section 407(d)(12)(B) of the Immigration Act of 1990 is amended by adding "and" at the end of clause (i).

8 USC 1446. (f) Section 335(b) of the INA, as amended by section 407(d)(13)(C)(iii) of the Immigration Act of 1990, is amended by striking "District Court" and inserting "district court".

8 USC 1447. (g) Section 407(d)(14)(D)(i) of the Immigration Act of 1990 is amended by striking "clerk of the court" and inserting "clerk of court".

(h) Section 407(d)(14)(E)(ii) of the Immigration Act of 1990 is amended by striking "persons" and inserting "person".

8 USC 1448. (i) Section 337(c) of the INA is amended by striking "before".

8 USC 1449. (j)(1) Section 407(d)(16)(C) of the Immigration Act of 1990 is amended by striking the comma after "venue".

8 USC 1449. (2) Section 338 of the INA, as amended by section 407(d)(16)(C) of the Immigration Act of 1990, is amended by striking "District" and inserting "district".

8 USC 1451. (k) Section 340 of the INA, as amended by section 407(d)(18) of the Immigration Act of 1990, is amended—

(1) in the first sentence of subsection (a), by striking "District Court" and inserting "district court", and

(2) in the second sentence of subsection (g), by striking "clerk of the court" and inserting "clerk of court".

8 USC 1455. (l) Section 407(d)(19)(A)(i) of the Immigration Act of 1990 is amended by striking "clerk of the court" and inserting "clerk of court".

Effective date. (m) Effective as if included in section 407(d) of the Immigration Act of 1990:

8 USC 1101. (1) Paragraph (24) of section 101(a) of the INA is repealed.

8 USC 1423. (2) Section 312 of the INA is amended by striking "petition" and inserting "application" each place it appears.

8 USC 1433. (3) The heading of section 322 of the INA is amended by striking "PETITION" and inserting "APPLICATION".

(4) The item in the table of contents of the INA relating to section 322 is amended by striking "petition" and inserting "application".

8 USC 1441. (5) Section 330 of the INA is amended by striking "of this subsection" and inserting "of this section".

8 USC 1443. (6) Section 332(a) of the INA is amended by striking "petitioners" and inserting "applicants".

(7) Section 334(a) of the INA is amended by striking ", in duplicate,".

8 USC 1452. (8) Section 341(a) of the INA is amended by striking "a petitioner" and inserting "an applicant".

8 USC 1421 note. (n) Section 408(a)(2)(B) of the Immigration Act of 1990 is amended by striking "on the date of the enactment of this Act" and inserting "on January 1, 1992".

SEC. 306. CORRECTIONS RELATING TO TITLE V OF THE IMMIGRATION ACT OF 1990.

(a)(1) Section 101(a)(43) of the INA, as amended by section 501(a)(4) of the Immigration Act of 1990, is amended by striking ",." and inserting a period. 8 USC 1101.

(2) Section 502(a) of the Immigration Act of 1990 is amended by striking "(8 U.S.C. 1152a(a)(1))" and inserting "(8 U.S.C. 1105a(a)(1))". 8 USC 1105a.

(3) Section 287(a)(4) of the INA, as amended by section 503(a)(2) of the Immigration Act of 1990, is amended by striking ", and" at the end and inserting "; and". 8 USC 1357.

(4) Subparagraph (B) of section 242(a)(2) of the INA, as added by section 504(a)(5) of the Immigration Act of 1990, is amended to read as follows: 8 USC 1252.

"(B) The Attorney General may not release from custody any lawfully admitted alien who has been convicted of an aggravated felony, either before or after a determination of deportability, unless the alien demonstrates to the satisfaction of the Attorney General that such alien is not a threat to the community and that the alien is likely to appear before any scheduled hearings.".

(5) Section 236(e)(1) of the INA, as amended by section 504(b) of the Immigration Act of 1990, is amended by striking "upon completion of the alien's sentence for such conviction" and inserting "upon release of the alien (regardless of whether or not such release is on parole, supervised release, or probation, and regardless of the possibility of rearrest or further confinement in respect of the same offense)". 8 USC 1226.

(6) Section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 507 of the Immigration Act of 1990, is amended— 42 USC 3753.

(A) by striking "the certified records" and inserting "notice", and

(B) by inserting before the period at the end the following: "and under which the State will provide the Service with the certified record of such a conviction within 30 days of the date of a request by the Service for such record".

(7) Section 509(b) of the Immigration Act of 1990 is amended by inserting before the period at the end the following: ", except with respect to conviction for murder which shall be considered a bar to good moral character regardless of the date of the conviction". 8 USC 1101 note.

(8) The last sentence of section 510(b) of the Immigration Act of 1990 is amended by striking "for". 8 USC 1251 note.

(9) The last sentence of section 510(c) of the Immigration Act of 1990 is amended by striking "been been" and inserting "been".

(10) The last sentence of section 212(c) of the INA, as added by section 511(a) of the Immigration Act of 1990, is amended by striking "an aggravated felony and has served" and inserting "one or more aggravated felonies and has served for such felony or felonies". 8 USC 1182.

(11) Section 513(b) of the Immigration Act of 1990 is amended— 8 USC 1105a note.

(A) by striking "petitions to review" and inserting "petitions for review", and

(B) by inserting before the period at the end the following: "and shall apply to convictions entered before, on, or after such date".

(12) Section 514(a) of the Immigration Act of 1990 is amended by striking "10 years" and inserting "ten years". 8 USC 1182.

8 USC 1158 note.

(13) Paragraphs (1) and (2) of section 515(b) of the Immigration Act of 1990 are amended to read as follows:

"(1) The amendment made by subsection (a)(1) shall apply to convictions entered before, on, or after the date of the enactment of this Act and to applications for asylum made on or after such date.

"(2) The amendment made by subsection (a)(2) shall apply to convictions entered before, on, or after the date of the enactment of this Act and to applications for withholding of deportation made on or after such date.".

8 USC 1324b.

(b)(1) Section 274B(g)(2)(B)(iv)(II) of the INA, as amended by section 536(a) of the Immigration Act of 1990, is amended by striking "subclause (IV)" and inserting "subclauses (III) and (IV)".

8 USC 1324a.

(2) Section 274A(b)(3) of the INA, as amended by section 538(a) of the Immigration Act of 1990, is amended by striking the comma after "officers of the Service".

(3) Section 274B(g)(2)(B) of the INA, as amended by section 539(a) of the Immigration Act of 1990, is amended—

(A) in clause (iv)(IV), by striking the period at the end and inserting a semicolon,

(B) in clauses (v) and (vi), by striking the comma at the end and inserting a semicolon,

(C) in clause (vii), by striking ", and" and inserting "; and",

(D) in clause (vii), by striking "to order (in an appropriate case) the removal of" and inserting "to remove (in an appropriate case)", and

(E) in clause (viii), by striking "to order (in an appropriate case) the lifting of" and inserting "to lift (in an appropriate case)".

(c)(1) Section 274B(g)(2)(D) of the INA is amended by striking "physicially" and inserting "physically".

8 USC 1229.

(2) Section 543(a)(3) of the Immigration Act of 1990 is amended by inserting "each place it appears" before "and inserting".

8 USC 1282, 1325.

(3) Sections 252(c) and 275(a) of the INA, as amended by section 543(b) of the Immigration Act of 1990, are each amended by striking "fined not more than" and all that follows through "United States Code)" and inserting "fined under title 18, United States Code,".

8 USC 1221.

(4)(A) The second sentence of section 231(d) of the INA is amended by striking "collector of customs" and inserting "Commissioner".

8 USC 1227.

(B) The third sentence of section 237(b) of the INA is amended by striking "district director of customs" and inserting "Commissioner".

8 USC 1284.

(C) The second sentence of section 254(a) of the INA is amended by striking "collector of customs" and inserting "Commissioner".

8 USC 1323.

(D) The second sentence of section 273(b) of the INA is amended by striking "collector of customs" and inserting "Commissioner".

8 USC 1324c.

(5)(A) Section 274C(a) of the INA, as added by section 544(a) of the Immigration Act of 1990, is amended—

(i) in paragraph (2), by inserting "or to provide" after "or receive",

(ii) in paragraph (3), by inserting "or to provide or attempt to provide" after "attempt to use", and

(iii) in paragraph (4), by inserting "or to provide" after "receive".

8 USC 1251 note.

(B) Section 544 of the Immigration Act of 1990 is amended by striking "(c) EFFECTIVE" and inserting "(d) EFFECTIVE".

(6) Section 242B of the INA, as inserted by section 545(a) of the Immigration Act of 1990, is amended— 8 USC 1252b.

(A) in subsection (a)(1)(E), by striking ", upon request,";

(B) in subsection (a)(2)(A)(ii), by inserting ", except under exceptional circumstances," after "failure";

(C) in subsection (a)(2), by adding at the end the following: "In the case of an alien not in detention, a written notice shall not be required under this paragraph if the alien has failed to provide the address required under subsection (a)(1)(F).";

(D) in subsection (b)(1), by inserting before the period at the end the following: ", unless the alien requests in writing an earlier hearing date";

(E) in subsection (b)(2)—

(i) by inserting "pro bono" after "to represent", and

(ii) by adding at the end the following: "Such lists shall be provided under subsection (a)(1)(E) and otherwise made generally available.";

(F) in subsection (c)—

(i) in paragraph (1), by striking "except as provided in paragraph (2)," each place it appears,

(ii) in paragraph (1), by adding at the end the following: "The written notice by the Attorney General shall be considered sufficient for purposes of this paragraph if provided at the most recent address provided under subsection (a)(1)(F).", and

(iii) by striking the second sentence of paragraph (2);

(G) in subsection (c)(4), by inserting "(or 30 days in the case of an alien convicted of an aggravated felony)" after "60 days";

(H) in subsection (d), by striking "the Board" and inserting "the Attorney General";

(I) in subsection (e)(4)(B), by inserting "a" after "with respect to"; and

(J) in subsection (e)(5), by striking subparagraph (A) and redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively.

(7) The 8th sentence of section 242(b) of the INA, as amended by section 545(e) of the Immigration Act of 1990, is amended to read as follows: "Such regulations shall include requirements that are consistent with section 242B and that provide that— 8 USC 1252.

"(1) the alien shall be given notice, reasonable under all the circumstances, of the nature of the charges against him and of the time and place at which the proceedings will be held,

"(2) the alien shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose,

"(3) the alien shall have a reasonable opportunity to examine the evidence against him, to present evidence on his own behalf, and to cross-examine witnesses presented by the Government, and

"(4) no decision of deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence.".

SEC. 307. CORRECTIONS RELATING TO TITLE VI OF THE IMMIGRATION ACT OF 1990.

(a) Section 212(a) of the INA, as amended by section 601(a) of the Immigration Act of 1990, is amended— 8 USC 1182.

(1) in paragraph (1)(A), by adding "or" at the end of clause (ii);

(2) in paragraph (3)(A)(i), by inserting "(I)" after "any activity" and by inserting "(II)" after "sabotage or";

(3) in paragraph (3)(B)(iii)(III), by striking "an act of terrorist activity" and inserting "a terrorist activity";

(4) in paragraph (3)(D)(iv), by striking "if the alien" and inserting "if the immigrant";

(5) in paragraph (3)(C)(iv), by striking "identities" and inserting "identity";

(6) in paragraph (5)(C), by striking "preference immigrants" and all that follows through the end and inserting the following: "immigrants seeking admission or adjustment of status under paragraph (2) or (3) of section 203(b).";

(7) in paragraph (6)(B)—

(A) by striking "who seeks" and inserting "(a) who seeks",

(B) by striking "(or" and inserting ", or (b) who seeks admission", and

(C) by striking "felony)" and inserting "felony,";

(8) in paragraph (6)(E)—

(A) by redesignating clause (ii) as clause (iii), and

(B) by inserting after clause (i) the following new clause:

"(ii) SPECIAL RULE IN THE CASE OF FAMILY REUNIFICATION.—Clause (i) shall not apply in the case of alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative or under section 203(a)(2) (including under section 112 of the Immigration Act of 1990) or benefits under section 301(a) of the Immigration Act of 1990 if the alien, before May 5, 1988, has encouraged, induced, assisted, abetted, or aided only the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.";

(9) in paragraph (8)(B), by striking "alien" the first place it appears and inserting "person"; and

(10) in paragraph (9)(C)—

(A) in clause (i), by striking everything that follows "entry of" and inserting "an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is excludable until the child is surrendered to the person granted custody by that order.", and

(B) in clause (ii), by striking "to an alien who" and all that follows through "signatory" and inserting "so long as the child is located in a foreign state that is a party".

(b) Section 212(c) of the INA, as amended by section 601(d)(1) of the Immigration Act of 1990, is amended by striking "subparagraphs (A), (B), (C), or (E) of paragraph (3)" and inserting "paragraphs (3) and (9)(C)". 8 USC 1182.

(c) Section 212(d)(3) of the INA, as amended by section 601(d)(2)(B)(i) of the Immigration Act of 1990, is amended—

(1) by striking "(3)(A)," and inserting "(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii)," each place it appears, and

(2) by striking "(3)(D)" and inserting "(3)(E)" each place it appears.

(d) Section 212(d)(11) of the INA, as added by section 601(d)(2)(F) of the Immigration Act of 1990, is amended by inserting "and in the case of an alien seeking admission or adjustment of status as an immediate relative or immigrant under section 203(a) (other than paragraph (4) thereof)" after "section 211(b)". 8 USC 1182.

(e) Section 212(g)(1) of the INA, as amended by section 601(d)(3) of the Immigration Act of 1990, is amended by striking "section (a)(1)(A)(i)" and inserting "subsection (a)(1)(A)(i)".

(f) Section 212(h) of the INA, as amended by section 601(d)(4) of the Immigration Act of 1990, is amended—

(1) in the matter before paragraph (1), by striking "in the case of " and all that follows through "permanent residence"; and

(2) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting "(A) in the case of any immigrant" after "(1)",

(B) by striking "and" at the end of subparagraph (A),

(C) by striking "and" at the end of subparagraph (C) and inserting "or",

(D) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and

(E) by adding at the end the following:

"(B) in the case of an immigrant who is the spouse, parent, son, or daughter of a citizen of the United States or an alien lawfully admitted for permanent residence if it is established to the satisfaction of the Attorney General that the alien's exclusion would result in extreme hardship to the United States citizen or lawfully resident spouse, parent, son, or daughter of such alien; and".

(g) Section 212(i) of the INA, as amended by section 601(d)(5) of the Immigration Act of 1990, is amended by striking "alien" and "alien's" each place it appears and inserting "immigrant" and "immigrant's", respectively.

(h) Section 241(a) of the INA, as amended by section 602(a) of the Immigration Act of 1990, is amended— 8 USC 1251.

(1) by striking "deportable as being", and by inserting "deportable" after "the following classes of";

(2) in paragraph (1)(D)(i), by inserting "respective" after "terminated under such";

(3) in paragraph (1)(E)(i), by inserting "any" before "entry" the second and third places it appears;

(4) in paragraph (1)(E), by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) SPECIAL RULE IN THE CASE OF FAMILY REUNIFICATION.—Clause (i) shall not apply in the case of alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative or under section 203(a)(2) (including under section 112 of the Immigration Act of 1990) or benefits under section 301(a) of the Immigration Act of 1990 if the alien, before May 5, 1988, has encouraged, induced, assisted, abetted, or aided only the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.";

(5) in paragraph (1)(G), by striking "212(a)(5)(C)(i)" and inserting "212(a)(6)(C)(i)";

(6) in paragraph (1)(H), by striking "paragraph (6) or (7)" and inserting "paragraph (4)(D)";

(7) in paragraph (2)(D), by inserting "or attempt" after "conspiracy";

(8) in paragraph (3), by adding at the end the following:

"(C) DOCUMENT FRAUD.—Any alien who is the subject of a final order for violation of section 274C is deportable.";

(9) in subparagraphs (A) and (B) of paragraph (4), by striking "after entry has engaged" and inserting "after entry engages"; and

(10) in paragraph (4)(C)(ii), by striking "excluability" and inserting "excludability".

8 USC 1102. (i) Section 102 of the INA, as amended by section 603(a)(2) of the Immigration Act of 1990, is amended by striking "paragraph (3) (other than subparagraph (E)) of section 212(a)" each place it appears and inserting "subparagraphs (A) through (C) of section 212(a)(3)".

Effective date. 8 USC 1160. (j) Effective as if included in section 603(a)(5) of the Immigration Act of 1990, section 210(b)(7)(B) of the INA is amended by striking "212(a)(19)" and inserting "212(a)(6)(C)(i)".

Effective date. 8 USC 1251. (k) Effective as if included in section 602(b) of the Immigration Act of 1990, section 241 of the INA is amended—

(1) by striking subsection (d), and

(2) in the subsection (h) (added by section 153(b) of the Immigration Act of 1990) by striking "exist" and inserting "existed" and by redesignating the subsection as subsection (c).

Effective date. (l) Effective as if included in section 603(a) of the Immigration Act of 1990:

8 USC 1157, 1159. (1) Sections 207(c)(3) and 209(c) of the INA, as amended by section 603(a)(4)(B) of the Immigration Act of 1990, are each amended by striking "subparagraphs (A)" and inserting "subparagraph (A)".

8 USC 1161. (2) Section 210A(e)(2)(B) of the INA is amended by striking clauses (iii) and (iv) and inserting the following:

"(iii) Paragraph (3) (relating to security and related grounds).".

8 USC 1187. (3) Section 217(a) of the INA is amended by striking "(26)(B)" and inserting "(7)(B)(i)(II)".

8 USC 1188. (4) Section 218(g)(3) of the INA is amended by striking "212(a)(14)" and inserting "212(a)(5)(A)(i)".

8 USC 1254a. (5) Section 244A(c) of the INA, as inserted by section 302(a) of the Immigration Act of 1990, is amended—

(A) in paragraph (2)(A)(iii)(I), by striking "paragraphs (9) and (10)" and inserting "paragraphs (2)(A) and (2)(B)"; and

(B) by amending subclause (III) of paragraph (2)(A)(iii) to read as follows:

"(III) Paragraphs (3)(A), (3)(B), (3)(C), or (3)(E) of such section (relating to national security and participation in the Nazi persecutions or those who have engaged in genocide).".

8 USC 1255a. (6) Section 245A(d)(2)(B)(ii) of the INA is amended—

(A) by striking subclause (IV),

(B) by redesignating subclause (II) as subclause (IV) and by transferring and inserting it after clause (III),

(C) by redesignating subclause (III) as subclause (II),

(D) by inserting after subclause (II) (as so redesignated) the following new subclause:

"(III) Paragraph (3) (relating to security and related grounds).", and

(E) by striking "Subclause (II)" and inserting "Subclause (IV)".

(7) Section 272(a) of the INA is amended by striking the comma before "shall pay". 8 USC 1322.

(8) Section 584(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as amended by section 603(a)(20)(B) of the Immigration Act of 1990, is amended by striking "(D)" and inserting "(E)". 8 USC 1101 note.

(9) Section 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking "(23)(B), (27), (29), or (33)" and inserting "(2)(C) and subparagraphs (A), (B), (C), or (E) of paragraph (3)". 8 USC 1255 note.

(10) Section 2(a)(3) of the Immigration Nursing Relief Act of 1989 is amended by striking "212(a)(14)" and inserting "212(a)(5)(A)". 8 USC 1255 note.

(m) Effective as if included in section 603(b) of the Immigration Act of 1990— Effective date.

(1) paragraph (4)(B) of such section is amended by striking "in paragraph (2)", and 8 USC 1254.

(2) section 242(e) of the INA is amended by striking "paragraphs (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), (18), or (19)" and inserting "paragraph (2), (3), or (4)". 8 USC 1252.

SEC. 308. CORRECTIONS RELATING TO TITLE VII OF THE IMMIGRATION ACT OF 1990.

(a) Effective October 1, 1991, section 245(e)(3) of the INA, as added by section 702(a)(2) of Immigration Act of 1990, is amended by striking "204(h)" and inserting "204(g)". Effective date. 8 USC 1255.

(b) Section 702(b) of the Immigration Act of 1990 is amended by striking "204(h) (8 U.S.C. 1154(h))" and inserting "204(g) (8 U.S.C. 1154(g)), as redesignated by section 162(b)(6) of this Act,". 8 USC 1154.

(c) Section 304(f) of the Immigration Reform and Control Act of 1986, as amended by section 704(b) of the Immigration Act of 1990, is amended— 8 USC 1160 note.

(1) by striking "appointment in the and" and inserting "appointment and", and

(2) by striking "civil" the first place it appears and inserting "competitive".

(d) Section 404(b)(2)(A) of the INA, as added by section 705(a)(5) of the Immigration Act of 1990, is amended by adding at the end the following new sentence: "In applying clause (i), the providing of parole at a point of entry in a district shall be deemed to constitute an application for asylum in the district.". 8 USC 1101 note.

SEC. 309. ADDITIONAL MISCELLANEOUS CORRECTIONS.

(a)(1)(A) Section 209 of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203) is amended—

(i) in subsection (a)— 8 USC 1356.

(I) by striking "Title 8, United States Code, section 1356 is amended by adding" and inserting "Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end", and

8 USC 1356.

(II) in the subsection (o) added by such subsection, by striking "will" and inserting "shall"; and

8 USC 1455.

(ii) by amending subsection (b) to read as follows:

"(b) Section 344(g) of the Immigration and Nationality Act (8 U.S.C. 1455(g)) is amended by inserting after 'Treasury of the United States' the following: 'except that all such fees collected or paid over on or after October 1, 1988, shall be deposited in the Immigration Examinations Fee Account established under section 286(m)'.".

(B) The fourth proviso under Immigration and Naturalization Service in the Department of Justice Appropriations Act, 1990 (title II of Public Law 101-162, 103 Stat. 1000) is amended to read as follows: ": *Provided further*, That section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)) is amended by striking 'in excess of $50,000,000' and by striking the second sentence".

8 USC 1356.

8 USC 1356.

(2)(A) Section 286 of the INA, as amended by section 210 of the Department of Justice Appropriations Act, 1991, is amended—

(i) in subsection (h)(1)(A), by inserting a period after "available until expended",

(ii) in subsection (m), by striking "additonal" and inserting "additional",

(iii) by moving the left margins of subsection (q)(2) and the matter in subsection (q)(3)(A) (before clause (i)) 2 ems to the left,

(iv) in subsection (q)(3)(A), by inserting "the" after "The Secretary of", and

(v) in subsection (q)(5)(B), by striking "subsection (q)(1)" and inserting "paragraph (1)".

8 USC 1356.

(B) Section 210(a)(2) of the Department of Justice Appropriations Act, 1991, is amended by striking "in which fees" and inserting "in which the fees".

Effective date.
8 USC 1356 note.

(3) The amendments made by paragraph (1) and (2) shall be effective as if they were included in the enactment of the Department of Justice Appropriations Act, 1989 and the Department of Justice Appropriations Act, 1990, respectively.

8 USC 1101.

(b)(1) Section 101(a)(15)(D)(i) of the INA is amended by inserting a comma after "States)".

(2) The item in the table of contents of the INA relating to section 242A is amended by striking "Procedures" and inserting "procedures".

(3) The item in the table of contents of the INA relating to section 345 is repealed.

(4) Section 101(c)(1) of the INA is amended by striking "322, and 323" and inserting "and 322".

8 USC 1154.

(5) Section 204(f)(4)(A)(ii)(II) of the INA, as redesignated by section 162(d)(6) of the Immigration Act of 1990, is amended by striking "section 652 of such Act" and inserting "the second and third sentences of such section".

8 USC 1160.

(6) Paragraph (3) of section 210(d) of the INA is amended—

(A) by indenting the paragraph (and its subparagraphs) 2 ems to the right;

(B) by striking "the Immigration and Naturalization Service (INS) pursuant to section 210(d) of the Immigration and Nationality Act (INA)" and inserting "Service pursuant to this subsection";

(C) in the matter before subparagraph (A), by striking "INS" each place it appears and inserting "Service";

(D) in subparagraph (A), by striking "as defined in section 210(a)(1)(A) of the INA the INS" and inserting "described in subsection (a)(1)(A) the Service";

(E) in subparagraph (A), by striking "in the INA" and inserting "in this Act";

(F) in subparagraph (B), by striking "as defined in section 210(a)(1)(B)(1)(B) of the INA" and inserting "described in subsection (a)(1)(A)"; and

(G) in subparagraph (B), by striking "section 210(b)(1)(A)" and inserting "subsection (b)(1)(A)".

(7) Section 212(j) of the INA is amended by striking "International Communication Agency" in paragraphs (1)(D) and (3) and inserting "United States Information Agency". 8 USC 1182.

(8) Section 218(i)(1) of the INA is amended by striking "274A(g)" and inserting "274A(h)(3)". 8 USC 1188.

(9) Section 242(h) of the INA is amended by inserting a comma after "Parole". 8 USC 1252.

(10) Section 242A(a) of the INA is amended by striking "101(a)(43)" and inserting "101(a)(43))". 8 USC 1252a.

(11) Section 274A(b)(1)(D)(ii) of the INA is amended by striking "clause (ii)" and inserting "clause (i)". 8 USC 1324a.

(12) Section 286(e)(1)(D) of the INA is amended by striking "of this title". 8 USC 1356.

(13) Section 313(a)(2) of the INA is amended by inserting "and" before "(F)" and by striking "; (G)" and all that follows through "of 1950" the second place it appears. 8 USC 1424.

(14) Section 344(c) of the INA, as redesignated by section 407(d)(19)(F) of the Immigration Act of 1990, is amended by striking "of this subchapter" and inserting "of this title". 8 USC 1455.

(15) The amendments made by section 8 of the Immigration Technical Corrections Act of 1988 shall be effective as if included in the enactment of the Immigration and Nationality Act Amendments of 1986 (Public Law 99-653). Effective date. 8 USC 1101 note.

SEC. 310. EFFECTIVE DATES. 8 USC 1101 note.

Except as otherwise specifically provided, the amendments made by (and provisions of)—

(1) sections 302 through 308 shall take effect as if included in the enactment of the Immigration Act of 1990,

(2) section 309(a) shall be effective with respect to allotments for fiscal years beginning with fiscal year 1989, and

(3) section 309(c) shall take effect on the date of the enactment of this Act.

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 3049:

HOUSE REPORTS: No. 102-287 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 12, considered and passed House.
Nov. 26, considered and passed Senate, amended. House concurred in Senate amendments.

Public Law 102-233
102d Congress

An Act

To provide funding for the resolution of failed savings associations and working capital for the Resolution Trust Corporation, to restructure the Oversight Board and the Resolution Trust Corporation, and for other purposes.

Dec. 12, 1991
[H.R. 3435]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.
Banks and banking.
12 USC 1421 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991".

TITLE I—RESOLUTION TRUST CORPORATION REFINANCING

SEC. 101. THRIFT RESOLUTION FUNDING PROVISIONS.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL INTERIM FUNDING.—In addition to amounts provided under paragraph (2), the Secretary of the Treasury shall provide to the Corporation such sums as may be necessary not to exceed $25 billion to carry out the purposes of this section until April 1, 1992.".

SEC. 102. APPOINTMENT BY DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

Section 11(c)(6)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(6)(B)) is amended to read as follows:

"(B) RECEIVER.—Whenever the Director of the Office of Thrift Supervision appoints a receiver under the provisions of section 5(d)(2)(C) of the Home Owners' Loan Act for the purpose of liquidation or winding up any savings association's affairs—

"(i) before October 1, 1993, the Resolution Trust Corporation shall be appointed;

"(ii) after September 30, 1993, the Resolution Trust Corporation shall be appointed if the Resolution Trust Corporation had been placed in control of the depository institution at any time on or before such date; and

"(iii) after September 30, 1993, the Corporation shall be appointed unless the Resolution Trust Corporation is required to be appointed under clause (ii).".

SEC. 103. EXTENSION OF RESOLUTION TRUST CORPORATION DUTY.

(a) IN GENERAL.—Section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(3)(A)(ii)(II)) is amended to read as follows:

"(ii) for which a conservator or receiver is appointed after December 31, 1988, and before October 1, 1993 (including any institution described in paragraph (6)).".

(b) CONTINUATION OF RTC RECEIVERSHIP OR CONSERVATORSHIP.—Section 21A(b)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(6)) is amended to read as follows:

"(6) CONTINUATION OF RTC RECEIVERSHIP OR CONSERVATORSHIP.—If the Corporation is appointed as conservator or receiver for any insured depository institution described in paragraph (3)(A) before October 1, 1993, and a conservator or receiver is appointed for such institution on or after such date, the Corporation may be appointed as conservator or receiver for such institution on or after October 1, 1993.".

SEC. 104. TERMINATION OF FICO BORROWING AUTHORITY.

Section 21(e)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441(e)(2)) is amended to read as follows:

"(2) TERMINATION OF BORROWING AUTHORITY.—No obligation of the Financing Corporation shall be issued after the date of enactment of the Resolution Trust Corporation Thrift Depositor Protection Refinance Act of 1991.".

SEC. 105. REQUIREMENT TO PAY RTC WORKING CAPITAL DEBT BEFORE TRANSFERRING FUNDS TO REFCORP.

Section 21A(o)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(o)(2)) is amended by inserting after "Thereafter" the following: ", if there are no liabilities of the Corporation outstanding,".

SEC. 106. RTC REPORTS ON ASSET SALES, LOANS SECURED BY ASSETS, BUDGETS, AND OTHER MATTERS.

(a) QUARTERLY REPORTS.—Section 21A(k)(7) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(7)) is amended to read as follows:

"(7) QUARTERLY REPORTS.—Not later than May 31, August 31, November 30, and the last day of February of each year, the Corporation shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the following information for the quarter ending on the last day of the month ending before the month in which such report is required to be submitted:

"(A) ASSET SALES.—The report shall contain the following information with respect to assets of institutions described in subsection (b)(3)(A) which were disposed of by the Corporation during the quarter covered by the report:

"(i) The total amount of the actual sales of assets during the quarter.

"(ii) The value of the assets as determined on the basis of the amount at which each such asset was accounted for on the books of the institution.

"(iii) The fair market value of the assets as estimated by the Corporation for purposes of securing amounts borrowed from the Federal Financing Bank by the Corporation.

"(iv) The net recovery on asset sales during the quarter.

"(v) A subtotal of the value of the assets disposed of during the quarter in each of the following categories:

"(I) Cash and securities.
"(II) Mortgage loans for 1- to 4-family dwellings.
"(III) Construction and land loans.
"(IV) Other mortgage loans.
"(V) Consumer loans.
"(VI) Commercial loans.
"(VII) Real estate owned assets.
"(VIII) Other assets.

"(B) AUCTION SALES.—The report shall contain information regarding auction sales of RTC assets, including the following information:

"(i) The date and location of each auction sale during the quarter.

"(ii) The total value of the sales of assets sold during an auction during the quarter.

"(iii) The total value of assets sold at each auction, as determined on the basis of the amount at which each such asset was accounted for on the books of the institution.

"(iv) The total fair market value of assets sold at each auction, as estimated by the Corporation.

"(v) The total actual selling price of assets sold during each auction held during the quarter.

"(vi) The net recovery or loss on assets sold during an auction during the quarter, by category listed in subclauses (I) through (VII) of clause (vii).

"(vii) A subtotal of the value of the assets sold during an auction during the quarter in each of the following categories:

"(I) Cash and securities.
"(II) Mortgage loans for 1- to 4-family dwellings.
"(III) Construction and land loans.
"(IV) Other mortgage loans.
"(V) Consumer loans.
"(VI) Commercial loans.
"(VII) Real estate owned assets.
"(VIII) Other assets.

"(C) FEDERAL FINANCING BANK LOAN STATUS.—The report shall contain the following information with respect to loans from the Federal Financing Bank to the Corporation:

"(i) The total amount of loans outstanding at the beginning of the quarter.

"(ii) The total amount of loans originated during the quarter.

"(iii) The total amount of loans repaid during the quarter.

"(iv) The total amount of loans outstanding at the end of the quarter.

"(D) SELLER FINANCING.—The report shall contain information regarding the Corporation's use of seller financing to encourage the sales of assets during the quarter, including the following:

"(i) A total of the amount of funds used for seller financing purposes during the quarter.

"(ii) The number of applications received by the Corporation which requested seller financing.

"(iii) A breakdown of the type of assets sold, according to the categories listed in subclauses (I) through (VIII) of subparagraph (B)(vii).

"(iv) Projections of the total amount of seller financing which will be needed during the succeeding 2 quarters.".

(b) SEMIANNUAL REPORT ON NATIONAL AND REGIONAL ADVISORY BOARDS.—Section 21A(k)(4)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(4)(B)) is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; and"; and

(3) by inserting after clause (iv) the following new clause:

"(v) descriptions of the operations and activities of the national and regional advisory boards established under subsection (d) and financial statements detailing the expenses of such boards.".

(c) RTC AND OVERSIGHT BOARD BUDGET REPORTS.—Section 21A(k) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)) is amended by adding at the end the following new paragraph:

"(10) BUDGET REPORTS.—

"(A) IN GENERAL.—Before the end of each calendar quarter, the Oversight Board and the Corporation shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the complete annual budget, as approved by the Oversight Board.

"(B) ACTIVITIES RELATING TO PHASING OUT RTC OPERATIONS.—Beginning with the report due in the 1st quarter of 1994, the report shall include information on the Corporation's activities to phase down its operations and reduce the number of employees and the amount of office space and other overhead as the Corporation completes its duties under this section and approaches termination.".

(d) EMPLOYEE REPORTS.—Section 21A(k) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)) is amended by inserting after paragraph (10) (as added by subsection (c) of this section) the following new paragraph:

"(11) EMPLOYEE REPORTS.—The Corporation shall submit semiannual reports to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the following information:

"(A) The total number of employees of the Oversight Board and the total number of individuals performing services directly on behalf of the Corporation.

"(B) The total number of individuals performing services for the Corporation as an employee of the Federal Deposit Insurance Corporation or any other agency, including the Government Accounting Office and the number from each such agency.

"(C) The total number of individuals employed in each job classification and employment status, including employment on a temporary basis or for an agreed upon period of time.".

(e) SUPPLEMENTAL UNAUDITED FINANCIAL STATEMENTS.—

(1) INTERIM FINANCIAL STATEMENTS.—Section 21A(k)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(5)) is amended by inserting at the end the following new subparagraph:

"(C) SUPPLEMENTAL UNAUDITED FINANCIAL STATEMENTS.—In addition to the annual report required under paragraph (4), the Oversight Board and the Corporation shall submit to the Congress, not later than September 30 of each calendar year, an unaudited financial statement for the 6-month period ending on June 30 of such year.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to annual reports required to be submitted after the end of the 90-day period beginning on the date of the enactment of this Act. 12 USC 1441a note.

TITLE II—RESTRUCTURING AND IMPROVEMENT OF THE RESOLUTION TRUST CORPORATION

SEC. 201. STAFF OF THE RESOLUTION TRUST CORPORATION; CHIEF EXECUTIVE OFFICER.

Section 21A(b)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(9)) is amended—

(1) in subparagraph (B), by amending clause (i) to read as follows:

"(i) FDIC.—The Corporation shall use employees (selected by the Corporation) of the Federal Deposit Insurance Corporation and the Federal Deposit Insurance Corporation shall provide such personnel to the Corporation for its use. Notwithstanding the foregoing, the Federal Deposit Insurance Corporation need not provide to the Corporation any employee of the Federal Deposit Insurance Corporation who was employed by the Federal Deposit Insurance Corporation on the date of enactment of the Resolution Trust Corporation Thrift Depositor Protection Refinance Act of 1991 and who had not theretofore been provided to the Corporation by the Federal Deposit Insurance Corporation. In addition to persons otherwise employed by the Federal Deposit Insurance Corporation, the Federal Deposit Insurance Corporation shall employ, and shall provide to the Corporation, such persons as the Corporation may request from time to time. Federal Deposit Insurance Corporation employees provided to the Corporation shall be subject to the direction and control of the Corporation and any of them may be returned to the Federal Deposit Insurance Corporation at any time by the Corporation in the discretion of the Corporation. The Corporation shall reimburse the Federal Deposit Insurance Corporation for the actual costs incurred in providing such employees. Any permanent employee of the Federal Deposit Insurance Corporation who was performing services on behalf of the Corporation immediately prior to the date of enactment of the Resolution Trust Corporation Thrift Depositor Protection Re-

finance Act of 1991 shall continue to be provided to the Corporation after that date unless the Corporation determines the services of any such employee to be unnecessary, in which case such employee shall be returned to a similar position performing services on behalf of the Federal Deposit Insurance Corporation. In any ensuing reduction-in-force or reorganization within the Federal Deposit Insurance Corporation, any such employee shall compete with the same rights as any other Federal Deposit Insurance Corporation employee. The Corporation may use administrative services of the Federal Deposit Insurance Corporation and, if it does so, shall reimburse the Federal Deposit Insurance Corporation for the actual costs of providing such services. Any employee or officer in the executive service of the Federal Deposit Insurance Corporation who was performing services on behalf of the Corporation at level E-4 or above immediately prior to the date of enactment of the Resolution Trust Corporation Thrift Depositor Protection Refinance Act of 1991 shall continue to be assigned to perform substantially similar services on behalf of the Corporation after such date unless the Corporation—

"(I) determines that the services of any such employees are unnecessary, or

"(II) reassigns or substantially alters the responsibilities or duties of any such employees.

If an action described in subclause (I) or (II) occurs, any such employee with at least 20 years of service, as defined by chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to an annuity under section 8336(d) or section 8414(b)(1) of title 5, United States Code, notwithstanding the fact that such employee has not attained the age of 50 years or has declined another position with the Federal Deposit Insurance Corporation, and the annuity of such employee shall not be reduced because of the age of such employee. The Federal Deposit Insurance Corporation shall reimburse the appropriate retirement insurance fund for any increased costs it incurs as a result of the annuities authorized pursuant to this clause."; and

(2) by adding at the end thereof the following new subparagraph:

Establishment. President.

"(C) CHIEF EXECUTIVE OFFICER.—There is established the office of chief executive officer of the Corporation. The chief executive officer of the Corporation shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.".

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TREASURY PAYMENTS TO FUND.—Section 11(a)(6)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(E)) is amended—

(1) by striking "1992" and inserting "1993"; and

(2) by striking "1999" and inserting "2000".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 11(a)(6)(J) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(J)) is amended—

(1) by striking "1991" each place it appears and inserting "1992";

(2) by striking "1992" and inserting "1993"; and

(3) by striking "1999" and inserting "2000".

(c) FSLIC RESOLUTION FUND.—Section 11A(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821a(a)(2)(B)) is amended by striking "1991" and inserting "1992".

(d) SOURCE OF FUNDS.—Section 11A(b)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821a(b)(4)) is amended by striking "1991" and inserting "1992".

TITLE III—REFORM OF THE RTC

Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991. 12 USC 1421 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991".

SEC. 302. THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD; AMENDMENTS TO REFERENCES IN THE FEDERAL HOME LOAN BANK ACT.

12 USC 1441a note.

(a) REDESIGNATION.—The Oversight Board, as established by section 21A(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(1)), is redesignated the Thrift Depositor Protection Oversight Board.

(b) IN GENERAL.—Except as provided in subsection (c), the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking "Oversight Board" each place it appears and inserting "Thrift Depositor Protection Oversight Board".

(c) EXCEPTION.—Subsection (b) does not apply to section 21A(k)(7) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(7)).

SEC. 303. ACCOUNTABILITY OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

Section 21A(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(2)) is amended—

(1) by striking "be accountable for" and inserting "monitor the operations of"; and

(2) after "(hereinafter referred to in this section as the 'Corporation')," by inserting "and shall be accountable for the duties assigned to the Thrift Depositor Protection Oversight Board by this Act.".

SEC. 304. MEMBERSHIP OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

Section 21A(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking "5 members" and inserting "7 members";

(B) by striking clause (iii);

(C) by redesignating clause (iv) as clause (vi); and

(D) by inserting after clause (ii) the following:

"(iii) the Director of the Office of Thrift Supervision;

"(iv) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation;

"(v) the chief executive officer of the Corporation; and"; and

(2) in subparagraph (E) by striking "3 members" and inserting "4 members".

SEC. 305. DUTIES AND AUTHORITIES OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

Section 21A(a)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(6)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) To review overall strategies, policies, and goals established by the Corporation for its activities, which shall include such items as the Thrift Depositor Protection Oversight Board deems likely to have a material effect upon the financial condition of the Corporation, the results of its operations, or its cash flows, and such items as the Thrift Depositor Protection Oversight Board deems to involve substantial issues of public policy. After consultation with the Corporation, the Thrift Depositor Protection Oversight Board may require the modification of any such overall strategies, policies, and goals and their implementation. Overall strategies, policies, and goals shall include such items as—

"(i) overall strategies, policies, and goals for case resolutions, the management and disposition of assets, the use of private contractors;

"(ii) the use of notes, guarantees, or other obligations by the Corporation;

"(iii) financial goals, plans, and budgets; and

"(iv) restructuring agreements described in subsection (b)(10)(B).";

(2) in subparagraph (B), by inserting "financial plans, budgets, and" after "implementation"; and

(3) by amending subparagraph (C) to read as follows:

"(C) To review all rules, regulations, standards, principles, procedures, guidelines, and statements that may be adopted or announced by the Corporation. The provisions of this subparagraph shall not apply to internal administrative policies and procedures (including such matters as personnel practices, divisions and organization of staffing, delegations of authority, and practices respecting day-to-day administration of the Corporation's affairs) and determinations or actions described in paragraph (8) of this subsection:

Provided, That if the Thrift Depositor Protection Oversight Board requires the modification of any overall strategies, policies and goals, it shall, within 30 days of the date at which it directs the RTC make such modification, provide the House and Senate Banking Committees with an explanation that identifies which ground justifies the review and giving reasons why the modification is necessary to satisfy these grounds.".

SEC. 306. LIMITATION OF AUTHORITY OF THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

Section 21A(a)(8)(A) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(8)(A)) is amended—

(1) by striking "(i) involving" and inserting "involving (i)"; and

(2) by striking "provide general policies and procedures" and inserting "review overall strategies, policies, and goals established by the Corporation".

SEC. 307. OPEN MEETINGS.

Section 21A(c)(10) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(10)) is amended—

(1) by striking "4" and inserting "6"; and

(2) by adding a sentence at the end, to read as follows: "The Thrift Depositor Protection Oversight Board shall maintain a transcript of its open meetings.".

SEC. 308. STRATEGIC PLAN.

Section 21A(a)(14)(A) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(14)(A)) is amended to read as follows:

"(A) IN GENERAL.—The chief executive officer of the Corporation is authorized to implement the strategic plan for conducting the Corporation's functions and activities submitted by the former Oversight Board to the Congress, dated December 31, 1989.".

SEC. 309. MANAGEMENT AND DUTIES OF THE RESOLUTION TRUST CORPORATION.

(a) MANAGEMENT.—Section 21A(b)(1)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(1)(C)) is amended to read as follows:

"(C) MANAGEMENT BY CHIEF EXECUTIVE OFFICER.—The Corporation shall be managed by or under the direction of its chief executive officer.".

(b) DUTIES.—Section 21A(b)(3)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(3)(B)) is amended to read as follows:

"(B) To develop and establish overall strategies, policies, and goals for the Corporation, subject to review by the Thrift Depositor Protection Oversight Board pursuant to subsection (a)(6)(A) of this section.".

(c) REAL AND PERSONAL PROPERTY.—Section 21A(b)(10)(E) is amended by adding after "real and personal property," the following: "using any legally available private sector methods including without limitation, securitization of debt or equity, limited partnerships, mortgage investment conduits, and real estate investment trusts,".

SEC. 310. ABOLITION OF BOARD OF DIRECTORS OF THE RESOLUTION TRUST CORPORATION.

Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by striking paragraph (8) and redesignating paragraphs (9), (10), (11), (12), (13), and (14) as paragraphs (8), (9), (10), (11), (12), and (13), respectively.

SEC. 311. POWERS OF CHIEF EXECUTIVE OFFICER OF THE RESOLUTION TRUST CORPORATION; CONSULTATION.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(9)), as redesignated, is amended—

(1) in subparagraph (A), by striking "Unless the Oversight Board exercises its authority under subsection (m) of this section" and inserting "Except for its chief executive officer"; and

(2) by adding, after subparagraph (C), the following new subparagraph:

"(D) POWERS OF THE CHIEF EXECUTIVE OFFICER.—The chief executive officer may exercise all of the powers of the Corporation and act for and on behalf of the Corporation, and may delegate such authority, as deemed appropriate by the chief executive officer, including the power to subdelegate authority, to persons designated by the chief executive officer who are employees of the Federal Deposit Insurance Corporation utilized by the Corporation or who provide services for the Corporation.".

SEC. 312. NATIONAL HOUSING ADVISORY BOARD.

Section 21A(d) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(d)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) NATIONAL HOUSING ADVISORY BOARD.—

"(A) ESTABLISHMENT.—The Thrift Depositor Protection Oversight Board shall establish a National Housing Advisory Board to advise the Thrift Depositor Protection Oversight Board on policies and programs related to the provision of affordable housing.

"(B) MEMBERSHIP.—The National Housing Advisory Board shall consist of—

"(i) the Secretary of Housing and Urban Development; and

"(ii) the chairpersons of any regional advisory boards established pursuant to paragraph (3).

"(C) MEETINGS.—The National Housing Advisory Board shall meet 4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board.".

SEC. 313. RIGHTS OF EMPLOYEES UPON SUNSET.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended—

12 USC 1437 note.

(1) in section 404(9)—

(A) by striking "of such Corporation shall be transferred to" and inserting "of the Federal Deposit Insurance Corporation assigned to the Resolution Trust Corporation shall be reassigned to a position within"; and

(B) by striking "of this subsection" and inserting "of this section"; and

(2) in section 404(2)—

(A) by inserting "grade," after "status, tenure,"; and

(B) by inserting "or, if the employee is a temporary employee, separated in accordance with the terms of the appointment" after "cause".

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking "(b)(12)" and inserting "(b)(11)";

(B) in paragraph (8)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B); and

(C) in paragraph (10)—

(i) by striking "establish and review the general policy of" and inserting "review overall strategies, policies, and goals established by"; and

(ii) by striking "standards, policies, and procedures necessary to carry out" and inserting "matters as pertain to";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and through the Federal Deposit Insurance Corporation (or any replacement authorized pursuant to subsection (m))";

(B) in paragraph (9) as redesignated—

(i) by striking subparagraph (B) and redesignating subparagraphs (C) through (N) as subparagraphs (B) through (M), respectively;

(ii) in subparagraph (M), as redesignated, by striking "on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager"; and

(C) in paragraph (11), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) STRATEGIES, POLICIES, AND GOALS.—The Corporation shall adopt the rules, regulations, standards, procedures, guidelines, and statements necessary to implement the strategic plan submitted by the former Oversight Board to Congress dated December 31, 1989. The Corporation may establish overall strategies, policies, and goals for its activities and may issue such rules, regulations, standards, principles, procedures, guidelines, and statements as the Corporation considers necessary or appropriate to carry out its duties.";

(ii) by amending subparagraph (B) to read as follows:

"(B) REVIEW, ETC.—Such overall strategies, policies, and goals, and such rules, regulations, standards, principles, procedures, guidelines, and statements—

"(i) shall be provided by the Corporation to the Thrift Depositor Protection Oversight Board promptly or prior to publication or announcement to the extent practicable;

"(ii) shall be subject to the review of the Thrift Depositor Protection Oversight Board as provided in subsection (a)(6)(A) (with respect to overall strategies, policies, and goals); and

"(iii) shall be promulgated pursuant to subchapter II of chapter 5, of title 5 United States Code."; and

(iii) in subparagraphs (D) and (E), by striking "Board of Directors" each place it appears and inserting "chief executive officer";

(3) by striking subsections (m) and (n) and redesignating subsections (o), (p), (q), and (r) as subsections (m), (n), (o), and (p) respectively;

(4) in subsection (n), as redesignated, in paragraph (5), by striking "Directors, officers," and inserting "Officers"; and

(5) in subsection (o), as redesignated—

(A) in paragraph (1) by striking "director,"; and

(B) in paragraph (2)—

(i) by striking ".—";
(ii) by striking subparagraph (A);
(iii) by striking the designation "(B)"; and
(iv) by striking "on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager".

SEC. 315. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) INSPECTOR GENERAL ACT.—Section 11(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Oversight Board and the Board of Directors of the Resolution Trust Corporation" and inserting "; the Chairperson of the Thrift Depositor Protection Oversight Board and the chief executive officer of the Resolution Trust Corporation".

(b) THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.—Section 5313 of title 5, United States Code, is amended by striking "Oversight Board, Resolution Trust Corporation" and inserting "Thrift Depositor Protection Oversight Board".

(c) CHIEF EXECUTIVE OFFICER.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: "chief executive officer, Resolution Trust Corporation.".

(d) RESOLUTION TRUST CORPORATION FUNDING ACT OF 1991.—Section 102(c)(1) of the Resolution Trust Corporation Funding Act of 1991 (12 U.S.C. 1441a note) is amended by striking "Chairman of the Resolution Trust Corporation" and inserting "chief executive officer of the Resolution Trust Corporation".

SEC. 316. REMOVAL AND REMAND.

Section 21A(l)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(l)(3)) is amended to read as follows:

"(3) REMOVAL AND REMAND.—

"(A) IN GENERAL.—The Corporation, in any capacity and without bond or security, may remove any action, suit, or proceeding from a State court to the United States district court with jurisdiction over the place where the action, suit, or proceeding is pending, to the United States district court for the District of Columbia, or to the United States district court with jurisdiction over the principal place of business of any institution for which the Corporation has been appointed conservator or receiver if the action, suit, or proceeding is brought against the institution or the Corporation as conservator or receiver of such institution. The removal of any such suit or proceeding shall be instituted—

"(i) not later than 90 days after the date the Corporation is substituted as a party, or

"(ii) not later than 30 days after service on the Corporation, if the Corporation is named as a party in any capacity and if such suit is filed after August 9, 1989.

"(B) SUBSTITUTION.—The Corporation shall be deemed substituted in any action, suit, or proceeding for a party upon the filing of a copy of the order appointing the Corporation as conservator or receiver for that party of the filing of such other pleading informing the court that the Corporation has been appointed conservator or receiver for such party.

"(C) APPEAL.—The Corporation may appeal any order of remand entered by a United States district court.".

SEC. 317. SAVINGS PROVISIONS.

12 USC 1441a note.

(a) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—This title shall not affect the validity of any right, duty, or obligation of the United States, the Corporation, the Oversight Board, or any other person, that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Oversight Board; and

(B) existed on the day before the effective date of the Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Oversight Board, with respect to any function of the Oversight Board, shall abate by reason of the enactment of this Act, except that the Thrift Depositor Protection Oversight Board shall continue as party to any such action or proceeding, notwithstanding the change of name of the Oversight Board.

(b) CONTINUATION OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS.—All orders, resolutions, determinations, and regulations that—

(1) have been issued, made, prescribed, or allowed to become effective by the Oversight Board (including orders, resolutions, determinations, and regulations which relate to the conduct of conservatorships and receiverships), or by a court of competent jurisdiction, in the performance of functions under the Federal Home Loan Bank Act; and

(2) are in effect on the effective date of the Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991,

shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations, and shall be enforceable by or against the Thrift Depositor Protection Oversight Board, or the Resolution Trust Corporation, by any court of competent jurisdiction, or by operation of law, notwithstanding the change of name of the Oversight Board.

SEC. 318. EFFECTIVE DATE OF THIS TITLE.

12 USC 1441 note.

The effective date of the Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991 shall be February 1, 1992.

TITLE IV—MINORITIES, WOMEN, AND SMALL BUSINESS PROVISIONS

SEC. 401. INCREASED PARTICIPATION OF MINORITIES AND WOMEN IN CONTRACTING PROCESS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by inserting after subsection (s) (as added by section 227 of this Act) the following new subsection:

"(t) REVIEW AND EVALUATION PROCEDURE FOR CONTRACTS.—

"(1) IN GENERAL.—In the review and evaluation of proposals, the Corporation shall provide additional incentives to minority- or women-owned businesses by awarding any such business an additional 10 percent of the total technical points and an additional 5 percent of the total cost preference points achievable in

the technical and cost rating process applicable with respect to such proposals.

"(2) CERTAIN JOINT VENTURES INCLUDED.—Paragraph (1) shall apply to any proposal submitted by a joint venture in which a minority- or woman-owned business has participation of not less than 25 percent.

"(3) AUTHORITY TO ADJUST TECHNICAL AND COST PREFERENCE POINTS.—The Corporation may adjust the technical and cost preference points applicable in evaluating proposals to the extent necessary to ensure the maximum participation level possible for minority- or women-owned businesses.

"(4) DEFINITIONS.—For purposes of this subsection.—

"(A) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' means a business—

"(i) more than 50 percent of the ownership or control of which is held by 1 or more minority individuals; and

"(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more minority individuals.

"(B) WOMEN-OWNED BUSINESS.—The term 'women's business' means a business—

"(i) more than 50 percent of the ownership or control of which is held by 1 or more women;

"(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more women; and

"(iii) a significant percentage of senior management positions of which are held by women.".

SEC. 402. OPERATION OF BRANCH FACILITIES BY MINORITIES AND WOMEN.

(a) ACQUISITION OF BRANCH FACILITIES FROM THE RTC.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by inserting after subsection (t) (as added by section 301 of this title) the following new subsection:

"(u) ACQUISITION OF BRANCH FACILITIES IN MINORITY NEIGHBORHOODS.—

"(1) IN GENERAL.—In the case of any savings association for which the Corporation has been appointed conservator or receiver, the Corporation may make available any branch of such association which is located in any predominantly minority neighborhood to any minority depository institution or women's depository institution on the following terms:

"(A) The branch may be made available on a rent-free lease basis for not less than 5 years.

"(B) Of all expenses incurred in maintaining the operation of the facilities in which such branch is located, the institution shall be liable only for the payment of applicable real property taxes, real property insurance, and utilities.

"(C) The lease may provide an option to purchase the branch during the term of the lease.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) MINORITY DEPOSITORY INSTITUTION.—The term 'minority institution' means a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

"(i) more than 50 percent of the ownership or control of which is held by 1 or more minority individuals; and

"(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more minority individuals.

"(B) WOMEN'S DEPOSITORY INSTITUTION.—The term 'women's depository institution' means a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

"(i) more than 50 percent of the ownership or control of which is held by 1 or more women;

"(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more women; and

"(iii) a significant percentage of senior management positions of which are held by women.

"(C) MINORITY.—The term 'minority' has the meaning given to such term by section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.".

(b) COMMUNITY REINVESTMENT CREDIT FOR DEPOSITORY INSTITUTIONS PROVIDING ASSISTANCE.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended by adding at the end the following new section:

"SEC. 808. OPERATION OF BRANCH FACILITIES BY MINORITIES AND WOMEN. 12 USC 2907.

"(a) IN GENERAL.—In the case of any depository institution which donates, sells on favorable terms (as determined by the appropriate Federal financial supervisory agency), or makes available on a rent-free basis any branch of such institution which is located in any predominantly minority neighborhood to any minority depository institution or women's depository institution, the amount of the contribution or the amount of the loss incurred in connection with such activity shall be treated as meeting the credit needs of the institution's community for purposes of this title.

"(b) DEFINITIONS.—For purposes of this section—

"(1) MINORITY DEPOSITORY INSTITUTION.—The term 'minority institution' means a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

"(A) more than 50 percent of the ownership or control of which is held by 1 or more minority individuals; and

"(B) more than 50 percent of the net profit or loss of which accrues to 1 or more minority individuals.

"(2) WOMEN'S DEPOSITORY INSTITUTION.—The term 'women's depository institution' means a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

"(A) more than 50 percent of the ownership or control of which is held by 1 or more women;

"(B) more than 50 percent of the net profit or loss of which accrues to 1 or more women; and

"(C) a significant percentage of senior management positions of which are held by women.

"(3) MINORITY.—The term 'minority' has the meaning given to such term by section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.".

SEC. 403. ACQUISITION OF FAILING MAJORITY ASSOCIATIONS BY MINORITY INSTITUTIONS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by inserting after subsection (u) (as added by section 302 of this title) the following new subsection:

"(v) ASSISTANCE UNDER CIRCUMSTANCES FOR ACQUISITION OF MAJORITY-OWNED INSTITUTIONS.—

"(1) IN GENERAL.—In addition to the assistance provided pursuant to the minority interim capital assistance program established by the Oversight Board by regulation pursuant to the strategic plan under subsection (a), the Corporation may provide assistance for minority-owned depository institutions and minority investors for the acquisition of any savings association for which the Corporation has been appointed conservator or receiver and which, before such appointment, was not a minority-owned association, if the Corporation has not received acceptable bids for the acquisition of such association without offering such assistance.

"(2) ADDITIONAL ASSETS.—In connection with the acquisition of any savings association for which the Corporation provides assistance under paragraph (1), the Corporation may transfer assets of other savings associations for which the Corporation has been appointed conservator or receiver.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) MINORITY.—The term 'minority' has the meaning given to such term by section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(B) ACQUISITION.—The term 'acquisition' means any transaction in which a savings association is acquired (as defined in section 13(c)(8) of the Federal Deposit Insurance Act).".

SEC. 404. STATUTORY ESTABLISHMENT OF PROGRAM.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by inserting after subsection (v) (as added by section 303 of this title) the following new subsection:

"(w) MINORITY INTERIM CAPITAL ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The minority interim capital assistance program established by the Oversight Board by regulation pursuant to the strategic plan under subsection (a) is hereby established by law.

"(2) ASSISTANCE UNDER CIRCUMSTANCES FOR ACQUISITION OF MAJORITY-OWNED INSTITUTIONS.—In addition to the assistance provided pursuant to the program established under paragraph (1), the Corporation shall provide assistance under such program for minority-owned depository institutions and minority investors for the acquisition of any savings association for which the Corporation has been appointed conservator or receiver and which, before such appointment, was not a minority-owned association, if the Corporation has not received acceptable bids for the acquisition of such association without offering such assistance.

"(3) EXTENSION OF INTERIM FINANCING PERIOD.—The period for repayment of capital assistance provided under the minority interim capital assistance program shall be not less than 2 years.

"(4) INTEREST RATE.—The rate of interest imposed by the Corporation in connection with any interim financing provided under the minority interim capital assistance program may not exceed the average cost of funds to the Corporation as of the time such rate is established.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) MINORITY.—The term 'minority' has the meaning given to such term by section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(B) ACQUISITION.—The term 'acquisition' means any transaction in which a savings association is acquired (as defined in section 13(c)(8) of the Federal Deposit Insurance Act).".

SEC. 405. GOAL FOR PARTICIPATION OF SMALL BUSINESS CONCERNS.

Section 21A(b)(14) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(14)) is amended to read as follows:

"(14) GOAL FOR PARTICIPATION OF SMALL BUSINESS CONCERNS.—The Corporation shall have an annual goal that presents the maximum practicable opportunity for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of contracts awarded by the Corporation.".

TITLE V—MISCELLANEOUS HOUSING PROVISIONS

SEC. 501.

(a) CREDIT ENHANCEMENT TO PROVIDE HOUSING OPPORTUNITIES FOR LOW-INCOME PERSONS.—

(1) IN GENERAL.—Section 21A(b)(10)(K) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(K)) is amended to read as follows:

"(K) To make loans and, with respect to eligible residential properties, develop risk sharing structures and other credit enhancements to assist in the provision of property ownership, rental, and cooperative housing opportunities for lower- and moderate-income families.".

(2) CREDIT ENHANCEMENT FOR CERTAIN TAX-EXEMPT BONDS.—Section 21A(c)(8)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(8)(B)) is amended—

(A) by striking "(B) CREDIT ENHANCEMENT.—With respect to" and inserting the following:

"(B) CREDIT ENHANCEMENT.—

"(i) IN GENERAL.—With respect to"; and

(B) by adding at the end the following new clause:

"(ii) CERTAIN TAX-EXEMPT BONDS.—The Corporation may provide credit enhancements with respect to tax-exempt bonds issued on behalf of nonprofit organizations pursuant to section 103, and subpart A of part IV of subchapter A of chapter 1, of the Internal Revenue Code of 1986, with respect to the disposition of eligible residential properties for the purposes described in clause (i).".

TITLE VI—RESOLUTION TRUST CORPORATION AFFORDABLE HOUSING PROGRAM

SEC. 601. INCLUSION OF ELIGIBLE RESIDENTIAL PROPERTY UNDER CONSERVATORSHIP.

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)) is amended—

(1) by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) CORPORATION.—The term 'Corporation' means the Resolution Trust Corporation.

"(D) ELIGIBLE MULTIFAMILY HOUSING PROPERTY.—

"(i) BASIC DEFINITION.—The term 'eligible multifamily housing property' means a property consisting of more than 4 dwelling units—

"(I) to which the Corporation acquires title either in its corporate capacity or as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under receivership, which subsidiary has as its principal business the ownership of real property), but not in its capacity as an operating conservator; and

"(II) that has an appraised value that does not exceed the applicable dollar amount set forth in section 221(d)(3)(ii) of the National Housing Act for elevator-type structures (without regard to any increase of such amount for high-cost areas).

"(ii) EXPANDED DEFINITION.—Notwithstanding clause (i), to the extent or in such amounts as are provided in appropriations Acts for additional costs and losses to the Corporation resulting from this clause taking effect, the term 'eligible multifamily housing property' shall mean a property consisting of more than 4 dwelling units—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property); and

"(II) that has an appraised value that does not exceed the applicable dollar amount set forth in section 221(d)(3)(ii) of the National Housing Act for elevator-type structures (without regard to any increase of such amount for high-cost areas).";

(2) by striking subparagraph (F) and inserting the following new subparagraph:

"(F) ELIGIBLE SINGLE FAMILY PROPERTY.—The term 'eligible single family property' means a 1- to 4-family residence (including a manufactured home)—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a

depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property); and

"(II) that has an appraised value that does not exceed the applicable dollar amount set forth in the first sentence of section 203(b)(2) of the National Housing Act (without regard to any increase of such amount for high-cost areas).".

SEC. 602. TIME LIMITATIONS ON SALE OF ELIGIBLE SINGLE FAMILY PROPERTY.

Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)), as amended by Public Law 102-139, is amended—

(1) in the first sentence, by striking "For" and inserting "Except as provided in the last sentence of this subparagraph for"; and

(2) by adding at the end the following new sentence: "To the extent or in such amounts as are provided in appropriations Acts for additional costs and losses to the Corporation resulting from this sentence taking effect, for purposes of this subsection the period referred to in the first and third sentences shall be considered to be the 180-day period following the date on which the Corporation first makes an eligible single family property available for sale.".

SEC. 603. ACTIVE MARKETING OF ELIGIBLE SINGLE FAMILY PROPERTY TO LOWER-INCOME VETERANS.

Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)) is amended—

(1) in clause (i) of the first sentence, by inserting "(including qualifying households with members who are veterans)" after "households";

(2) in subclause (I) of clause (ii) of the first sentence, by inserting "(including lower-income families with members who are veterans)" after "lower-income families"; and

(3) in the fourth sentence, by inserting "and to lower-income families with members who are veterans" before the period.

SEC. 604. PREVENTION OF SPECULATION ON ELIGIBLE SINGLE FAMILY PROPERTY.

(a) RESIDENCY REQUIREMENTS.—

(1) QUALIFYING HOUSEHOLDS.—Section 21A(c)(9)(K) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)(K)) is amended by striking "and (ii) whose adjusted income" and inserting the following: "(ii) who agrees to occupy the property as a principal residence for at least 12 months (except as provided in paragraph (2)(D)); (iii) who certifies in writing that the household intends to occupy the property as a principal residence for at least 12 months (except as provided in paragraph (2)(D)); and (iv) whose income".

(2) LOWER-INCOME FAMILIES.—The first sentence of section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)) is amended by striking "by such families." and inserting the following: "by any such family who, except as provided in subparagraph (D), agrees to occupy the property as a principal residence for at least 12 months and who certifies in

writing that the family intends to occupy the property for at least 12 months.".

(b) RECAPTURE OF PROFITS FROM RESALE.—Section 21A(c)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)) is amended by adding at the end the following new subparagraphs:

"(C) RECAPTURE OF PROFITS FROM RESALE.—Except as provided in subparagraph (D), if any eligible single family property sold (i) to a qualifying household, or (ii) to a lower-income family pursuant to subparagraph (B)(ii)(II), paragraph (12)(C)(i), or paragraph (13)(B), is resold by the qualifying household or lower-income family during the 1-year period beginning upon initial acquisition by the household or lower-income family, the Corporation shall recapture 75 percent of the amount of any proceeds from the resale that exceed the sum of (I) the original sale price for the acquisition of the property by the qualifying household or lower-income family; (II) the costs of any improvements to the property made after the date of the acquisition, and (III) any closing costs in connection with the acquisition.

"(D) EXCEPTIONS TO RECAPTURE REQUIREMENT.—

"(i) RELOCATION.—The Corporation (or its successor) may in its discretion waive the applicability (I) to any qualifying household of the requirement under subparagraph (C) and the requirements relating to residency of a qualifying household under paragraphs (9)(L)(ii) and (iii), and (II) to any lower-income family of the requirement under subparagraph (C) and the residency requirements under subparagraph (B)(ii)(II). The Corporation may grant any such a waiver only for good cause shown, including any necessary relocation of the qualifying household or lower-income family.

"(ii) OTHER RECAPTURE PROVISIONS.—The requirement under subparagraph (C) shall not apply to any eligible single family property for which, upon resale by the qualifying household or lower-income family during the 1-year period beginning upon initial acquisition by the household or family, a portion of the sale proceeds or any subsidy provided in connection with the acquisition of the property by the household or family is required to be recaptured or repaid under any other Federal, State, or local law (including section 143(m) of the Internal Revenue Code of 1986) or regulation or under any sale agreement.".

SEC. 605. AVOIDANCE OF DISPLACEMENT UNDER SINGLE FAMILY PROPERTY DISPOSITION PROGRAM.

Section 21A(c)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)) is amended by adding after subparagraph (D) (as added by section 504(b) of this Act) the following new subparagraph:

"(E) EXCEPTION TO AVOID DISPLACEMENT OF EXISTING RESIDENTS.—Notwithstanding the first sentence of subparagraph (B), during the 180-day period following the date on which the Corporation makes an eligible single family property available for sale, the Corporation may sell the property to the household residing in the property, but only if (i) such household was residing in the property at the time notice regarding the property was provided to clearing-

houses under subparagraph (A), (ii) such sale is necessary to avoid the displacement of, and unnecessary hardship to, the resident household, (iii) the resident household intends to occupy the property as a principal residence for at least 12 months, and (iv) and the resident household certifies in writing that the household intends to occupy the property for at least 12 months.".

SEC. 606. PERIODS FOR EXPRESSION OF SERIOUS INTEREST AND RESTRICTED BIDS FOR ELIGIBLE MULTIFAMILY HOUSING PROPERTY.

Section 21A(c)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(3)) is amended—

(1) in the first sentence of subparagraph (B), by striking the first comma and all that follows through "first";

(2) in subparagraph (C), by striking "determining that a property is ready for sale" and inserting the following: "the expiration of the period referred to in subparagraph (B) for a property,"; and

(3) in subparagraph (D), by inserting after the period at the end the following new sentence: "If, before the expiration of such 45-day period, any offer to purchase a property initially accepted by the Corporation is subsequently rejected or fails (for any reason), the Corporation shall accept another offer to purchase the property made during such period that complies with the terms and conditions established by the Corporation (if such another offer is made). The preceding sentence may not be construed to require a qualifying multifamily purchaser whose offer is accepted during the 45-day period to purchase the property before the expiration of the period.".

SEC. 607. LOWER-INCOME OCCUPANCY REQUIREMENTS FOR ELIGIBLE MULTIFAMILY HOUSING PROPERTY.

Section 21A(c)(3)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(3)(E)) is amended to read as follows:

"(E) LOWER-INCOME OCCUPANCY REQUIREMENTS.—

"(i) SINGLE PROPERTY PURCHASES.—With respect to any purchase of a single eligible multifamily housing property by a qualifying multifamily purchaser under subparagraph (D)—

"(I) not less than 35 percent of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for lower-income and very low-income families during the remaining useful life of the building property structure in which the units are located: *Provided,* That

"(II) not less than 20 percent of all dwelling units purchased shall be made available for occupancy shall be made available for occupancy by and maintained as affordable for very low-income families during the remaining useful life of the building or structure in which the units are located.

"(ii) AGGREGATION REQUIREMENTS FOR MULTIPROPERTY PURCHASES.—With respect to any purchase under subparagraph (D) by a qualifying multifamily purchaser involving more than one eligible multifamily housing property as a part of the same negotiation—

"(I) the provisions of clause (i) shall apply in the aggregate to the properties so purchased; except that

"(II) to the extent or in such amounts as are provided in appropriations Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, not less than (a) 40 percent of the aggregate number of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for lower-income and very low-income families during the remaining useful life of the building property structure in which the units are located, (b) 20 percent of the aggregate number of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for very low-income families during the remaining useful life of the building property structure in which the units are located, and (c) not less than 10 percent of the dwelling units in each separate property purchased shall be made available for occupancy by and maintained as affordable for lower-income families during the remaining useful life of the property in which the units are located.

The requirements of this subparagraph shall be contained in the deed or other recorded instrument.".

SEC. 608. EXTENSION OF RESTRICTED OFFER PERIOD FOR ELIGIBLE MULTIFAMILY HOUSING PROPERTY.

Section 21A(c)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(3)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G) EXTENSION OF RESTRICTED OFFER PERIODS.—Notwithstanding subparagraph (F), the Corporation may provide notice to clearinghouses regarding, and offer for sale under the provisions of subparagraphs (A) through (D), any eligible multifamily housing property—

"(i) in which no qualifying multifamily purchaser has expressed serious interest during the period referred to in subparagraph (B), or

"(ii) for which no qualifying multifamily purchaser has made a bona fide offer before the expiration of the period referred to in subparagraph (D),

except that the Corporation may, in the discretion of the Corporation, alter the duration of the periods referred to in subparagraphs (B) and (D) in offering any property for sale under this subparagraph.".

SEC. 609. SALE PRICE.

Section 21A(c)(6)(A)(i) of Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(6)(A)(i)) is amended to read as follows:

"(i) SALE PRICE.—The Corporation shall establish a market value for each eligible multifamily housing

property. The Corporation shall sell eligible multifamily housing property at the net realizable market value. The Corporation may agree to sell eligible multifamily housing property at a price below the net realizable market value to the extent necessary to facilitate an expedited sale of such property and enable a public agency or nonprofit organization to comply with the lower-income occupancy requirements applicable to such property under paragraph (3). The Corporation may sell eligible single family property or eligible condominium property to qualifying households, nonprofit organizations, and public agencies without regard to any minimum sale price.".

SEC. 610. AUTHORITY FOR RTC TO PARTICIPATE IN MULTIFAMILY FINANCING POOLS.

Section 21A(c)(6)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(6)(A)(ii)) is amended by adding at the end the following new sentence: "In providing financing for combinations of eligible multifamily housing properties under this subsection, the Corporation may hold a participating share, including a subordinate participation.".

SEC. 611. CREDIT ENHANCEMENT FOR CERTAIN TAX-EXEMPT BONDS.

Section 21A(c)(8)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(8)(B)) is amended—

(1) by striking "(B) CREDIT ENHANCEMENT.—With respect to" and inserting the following:

"(B) CREDIT ENHANCEMENT.—

"(i) IN GENERAL.—With respect to"; and

(2) by adding at the end the following new clause:

"(ii) CERTAIN TAX-EXEMPT BONDS.—The Corporation may provide credit enhancements with respect to tax-exempt bonds issued on behalf of nonprofit organizations pursuant to section 103, and subpart A of part IV of subchapter A of chapter 1, of the Internal Revenue Code of 1986, with respect to the disposition of eligible residential properties for the purposes described in clause (i).".

SEC. 612. PERMANENT EFFECTIVENESS OF EXEMPTION FOR TRANSACTIONS WITH INSURED DEPOSITORY INSTITUTIONS.

12 USC 1441a note.

Notwithstanding section 203 of the Resolution Trust Corporation Funding Act of 1991, the amendment made by section 201(b) of such Act shall apply on and after the date of the enactment of this Act.

SEC. 613. TRANSFER OF CERTAIN ELIGIBLE RESIDENTIAL PROPERTIES TO STATE HOUSING AGENCIES FOR DISPOSITION.

Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding at the end the following new paragraph:

"(12) TRANSFER OF CERTAIN ELIGIBLE RESIDENTIAL PROPERTIES TO STATE HOUSING AGENCIES FOR DISPOSITION.—Notwithstanding paragraphs (2), (3), (5), and (6), the Corporation may transfer eligible residential properties to the State housing finance agency or any other State housing agency for the State in which the property is located, or to any local housing agency in whose

jurisdiction the property is located. Transfers of eligible residential properties under this paragraph may be conducted by direct sale, consignment sale, or any other method the Corporation considers appropriate and shall be subject to the following requirements:

"(A) INDIVIDUAL OR BULK TRANSFER.—The Corporation may transfer such properties individually or in bulk, as agreed to by the Corporation and the State housing finance agency or State or local housing agency.

"(B) ACQUISITION PRICE AND DISCOUNT.—The acquisition price paid by the State housing finance agency or State or local housing agency to the Corporation for properties transferred under this paragraph shall be an amount agreed to by the Corporation and the transferee agency.

"(C) LOWER-INCOME USE.—Any State housing finance agency or State or local housing agency acquiring properties under this paragraph shall offer to sell or transfer the properties only as follows:

"(i) ELIGIBLE SINGLE FAMILY PROPERTIES.—For eligible single family properties—

"(I) to purchasers described under clauses (i) and (ii) of paragraph (2)(B);

"(II) if the purchaser is a purchaser described under paragraph (2)(B)(ii)(I), subject to the rent limitations under paragraph (4)(A);

"(III) subject to the requirement in the second sentence of paragraph (2)(B); and

"(IV) subject to recapture by the Corporation of excess proceeds from resale of the properties under subparagraphs (C) and (D) of paragraph (2).

"(ii) ELIGIBLE MULTIFAMILY HOUSING PROPERTIES.—For eligible multifamily housing properties—

"(I) to qualifying multifamily purchasers;

"(II) subject to the lower-income occupancy requirements under paragraph (3)(E);

"(III) subject to the provisions of paragraph (3)(H);

"(IV) subject to a preference, among financially acceptable offers, to the offer that would reserve the highest percentage of dwelling units for occupancy or purchase by very low-income families and lower-income families and would retain such affordability for the longest term; and

"(V) subject to the rent limitations under paragraph (4)(A).

"(D) AFFORDABILITY.—The State housing finance agency or State or local housing agency shall endeavor to make the properties transferred under this paragraph more affordable to lower-income families based upon the extent to which the acquisition price of a property under subparagraph (B) is less than the market value of the property.".

SEC. 614. SUSPENSION OF OFFER PERIODS FOR SALES OF ELIGIBLE RESIDENTIAL PROPERTY TO NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.

Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding after paragraph (12) (as added by section 513 of this Act) the following new paragraph:

"(13) EXCEPTION FOR SALES TO NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.—

"(A) SUSPENSION OF OFFER PERIODS.—With respect to any eligible residential property, the Corporation may (in the discretion of the Corporation) suspend any of the requirements of subparagraphs (A) and (B) of paragraph (2) and subparagraphs (A) through (D) of paragraph (3), as applicable, but only to the extent that for the duration of the suspension the Corporation negotiates the sale of the property to a nonprofit organization or public agency. If the property is not sold pursuant to such negotiations, the requirements of any provisions suspended shall apply upon the termination of the suspension. Any time period referred to in such paragraphs shall toll for the duration of any suspension under this subparagraph.

"(B) USE RESTRICTIONS.—

"(i) ELIGIBLE SINGLE FAMILY PROPERTY.—Any eligible single family property sold under this paragraph shall be (I) made available for occupancy by and maintained as affordable for lower-income families for the remaining useful life of the property, or made available for purchase by such families, (II) subject to the rent limitations under paragraph (4)(A), (III) subject to the requirements relating to residency of a qualifying household under paragraph (9)(L) and to residency of a lower-income family under paragraph (2)(B)(ii), and (IV) subject to recapture by the Corporation of excess proceeds from resale of the property under subparagraphs (C) and (D) of paragraph (2).

"(ii) ELIGIBLE MULTIFAMILY HOUSING PROPERTY.—Any eligible multifamily housing property sold under this paragraph shall comply with the lower-income occupancy requirements under paragraph (3)(E) and shall be subject to the rent limitations under paragraph (4)(A).".

SEC. 615. SALE OF ELIGIBLE CONDOMINIUM PROPERTY.

(a) IN GENERAL.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding after paragraph (13) (as added by section 514 of this Act) the following new paragraph:

"(14) RULES GOVERNING DISPOSITION OF ELIGIBLE CONDOMINIUM PROPERTY.—

"(A) NOTICE TO CLEARINGHOUSES.—Within a reasonable period of time after acquiring title to an eligible condominium property, the Corporation shall provide written notice to clearinghouses. Such notice shall contain basic information about the property. Each clearinghouse shall make such information available, upon request, to purchasers described in clauses (i) through (iv) of subparagraph (B). The Corporation shall allow such purchasers reasonable access

to an eligible condominium property for purposes of inspection.

"(B) OFFERS TO SELL.—For the 180-day period following the date on which the Corporation makes an eligible condominium property available for sale, the Corporation may offer to sell the property, at the discretion of the Corporation, to 1 or more of the following purchasers:

"(i) Qualifying households.

"(ii) Nonprofit organizations.

"(iii) Public agencies.

"(iv) For-profit entities.

"(C) LOWER-INCOME OCCUPANCY REQUIREMENTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), any nonprofit organization, public agency, or for-profit entity that purchases an eligible condominium property shall (I) make the property available for occupancy by and maintain it as affordable for lower-income families for the remaining useful life of the property, or (II) make the property available for purchase by any such family who, except as provided in subparagraph (E), agrees to occupy the property as a principal residence for at least 12 months and who certifies in writing that the family intends to occupy the property for at least 12 months. The restriction described in subclause (I) of the preceding sentence shall be contained in the deed or other recorded instrument.

"(ii) MULTIPLE-UNIT PURCHASES.—If any nonprofit organization, public agency, or for-profit entity purchases more than 1 eligible condominium property as a part of the same negotiation or purchase, the Corporation may (in the discretion of the Corporation) waive the requirement under clause (i) and provide instead that not less than 35 percent of all eligible condominium properties purchased shall be (I) made available for occupancy by and maintained as affordable for lower-income families for the remaining useful life of the property, or (II) made available for purchase by any such family who, except as provided in subparagraph (E), agrees to occupy the property as a principal residence for at least 12 months and who certifies in writing that the family intends to occupy the property for at least 12 months. The restriction described subclause (I) of the preceding sentence shall be contained in the deed or other recorded instrument.

"(iii) SALE TO OTHER PURCHASERS.—If, upon the expiration of the 180-day period referred to in subparagraph (B), no purchaser described in clauses (i) through (iv) of subparagraph (B) has made a bona fide offer to purchase the property, the Corporation may offer to sell the property to any other purchaser.

"(D) RECAPTURE OF PROFITS FROM RESALE.—Except as provided in subparagraph (E), if any eligible condominium property sold (i) to a qualifying household, or (ii) to a lower-income family pursuant to subparagraph (C)(i)(II) or (C)(ii)(II), is resold by the qualifying household or lower-income family during the 1-year period beginning upon initial acquisition by the household or family, the Corpora-

tion shall recapture 75 percent of the amount of any proceeds from the resale that exceed the sum of (I) the original sale price for the acquisition of the property by the qualifying household or lower-income family, (II) the costs of any improvements to the property made after the date of the acquisition, and (III) any closing costs in connection with the acquisition.

"(E) EXCEPTION TO RECAPTURE REQUIREMENT.—The Corporation (or its successor) may in its discretion waive the applicability to any qualifying household or lower-income family of the requirement under subparagraph (D) and the requirements relating to residency of a qualifying household or lower-income family (under paragraph (9)(L) and subparagraph (C) of this paragraph, respectively). The Corporation may grant any such a waiver only for good cause shown, including any necessary relocation of the qualifying household or lower-income family.

"(F) LIMITATIONS ON MULTIPLE UNIT PURCHASES.—The Corporation may not sell or offer to sell as part of the same negotiation or purchase any eligible condominium properties that are not located in the same condominium project (as such term is defined in section 604 of the Housing and Community Development Act of 1980). The preceding sentence may not be construed to require all eligible condominium properties offered or sold as part of the same negotiation or purchase to be located in the same structure.

"(G) RENT LIMITATIONS.—Rents charged to tenants of eligible condominium properties made available for occupancy by very low-income families shall not exceed 30 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustment for family size. Rents charged to tenants of eligible condominium properties made available for occupancy by lower-income families other than very low-income families shall not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for family size.".

(b) CONFORMING AMENDMENT.—Section 21A(c)(11)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(11)(B)) is amended by striking "specified under paragraphs (2) and (3)" and inserting "applicable under paragraphs (2), (3), (12)(C), (13)(B), and (14)(C)".

SEC. 616. REPORTS TO CONGRESS REGARDING AFFORDABLE HOUSING PROGRAM.

Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding after paragraph (14) (as added by section 515 of this Act) the following new paragraph:

"(15) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—The Corporation shall submit to the Congress semiannual reports under this paragraph regarding the disposition of eligible residential properties under this subsection during the most recently concluded reporting period. The first report under this paragraph shall be submitted not later than the expiration of the 4-month period beginning upon the conclusion of the first reporting period under subparagraph (B). Subsequent reports shall be

submitted not less than every 6 months after such expiration.

"(B) REPORTING PERIODS.—For purposes of this paragraph, the term 'reporting period' means the 6-month period for which a report under this paragraph is made, except that the first reporting period shall be the period beginning on the date of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and ending on the date of the enactment of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991. Each successive reporting period shall begin upon the conclusion of the preceding reporting period.

"(C) INFORMATION REGARDING PROPERTIES SOLD.—Each report under this paragraph shall contain information regarding each eligible residential property sold by the Corporation during the applicable reporting period, as follows:

"(i) A description of the property, the location of the property, and the number of dwelling units in the property.

"(ii) The appraised value of the property.

"(iii) The sale price of the property.

"(iv) For eligible single family properties—

"(I) the income and race of the purchaser of the property, if the property is sold to an occupying household or is sold for resale to an occupying household; and

"(II) whether the property is reserved for residency by very low- or lower-income families, if the property is sold for use as rental property.

"(v) For eligible multifamily housing properties, the number and percentage of dwelling units in the property reserved for occupancy by very low- and lower-income families.

"(vi) The number of eligible single family properties sold after the expiration of the offer period for such properties referred to in paragraph (2)(B).

"(vii) The number of eligible multifamily housing properties sold after the expiration of the periods for such properties referred to in subparagraphs (B) and (D) of paragraph (3).

"(D) NUMBER OF PROPERTIES WITHIN WINDOWS.—Each report under this paragraph shall contain the following information:

"(i) The number of eligible single family properties for which the offer period referred to in paragraph (2)(B) had not expired before the conclusion of the applicable reporting period (or had not yet commenced).

"(ii) The number of eligible multifamily housing properties for which the 90-day period referred to in paragraph (3)(B) had not expired before the conclusion of the applicable reporting period (or had not yet commenced).".

SEC. 617. DEFINITIONS.

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)), as amended by sections 501 and 504(a)(1) of this Act, is further amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) ADJUSTED INCOME AND INCOME.—The terms 'adjusted income' and 'income' shall have the meaning given such terms in section 3(b) of the United States Housing Act of 1937.";

(2) by redesignating subparagraphs (D) through (P) as subparagraphs (E) through (Q), respectively; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) ELIGIBLE CONDOMINIUM PROPERTY.—The term 'eligible condominium property' means a condominium unit, as such term is defined in section 604 of the Housing and Community Development Act of 1980—

"(i) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property); and

"(ii) that has an appraised value that does not exceed the applicable dollar amount set forth in the first sentence of section 203(b)(2) of the National Housing Act (without regard to any increase of such amount for high cost areas).".

SEC. 618. RISK-WEIGHTING OF HOUSING LOANS FOR PURPOSES OF CAPITAL REQUIREMENTS.

Regulations. 12 USC 1831n note.

(a) SINGLE FAMILY HOUSING LOANS.—

(1) 50 PERCENT RISK-WEIGHTED CLASSIFICATION.—

(a) IN GENERAL.—To provide consistent regulatory treatment of loans made for the construction of single family housing, not later than the expiration of the 120-day period beginning on the date of this Act each Federal banking agency shall amend the regulations and guidelines of the agency establishing minimum acceptable capital levels to provide that any single family residence construction loan described under subparagraph (B) shall be considered as a loan within the 50 percent risk-weighted category.

(B) REQUIREMENTS.—Subparagraph (A) shall apply to any construction loan—

(i) made for the construction of a residence consisting of 1 to 4 dwelling units;

(ii) under which the lender has acquired from the lender originating the mortgage loan for purchase of the residence, before the making of the construction loan—

(I) documentation demonstrating that the buyer of the residence intends to purchase the residence and has the ability to obtain a mortgage loan sufficient to purchase the residence; and

(II) any other documentation from the mortgage lender that the appropriate Federal banking agency may consider appropriate to provide assurance of the buyer's intent to purchase the property (including written commitments and letters of intent);

(iii) under which the borrower requires the buyer of the residence to make a nonrefundable deposit to the borrower in an amount (as determined by the appropriate Federal banking agency) of not less than 1 percent of the principal amount of mortgage loan obtained by the borrower for purchase of the residence, for use in defraying costs relating to any cancellation of the purchase contract of the buyer; and

(iv) that meets any other underwriting characteristics that the appropriate Federal banking agency may establish, consistent with the purposes of the minimum acceptable capital requirements to maintain the safety and soundness of financial institutions.

(2) 100 PERCENT RISK-WEIGHTED CLASSIFICATION.—Not later than the expiration of the 120-day period beginning on the date of this Act each Federal banking agency shall amend the regulations and guidelines of the agency establishing minimum acceptable capital levels to provide that—

(A) any single family residence construction loan for a residence for which the purchase contract is canceled shall be considered as a loan within the 100 percent risk-weighted category; and

(B) the lender of any single family residence construction loan shall promptly notify the appropriate Federal banking agency of any such cancellation.

(b) MULTIFAMILY HOUSING LOANS.—

(1) 50 PERCENT RISK-WEIGHTED CLASSIFICATION.—

(A) IN GENERAL.—To provide consistent regulatory treatment of loans made for the purchase of multifamily rental and homeowner properties, not later than the expiration of the 120-day period beginning on the date of this Act each Federal banking agency shall amend the regulations and guidelines of the agency establishing minimum acceptable capital levels to provide that any multifamily housing loan described under subparagraph (B) and any security collateralized by such a loan shall be considered as a loan or security within the 50 percent risk-weighted category.

(B) REQUIREMENTS.—Subparagraph (A) shall apply to any loan—

(i) secured by a first lien on a residence consisting of more than 4 dwelling units;

(ii) under which—

(I) the rate of interest does not change over the term of the loan, (b) the principal obligation does not exceed 80 percent of the appraised value of the property, and (c) the ratio of annual net operating income generated by the property (before payment of any debt service on the loan) to annual debt service on the loan is not less than 120 percent; or

(II) the rate of interest changes over the term of the loan, (b) the principal obligation does not

exceed 75 percent of the appraised value of the property, and (c) the ratio of annual net operating income generated by the property (before payment of any debt service on the loan) to annual debt service on the loan is not less than 115 percent;

(iii) under which—

(I) amortization of principal and interest occurs over a period of not more than 30 years;

(II) the minimum maturity for repayment of principal is not less than 7 years; and

(III) timely payment of all principal and interest, in accordance with the terms of the loan, occurs for a period of not less than 1 year; and

(iv) that meets any other underwriting characteristics that the appropriate Federal banking agency may establish, consistent with the purposes of the minimum acceptable capital requirements to maintain the safety and soundness of financial institutions.

(2) SALE PURSUANT TO PRO RATA LOSS SHARING ARRANGEMENTS.—Not later than the expiration of the 120-day period beginning on the date of this Act, each Federal banking agency shall amend the regulations and guidelines of the agency establishing minimum acceptable capital levels to provide that any loan fully secured by a first lien on a multifamily housing property that is sold subject to a pro rata loss sharing arrangement by an institution subject to the jurisdiction of the agency shall be treated as sold to the extent that loss is incurred by the purchaser of the loan. For purposes of this paragraph, the term "pro rata loss sharing arrangement" means an agreement providing that the purchaser of a loan shares in any loss incurred on the loan with the selling institution on a pro rata basis.

(3) SALE PURSUANT TO OTHER ARRANGEMENTS FOR LOSS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, each Federal banking agency shall amend the regulations and guidelines of the agency establishing minimum acceptable capital levels to take into account other loss sharing arrangements, in connection with the sale by an institution subject to the jurisdiction of the agency of any loan that is fully secured by a first lien on multifamily housing property, for purposes of determining the extent to which such loans shall be treated as sold. For purposes of this paragraph, the term "other loss sharing arrangement" means an agreement providing that the purchaser of a loan shares in any loss incurred on the loan with the selling institution on other than a pro rata basis.

(c) APPROPRIATE FEDERAL BANKING AGENCY.—For purposes of this section, the term "Federal banking agency" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Director of the Office of Thrift Supervision.

SEC. 619. APPLICABILITY.

12 USC 1441a note.

The amendments made by this title shall not apply to any eligible residential property or eligible condominium property of the Resolution Trust Corporation, that is subject to an agreement for sale

entered into by the Corporation before the date of the enactment of this Act.

TITLE VII—APPRAISAL AMENDMENTS

SEC. 701. REAL ESTATE APPRAISALS.

(a) CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended by adding at the end the following new subsection:

"(e) AUTHORITY OF THE APPRAISAL SUBCOMMITTEE.—The Appraisal Subcommittee shall not set qualifications or experience requirements for the States in licensing real estate appraisers. Recommendations of the Subcommittee shall be nonbinding on the States.

(b) USE OF STATE CERTIFIED AND STATE LICENSED APPRAISERS.—

(1) EFFECTIVE DATE FOR USE.—Section 1119(a)(1) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3348(a)(1)) is amended by striking "July 1, 1991" and inserting "December 31, 1992".

(2) EXTENSION OF EFFECTIVE DATE.—Section 1119(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(b)) is amended—

(A) in the first sentence, by striking "leading to inordinate delays" and inserting ", or in any geographical political subdivision of a State, leading to significant delays"; and

(B) in the second sentence, by striking "inordinate" and inserting "significant".

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 3435:

HOUSE REPORTS: No. 102-358, Pts. 1 and 2 (Comm. on Banking, Finance and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Nov. 26, considered and passed House.

Nov. 27, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 12, Presidential statement.

Public Law 102-234
102d Congress

An Act

To delay until September 30, 1992, the issuance of any regulations by the Secretary of Health and Human Services changing the treatment of voluntary contributions and provider-specific taxes by States as a source of a State's expenditures for which Federal financial participation is available under the medicaid program and to maintain the treatment of intergovernmental transfers as such a source.

Dec. 12, 1991
[H.R. 3595]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991".

SEC. 2. PROHIBITION ON USE OF VOLUNTARY CONTRIBUTIONS, AND LIMITATION ON THE USE OF PROVIDER-SPECIFIC TAXES TO OBTAIN FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection.

"(w)(1)(A) Notwithstanding the previous provisions of this section, for purposes of determining the amount to be paid to a State (as defined in paragraph (7)(D)) under subsection (a)(1) for quarters in any fiscal year, the total amount expended during such fiscal year as medical assistance under the State plan (as determined without regard to this subsection) shall be reduced by the sum of any revenues received by the State (or by a unit of local government in the State) during the fiscal year—

"(i) from provider-related donations (as defined in paragraph (2)(A)), other than—

"(I) bona fide provider-related donations (as defined in paragraph (2)(B)), and

"(II) donations described in paragraph (2)(C);

"(ii) from health care related taxes (as defined in paragraph (3)(A)), other than broad-based health care related taxes (as defined in paragraph (3)(B));

"(iii) from a broad-based health care related tax, if there is in effect a hold harmless provision (described in paragraph (4)) with respect to the tax; or

"(iv) only with respect to State fiscal years (or portions thereof) occurring on or after January 1, 1992, and before October 1, 1995, from broad-based health care related taxes to the extent the amount of such taxes collected exceeds the limit established under paragraph (5).

"(B) Notwithstanding the previous provisions of this section, for puroses of determining the amount to be paid to a State under subsection (a)(7) for all quarters in a Federal fiscal year (beginning with fiscal year 1993), the total amount expended during the fiscal year for administrative expenditures under the State plan (as deter-

mined without regard to this subsection) shall be reduced by the sum of any revenues received by the State (or by a unit of local government in the State) during such quarters from donations described in paragraph (2)(C), to the extent the amount of such donations exceeds 10 percent of the amounts expended under the State plan under this title during the fiscal year for purposes described in paragraphs (2), (3), (4), (6), and (7) of subsection (a).

"(C)(i) Except as otherwise provided in clause (ii), subparagraph (A)(i) shall apply to donations received on or after January 1, 1992.

"(ii) Subject to the limits described in clause (iii) and subparagraph (E), subparagraph (A)(i) shall not apply to donations received before the effective date specified in subparagraph (F) if such donations are received under programs in effect or as described in State plan amendments or related documents submitted to the Secretary by September 30, 1991, and applicable to State fiscal year 1992, as demonstrated by State plan amendments, written agreements, State budget documentation, or other documentary evidence in existence on that date.

"(iii) In applying clause (ii) in the case of donations received in State fiscal year 1993, the maximum amount of such donations to which such clause may be applied may not exceed the total amount of such donations received in the corresponding period in State fiscal year 1992 (or not later than 5 days after the last day of the corresponding period).

"(D)(i) Except as otherwise provided in clause (ii), subparagraphs (A)(ii) and (A)(iii) shall apply to taxes received on or after January 1, 1992.

"(ii) Subparagraphs (A)(ii) and (A)(iii) shall not apply to impermissible taxes (as defined in clause (iii)) received before the effective date specified in subparagraph (F) to the extent the taxes (including the tax rate or base) were in effect, or the legislation or regulations imposing such taxes were enacted or adopted, as of November 22, 1991.

"(iii) In this subparagraph and subparagraph (E), the term 'impermissible tax' means a health care related tax for which a reduction may be made under clause (ii) or (iii) of subparagraph (A).

"(E)(i) In no case may the total amount of donations and taxes permitted under the exception provided in subparagraphs (C)(ii) and (D)(ii) for the portion of State fiscal year 1992 occurring during calendar year 1992 exceed the limit under paragraph (5) minus the total amount of broad-based health care related taxes received in the portion of that fiscal year.

"(ii) In no case may the total amount of donations and taxes permitted under the exception provided in subparagraphs (C)(ii) and (D)(ii) for State fiscal year 1993 exceed the limit under paragraph (5) minus the total amount of broad-based health care related taxes received in that fiscal year.

Effective dates.

"(F) In this paragraph in the case of a State—

"(i) except as provided in clause (iii), with a State fiscal year beginning on or before July 1, the effective date is October 1, 1992,

"(ii) except as provided in clause (iii), with a State fiscal year that begins after July 1, the effective date is January 1, 1993, or

"(iii) with a State legislature which is not scheduled to have a regular legislative session in 1992, with a State legislature which is not scheduled to have a regular legislative session in

1993, or with a provider-specific tax enacted on November 4, 1991, the effective date is July 1, 1993.

"(2)(A) In this subsection (except as provided in paragraph (6)), the term 'provider-related donation' means any donation or other voluntary payment (whether in cash or in kind) made (directly or indirectly) to a State or unit of local government by—

"(i) a health care provider (as defined in paragraph (7)(B)),

"(ii) an entity related to a health care provider (as defined in paragraph (7)(C)), or

"(iii) an entity providing goods or services under the State plan for which payment is made to the State under paragraph (2), (3), (4), (6), or (7) of subsection (a).

"(B) For purposes of paragraph (1)(A)(i)(I), the term 'bona fide provider-related donation' means a provider-related donation that has no direct or indirect relationship (as determined by the Secretary) to payments made under this title to that provider, to providers furnishing the same class of items and services as that provider, or to any related entity, as established by the State to the satisfaction of the Secretary. The Secretary may by regulation specify types of provider-related donations described in the previous sentence that will be considered to be bona fide provider-related donations.

"(C) For purposes of paragraph (1)(A)(i)(II), donations described in this subparagraph are funds expended by a hospital, clinic, or similar entity for the direct cost (including costs of training and of preparing and distributing outreach materials) of State or local agency personnel who are stationed at the hospital, clinic, or entity to determine the eligibility of individuals for medical assistance under this title and to provide outreach services to eligible or potentially eligible individuals.

"(3)(A) In this subsection (except as provided in paragraph (6)), the term 'health care related tax' means a tax (as defined in paragraph (7)(F)) that—

"(i) is related to health care items or services, or to the provision of, the authority to provide, or payment for, such items or services, or

"(ii) is not limited to such items or services but provides for treatment of individuals or entities that are providing or paying for such items or services that is different from the treatment provided to other individuals or entities.

In applying clause (i), a tax is considered to relate to health care items or services if at least 85 percent of the burden of such tax falls on health care providers.

"(B) In this subsection, the term 'broad-based health care related tax' means a health care related tax which is imposed with respect to a class of health care items or services (as described in paragraph (7)(A)) or with respect to providers of such items or services and which, except as provided in subparagraphs (D) and (E)—

"(i) is imposed at least with respect to all items or services in the class furnished by all non-Federal, nonpublic providers in the State (or, in the case of a tax imposed by a unit of local government, the area over which the unit has jurisdiction) or is imposed with respect to all non-Federal, nonpublic providers in the class; and

"(ii) is imposed uniformly (in accordance with subparagraph (C)).

"(C)(i) Subject to clause (ii), for purposes of subparagraph (B)(ii), a tax is considered to be imposed uniformly if—

"(I) in the case of a tax consisting of a licensing fee or similar tax on a class of health care items or services (or providers of such items or services), the amount of the tax imposed is the same for every provider providing items or services within the class;

"(II) in the case of a tax consisting of a licensing fee or similar tax imposed on a class of health care items or services (or providers of such services) on the basis of the number of beds (licensed or otherwise) of the provider, the amount of the tax is the same for each bed of each provider of such items or services in the class;

"(III) in the case of a tax based on revenues or receipts with respect to a class of items or services (or providers of items or services) the tax is imposed at a uniform rate for all items and services (or providers of such items or services) in the class on all the gross revenues or receipts, or net operating revenues, relating to the provision of all such items or services (or all such providers) in the State (or, in the case of a tax imposed by a unit of local government within the State, in the area over which the unit has jurisdiction); or

"(IV) in the case of any other tax, the State establishes to the satisfaction of the Secretary that the tax is imposed uniformly.

"(ii) Subject to subparagraphs (D) and (E), a tax imposed with respect to a class of health care items and services is not considered to be imposed uniformly if the tax provides for any credits, exclusions, or deductions which have as their purpose or effect the return to providers of all or a portion of the tax paid in a manner that is inconsistent with subclauses (I) and (II) of subparagraph (E)(ii) or provides for a hold harmless provision described in paragraph (4).

"(D) A tax imposed with respect to a class of health care items and services is considered to be imposed uniformly—

"(i) notwithstanding that the tax is not imposed with respect to items or services (or the providers thereof) for which payment is made under a State plan under this title or title XVIII, or

"(ii) in the case of a tax described in subparagraph (C)(i)(III), notwithstanding that the tax provides for exclusion (in whole or in part) of revenues or receipts from a State plan under this title or title XVIII.

"(E)(i) A State may submit an application to the Secretary requesting that the Secretary treat a tax as a broad-based health care related tax, notwithstanding that the tax does not apply to all health care items or services in class (or all providers of such items and services), provides for a credit, deduction, or exclusion, is not applied uniformly, or otherwise does not meet the requirements of subparagraph (B) or (C). Permissible waivers may include exemptions for rural or sole-community providers.

"(ii) The Secretary shall approve such an application if the State establishes to the satisfaction of the Secretary that—

"(I) the net impact of the tax and associated expenditures under this title as proposed by the State is generally redistributive in nature, and

"(II) the amount of the tax is not directly correlated to payments under this title for items or services with respect to which the tax is imposed.

The Secretary shall by regulation specify types of credits, exclusions, and deductions that will be considered to meet the requirements of this subparagraph. Regulations.

"(4) For purposes of paragraph (1)(A)(iii), there is in effect a hold harmless provision with respect to a broad-based health care related tax imposed with respect to a class of items or services if the Secretary determines that any of the following applies:

"(A) The State or other unit of government imposing the tax provides (directly or indirectly) for a payment (other than under this title) to taxpayers and the amount of such payment is positively correlated either to the amount of such tax or to the difference between the amount of the tax and the amount of payment under the State plan.

"(B) All or any portion of the payment made under this title to the taxpayer varies based only upon the amount of the total tax paid.

"(C) The State or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax.

The provisions of this paragraph shall not prevent use of the tax to reimburse health care providers in a class for expenditures under this title nor preclude States from relying on such reimbursement to justify or explain the tax in the legislative process.

"(5)(A) For purposes of this subsection, the limit under this subparagraph with respect to a State is an amount equal to 25 percent (or, if greater, the State base percentage, as defined in subparagraph (B)) of the non-Federal share of the total amount expended under the State plan during a State fiscal year (or portion thereof), as it would be determined pursuant to paragraph (1)(A) without regard to paragraph (1)(A)(iv).

"(B)(i) In subparagraph (A), the term 'State base percentage' means, with respect to a State, an amount (expressed as a percentage) equal to—

"(I) the total of the amount of health care related taxes (whether or not broad-based) and the amount of provider-related donations (whether or not bona fide) projected to be collected (in accordance with clause (ii)) during State fiscal year 1992, divided by

"(II) the non-Federal share of the total amount estimated to be expended under the State plan during such State fiscal year.

"(ii) For purposes of clause (i)(I), in the case of a tax that is not in effect throughout State fiscal year 1992 or the rate (or base) of which is increased during such fiscal year, the Secretary shall project the amount to be collected during such fiscal year as if the tax (or increase) were in effect during the entire State fiscal year.

"(C)(i) The total amount of health care related taxes under subparagraph (B)(i)(I) shall be determined by the Secretary based on only those taxes (including the tax rate or base) which were in effect, or for which legislation or regulations imposing such taxes were enacted or adopted, as of November 22, 1991.

"(ii) The amount of provider-related donations under subparagraph (B)(i)(I) shall be determined by the Secretary based on programs in effect on September 30, 1991, and applicable to State fiscal year 1992, as demonstrated by State plan amendments, written agreements, State budget documentation, or other documentary evidence in existence on that date.

"(iii) The amount of expenditures described in subparagraph (B)(i)(II) shall be determined by the Secretary based on the best data available as of the date of the enactment of this subsection.

"(6)(A) Notwithstanding the provisions of this subsection, the Secretary may not restrict States' use of funds where such funds are derived from State or local taxes (or funds appropriated to State university teaching hospitals) transferred from or certified by units of government within a State as the non-Federal share of expenditures under this title, regardless of whether the unit of government is also a health care provider, except as provided in section 1902(a)(2), unless the transferred funds are derived by the unit of government from donations or taxes that would not otherwise be recognized as the non-Federal share under this section.

"(B) For purposes of this subsection, funds the use of which the Secretary may not restrict under subparagraph (A) shall not be considered to be a provider-related donation or a health care related tax.

"(7) For purposes of this subsection:

"(A) Each of the following shall be considered a separate class of health care items and services:

"(i) Inpatient hospital services.

"(ii) Outpatient hospital services.

"(iii) Nursing facility services (other than services of intermediate care facilities for the mentally retarded).

"(iv) Services of intermediate care facilities for the mentally retarded.

"(v) Physicians' services.

"(vi) Home health care services.

"(vii) Outpatient prescription drugs.

"(viii) Services of health maintenance organizations (and other organizations with contracts under section 1903(m)).

"(ix) Such other classification of health care items and services consistent with this subparagraph as the Secretary may establish by regulation.

"(B) The term 'health care provider' means an individual or person that receives payments for the provision of health care items or services.

"(C) An entity is considered to be 'related' to a health care provider if the entity—

"(i) is an organization, association, corporation or partnership formed by or on behalf of health care providers;

"(ii) is a person with an ownership or control interest (as defined in section 1124(a)(3)) in the provider;

"(iii) is the employee, spouse, parent, child, or sibling of the provider (or of a person described in clause (ii)); or

"(iv) has a similar, close relationship (as defined in regulations) to the provider.

"(D) The term 'State' means only the 50 States and the District of Columbia but does not include any State whose entire program under this title is operated under a waiver granted under section 1115.

"(E) The 'State fiscal year' means, with respect to a specified year, a State fiscal year ending in that specified year.

"(F) The term 'tax' includes any licensing fee, assessment, or other mandatory payment, but does not include payment of a criminal or civil fine or penalty (other than a fine or penalty

imposed in lieu of or instead of a fee, assessment, or other mandatory payment).

"(G) The term 'unit of local government' means, with respect to a State, a city, county, special purpose district, or other governmental unit in the State.".

(b) CONFORMING AMENDMENTS.—(1) Section 1902(t) of such Act (42 U.S.C. 1396a(t)) is amended—

(A) by striking "Except as provided in section 1903(i), nothing" and inserting "Nothing", and

(B) by striking "taxes (whether or not of general applicability)" and inserting "taxes of general applicability".

(2) Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended by striking paragraph (10) inserted by section 4701(b)(2)(B) of the Omnibus Budget Reconciliation Act of 1990.

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect January 1, 1992, without regard to whether or not regulations have been promulgated to carry out such amendments by such date. 42 USC 1396a note.

(2) Except as specifically provided in section 1903(w) of the Social Security Act and notwithstanding any other provision of such Act, the Secretary of Health and Human Services shall not, with respect to expenditures prior to the effective date specified in section 1903(w)(1)(F) of such Act, disallow any claim submitted by a State for, or otherwise withhold Federal financial participation with respect to, amounts expended for medical assistance under title XIX of the Social Security Act by reason of the fact that the source of the funds used to constitute the non-Federal share of such expenditures is a tax imposed on, or a donation received from, a health care provider, or on the ground that the amount of any donation or tax proceeds must be credited against the amount of the expenditure. 42 USC 1396b note.

(3) The interim final rule promulgated by the Secretary of Health and Human Services on October 31, 1991 (56 Federal Register 56132), relating to the State share of financial participation under the medicaid program, is hereby nullified and is of no effect. No part of such rule shall be effective except pursuant to a rule promulgated after the date of the enactment of this Act and consistent with this section (and the amendments made by this section).

SEC. 3. RESTRICTIONS ON AGGREGATE PAYMENTS FOR DISPROPORTIONATE SHARE HOSPITALS.

(a) REPEAL OF PROHIBITION OF UPPER PAYMENT LIMIT FOR DISPROPORTIONATE SHARE HOSPITALS.—Section 1902(h) of the Social Security Act (42 U.S.C. 1396a(h)) is amended by striking "to limit" the first place it appears and all that follows through "special needs or".

(b) LIMITATION ON AGGREGATE PAYMENT ADJUSTMENTS.—

(1) IN GENERAL.—Section 1923 of such Act (42 U.S.C. 1396r-4) is amended by adding at the end the following new subsection:

"(f) DENIAL OF FEDERAL FINANCIAL PARTICIPATION FOR PAYMENTS IN EXCESS OF CERTAIN LIMITS.—

"(1) IN GENERAL.—

"(A) APPLICATION OF STATE-SPECIFIC LIMITS.—Except as provided in subparagraph (D), payment under section 1903(a) shall not be made with respect to any payment adjustment made under this section for hospitals in a State (as defined in paragraph (4)(B)) for quarters—

"(i) in fiscal year 1992 (beginning on or after January 1, 1992), unless—

"(I) the payment adjustments are made—

"(a) in accordance with the State plan in effect or amendments submitted to the Secretary by September 30, 1991,

"(b) in accordance with the State plan in effect or amendments submitted to the Secretary by November 26, 1991, or modification thereof, if the amendment designates only disproportionate share hospitals with a medicaid or low-income utilization percentage at or above the Statewide arithmetic mean, or

"(c) in accordance with a payment methodology which was established and in effect as of September 30, 1991, or in accordance with legislation or regulations enacted or adopted as of such date; or

"(II) the payment adjustments are the minimum adjustments required in order to meet the requirements of subsection (c)(1); or

"(ii) in a subsequent fiscal year, to the extent that the total of such payment adjustments exceeds the State disproportionate share hospital (in this subsection referred to as 'DSH') allotment for the year (as specified in paragraph (2)).

"(B) NATIONAL DSH PAYMENT LIMIT.—The national DSH payment limit for a fiscal year is equal to 12 percent of the total amount of expenditures under State plans under this title for medical assistance during the fiscal year.

"(C) PUBLICATION OF STATE DSH ALLOTMENTS AND NATIONAL DSH PAYMENT LIMIT.—Before the beginning of each fiscal year (beginning with fiscal year 1993), the Secretary shall, consistent with section 1903(d), estimate and publish—

"(i) the national DSH payment limit for the fiscal year, and

"(ii) the State DSH allotment for each State for the year.

"(D) CONDITIONAL EXCEPTION FOR CERTAIN STATES.—Subject to subparagraph (E), beginning with payments for quarters beginning on or after January 1, 1996, and at the option of a State, subparagraph (A) shall not apply in the case of a State which defines a hospital as a disproportionate share hospital under subsection (a)(1) only if the hospital meets any of the following requirements:

"(i) The hospital's medicaid inpatient utilization rate (as defined in subsection (b)(2)) is at or above the mean medicaid inpatient utilization rate for all hospitals in the State.

"(ii) The hospital's low-income utilization rate (as defined in subsection (b)(3)) is at or above the mean low-income utilization rate for all hospitals in the State.

"(iii) The number of inpatient days of the hospital attributable to patients who (for such days) were eligible for medical assistance under the State plan is

equal to at least 1 percent of the total number of such days for all hospitals in the State.

"(iv) The hospital meets such alternative requirements as the Secretary may establish by regulation, taking into account the special circumstances of children's hospitals, hospitals located in rural areas, and sole community hospitals.

"(E) CONDITION FOR OPTION.—The option specified in subparagraph (D) shall not apply for payments for a quarter beginning before the date of enactment of legislation establishing a limit on payment adjustments under this section which would apply in the case of a state exercising such option.

"(2) DETERMINATION OF STATE DSH ALLOTMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the State DSH allotment for a fiscal year is equal to the State DSH allotment for the previous fiscal year (or, for fiscal year 1993, the State base allotment as defined in paragraph (4)(C)), increased by—

"(i) the State growth factor (as defined in paragraph (4)(E)) for the fiscal year, and

"(ii) the State supplemental amount for the fiscal year (as determined under paragraph (3)).

"(B) EXCEPTIONS.—

"(i) LIMIT TO 12 PERCENT OR BASE ALLOTMENT.—A State DSH allotment under subparagraph (A) for a fiscal year shall not exceed 12 percent of the total amount of expenditures under the State plan for medical assistance during the fiscal year, except that, in the case of a high DSH State (as defined in paragraph (4)(A)), the State DSH allotment shall equal the State based allotment.

"(ii) EXCEPTION FOR MINIMUM REQUIRED ADJUSTMENT.—No State DSH allotment shall be less than the minimum amount of payment adjustments the State is required to make in the fiscal year to meet the requirements of subsection (c)(1).

"(3) STATE SUPPLEMENTAL AMOUNTS.—The Secretary shall determine a supplemental amount for each State that is not a high DSH State for a fiscal year as follows:

"(A) DETERMINATION OF REDISTRIBUTION POOL.—The Secretary shall subtract from the national DSH payment limit (specified in paragraph (1)(B)) for the fiscal year the following:

"(i) the total of the State base allotments for high DSH States;

"(ii) the total of State DSH allotments for the previous fiscal year (or, in the case of fiscal year 1993, the total of State base allotments) for all States other than high DSH States;

"(iii) the total of the State growth amounts for all States other than high DSH States for the fiscal year; and

"(iv) the total additions to State DSH allotments the Secretary estimates will be attributable to paragraph (2)(B)(ii).

"(B) DISTRIBUTION OF POOL BASED ON TOTAL MEDICAID EXPENDITURES FOR MEDICAL ASSISTANCE.—The supplemental amount for a State for a fiscal year is equal to the lesser of—

"(i) the product of the amount determined under subparagraph (A) and the ratio of—

"(I) the total amount of expenditures made under the State plan under this title for medical assistance during the fiscal year, to

"(II) the total amount of expenditures made under the State plans under this title for medical assistance during the fiscal year for all States which are not high DSH States in the fiscal year, or

"(ii) the amount that would raise the State DSH allotment to the maximum permitted under paragraph (2)(B).

"(4) DEFINITIONS.—In this subsection:

"(A) HIGH DSH STATE.—The term 'high DSH State' means, for a fiscal year, a State for which the State base allotment exceeds 12 percent of the total amount of expenditures made under the State plan under this title for medical assistance during the fiscal year.

"(B) STATE.—The term 'State' means only the 50 States and the District of Columbia but does not include any State whose entire program under this title is operated under a waiver granted under section 1115.

"(C) STATE BASE ALLOTMENT.—The term 'State base allotment' means, with respect to a State, the greater of—

"(i) the total amount of payment adjustments made under subsection (c) under the State plan during fiscal year 1992 (excluding any such payment adjustments for which a reduction may be made under paragraph (1)(A)(i)), or

"(ii) $1,000,000.

The amount under clause (i) shall be determined by the Secretary and shall include only payment adjustments described in paragraph (1)(A)(i)(I).

"(D) STATE GROWTH AMOUNT.—The term 'State growth amount' means, with respect to a State for a fiscal year, the lesser of—

"(i) the product of the State growth factor and the State DSH payment limit for the previous fiscal year, or

"(ii) the amount by which 12 percent of the total amount of expenditures made under the State plan under this title for medical assistance during the fiscal year exceeds the State DSH allotment for the previous fiscal year.

"(E) STATE GROWTH FACTOR.—The term 'State growth factor' means, for a State for a fiscal year, the percentage by which the expenditures described in section 1903(a) in the State in the fiscal year exceed such expenditures in the previous fiscal year.".

(2) CONFORMING AMENDMENTS.—(A) Such section 1923 is further amended—

(i) in subsection (a)(2)(B), by striking "subsection (c)," and inserting "subsections (c) and (f),"; and

(ii) in subsection (c), by striking "In order" and inserting "Subject to subsection (f), in order".

(B) Section 1903(a)(1) of such Act (42 U.S.C. 1396b(a)(1)) is amended by inserting "and section 1923(f)" after "of this section".

(c) LIMITS ON AUTHORITY TO RESTRICT DSH DESIGNATIONS.— 42 USC 1396r-4.
Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary may not restrict a State's authority to designate hospitals as disproportionate share hospitals under this section. The previous sentence shall not be construed to affect the authority of the Secretary to reduce payments pursuant to section 1903(w)(1)(A)(iii) if the Secretary determines that, as a result of such designations, there is in effect a hold harmless provision described in section 1903(w)(4).".

(d) STUDY OF DSH PAYMENT ADJUSTMENTS.— 42 USC 1396r-4 note.

(1) IN GENERAL.—The Prospective Payment Assessment Commission shall conduct a study concerning—

(A) the feasibility and desirability of establishing maximum and minimum payment adjustments under section 1923(c) of the Social Security Act for hospitals deemed disproportionate share hospitals under State medicaid plans, and

(B) criteria (other than criteria described in clause (i) or (ii) of section 1923(f)(1)(D) of such Act) that are appropriate for the designation of disproportionate share hospitals under section 1923 of such Act.

(2) ITEMS INCLUDED IN STUDY.—The Commission shall include in the study—

(A) a comparison of the payment adjustments for hospitals made under such section and the additional payments made under title XVIII of such Act for hospitals serving a significantly disproportionate number of low-income patients under the medicare program; and

(B) an analysis of the effect the establishment of limits on such payment adjustments will have on the ability of the hospitals to be reimbursed for the resource costs incurred by the hospitals in treating individuals entitled to medical assistance under State medicaid plans and other low-income patients.

(3) REPORT.—Not later than January 1, 1994, the Commission shall submit a report on the study conducted under paragraph (1) to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such report shall include such recommendations respecting the designation of disproportionate share hospitals and the establishment of maximum and minimum payment adjustments for such hospitals under section 1923 of the Social Security Act as may be appropriate.

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect January 1, 1992. 42 USC 1396a note.

(2) The proposed rule promulgated by the Secretary of Health and Human Services on October 31, 1991 (56 Federal Register 56141), relating to the standards for defining disproportionate share hospitals under the medicaid program, shall be withdrawn and can-

celed. No part of such proposed rule shall be effective except pursuant to a rule promulgated after the date of the enactment of this Act and consistent with this section (and the amendments made by this section).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 1903(d) of the Social Security Act (42 U.S.C. 1396b(d)) is amended by adding at the end the following:

"(6)(A) Each State (as defined in subsection (w)(7)(D)) shall include, in the first report submitted under paragraph (1) after the end of each fiscal year, information related to—

"(i) provider-related donations made to the State or units of local government during such fiscal year, and

"(ii) health care related taxes collected by the State or such units during such fiscal year.

"(B) Each State shall include, in the first report submitted under paragraph (1) after the end of each fiscal year, information related to the total amount of payment adjustments made, and the amount of payment adjustments made to individual providers (by provider), under section 1923(c) during such fiscal year.".

42 USC 1396b note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years ending after the date of the enactment of this Act.

42 USC 1396b note.

SEC. 5. INTERIM FINAL REGULATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Health and Human Services shall issue such regulations (on an interim final or other basis) as may be necessary to implement this Act and the amendments made by this Act.

(b) REGULATIONS CHANGING TREATMENT OF INTERGOVERNMENTAL TRANSFERS.—The Secretary may not issue any interim final regulation that changes the treatment (specified in section 433.45(a) of title 42, Code of Federal Regulations) of public funds as a source of State share of financial participation under title XIX of the Social Security Act, except as may be necessary to permit the Secretary to deny Federal financial participation for public funds described in section 1903(w)(6)(A) of such Act (as added by section 2(a) of this Act) that

are derived from donations or taxes that would not otherwise be recognized as the non-Federal share under section 1903(w) of such Act.

(c) CONSULTATION WITH STATES.—The Secretary shall consult with the States before issuing any regulations under this Act.

Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 3595:

HOUSE REPORTS: Nos. 102-310 (Comm. on Energy and Commerce) and 102-409 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 19, considered and passed House.
Nov. 26, considered and passed Senate, amended. House agreed to conference report.
Nov. 27, Senate agreed to conference report.

Public Law 102-235
102d Congress

An Act

Dec. 12, 1991
[S. 367]

To amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nontraditional Employment for Women Act.
Intergovernmental relations.
29 USC 1501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Employment for Women Act".

29 USC 1501 note.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) over 7,000,000 families in the United States live in poverty, and over half of those families are single parent households headed by women;

(2) women stand to improve their economic security and independence through the training and other services offered under the Job Training Partnership Act;

(3) women participating under the Job Training Partnership Act tend to be enrolled in programs for traditionally female occupations;

(4) many of the Job Training Partnership Act programs that have low female enrollment levels are in fields of work that are nontraditional for women;

(5) employment in traditionally male occupations leads to higher wages, improved job security, and better long-range opportunities than employment in traditionally female-dominated fields;

(6) the long-term economic security of women is served by increasing nontraditional employment opportunities for women; and

(7) older women reentering the work force may have special needs in obtaining training and placement in occupations providing economic security.

(b) STATEMENT OF PURPOSE.—The purposes of this Act are—

(1) to encourage efforts by the Federal, State, and local levels of government aimed at providing a wider range of opportunities for women under the Job Training Partnership Act;

(2) to provide incentives to establish programs that will train, place, and retain women in nontraditional fields; and

(3) to facilitate coordination between the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to maximize the effectiveness of resources available for training and placing women in nontraditional employment.

SEC. 3. DEFINITION. 29 USC 1503.

Section 4 of the Job Training Partnership Act (hereinafter referred to as the "Act") is amended by adding at the end thereof the following new paragraph:

"(30) The term 'nontraditional employment' as applied to women refers to occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work.".

SEC. 4. SERVICE DELIVERY AREA JOB TRAINING PLAN.

Section 104(b) of the Act is amended— 29 USC 1514.

(1) by redesignating paragraphs (5), (6), (7), (8), (9), (10), and (11) as paragraphs (6), (7), (8), (9), (10), (11), and (12), respectively;

(2) by inserting after paragraph (4) the following new paragraph:

"(5) goals for—

"(A) the training of women in nontraditional employment; and

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

and a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities;"; and

(3) in paragraph (12), as redesignated in paragraph (1) above, by—

(A) striking "and" at the end of subparagraph (B);

(B) striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) adding after subparagraph (C) the following new subparagraphs:

"(D) the extent to which the service delivery area has met its goals for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and the wage at placement;

"(iii) the participant's age;

"(iv) the participant's race; and

"(v) information on retention of the participant in nontraditional employment.".

SEC. 5. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) of the Act is amended by— 29 USC 1531.

(1) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The plan shall include goals for—

"(A) the training of women in nontraditional employment through funds available under the Job Training Partnership Act, the Carl D. Perkins Vocational and Applied Technology Education Act, and other sources of Federal and State support;

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

"(C) a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities; and

"(D) a description of efforts to coordinate activities provided pursuant to the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to train and place women in nontraditional employment.".

29 USC 1531.

(b) SPECIAL PROGRAMS.—Section 121(c) of the Act is amended by—

(1) redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) inserting after paragraph (8) the following new paragraph:

"(9) providing programs and related services to encourage the recruitment of women for training, placement, and retention in nontraditional employment;".

SEC. 6. STATE JOB TRAINING COORDINATING COUNCIL.

29 USC 1532.

Section 122(b) of the Act is amended by—

(1) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (9), (10), (11), and (12), respectively; and

(2) inserting after paragraph (4) the following new paragraphs:

"(5) review the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) and make recommendations for technical assistance and corrective action, based on the results of such reports;

"(6) prepare a summary of the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) detailing promising service delivery approaches developed in each service delivery area for the training and placement of women in nontraditional occupations, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(7) review the activities of the Governor to train, place, and retain women in nontraditional employment, including activities under section 123, prepare a summary of activities and an analysis of results, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(8) consult with the sex equity coordinator established under section 111(b) of the Carl D. Perkins Vocational and Applied Technology Education Act, obtain from the sex equity coordinator a summary of activities and an analysis of results in training women in nontraditional employment under the Carl D. Perkins Vocational and Applied Technology Education Act, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;".

SEC. 7. STATE EDUCATION COORDINATION AND GRANTS.

29 USC 1533.

(a) STATE EDUCATION COORDINATION AND GRANTS.—Section 123(a) of the Act is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and "and"; and

(3) inserting the following new paragraph at the end thereof:

"(4) to provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment.".

(b) USE OF FUNDS.—Section 123(c) is amended— 29 USC 1533.

(1) in paragraph (2)(B) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)"; and

(2) in paragraph (3) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)".

SEC. 8. USE OF FUNDS.

Section 204 of the Act is amended by— 29 USC 1604.

(1) redesignating paragraphs (27) and (28) as paragraphs (28) and (29), respectively; and

(2) inserting after paragraph (26) the following new paragraph:

"(27) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment,".

SEC. 9. DEMONSTRATION PROGRAMS.

Part D of title IV of the Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION PROGRAMS

"SEC. 457. (a)(1) From funds available under this part for each of the fiscal years 1992, 1993, 1994, and 1995, the Secretary shall use $1,500,000 in each such fiscal year to make grants to States to develop demonstration and exemplary programs to train and place women in nontraditional employment. Grants. 29 USC 1737.

"(2) The Secretary may award no more than 6 grants in each fiscal year.

"(b) In awarding grants pursuant to subsection (a), the Secretary shall consider—

"(1) the level of coordination between the Job Training Partnership Act and other resources available for training women in nontraditional employment;

"(2) the extent of private sector involvement in the development and implementation of training programs under the Job Training Partnership Act;

"(3) the extent to which the initiatives proposed by a State supplement or build upon existing efforts in a State to train and place women in nontraditional employment;

"(4) whether the proposed grant amount is sufficient to accomplish measurable goals;

"(5) the extent to which a State is prepared to disseminate information on its demonstration training programs; and

"(6) the extent to which a State is prepared to produce materials that allow for replication of such State's demonstration training programs.

"(c)(1) Each State receiving financial assistance pursuant to this section may use such funds to—

"(A) award grants to service providers in the State to train and otherwise prepare women for nontraditional employment;

"(B) award grants to service delivery areas that plan and demonstrate the ability to train, place, and retain women in nontraditional employment; and

"(C) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

"(2) Each State receiving financial assistance pursuant to subsection (c)(1)(A) may only award grants to—

"(A) community based organizations,

"(B) educational institutions, or

"(C) other service providers,

that have demonstrated success in occupational skills training.

"(3) Each State receiving financial assistance under this section shall ensure, to the extent possible, that grants are awarded for training, placing, and retaining women in growth occupations with increased wage potential.

"(4) Each State receiving financial assistance pursuant to subsection (c)(1)(B) or (c)(1)(C) may only award grants to service delivery areas that have demonstrated ability or exceptional performance in training, placing, and retaining women in nontraditional employment that is not attributable or related to the activities of any service provider awarded funds under subsection (c)(1)(A).

"(d) In any fiscal year in which a State receives a grant pursuant to this section such State may retain an amount not to exceed 10 percent of such grant to—

"(1) pay administrative costs,

"(2) facilitate the coordination of statewide approaches to training and placing women in nontraditional employment, or

"(3) provide technical assistance to service providers.

"(e) The Secretary shall provide for evaluation of the demonstration programs carried out pursuant to this section, including evaluation of the demonstration programs' effectiveness in—

"(1) preparing women for nontraditional employment, and

"(2) developing and replicating approaches to train and place women in nontraditional employment.".

29 USC 1737 note.

SEC. 10. REPORT AND RECOMMENDATIONS.

(a) REPORT.—The Secretary of Labor shall report to the Congress within 5 years of the date of enactment of this Act on—

(1) the extent to which States and service delivery areas have succeeded in training, placing, and retaining women in nontraditional employment, together with a description of the efforts made and the results of such efforts; and

(2) the effectiveness of the demonstration programs established by section 457 of the Job Training Partnership Act in developing and replicating approaches to train and place women in nontraditional employment, including a summary of activities performed by grant recipients under the demonstration programs authorized by section 457 of the Job Training Partnership Act.

(b) RECOMMENDATIONS.—The report described in subsection (a) shall include recommendations on the need to continue, expand, or modify the demonstration programs established by section 457 of the Job Training Partnership Act, as well as recommendations for legislative and administrative changes necessary to increase nontraditional employment opportunities for women under the Job Training Partnership Act.

SEC. 11. DISCRIMINATION.

29 USC 1501 note.

(a) For purposes of this legislation, nothing in this Act shall be construed to mean that Congress is taking a position on the issue of comparable worth.

(b) Nothing in this Act shall be construed to require, sanction or authorize discrimination in violation of title VII of the Civil Rights Act of 1964 or any other Federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program under this Act because of race, color, religion, sex, national origin, age, handicap, political affiliation or belief. Failure to meet the goals in the Act shall not itself constitute a violation of title VII of the Civil Rights Act of 1964 or any other Federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

SEC. 12. EFFECTIVE DATE.

29 USC 1514 note.

This Act and the amendments made by this Act shall take effect upon the date of enactment of this Act, except that the requirements imposed by sections 4, 5, and 6 of this Act shall apply to the plan or report filed or reviewed for program years beginning on or after July 1, 1992.

Approved December 12, 1991.

LEGISLATIVE HISTORY—S. 367:

SENATE REPORTS: No. 102-65 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 26, considered and passed Senate and House.

Public Law 102-236
102d Congress

An Act

Dec. 12, 1991
[S. 1532]

To revise and extend the programs under the Abandoned Infants Assistance Act of 1988.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Abandoned Infants Assistance Act Amendments of 1991.
42 USC 670 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Infants Assistance Act Amendments of 1991".

SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in paragraph (3), by striking "the vast majority" and inserting "an unacceptable number";

(2) in paragraph (6), by striking "the number of cases" and all that follows and inserting the following: "the number of infants and young children who are infected with the human immunodeficiency virus (which is believed to cause acquired immune deficiency syndrome and which is commonly known as HIV) or who have been perinatally exposed to the virus or to a dangerous drug;";

(3) in paragraph (7)—

(A) by striking "more than 80 percent of" and inserting "many such" before "infants"; and

(B) by striking "with acquired immune deficiency syndrome";

(4) in paragraph (8)—

(A) by inserting "such" before "infants"; and

(B) by striking "with acquired immune deficiency syndrome"; and

(5)(A) in paragraph (9), by striking "and" at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following new paragraph:

"(10) there is a need to support the families of such infants and young children through the provision of services that will prevent the abandonment of the infants and children; and".

SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS REGARDING INFANTS AND YOUNG CHILDREN ABANDONED IN HOSPITALS.

(a) PRIORITY REGARDING CERTAIN INFANTS AND YOUNG CHILDREN.—

(1) IN GENERAL.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(A) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(B) by inserting after subsection (a) the following new subsection:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that, in carrying out the purpose described in subsection (a) (other than with respect to paragraph (6) of such subsection), the applicant will give priority to abandoned infants and young children—

"(1) who are infected with the human immunodeficiency virus or who have been perinatally exposed to the virus; or

"(2) who have been perinatally exposed to a dangerous drug.".

(2) CONFORMING AMENDMENTS.—Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking "with acquired immune deficiency syndrome" and inserting "described in subsection (b)";

(ii) in each of paragraphs (2), (4), (5), and (7), by striking ", particularly those with acquired immune deficiency syndrome"; and

(iii) in paragraph (3), by striking ", particularly those with acquired immune deficiency syndrome,"; and

(B) in subsection (d)(1) (as redesignated by paragraph (1)(A) of this subsection), by striking "(d)" and inserting "(e)".

(b) COMPREHENSIVE SERVICE CENTERS.—Section 101(a) of the Abandoned Infants Assistance Act of 1988, as amended by subsection (a) of this section, is amended—

(1) in paragraph (6), by striking "and" after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) to prevent the abandonment of infants and young children, and to care for the infants and young children who have been abandoned, through model programs providing health, educational, and social services at a single site in a geographic area in which a significant number of infants and young children described in subsection (b) reside (with special consideration given to applications from entities that will provide the services of the project through community-based organizations).".

(c) OTHER REVISIONS REGARDING PURPOSE OF GRANTS.—Section 101(a) of the Abandoned Infants Assistance Act of 1988, as amended by subsections (a) and (b) of this section, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ", including the provision of services to members of the natural family for any condition that increases the probability of abandonment of an infant or young child"; and

(2) in paragraph (5), by inserting before the semicolon the following: "who are unable to reside with their families or to be placed in foster care".

(d) ADMINISTRATION OF GRANT.—Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated and amended by subsection (a) of this section, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) ADMINISTRATION" and all that follows through "The Secretary" and inserting the following:

"(d) ADMINISTRATION OF GRANT.—

"(1) The Secretary";

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and

(4) by adding at the end the following new paragraph:

"(2) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a grant under subsection (a) shall be for a period of 3 years, except that the Secretary—

"(A) may terminate the grant if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the grant; and

"(B) shall continue the grant for one additional year if the Secretary determines that the entity has satisfactorily complied with such agreements.".

SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

(a) DISSEMINATION OF INFORMATION TO INDIVIDUALS WITH SPECIAL NEEDS.—Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

Contracts.

"(b) DISSEMINATION OF INFORMATION TO INDIVIDUALS WITH SPECIAL NEEDS.—

"(1)(A) The Secretary may enter into contracts or cooperative agreements with public or nonprofit private entities for the development and operation of model projects to disseminate the information described in subparagraph (B) to individuals who are disproportionately at risk of dysfunctional behaviors that lead to the abandonment of infants or young children.

"(B) The information referred to in subparagraph (A) is information on the availability to individuals described in such subparagraph, and the families of the individuals, of financial assistance and services under Federal, State, local, and private programs providing health services, mental health services, educational services, housing services, social services, or other appropriate services.

"(2) The Secretary may not provide a contract or cooperative agreement under paragraph (1) to an entity unless—

"(A) the entity has demonstrated expertise in the functions with respect to which such financial assistance is to be provided; and

"(B) the entity agrees that in disseminating information on programs described in such paragraph, the entity will give priority—

"(i) to providing the information to individuals described in such paragraph who—

"(I) engage in the abuse of alcohol or drugs, who are infected with the human immunodeficiency virus, or who have limited proficiency in speaking the English language; or

"(II) have been historically underserved in the provision of the information; and

"(ii) to providing information on programs that are operated in the geographic area in which the individuals involved reside and that will assist in eliminating or reducing the extent of behaviors described in such paragraph.

"(3) In providing contracts and cooperative agreements under paragraph (1), the Secretary may not provide more than 1 such contract or agreement with respect to any geographic area.

"(4) Subject to the availability of amounts made available in appropriations Acts for the fiscal year involved, the duration of a contract or cooperative agreement under paragraph (1) shall be for a period of 3 years, except that the Secretary may terminate such financial assistance if the Secretary determines that the entity involved has substantially failed to comply with the agreements required as a condition of the provision of the assistance.".

(b) STUDY.—Section 102(c) of the Abandoned Infants Assistance Act of 1988, as amended by subsection (a) of this subsection, is amended— 42 USC 670 note.

(1) in paragraph (1)(A), by striking "infants who have acquired immune deficiency syndrome" and inserting "infants and young children who are infants and young children described in section 101(b)"; and

(2) in paragraph (2), by striking "The Secretary and all that follows through "Act," and inserting the following: "Not later than April 1, 1992, the Secretary shall".

SEC. 5. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this title:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(3) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this Act.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) IN GENERAL.—

"(1) For the purpose of carrying out this title (other than section 102(b)), there are authorized to be appropriated $20,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993,

$30,000,000 for fiscal year 1994, and $35,000,000 for fiscal year 1995.

"(2)(A) Of the amounts appropriated under paragraph (1) for any fiscal year in excess of the amount appropriated under this subsection for fiscal year 1991, as adjusted in accordance with subparagraph (B), the Secretary shall make available not less than 50 percent for grants under section 101(a) to carry out projects described in paragraph (8) of such section.

"(B) For purposes of subparagraph (A), the amount relating to fiscal year 1991 shall be adjusted for a fiscal year to a greater amount to the extent necessary to reflect the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with March of the preceding fiscal year.

"(3) Not more than 5 percent of the amounts appropriate under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).

"(b) DISSEMINATION OF INFORMATION FOR INDIVIDUALS WITH SPECIAL NEEDS.—For the purpose of carrying out section 102(b), there is authorized to be appropriated $5,000,000 for each of the fiscal years 1992 through 1995.

"(c) ADMINISTRATIVE EXPENSES.—

"(1) For the purpose of the administration of this title by the Secretary, there is authorized to be appropriated for each fiscal year specified in subsection (a)(1) an amount equal to 5 percent of the amount authorized in such subsection to be appropriated for the fiscal year. With respect to the amounts appropriated under such subsection, the preceding sentence may not be construed to prohibit the expenditure of the amounts for the purpose described in such sentence.

"(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the amounts appropriated under subsection (a)(1) for the fiscal year, the Secretary has obligated for the purpose described in such paragraph an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(d) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.".

SEC. 7. CONFORMING AMENDMENT.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"TITLE I—PROJECTS REGARDING ABANDONMENT OF INFANTS AND YOUNG CHILDREN IN HOSPITALS".

SEC. 8. TERMINATION OF PROGRAM.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

SEC. 9. OLDER WORKERS BENEFIT PROTECTION ACT AMENDMENT.

29 USC 623 note.

Amend section 105 of the Older Workers Benefit Protection Act (Public Law 101-433) by striking the semicolon at the end of paragraph (b)(1) and inserting thereafter the following: "; or that is a

result of pattern collective bargaining in an industry where the agreement setting the pattern was ratified after September 20, 1990, but prior to the date of enactment, and the final agreement in the industry adhering to the pattern was ratified after the date of enactment, but not later than November 20, 1990;".

Approved December 12, 1991.

LEGISLATIVE HISTORY—S. 1532 (H.R. 2722):

HOUSE REPORTS: No. 102-209, Pt. 1 (Comm. on Education and Labor) and Pt. 2 (Comm. on Energy and Commerce), both accompanying H.R. 2722.
SENATE REPORTS: No. 102-161 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 29, considered and passed Senate.
Nov. 19, H.R. 2722 considered and passed House; S. 1532, amended, passed in lieu.
Nov. 26, Senate concurred in House amendments with an amendment. House concurred in Senate amendment.

49-194 O - 92 - 28 : QL. 3 Part 2

Public Law 102-237
102d Congress

An Act

Dec. 13, 1991
[H.R. 3029]

To make technical corrections to agricultural laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Food, Agriculture, Conservation, and Trade Act Amendments of 1991.
7 USC 1421 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food, Agriculture, Conservation, and Trade Act Amendments of 1991".

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Sec. 307. Erroneous quotation.
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Sec. 310. Missing subtitle heading correction.
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Sec. 319. Cross reference correction.
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TITLE XI—EFFECTIVE DATES

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TITLE I—AGRICULTURAL COMMODITY PROGRAMS

SEC. 101. REFERENCES.

Except as otherwise specifically provided, whenever in this title a section is amended, repealed, or referenced, such amendment, repeal, or reference shall be considered to be made to that section of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

SEC. 102. CONSERVING USE ACRES.

(a) RICE.—Section 101B(c)(1)(E) (7 U.S.C. 1441-2(c)(1)(E)) is amended—

(1) by indenting 2 ems the left margin of clauses (i) and (ii) and redesignating such clauses as subclauses (I) and (II), respectively;

(2) by striking "(E) ALTERNATIVE CROPS.—The Secretary" and inserting the following:

"(E) ALTERNATIVE CROPS.—

"(i) INDUSTRIAL AND OTHER CROPS.—The Secretary";

(3) by indenting 2 ems the left margin of clause (i) (as amended by paragraph (2));

(4) by striking "sesame, castor beans, crambe," and inserting "castor beans,";

(5) by striking "rye, mung beans," and inserting "rye, millet, mung beans,";

(6) in subclause (I) (as redesignated by paragraph (1)), by striking "and will not affect farm income adversely"; and

(7) by adding at the end the following new clause:

"(ii) SESAME AND CRAMBE.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (D) to be devoted to sesame and crambe. In implementing this clause, if the Secretary determines that sesame or crambe are considered oilseeds under section 205, the Secretary shall provide that, in order to receive payments under subparagraph (D), the producers shall agree to forgo eligibility to receive a loan under section 205 for the crop of sesame or crambe produced on the farm.".

(b) COTTON.—Section 103B(c)(1)(E) (7 U.S.C. 1444-2(c)(1)(E)) is amended—

(1) by indenting 2 ems the left margin of clauses (i) and (ii) and redesignating such clauses as subclauses (I) and (II), respectively;

(2) by striking "(E) ALTERNATIVE CROPS.—The Secretary" and inserting the following:

"(E) ALTERNATIVE CROPS.—

"(i) INDUSTRIAL AND OTHER CROPS.—The Secretary";

(3) by indenting 2 ems the left margin of clause (i) (as amended by paragraph (2));

(4) by striking "sesame, castor beans, crambe," and inserting "castor beans,";

(5) by striking "rye, mung beans," and inserting "rye, millet, mung beans,";

(6) in subclause (I) (as redesignated by paragraph (1)), by striking "and will not affect farm income adversely"; and

(7) by adding at the end the following new clause:

"(ii) SESAME AND CRAMBE.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (D) to be devoted to sesame and crambe. In implementing this clause, if the Secretary determines that sesame or crambe are considered oilseeds under section 205, the Secretary shall provide that, in order to receive payments under subparagraph (D), the producers shall agree to forgo eligibility to receive a loan under section 205 for the crop of sesame or crambe produced on the farm.".

(c) FEED GRAINS.—Section 105B(c)(1)(F) (7 U.S.C. 1444f(c)(1)(F)) is amended—

(1) in clause (i)—

(A) by striking "sesame, castor beans, crambe," and inserting "castor beans,";

(B) by striking "rye, mung beans," and inserting "rye, millet, mung beans,"; and

(C) in subclause (I), by striking "and will not affect farm income adversely"; and

(2) in clause (ii), by striking "mustard seed, and" and inserting "mustard seed, sesame, crambe, and".

(d) WHEAT.—Section 107B(c)(1)(F) (7 U.S.C. 1445b-3a(c)(1)(F)) is amended—

(1) in clause (i)—

(A) by striking "sesame, castor beans, crambe," and inserting "castor beans,";

(B) by striking "rye, mung beans," and inserting "rye, millet, mung beans,"; and

(C) in subclause (I), by striking "and will not affect farm income adversely"; and

(2) in clause (ii), by striking "mustard seed, and" and inserting "mustard seed, sesame, crambe, and".

SEC. 103. DOUBLE CROPPING OF 0/92 ACRES.

(a) FEED GRAINS.—Section 105B(c)(1)(F) (7 U.S.C. 1444f(c)(1)(F)) is amended by adding at the end the following new clause:

"(iii) DOUBLE CROPPING.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any portion of the acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (E) that is devoted to an industrial, oilseed, or other crop pursuant to clause (i) or (ii) to be subsequently planted during the same crop year to any crop described in subparagraph (B), (C), or (D) of section 504(b)(1). The planting of soybeans as such subsequently planted crop shall be limited to farms determined by the Secretary to have an established history of double cropping soybeans during at least 3 of the

preceding 5 years. In implementing this clause, the Secretary shall require producers to agree to forego eligibility to receive loans under this Act for the crop of the subsequently planted crop that is produced on a farm under this clause.".

(b) WHEAT.—Section 107B(c)(1)(F) (7 U.S.C. 1445b-3a(c)(1)(F)) is amended by adding at the end the following new clause:

"(iii) DOUBLE CROPPING.—The Secretary shall permit, subject to such terms and conditions as the Secretary may prescribe, all or any portion of the acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (E) that is devoted to an industrial, oilseed, or other crop pursuant to clause (i) or (ii) to be subsequently planted during the same crop year to any crop described in subparagraph (B), (C), or (D) of section 504(b)(1). The planting of soybeans as such subsequently planted crop shall be limited to farms determined by the Secretary to have an established history of double cropping soybeans during at least 3 of the preceding 5 years. In implementing this clause, the Secretary shall require producers to agree to forego eligibility to receive loans under this Act for the crop of the subsequently planted crop that is produced on a farm under this clause.".

SEC. 104. ANNOUNCEMENT OF ACREAGE REDUCTION PROGRAMS FOR RICE.

Section 101B(e)(1) (7 U.S.C. 1441-2(e)(1)) is amended by striking subparagraph (C) and inserting the following new subparagraph:

"(C) ANNOUNCEMENTS.—

"(i) PRELIMINARY ANNOUNCEMENT.—If the Secretary elects to implement an acreage limitation program for any crop year, the Secretary shall make a preliminary announcement of any such program not later than December 1 of the calendar year preceding the year in which the crop is harvested (or, for the 1992 crop, as soon as practicable after the date of enactment of this subparagraph). The preliminary announcement shall include, among other information determined necessary by the Secretary, an announcement of the uniform percentage reduction in the rice crop acreage base described in paragraph (2)(A).

"(ii) FINAL ANNOUNCEMENT.—Not later than January 31 of the calendar year in which the crop is harvested, the Secretary shall make a final announcement of the program. The announcement shall include, among other information determined necessary by the Secretary, an announcement of the uniform percentage reduction in the rice crop described in paragraph (2)(A).".

SEC. 105. CORN AND SORGHUM BASES.

Section 105B(e)(2) (7 U.S.C. 1444f(c)(2)) is amended by adding at the end the following new subparagraph:

"(H) CORN AND SORGHUM BASES.—Notwithstanding any other provision of this Act, with respect to each of the 1992 through 1995 crops of corn and grain sorghums—

"(i) the Secretary shall combine the permitted acreages established under subparagraph (D) for a farm for a crop year for corn and grain sorghums;

"(ii) for each crop year, the sum of the acreage planted and considered planted to corn and grain sorghum, as determined by the Secretary under this section and title V, shall be prorated to corn and grain sorghum based on the ratio of the crop acreage base for the individual crop of corn or grain sorghum, as applicable, to the sum of the crop acreage bases for corn and grain sorghum established for each crop year; and

"(iii) for each crop year, the sum of the corn and grain sorghum payment acres, as determined under subsection (c), shall be prorated to corn and grain sorghum based on the ratio of the maximum payment acres for the individual crop of corn or grain sorghum, as applicable, to the sum of the maximum payment acres for corn and grain sorghum established for each crop year.".

SEC. 106. COVER CROPS ON REDUCED ACREAGE.

(a) RICE.—Clause (i) of section 101B(e)(4)(B) (7 U.S.C. 1441-2(e)(4)(B)(i)) is amended to read as follows:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of rice under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of rice, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of the State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. The State committee shall establish the final seeding date for the planting of the cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Con-

servationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

(b) COTTON.—Clause (i) of section 103B(e)(4)(B) (7 U.S.C. 1444-2(e)(4)(B)(i)) is amended to read as follows:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of upland cotton under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of upland cotton, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of the State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. The State committee shall establish the final seeding date for the planting of the cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

(c) FEED GRAINS.—Clause (i) of section 105B(e)(4)(B) (7 U.S.C. 1444f(e)(4)(B)(i)) is amended to read as follows:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of feed grains under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of feed grains, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of the State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. The State committee shall establish the final seeding date for the planting of the cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

(d) WHEAT.—Clause (i) of section 107B(e)(4)(B) (7 U.S.C. 1445b-3a(e)(4)(B)(i)) is amended to read as follows:

"(i) REQUIRED.—

"(I) IN GENERAL.—Except as provided in subclause (II) and paragraph (2), a producer who participates in an acreage reduction program established for a crop of wheat under this subsection shall be required to plant to, or maintain as, an annual or perennial cover 50 percent (or more at the option of the producer) of the acreage that is required to be removed from the production of wheat, but not to exceed 5 percent (or more at the option of the producer) of the crop acreage base established for the crop.

"(II) ARID AREAS.—Subclause (I) shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. If the Secretary determines any county in a State to be arid, the respective State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may designate any other county or counties or all of the State as arid for the purposes of this paragraph.

"(III) APPROVAL OF COVER CROPS AND PRACTICES.—The State committee, after receiving recommendations from the county committees, shall approve appropriate crops planted or maintained as cover, including, as appropriate, annual or perennial native grasses and legumes or other vegetation. The State committee shall establish the final seeding date for the planting of the cover and shall approve appropriate cover crops or practices, after consulting the Soil Conservation Service State Conservationist regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion. After the Secretary establishes the State technical committee for the State pursuant to section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the State committee shall consult with the technical committee (rather than the Soil Conservation Service State Conservationist) regarding whether the crops or practices will sufficiently protect the land from weeds and wind and water erosion.".

SEC. 107. COTTON USER MARKETING CERTIFICATES.

(a) ISSUANCE.—Section 103B(a)(5)(E) (7 U.S.C. 1444-2(a)(5)(E)) is amended—

(1) by striking clause (i) and inserting the following new clause:

"(i) ISSUANCE.—Subject to clause (iv), during the period beginning August 1, 1991, and ending July 31, 1996, the Secretary shall issue marketing certificates or cash payments to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive 4-week period in which—

"(I) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

"(II) the prevailing world market price for upland cotton (adjusted to United States quality and location), established under subparagraph (C), does not exceed 130 percent of the current crop year loan level for the base quality of upland cotton, as determined by the Secretary.";

(2) in clause (ii), by striking "marketing certificates" and inserting "marketing certificates or cash payments"; and

(3) by adding at the end the following new clause:

"(iv) EXCEPTION.—The Secretary shall not issue marketing certificates or cash payments under clause (i) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this subparagraph, exceeds the Northern Europe price by more than 1.25 cents per pound.".

(b) PREVAILING WORLD MARKET PRICE.—Section 103B(a)(5)(C)(ii) (7 U.S.C. 1444-2(a)(5)(C)(ii)) is amended by striking "and (B)" and inserting ", (B), and (E)".

SEC. 108. MALTING BARLEY.

Section 105B (7 U.S.C. 1444f) is amended—

(1) in subsection (e)(2)(G), by adding at the end the following new sentence: "The Secretary shall make an annual determination of whether to exempt such producers from compliance with any acreage limitation under this paragraph and shall announce such determination in the Federal Register."; and

Federal Register, publication.

(2) by striking subsection (p) and inserting the following new subsection:

"(p) MALTING BARLEY.—

"(1) ASSESSMENT REQUIRED.—In order to help offset costs associated with deficiency payments made available under this section to producers of barley, the Secretary shall provide for an assessment for each of the 1991 through 1995 crop years to be levied on any producer of malting barley produced on a farm that is enrolled for the crop year in the production adjustment program under this section. The Secretary shall establish such assessment at not more than 5 percent of the value of the malting barley produced on program payment acres on the farm during each of the 1991 through 1995 crop years. The production per acre on which the assessment is based shall not be greater than the farm program payment yield.

"(2) VALUE OF MALTING BARLEY.—The Secretary may establish the value of such malting barley at the lesser of the State or national weighted average market price received by producers of malting barley for the first 5 months of the marketing year. In calculating the State or national weighted average market price, the Secretary may exclude the value of malting barley that is contracted for sale by producers prior to planting.

"(3) EXCEPTION TO ASSESSMENT.—In counties where malting barley is produced, participating barley producers may certify to the Secretary prior to computation of final deficiency payments that part or all of the producer's production was (or will be) sold or used for nonmalting purposes. The portion certified as sold or used for nonmalting purposes shall not be subject to the assessment. The Secretary may require producers to provide to the Secretary such documentation as the Secretary considers appropriate to carry out this paragraph.".

SEC. 109. DEFICIENCY PAYMENTS FOR WHEAT, BARLEY, AND OATS.

Section 114(c) (7 U.S.C. 1445j(c)) is amended—

(1) in the material preceding the paragraphs, by striking "sections" and inserting "section";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by striking paragraph (2) and inserting the following new paragraphs:

"(2) With respect to feed grains (excluding barley and oats), 75 percent of the final projected deficiency payment for the crop, reduced by the amount of the advance, shall be made available as soon as practicable after the end of the first 5 months of the applicable marketing year.

"(3) With respect to wheat, barley, and oats, the final projected deficiency payment for the crop, reduced by the amount of the advance, shall be made available as soon as practicable after the end of the first 5 months of the applicable marketing year. Such projected payment shall be based on the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary, plus 10 cents per bushel with respect to wheat or 7 cents per bushel with respect to barley and oats.".

SEC. 110. MINOR OILSEED LOAN RATES.

Section 205(c) (7 U.S.C. 1446f(c)) is amended—

(1) in paragraph (2), by striking "flaxseed" and inserting "flaxseed, individually,";

(2) in paragraph (3), by striking "that, in the case of cottonseed, in no event less" and inserting "in no event shall the level for such oilseeds (other than cottonseed) be less"; and

(3) by adding after and below paragraph (3) the following new sentence:

"To ensure that producers have an equitable opportunity to produce an alternative crop in areas of limited crop options, the Secretary may limit, insofar as practicable, adjustments in the loan rate established under paragraph (2) applicable to a particular region, State, or county for the purpose of reflecting transportation differentials such that the regional, State, or county loan rate does not increase or decrease by more than 9 percent from the basic national loan rate.".

SEC. 111. SUGAR.

(a) SUGAR PRICE SUPPORT AND MARKETING ASSESSMENTS.—Section 206 (7 U.S.C. 1446g) is amended—

(1) in subsection (e), by striking "announce the loan rate" and inserting "announce the basic loan rates for beet sugar and cane sugar";

(2) in subsection (f), by striking "Loans" and inserting "Except as provided in subsection (g), loans";

(3) by striking subsection (g) and inserting the following new subsection:

"(g) SUPPLEMENTARY NONRECOURSE LOANS.—The Secretary shall make available to eligible processors price support loans with respect to sugar processed from sugar beets and sugarcane harvested in the last 3 months of a fiscal year. Such loans shall mature at the end of the fiscal year. The processor may repledge the sugar as collateral for a price support loan in the subsequent fiscal year, except that the second loan shall—

"(1) be made at the loan rate in effect at the time the second loan is made; and

"(2) mature in 9 months less the quantity of time that the first loan was in effect."; and

(4) in subsection (i)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following new paragraphs:

"(1) SUGARCANE.—Effective only for marketings of raw cane sugar during the 1992 through 1996 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to .18 cents per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

"(2) SUGAR BEETS.—Effective only for marketings of beet sugar during the 1992 through 1996 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to .193 cents per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

"(3) COLLECTION.—

"(A) TIMING.—Marketing assessments required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation within 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of that year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

"(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be nonrefundable."; and

(B) in paragraph (4), by striking "collect or remit the reduction" and inserting "remit the assessment".

(b) SECURITY INTERESTS.—Subsection (b) of section 405 (7 U.S.C. 1425) is amended to read as follows:

"(b) SUGARCANE AND SUGAR BEETS.—The security interests obtained by the Commodity Credit Corporation as a result of the execution of security agreements by the processors of sugarcane and sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived. The preceding sentence shall not affect the application of section 401(e)(2).".

(c) SUGAR INFORMATION REPORTING.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) DUTY OF PROCESSORS, REFINERS AND MANUFACTURERS TO REPORT.—

"(1) PROCESSORS AND REFINERS.—All sugarcane processors, cane sugar refiners, and sugar beet processors shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

"(2) MANUFACTURERS OF CRYSTALLINE FRUCTOSE.—All manufacturers of crystalline fructose from corn (hereafter in this part referred to as 'crystalline fructose') shall furnish the Secretary, on a monthly basis, such information as the Secretary may require with respect to the manufacturer's distribution of crystalline fructose.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following new subsection:

"(b) DUTY OF PRODUCERS TO REPORT.—The Secretary may require a producer of sugarcane or sugar beets to report, in the manner prescribed by the Secretary, the producer's sugarcane or sugar beet yields and acres planted to sugarcane or sugar beets, respectively."; and

(4) in subsection (d) (as redesignated by paragraph (2))—

(A) by striking "data on imports," and inserting "data on production, imports,"; and

(B) by inserting "composite data on distributions of" after "sugar and".

(d) MARKETING ALLOTMENTS FOR SUGAR AND CRYSTALLINE FRUCTOSE.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) SUGAR ESTIMATES.— Imports.

"(1) IN GENERAL.—Before the beginning of each of the fiscal years 1992 through 1996, the Secretary shall estimate—

"(A) the quantity of sugar that will be consumed in the United States during the fiscal year (other than sugar imported for the production of polyhydric alcohol or to be refined and reexported in refined form or in sugar containing products) and the quantity of sugar that would provide for reasonable carryover stocks;

"(B) the quantity of sugar that will be available from carry-in stocks or from domestically-produced sugarcane and sugar beets for consumption in the United States during the year; and

"(C) the quantity of sugar that will be imported for consumption in the United States during the year (other than sugar imported for the production of polyhydric alcohol or to be refined and reexported in a refined form or in sugar containing products), based on the difference between—

"(i) the sum of the quantity of estimated consumption and reasonable carryover stocks; and

"(ii) the quantity of sugar estimated to be available from domestically-produced sugarcane and sugar beets and from carry-in stocks.

"(2) QUARTERLY REESTIMATES.—The Secretary shall make quarterly reestimates of sugar consumption, stocks, production,

and imports for a fiscal year no later than the beginning of each of the second through fourth quarters of the fiscal year.";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) SUGAR ALLOTMENTS.—

"(1) IN GENERAL.—For any fiscal year in which the Secretary estimates, under subsection (a)(1)(C), that imports of sugar for consumption in the United States (other than sugar imported for the production of polyhydric alcohol or to be refined and reexported in refined form or in sugar containing products) will be less than 1,250,000 short tons, raw value, the Secretary shall establish for that year appropriate allotments under section 359c for the marketing by processors of sugar processed from domestically-produced sugarcane and sugar beets, at a level that the Secretary estimates will result in imports of sugar of not less than 1,250,000 short tons, raw value, for that year.

"(2) PRODUCTS.—The Secretary may include sugar products, whose majority content is sucrose or crystalline fructose for human consumption, derived from sugarcane, sugar beets, molasses or sugar in the allotments under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part."; and

(3) in subsection (d)(4), by inserting after "the United States" the following: "(including, with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process)".

(e) ESTABLISHMENT OF MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)(1)—

(A) by striking "from the estimated sugar consumption" and inserting "from the sum of the estimated sugar consumption and reasonable carryover stocks (at the end of the fiscal year)"; and

(B) in subparagraph (A), by striking "(representing minimum imports of sugar for consumption in the United States during the fiscal year)";

(2) in subsection (b)(2), by striking "prevent the accumulation of sugar acquired by" and inserting "avoid the forfeiture of sugar to";

(3) in subsection (f)—

(A) in the subsection heading, by striking "SUGARCANE ALLOTMENT" and inserting "CANE SUGAR ALLOTMENTS"; and

(B) by striking "allotted among the 5 States in the United States in which sugarcane is produced" and inserting "allotted, among the 5 States in the United States in which sugarcane is produced,";

(4) in subsection (g)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—The Secretary shall, based on reestimates under section 359b(a)(2)—

"(A) adjust upward or downward marketing allotments established under subsections (a) through (f) in a fair and equitable manner;

"(B) establish marketing allotments for the fiscal year or any portion of such fiscal year; or

"(C) suspend the allotments,

as the Secretary determines appropriate, to reflect changes in estimated sugar consumption, stocks, production, or imports.".

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) REDUCTIONS.—Whenever a marketing allotment for a fiscal year is required to be reduced during the fiscal year under this subsection, if the quantity of sugar marketed, including sugar pledged as collateral for a price support loan under section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g), for the fiscal year at the time of the reduction by any individual processor covered by the allotment exceeds the processor's reduced allocation, the allocation of an allotment, if any, next established for the processor shall be reduced by the quantity of the excess sugar marketed."; and

(5) by striking subsection (h) and inserting the following new subsection:

"(h) FILLING CANE SUGAR AND BEET SUGAR ALLOTMENTS.—Each marketing allotment for cane sugar established under this section may only be filled with sugar processed from domestically grown sugarcane, and each marketing allotment for beet sugar established under this section may only be filled with sugar processed from domestically grown sugar beets.".

(f) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd) is amended—

(1) in subsection (a)(2) by striking "after such hearing" both places it appears and inserting "after a hearing, if requested by interested parties,"; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) FILLING CANE SUGAR ALLOTMENTS.—Except as otherwise provided in section 359e, a State cane sugar allotment established under section 359c(f) for a fiscal year may be filled only with sugar processed from sugarcane grown in the State covered by the allotment.".

(g) REASSIGNMENTS OF DEFICITS.—Section 359e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee) is amended to read as follows:

"SEC. 359e. REASSIGNMENT OF DEFICITS.

"(a) ESTIMATES OF DEFICITS.—At any time allotments are in effect under this part, the Secretary, from time to time, shall determine whether (in view of then-current inventories of sugar, the estimated production of sugar and expected marketings, and other pertinent factors) any processor of sugarcane will be unable to market the sugar covered by the portion of the State cane sugar allotment allocated to the processor and whether any processor of sugar beets will be unable to market sugar covered by the portion of the beet sugar allotment allocated to the processor.

"(b) REASSIGNMENT OF DEFICITS.—

"(1) CANE SUGAR.—If the Secretary determines that any sugarcane processor who has been allocated a share of a State cane sugar allotment will be unable to market the processor's allocation of the State's allotment for the fiscal year—

"(A) the Secretary first shall reassign the estimated quantity of the deficit to the allocations for other processors within that State, depending on the capacity of each other processor to fill the portion of the deficit to be assigned to it and taking into account the interests of producers served by the processors;

"(B) if after the reassignments the deficit cannot be completely eliminated, the Secretary shall reassign the estimated quantity of the deficit proportionately to the allotments for other cane sugar States, depending on the capacity of each other State to fill the portion of the deficit to be assigned to it, with the reassigned quantity to each State to be allocated among processors in that State in proportion to the allocations of the processors; and

"(C) if after the reassignments, the deficit cannot be completely eliminated, the Secretary shall reassign the remainder to imports.

"(2) BEET SUGAR.—If the Secretary determines that a sugar beet processor who has been allocated a share of the beet sugar allotment will be unable to market that allocation—

"(A) the Secretary first shall reassign the estimated quantity of the deficit to the allotments for other sugar beet processors, depending on the capacity of each other processor to fill the portion of the deficit to be assigned to it and taking into account the interests of producers served by the processors; and

"(B) if after the reassignments, the deficit cannot be completely eliminated, the Secretary shall reassign the remainder to imports.

"(3) CORRESPONDING INCREASE.—The allocation of each processor receiving a reassigned quantity of an allotment under this subsection for a fiscal year shall be increased to reflect the reassignment.".

(h) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(b)) is amended—

(1) in paragraph (1)(A), by striking "250 producers in such State" and inserting "250 sugarcane producers in the State (other than Puerto Rico)";

(2) in paragraph (2), by striking "establish proportionate shares for the crop of sugarcane that is harvested during" and inserting "establish a proportionate share for each sugarcane-producing farm that limits the acreage of sugarcane that may be harvested on the farm for sugar or seed during"; and

(3) by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

"(3) METHOD OF DETERMINING.—For purposes of determining proportionate shares for any crop of sugarcane:

"(A) The Secretary shall establish the State's per-acre yield goal for a crop of sugarcane at a level (not less than the average per-acre yield in the State for the preceding 5 years, as determined by the Secretary) that will ensure an adequate net return per pound to producers in the State, taking into consideration any available production research data that the Secretary considers relevant.

"(B) The Secretary shall adjust the per-acre yield goal by the average recovery rate of sugar produced from sugarcane by processors in the State.

"(C) The Secretary shall convert the State allotment for the fiscal year involved into a State acreage allotment for the crop by dividing the State allotment by the per-acre yield goal for the State, as established under subparagraph (A) and as further adjusted under subparagraph (B).

"(D) The Secretary shall establish a uniform reduction percentage for the crop by dividing the State acreage allotment, as determined for the crop under subparagraph (C), by the sum of all adjusted acreage bases in the State, as determined by the Secretary.

"(E) The uniform reduction percentage for the crop, as determined under subparagraph (D), shall be applied to the acreage base for each sugarcane-producing farm in the State to determine the farm's proportionate share of sugarcane acreage that may be harvested for sugar or seed.

"(4) ACREAGE BASE.—For purposes of this subsection, the acreage base for each sugarcane-producing farm shall be determined by the Secretary, as follows:

"(A) The acreage base for any farm shall be the number of acres that is equal to the average of the acreage planted and considered planted for harvest for sugar or seed on the farm in each of the 5 crop years preceding the fiscal year the proportionate share will be in effect.

"(B) Acreage planted to sugarcane that producers on a farm were unable to harvest to sugarcane for sugar or seed because of drought, flood, other natural disaster, or other condition beyond the control of the producers may be considered as harvested for the production of sugar or seed for purposes of this paragraph.

"(5) VIOLATION.—

"(A) IN GENERAL.—Whenever proportionate shares are in effect in a State for a crop of sugarcane, producers on a farm shall not knowingly harvest, or allow to be harvested, for sugar or seed an acreage of sugarcane in excess of the farm's proportionate share for the fiscal year, or otherwise violate proportionate share regulations issued by the Secretary under section 359h(a).

"(B) CIVIL PENALTY.—Any producer who violates subparagraph (A) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of the quantity of sugar produced from that quantity of sugarcane involved in the violation. The quantity of sugarcane involved shall be determined based on the per-acre yield goal established under paragraph (3).".

(i) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) TRANSFER OF ACREAGE BASE HISTORY.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f, the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

"(b) PRESERVATION OF ACREAGE BASE HISTORY.—If for reasons beyond the control of a producer on a farm, the producer is unable to harvest an acreage of sugarcane for sugar or seed with respect to all or a portion of the proportionate share established for the farm under section 359f, the Secretary, on the application of the producer and with the written consent of all owners of the farm, may preserve for a period of not more than 3 consecutive years the acreage base history of the farm to the extent of the proportionate share involved. The Secretary may permit the proportionate share to be redistributed to other farms, but no acreage base history for purposes of establishing acreage bases shall accrue to the other farms by virtue of the redistribution of the proportionate share."; and

(2) in subsection (c)—

(A) by striking "hearing and"; and

(B) by inserting "required to be" after "proportionate share was".

(j) REGULATIONS.—Subsection (a) of section 359h of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359hh(a)) is amended to read as follows:

"(a) REGULATIONS.—The Secretary or the Commodity Credit Corporation, as appropriate, shall issue such regulations as may be necessary to carry out the authority vested in the Secretary in administering this part."; and

(k) APPEALS.—Paragraph (2) of section 359i(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii(b)(2)) is amended to read as follows:

"(2) HEARING.—The Secretary shall provide each appellant an opportunity for a hearing before an administrative law judge in accordance with sections 554 and 556 of title 5, United States Code. The expenses for conducting the hearing shall be reimbursed by the Commodity Credit Corporation.".

SEC. 112. CROP ACREAGE BASE.

(a) ACREAGE CONSIDERED PLANTED.—Section 503(c) (7 U.S.C. 1463(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) acreage in an amount not to exceed 20 percent of the crop acreage base for a crop of feed grains or wheat if—

"(A) the acreage is planted to dry peas, (limited to Austrian peas, wrinkled, seed, green, yellow, and umatilla) and lentils; and

"(B) payments are not received by producers under sections 105B(c)(1)(E) and 107B(c)(1)(E), as the case may be;".

(b) ADJUSTMENT OF BASES.—Section 503(h) (7 U.S.C. 1463(h)) is amended—

(1) by striking "BASES.—The county" and inserting the following: "BASES.—

"(1) IN GENERAL.—The county"; and

(2) by adding at the end the following new paragraph:

"(2) RESTORATION OF CROP ACREAGE BASE.—

"(A) IN GENERAL.—For the 1992 through 1995 crop years, the county committee shall allow an eligible producer to increase individual crop acreage bases on the farm, subject to subsection

(a)(2), above the levels of base that would otherwise be established under this section, in order to restore the total of crop acreage bases on the farm for the 1992 through 1995 crop years to the same level as the total of crop acreage bases on the farm for the 1990 crop year.

"(B) ELIGIBLE PRODUCER DEFINED.—For the purposes of this paragraph, the term 'eligible producer' means a producer of upland cotton or rice who, the appropriate county committee determines—

"(i) was required to reduce one or more individual crop acreage bases on the farm during the 1991 crop year in order to comply with subsection (a)(2) and the change in the calculation of cotton and rice crop acreage bases to a 3-year formula as provided in this section; and

"(ii) has participated in the price support program during the 1991 crop year and each subsequent crop year through the current crop year.

"(C) REGULATIONS.—The Secretary shall issue regulations to carry out this paragraph.".

(c) PLANTING FLEXIBILITY.—Section 504(b)(1) (7 U.S.C. 1464(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) mung beans.".

SEC. 113. MISCELLANEOUS AMENDMENTS TO THE AGRICULTURAL ACT OF 1949.

The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is further amended—

(1) in section 101B(c)(1)(B) (7 U.S.C. 1441-2(c)(1)(B)), by redesignating the second clause (ii) as clause (iii);

(2) in section 103B(a) (7 U.S.C. 1444-2(a))—

(A) in paragraph (1)(B), by striking "upland cotton," and inserting "upland cotton),"; and

(B) in paragraph (3), by striking "the date of enactment of this Act" and inserting "November 28, 1990";

(3) in section 103B(n)(1)(D) (7 U.S.C. 1444-2(n)(1)(D)), by striking "effective date of the proclamation" and inserting "date the special quota is established by the Secretary";

(4) in section 105B(c)(1)(B)(iii)(IV)(bb) (7 U.S.C. 1444f(c)(1)(B)(iii)(IV)(bb)) by striking "(bb) BARLEY CALCULATIONS.—" and inserting "(bb) BARLEY CALCULATIONS.—";

(5) in section 105B(g) (7 U.S.C. 1444f(g))—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in paragraph (6)(E), by striking "is" both places it appears and inserting "are";

(6) in section 107B(g)(1) (7 U.S.C. 1445b-3a(g)(1)), by striking "subsection (d)" and inserting "subsection (e)";

(7) in section 110 (7 U.S.C. 1445e)—

(A) in subsection (n), by striking "the date of enactment of this section" and inserting "November 28, 1990";

(B) by redesignating subsection (o) as subsection (p) and transferring such subsection to the end of the section; and

(C) in the second subsection (k)—

(i) by redesignating such subsection as subsection (o);

(ii) by striking "(o) In" and inserting "(o) REVIEW.—In"; and

(iii) by striking "subsection (e)(1)" and inserting "this section";

(8) in section 201 (7 U.S.C. 1446), by redesignating subsection (b) (as amended by section 1161(b)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3521)) as subsection (c);

(9) in section 202 (7 U.S.C. 1446a)—

(A) by striking "Administrator of Veterans' Affairs" each place it appears and inserting "Secretary of Veterans Affairs"; and

(B) by striking "Administrator" each place it appears and inserting "Secretary of Veterans Affairs";

(10) in section 204(h)(3) (7 U.S.C. 1446e(h)(3)), by adding at the end the following new sentence: "A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811 and 3821).";

(11) in section 406(b)(4) (7 U.S.C. 1426(b)(4)), by striking "the date of enactment of this subsection" and inserting "November 28, 1990,"; and

(12) in section 426 (7 U.S.C. 1433e)—

(A) in subsection (c)—

(i) by striking "division" in paragraphs (1) and (6) and inserting "Division"; and

(ii) by striking "subsection (e)" in paragraph (7) and inserting "subsection (f)";

(B) in subsection (f), by striking "county or State" and inserting "State or county";

(C) in subsection (g), by striking "County Committees" and inserting "county committees"; and

(D) in subsection (h), by striking "section 8(e)" and inserting "section 8(b)".

SEC. 114. MISCELLANEOUS AMENDMENTS RELATING TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) IN GENERAL.—The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended—

(1) in section 1124 (7 U.S.C. 1445e note; 104 Stat. 3506), by striking "warehouse" both places it appears and inserting "warehousemen";

(2) in section 1156 (7 U.S.C. 1421 note), by striking subsection (b) and inserting the following new subsection:

"(b) FUNDS.—The Corporation shall expend such funds as may be required to conduct the pilot program for futures options contract trading in the manner specified in this subtitle and the regulations issued, and contracts entered into, to carry out this subtitle, except that funds of the Corporation may not be used to carry out this subtitle unless the Secretary, in the sole discretion of the Secretary, determines in advance that such funds shall be used for this purpose.";

(3) in section 1353 (7 U.S.C. 1622 note; 104 Stat. 3567), by striking "et seq" and inserting "et seq.";

(4) in section 2241 (7 U.S.C. 1421 note; 104 Stat. 3963)—

(A) in subsection (a)(4)(A), by inserting "extra long staple cotton," after "upland cotton," each place it appears;

(B) in subsection (b)(1), by inserting "extra long staple cotton," after "upland cotton,"; and

(C) in subsection (b)(4), by inserting "extra long staple cotton," after "upland cotton,";

(5) in section 2243(b)(2)(A) (7 U.S.C. 1421 note; 104 Stat. 3966), by striking "to harvest" and inserting "for harvest";

(6) in section 2249 (7 U.S.C. 1421 note; 104 Stat. 3972), by striking "chapter" and inserting "subchapter" each place it appears;

(7) in section 2250(b)(1) (7 U.S.C. 1421 note; 104 Stat. 3973), by striking "cotton" and inserting "upland cotton, extra long staple cotton";

(8) in section 2257 (7 U.S.C. 1421 note; 104 Stat. 3974), by striking "chapter" and inserting "subchapter" each place it appears;

(9) in section 2258 (7 U.S.C. 1421 note; 104 Stat. 3975), by striking "chapter" and inserting "subchapter";

(10) in section 2259 (7 U.S.C. 1421 note; 104 Stat. 3975), by striking "chapter" and inserting "subchapter";

(11) in section 2263 (7 U.S.C. 1421 note; 104 Stat. 3975), by striking "chapter" and inserting "subchapter" each place it appears;

(12) in section 2265 (7 U.S.C. 1421 note; 104 Stat. 3976), by striking "chapter" and inserting "subchapter";

(13) in section 2266(a) (7 U.S.C. 1421 note; 104 Stat. 3976), by striking "subchapter" and inserting "chapter";

(14) in section 2267 (7 U.S.C. 1421 note; 104 Stat. 3976)—

(A) in subsection (a), by striking "subchapter" and inserting "chapter" each place it appears; and

(B) in subsection (b), by striking "chapter 1" and inserting "this chapter";

(15) in section 2268(b) (7 U.S.C. 1421 note; 104 Stat. 3976), by striking "subchapter" and inserting "chapter"; and

(16) in section 2271 (7 U.S.C. 1421 note; 104 Stat. 3977), by striking "payment of" and inserting "payments or".

(b) PRICE SUPPORT FOR HIGH MOISTURE FEED GRAINS.—

(1) IN GENERAL.—Section 105B of the Agricultural Act of 1949 (7 U.S.C. 1444f) is amended—

(A) by redesignating subsection (q) as subsection (r); and

(B) by inserting after subsection (p) the following new subsection:

"(q) PRICE SUPPORT FOR HIGH MOISTURE FEED GRAINS.—

"(1) RECOURSE LOANS.—Notwithstanding any other provision of law, effective for each of the 1991 through 1995 crops of feed grains, the Secretary (through the Commodity Credit Corporation) shall make available recourse loans, as determined by the Secretary, to producers on a farm who—

"(A) normally harvest all or a portion of their crop of feed grains in a high moisture state, hereinafter in this subsection defined as a feed grain having a moisture content in excess of Commodity Credit Corporation standards for loans made by the Secretary under paragraphs (1) and (6) of subsection (a);

"(B)(i) present certified scale tickets from an inspected, certified commercial scale, including licensed warehouses,

feedlots, feed mills, distilleries, or other similar entities approved by the Secretary, pursuant to regulations issued by the Secretary; or

"(ii) present field or other physical measurements of the standing or stored feed grain crop in regions of the country, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

"(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to such facilities maintained by the users of such high-moisture feed grain;

"(D) comply with deadlines established by the Secretary for harvesting the feed grain and submit applications for loans within deadlines established by the Secretary; and

"(E) participate in an acreage limitation program for the crop of feed grains established by the Secretary.

"(2) ELIGIBILITY OF ACQUIRED FEED GRAINS.—The loans shall be made on a quantity of feed grains of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

"(A) the acreage of the feed grain in a high moisture state harvested on the producer's farm; by

"(B) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such high moisture feed grain was obtained.".

(2) CONFORMING AMENDMENT.—Section 404 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1444f-1) is repealed.

SEC. 115. MISCELLANEOUS AMENDMENTS TO THE AGRICULTURAL ADJUSTMENT ACT.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in section 8b(b)(2) (7 U.S.C. 608b(b)(2)), by striking "(7 U.S.C. 1445c-2)" and inserting "(7 U.S.C. 1445c-3)"; and

(2) in section 8c(5)(B)(ii) (7 U.S.C. 608c(5)(B)(ii)), is amended by striking "and," before clause (f) and inserting ", and".

SEC. 116. MISCELLANEOUS AMENDMENTS TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938.

The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended—

(1) in section 319(l) (7 U.S.C. 1314e(l))—

(A) by inserting "in a State" after "one farm";

(B) by striking "of Tennessee"; and

(C) by adding at the end the following new sentence: "This subsection shall apply only to the States of Tennessee and Virginia.";

Tennessee.
Virginia.

(2) in section 374(a) (7 U.S.C. 1374(a))—

(A) by inserting after "30 inch rows" the following: "(or, at the option of those cotton producers who had an estab-

lished practice of using 32 inch rows before the 1991 crop, 32 inch rows)"; and

(B) by adding at the end the following new sentence: "For the 1992 through 1995 crops, the rules establishing the requirements for eligibility for conserving use for payment acres shall be the same rules as were in effect for 1991 crops."; and

(3) in section 379(a) (7 U.S.C. 1379(a))—

(A) by striking "or" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; or";

(C) by striking "; or" at the end of paragraph (6) and inserting a period; and

(D) by redesignating paragraph (7) as subsection (c), moving such subsection to appear after subsection (b), and conforming the left margin of such subsection to subsection (b).

SEC. 117. SECTION REDESIGNATION.

(a) SECTION REDESIGNATION.—Sections 359 and 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359 and 1359a) are redesignated as sections 358d and 358e, respectively.

(b) CONFORMING AMENDMENTS AS RESULT OF REDESIGNATIONS.—

(1) PRICE SUPPORT PROGRAM.—The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended—

(A) in section 108A(3)(A) (7 U.S.C. 1445c-2(3)(A)), by striking "section 359" each place it appears and inserting "section 358d"; and

(B) in section 108B(c)(1) (7 U.S.C. 1445c-3(c)(1)), by striking "sections 359 and 359a" each place it appears and inserting "sections 358d and 358e".

(2) MARKETING QUOTAS.—The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended—

(A) in section 358(v)(3) (7 U.S.C. 1358(v)(3)), by striking "section 359(c)" and inserting "section 358d(c)";

(B) in section 358-1(e)(3) (7 U.S.C. 1358-1(e)(3)), by striking "section 359(c)" and inserting "section 358d(c)";

(C) in section 358d (7 U.S.C. 1359), as redesignated by subsection (a)—

(i) by striking "section 359(a)" in subsection (b) and inserting "subsection (a)"; and

(ii) by striking "section 108B" each place it appears in subsections (m)(1)(C), (p)(1), and (r)(2)(A) and inserting "section 108A"; and

(D) in section 358e(b)(1) (7 U.S.C. 1359a(b)(1)), as redesignated by subsection (a), by striking "section 359(c)" and inserting "section 358d(c)".

SEC. 118. OTHER MISCELLANEOUS COMMODITY AMENDMENTS.

(a) MISSING LANGUAGE.—Section 5(i)(3) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking "(42 U.S.C. 1396d(5)))" and inserting "(42 U.S.C. 1396d(5))))".

(b) MISSING LANGUAGE.—Section 1001(2)(B)(iv) of the Food Security Act of 1985 (7 U.S.C. 1308(2)(B)(iv)) is amended by inserting "section" before "107B(c)(1)".

(c) EXTRA LANGUAGE.—Section 1001A(a)(2) of the Food Security Act of 1985 (7 U.S.C. 1308-1(a)(2)) is amended by striking "0 to".

(d) AMENDMENT TO FOOD AND AGRICULTURE ACT OF 1962.—Section 326 of the Food and Agriculture Act of 1962 (7 U.S.C. 1339a) is amended by adding at the end the following sentences: "The authority provided in this section shall be in addition to any other authority provided to the Secretary under any other Act. This section shall be applicable to an action taken by a representative of the Secretary that occurs before, on, or after November 28, 1990. This section shall not apply to a pattern of conduct where authorized representatives of the Secretary take actions or provide advice with respect to producers that the representatives and producers know are inconsistent with applicable laws and regulations.".

(e) AMENDMENT TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—Section 102(b)(1)(B) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e-1(b)(1)(B)) is amended by striking "Commodity Credit Corporation" and inserting "Secretary".

7 USC 1783.

(f) CLARIFICATION OF AMENDMENT.—Section 704 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended by striking "SEC." and all that follows through "If payments" in the first sentence of subsection (a) and inserting the following:

"SEC. 704. PAYMENT AS MEANS OF PRICE SUPPORT.

"(a) USE OF PAYMENTS.—If payments".

SEC. 119. SENSE OF CONGRESS REGARDING IMPORTED BARLEY AND OATS.

(a) FINDINGS.—Congress finds that—

(1) significant quantities of barley and oats are currently being imported into the United States from Norway, Sweden, and Finland origins, and there is reason to believe that such imports will continue in the future;

(2) such imported barley and oats are being purchased at a price artificially established at a level significantly below that of domestically produced barley and oats due to unfair and predatory export subsidies and schemes employed by the exporting countries of origin; and

(3) it is likely that the continued importation of such quantities of subsidized barley and oats will significantly and adversely affect producers of domestic barley and oats and impair the operations of existing farm commodity programs for barley and oats in the United States.

(b) SENSE OF CONGRESS.—Based on these findings, it is the sense of Congress that the Secretary of Agriculture and the President of the United States should immediately and aggressively employ all available options under existing laws, including those under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in order to prevent material damage to the producers of domestic barley and oats and to prevent material interference with the programs established pursuant to section 105B of the Agricultural Act of 1949 (7 U.S.C. 1444f).

SEC. 120. COTTON CLASSING FEES.

(a) EXTENSION OF AUTHORIZATION.—The first sentence of section 3a of the Cotton Statistics and Estimates Act (7 U.S.C. 473a) is amended to read as follows: "Effective for each of fiscal years 1992 through 1996, the Secretary of Agriculture shall make cotton classi-

fication services available to producers of cotton and shall provide for the collection of classification fees from participating producers, or agents who voluntarily agree to collect and remit the fees on behalf of producers.".

(b) FEES.—The first proviso in the second sentence of section 3a of such Act is amended— 7 USC 473a.

(1) by striking clauses (1) and (2) and inserting the following new clauses: "(1) the uniform per bale classification fee to be collected from producers, or their agents, for the classification service in any year shall be the fee established in the previous year for the prevailing method of classification service, exclusive of adjustments to the fee made in the previous year under clauses (2), (3), and (4), and as may be adjusted by the percentage change in the implicit price deflator for the gross national product as indexed during the most recent 12-month period for which statistics are available; (2) the fee calculated in accordance with clause (1) for a crop year may be increased by an amount not to exceed 1 percent for every 100,000 running bales, or portion thereof, that the Secretary estimates will be classed by the United States Department of Agriculture in the crop year below the level of 12,500,000 running bales, or decreased by a quantity not to exceed 1 percent for every 100,000 running bales, or portion thereof, that the Secretary estimates will be classed by the United States Department of Agriculture in the crop year above the level of 12,500,000 running bales;"; and

(2) by striking clause (7) and inserting the following new clause: "(7) the Secretary shall announce the uniform classification fee and any surcharge for the crop not later than June 1 of the year in which the fee applies.".

(c) CLARIFICATION OF SERVICES.—The third sentence of section 3a of such Act is amended to read as follows: "Classification services, other than the prevailing method, provided at the request of the producer shall not be subject to the restrictions specified in clauses (1), (2), and (3) of the preceding sentence.".

(d) REPEAL OF STUDY ON PROCESSING CERTAIN COTTON GRADES.—Section 3 of the Uniform Cotton Classing Fees Act of 1987 (7 U.S.C. 473a note) is repealed.

(e) EFFECTIVE DATE.—Subsections (a), (b), and (c), and the amendments made by subsections (a), (b), and (c), shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 1996. Termination date. 7 USC 473a note.

SEC. 121. SENSE OF CONGRESS REGARDING TARGETED OPTION PAYMENTS.

(a) FINDINGS.—Congress finds that—

(1) thousands of agricultural producers are facing extremely difficult economic times and low commodity prices;

(2) the conditions on each farm are unique and require a unique plan to meet the income, conservation, and soil and weather conditions of the farm; and

(3) agricultural producers need the maximum possible flexibility to tailor the agricultural price support and production adjustment program to their farms' individual needs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should offer targeted option payments for each of the 1992 through 1995 crops of wheat, feed grains, upland cotton, and rice as authorized by sections 107B(e)(3), 105B(e)(3),

103B(e)(3), and 101B(e)(3) of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(e)(3), 1444f(e)(3), 1444–2(e)(3), and 1441–2(e)(3)), respectively.

SEC. 122. TRANSFER OF PEANUT QUOTA UNDERMARKETINGS.

Section 358b(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358b(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "(including any applicable under marketings)" after "any part of the poundage quota"; and

(B) by inserting "(including any applicable under marketings)" after "any such lease of poundage quota";

(2) in the first sentence of paragraph (2), by striking "for the farm" and inserting "(including any applicable under marketings)"; and

(3) in paragraph (3), by inserting after "farm poundage quota" the following: "(including any applicable undermarketings)".

SEC. 123. COTTON FUTURES CONTRACTS.

Subsection (c)(1) of the United States Cotton Futures Act (7 U.S.C. 15b(c)(1)) is amended by inserting before the period at the end the following: ", except that any cotton futures contract that, by its terms, is settled in cash is excluded from the coverage of this paragraph and Act".

7 USC 1622 note.

SEC. 124. LAMB PRICE AND SUPPLY REPORTING SERVICES REPORT AND SYSTEM.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on measures that are necessary to improve the lamb price and supply reporting services of the Department of Agriculture, including recommendations to establish a complete information gathering system that reflects the market structure of the national lamb industry. In preparing the report, the Secretary shall examine measures to improve information on—

(1) price reporting series of wholesale, retail, box, carcass, pelt, offal, and live lamb sales in the United States, including markets in—

(A) California (including San Francisco);

(B) the East Coast region (including Washington, D.C.);

(C) the Midwest region (including Chicago, Illinois);

(D) Texas;

(E) the Rocky Mountain region; and

(F) Florida;

(2) sheep and lamb inventories, including on-feed reports;

(3) the price and supply relationships between retailers and breakers;

(4) the viability of voluntary or mandatory reporting for sheep prices; and

(5) information on the import and export of sheep, analyzed by cut, carcass, box, breeder stock, and sex.

(b) PRICE DISCOVERY AND REPORTING SYSTEM.—

(1) SYSTEM REQUIRED.—Based on the report required under subsection (a), the Secretary shall—

(A) develop a price discovery system formula for the lamb market, such as carcass equivalent pricing; and

(B) establish a price discovery and reporting system for the lamb market to assist lamb producers to better allocate their resources and make informed production and marketing decisions.

(2) IMPLEMENTATION.—The price discovery and reporting system for the lamb market shall be implemented by the Secretary not later than 180 days after the date of the submission of the report.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to develop and establish the system required under this subsection.

(c) CONSULTATION.—In preparing the report required under subsection (a) and establishing the price discovery and reporting system required under subsection (b), the Secretary shall consult with lamb producers and other persons in the national lamb industry.

SEC. 125. COTTON FIRST HANDLER MARKETING CERTIFICATES.

Section 103B(a)(5)(B) (7 U.S.C. 1444-2(a)(5)(B)) is amended—

(1) by inserting "or cash payments" after "marketing certificates" each place it appears in clauses (i) and (ii); and

(2) in clause (iii), by inserting "or cash payment" after "certificate".

SEC. 126. PRODUCTION OF BLACK-EYED PEAS FOR DONATION.

(a) 50/92 PROGRAM FOR COTTON.—Section 103B(c)(1)(D) (7 U.S.C. 1444-2(c)(1)(D)) is amended by adding at the end the following new clause:

"(ix) BLACK-EYED PEAS FOR DONATION.—The Secretary may permit, under such terms and conditions as will ensure optimum producer participation, all or any part of the acreage required to be devoted to conservation uses as a condition for qualifying for payments under this subparagraph to be devoted to the production of black-eyed peas if—

"(I) the producer agrees to donate the harvested peas from the acreage to a food bank, food pantry, or soup kitchen (as defined in paragraphs (3), (4), and (7) of section 110(b) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note)) that is approved by the Secretary; and

"(II) the Secretary finds that such action will not result in the disruption of normal channels of trade.".

(b) ACREAGE REDUCTION PROGRAM.—Section 103B(e)(2) of such Act (7 U.S.C. 1444-2(e)(2)) is amended by adding at the end the following new subparagraph:

"(G) BLACK-EYED PEAS FOR DONATION.—The Secretary may permit, under such terms and conditions as will ensure optimum producer participation, producers on a farm to plant black-eyed peas on not more than one-half of the reduced acreage on the farm if—

"(i) the producer agrees to donate the harvested peas from such acreage to a food bank, food pantry, or soup kitchen (as defined in paragraphs (3), (4), and (7) of section 110(b) of the Hunger Prevention Act of 1988 (7

U.S.C. 612c note)) that is approved by the Secretary; and

"(ii) the Secretary finds that such action will not result in the disruption of normal channels of trade.".

SEC. 127. MILK PRICE SUPPORT PROGRAM LIMITED TO 48 CONTIGUOUS STATES.

(a) IN GENERAL.—Section 204 (7 U.S.C. 1446e) is amended—

(1) in subsection (a), by inserting "produced in the 48 contiguous States" after "the price of milk";

(2) in subsection (c)(1), by inserting before the period the following: "produced in the 48 contiguous States";

(3) in subsection (d)(5)(B), by striking "United States" both places it appears and inserting "48 contiguous States and the District of Columbia"; and

(4) in subsections (g)(1) and (h)(1), by striking "United States" each place it appears and inserting "48 contiguous States".

7 USC 1446e note.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as of January 1, 1991.

7 USC 1446 note.

SEC. 128. MODIFICATION OF MILK PRODUCTION TERMINATION PROGRAM.

(a) CERTAIN TRANSFERS AUTHORIZED.—If the Secretary of Agriculture determines that a natural disaster renders unusable the land or milk production facilities of the producers on a farm, the Secretary shall allow the producers to transfer the production unit (including dairy animals and equipment) to a farm idled under the milk production termination program established under section 201(d)(3) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(3)), without penalty, if the producers on the farm agree to comply with all terms and conditions of the program contract for the remainder of the contract period.

Termination date.

(b) APPLICATION.—This section shall apply with respect to any natural disaster occurring during the period beginning on October 1, 1990, and ending on February 1, 1991.

TITLE II—CONSERVATION

SEC. 201. AMENDMENTS TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) AMENDMENTS TO SECTION 1451.—Section 1451 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5822) is amended—

(1) in subsection (b)(1)(D), by striking "(e)" and inserting "(f)";

(2) in subsection (d), by inserting "each of" before "the calendar";

(3) in subsection (f)(5), by striking "assisting" and inserting "assist"; and

(4) in subsection (h)(7)(B)—

(A) in clause (i), by inserting before the period at the end of the first sentence the following: ", but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1)"; and

(B) in clause (ii), by striking "under" and all that follows through "Agricultural" and inserting "under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E) of the Agricultural".

(b) AMENDMENTS TO SECTION 1466.—Section 1466 of such Act (7 U.S.C. 4201 note) is amended—

(1) in subsection (c), by striking "Funds" and inserting "funds"; and

(2) in each of subsections (e) and (f), by striking "section (b)" and inserting "subsection (b)".

(c) AMENDMENT TO SECTION 1468(a)(2).—Section 1468(a)(2) of such Act (7 U.S.C. 4201 note) is amended by striking "Funds" and inserting "funds".

(d) AMENDMENTS TO SECTION 1473(a).—Section 1473(a) of such Act (7 U.S.C. 5403(a)) is amended—

(1) in paragraph (1), by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(2) in paragraph (2), by striking "subparagraph (A)" and inserting "paragraph (1)".

(e) AMENDMENT TO SECTION 1483(c).—Section 1483(c) of such Act (7 U.S.C. 5503(c)) is amended by inserting "and" after "Animal".

(f) AMENDMENT TO SECTION 1485.—Section 1485 of such Act (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "Administrator" both places it appears and inserting "Director";

(2) in subsection (a)(3), by striking "Atmospheric Agency, the" " and inserting "Atmospheric Administration, the"; and

(3) in subsection (b)(3), by striking "subsection (a)" and inserting "this subsection".

(g) AMENDMENTS TO SECTION 1499.—Section 1499 of such Act (7 U.S.C. 5506) is amended—

(1) in the 4th sentence of subsection (a)—

(A) by inserting "Agricultural" before "Environmental"; and

(B) by striking "1612" and inserting "1472";

(2) in subsection (b)—

(A) by striking "AFFECT" and inserting "EFFECT"; and

(B) by inserting "and section 1499A" after "subsection (a)"; and

(3) in subsection (c), by inserting "and" after "Animal".

(h) NEW SECTION.—

(1) EDUCATION PROGRAM.—Such Act is amended by inserting after section 1499 (7 U.S.C. 5506) the following new section:

"SEC. 1499A. EDUCATION PROGRAM REGARDING HANDLING OF AGRICULTURAL CHEMICALS AND AGRICULTURAL CHEMICAL CONTAINERS.

Intergovernmental relations.
7 USC 3125c.

"Subject to the availability of funds appropriated in advance, the Secretary of Agriculture shall direct the Extension Service to operate a program in each State to catalogue the Federal, State, and local laws and regulations that govern the handling of unused or unwanted agricultural chemicals and agricultural chemical containers in the State. The program established under this section shall make available to producers of agricultural commodities and the general public, and provide on request, educational materials developed or collected by the program.".

(2) The table of contents in section 1(b) of such Act (104 Stat. 3363) is amended by inserting after the item relating to section 1499 the following new item:

"Sec. 1499A. Education program regarding handling of agricultural chemicals and agricultural chemical containers.".

SEC. 202. AMENDMENT TO THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

The 14th sentence of the 5th undesignated paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by inserting ", except that, in the case of a person elected to be a national officer or State president of the National Association of Farmer Elected Committeemen, the limitation shall be four consecutive terms" before the period.

SEC. 203. FARMS FOR THE FUTURE.

(a) IN GENERAL.—Sections 1465 through 1469 of the Farms for the Future Act of 1990 (7 U.S.C. 4201 note) are amended to read as follows:

"SEC. 1465. SHORT TITLE, PURPOSE, AND DEFINITION.

"(a) SHORT TITLE.—This chapter may be cited as the 'Farms for the Future Act of 1990'.

"(b) PURPOSE.—It is the purpose of this chapter to promote a national farmland protection effort to preserve our vital farmland resources for future generations.

"(c) DEFINITIONS.—As used in this chapter:

"(1) ALLOWABLE INTEREST RATE.—The term 'allowable interest rate' refers to the interest rate that the State trust fund pays on each eligible loan (including the interest paid by the State trust fund, State, or State agency on bonds or other obligations described in paragraph (2)).

"(2) ELIGIBLE LOAN.—The term 'eligible loan' means each loan made by lending institutions to each State trust fund, or to the State acting in conjunction with the State trust fund, to further the purposes of this chapter, and the proceeds from any issuance of obligations, or other bonded indebtedness, of any eligible State, the State trust fund, or any agency of an eligible State, except that no eligible loan shall bear an interest rate in excess of 10 percent per year.

"(3) ELIGIBLE STATE.—The term 'eligible State' means—

"(A) the State of Vermont; and

"(B) at the option of the Secretary and subject to appropriations, any State that—

"(i) operates or administers a land preservation fund that invests funds in the protection or preservation of farmland for agricultural purposes; and

"(ii) works in coordination with the governing bodies of counties, towns, townships, villages, or other units of general government below the State level, or with private nonprofit or public organizations, to assist in the preservation of farmland for agricultural purposes.

"(4) LENDING INSTITUTION.—The term 'lending institution' means any Federal or State chartered bank, savings and loan association, cooperative lending agency, other legally organized lending agency, State government or agency, political subdivision of a State, or any nonprofit conservation organization.

"(5) PROGRAM.—The term 'program' means the farmland preservation program established under this chapter to be known as the 'Agricultural Resource Conservation Demonstration Program'.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(7) STATE.—The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

"(8) STATE TRUST FUND.—The term 'State trust fund' means any trust fund or an account established by an eligible State, or other public instrumentality of the eligible State, where such eligible State is approved to participate by the Secretary in the program under application procedures set forth in section 1466(j) or 1468.

"SEC. 1466. ESTABLISHMENT OF PROGRAM. Loans.

"(a) IN GENERAL.—

"(1) PURPOSE.—The Secretary shall establish and implement a program, to be known as the 'Agricultural Resource Conservation Demonstration Program', to provide Federal guarantees and interest assistance for eligible loans described in section 1465(c)(2) made to, or issued for the benefit of, State trust funds.

"(2) ASSISTANCE.—Under the program the Secretary shall guarantee for a period of 10 years the timely payment of the principal amount and interest due on each eligible loan described in section 1465(c)(2) made to, or issued for the benefit of, State trust funds and shall for each such 10-year period subsidize the interest on such eligible loans at the allowable interest rate for the first 5 years after the loan is made, or issued, and at no less than 3 percentage points for the second 5 years under procedures described in subsection (b).

"(b) MANDATORY ASSISTANCE TO EACH STATE TRUST FUND.—The Secretary shall—

"(1) fully guarantee with the full faith and credit of the United States each eligible loan described in section 1465(c)(2) made to, or issued for the benefit of, each State trust fund under procedures established by the Secretary;

"(2) annually pay to each State trust fund an amount calculated by applying the allowable interest rate to the amount of each loan described in section 1465(c)(2) made to, or issued for the benefit of, each State trust fund during each of the first 5 years after the date on which each such loan was made or issued; and

"(3) annually pay to each State trust fund, for each year during the second 5-year period after each such eligible loan is made to, or issued for the benefit of, the State trust fund, an amount calculated by applying the interest rate difference, between the rate of interest charged to borrowers of direct loans as described in section 316(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)(2)) and the allowable interest rate, to the amount of each such loan made to, or issued for the benefit of, the State trust fund, as determined under procedures established by the Secretary.

"(c) FUNDING.—

"(1) ISSUANCE OF STOCK.—The Secretary of Agriculture shall make and issue stock, in the same manner as notes are issued

under section 309(c) or 309A(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(c) or 1929a(d)), to the Secretary of the Treasury for the purpose of obtaining funds from the Secretary of the Treasury that are necessary for discharging the obligations of the Secretary of Agriculture under this chapter. The stock shall not pay dividends and shall not be redeemable.

"(2) PURCHASE OF STOCK.—The Secretary of the Treasury shall provide the funding necessary to implement this chapter. The Secretary of the Treasury shall purchase any stock of the Secretary of Agriculture issued to implement this chapter. The Secretary of the Treasury shall use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code. The purposes for which the securities may be issued under such chapter are extended to include the raising of funds to purchase stock issued by the Secretary of Agriculture to implement this chapter with respect to each eligible State. The Secretary of Agriculture shall make and issue such stock as is necessary to fund this chapter to the Secretary of the Treasury who shall promptly purchase the stock (within 60 days) being offered by the Secretary of Agriculture.

"(3) COMMODITY CREDIT CORPORATION.—If the Secretary of Agriculture fails to issue stock as required under this chapter, or if funding is otherwise not provided as set forth in this chapter, for the eligible State described in section 1465(c)(3)(A), notwithstanding any other provision of law, the Secretary of Agriculture shall use the funds, services and facilities of the Commodity Credit Corporation to carry out the requirements of this chapter. The procedure described in paragraph (2) shall be used to reimburse the Corporation for funds expended to carry out this paragraph.

"(d) REQUIRED PURCHASES OF STOCK.—The Secretary shall promptly notify the Secretary of the Treasury, in writing, each time an application of an eligible State is approved by the Secretary under this chapter. The Secretary of the Treasury shall promptly purchase stock (within 60 days) offered by the Secretary under subsection (c) and the Secretary of Agriculture shall deposit the proceeds from each such sale of stock in accounts created to administer the program.

"(e) ENTITLEMENTS.—The Secretary is entitled to receive funds, and shall receive funds, from the Secretary of the Treasury in an amount equal to the total par-value of the stock issued to the Secretary of the Treasury. Each State trust fund is entitled to receive, and the Secretary of Agriculture shall promptly pay to each such trust fund, amounts calculated under procedures described in subsection (b).

"(f) REGULATIONS.—Except regarding the eligible State described in section 1465(c)(3)(A), the Secretary shall promulgate proposed and final regulations, under the prior public comment provisions of section 553 of title 5, United States Code, setting forth—

"(1) the application procedures for eligible States;

"(2) the factors to be used in approving applicants;

"(3) procedures for the prompt payment of the obligations of the Secretary under subsection (b);

"(4) recordkeeping requirements for approved State trust funds;

"(5) requirements to prevent program abuse and procedures to recover improperly obtained funds;

"(6) rules permitting State trust funds to act as revolving funds or to otherwise accumulate additional capital, based on investments, to be subsequently used to promote the purposes of this chapter; and

"(7) any other rules necessary and appropriate to carry out the program.

"(g) DURATION OF PROGRAM.—The program established under this chapter shall expire on September 30, 1996, except that any financial obligations of the Secretary shall continue to be met as required by this chapter.

"(h) ELIGIBLE USES FOR GUARANTEED LOAN FUNDS.—

"(1) IN GENERAL.—Funds from eligible loans (including proceeds from the sale of bonds or other obligations described in section 1465(c)(2)) guaranteed under this chapter, and any earnings of the State trust funds, may be used—

"(A) to purchase development rights, conservation easements or other types of easements, or to purchase agricultural land in fee simple or some lesser estate in land;

"(B) to pay all reasonable and customary costs including appraisal, survey and engineering fees, and legal expenses;

"(C) to pay the costs of enforcing easements or land use restrictions;

"(D) to cover the costs of complying with any regulations issued by the Secretary under this program and the costs of implementing the farmland plan of operation, except that the guaranteed loan proceeds shall not be used to pay overhead expenses of the State trust fund (rent, utilities, salaries, wages, insurance premiums, and the like); and

"(E) to generate earnings (including through investments not exceeding 10 years in duration for each eligible loan), to be used for future farmland preservation efforts, through investments in direct obligations of the United States or obligations guaranteed by the United States or an agency thereof or by depositing funds in any member bank of the Federal Reserve System or any federally insured State nonmember bank.

"(2) COLLATERAL FOR LOANS.—To the extent consistent with relevant banking laws and practices, the investments or deposits described in paragraph (1)(E) may serve as collateral for loans made to, or on behalf of, the State trust fund.

"(i) STATE USE OF GUARANTEED LOAN FUNDS.—The Secretary may issue regulations or procedures requiring each State trust fund to report to the Secretary regarding the uses of the eligible loans (described in section 1465(c)(2)) guaranteed by the Secretary and the Secretary may monitor the uses of the funds to ensure that the loans are used for purposes related to this chapter. Neither the Secretary or the lending institution shall have the power to require approval of each specific use of the loans guaranteed by the Secretary, the specific terms of each use of the loan funds, or the specific provisions of each purchase or investment made with loans guaranteed by the Secretary. The Secretary may require that each State trust fund provide a State farmland preservation plan of operation to the Secretary setting forth the plans for administering the program in the State and may require each State trust fund to

periodically report to the Secretary on the purchases of interests in farmland and on other specific uses of the funds.

"(j) SPECIAL RULES FOR THE PILOT PROJECT STATE.—Notwithstanding any other provisions of this chapter, the following special rules shall apply to the eligible State described in section 1465(c)(3)(A):

"(1) PROVISION OF LOAN GUARANTEE AND INTEREST ASSISTANCE AGREEMENT.—Within 30 days of the date any State trust fund in the eligible State receives a commitment for each eligible loan from a lending institution, the Secretary shall provide the lending institution with the loan guarantee and the interest assistance agreement so that the lending institution may disburse the full amount of the loan proceeds to the State trust fund on the date of loan closing to carry out this program. After the loan closing, the lending institution shall have no obligation to monitor or approve the use of loan proceeds by the State trust fund.

"(2) APPROVAL OF APPLICATION.—The Secretary shall annually approve the completed application from the eligible State within 30 days after receipt if the application sets forth the general goals and policies of the State trust fund. The Secretary shall provide the Federal assistance required under this chapter beginning on the date the application or plan is approved.

"(3) AMOUNT OF GUARANTEES.—The Secretary shall calculate the total amount of guarantees to be provided for fiscal year 1992 in an amount equal to double the sum of—

"(A) the amount that was made available in fiscal year 1991 to the State trust fund (the Vermont Conservation and Housing Board regardless of whether the fund had been approved by the Secretary in fiscal year 1991), by the State described in section 1465(c)(3)(A), political subdivisions thereof, charitable organizations, private persons, or any other entity, in addition to the proceeds from the sale of obligations of the State related to the purposes of the State trust fund and the fair market value of donations of interests in land to the State trust fund; and

"(B) the matching contribution calculated under section 1468(c) for fiscal year 1992 for the State.

"(k) MISCELLANEOUS PROVISIONS.—

"(1) OPERATION.—Each State trust fund may operate through nonprofit corporations, municipalities, or other political subdivisions of States in carrying out the purposes of the program established in this chapter.

"(2) EARNINGS.—Earnings on funds of each State trust fund may be used for any purposes related to carrying out the operations of the trust fund in a manner not inconsistent with the requirements of this chapter or the farmland preservation plan.

"SEC. 1467. FEDERAL ACCOUNTS AND COMPLIANCE.

"(a) ACCOUNTS.—To carry out the purposes of this chapter, the Secretary may establish in the Treasury of the United States an account, to be known as the 'Agricultural Resource Conservation Revolving Fund' (hereafter referred to in this chapter as the 'Fund'), for the use by the Secretary to meet the obligations of the Secretary under this chapter.

Reports.

"(b) COMPLIANCE.—If the Secretary determines that any State trust fund is failing to comply, to a significant degree, with any

requirements of this chapter, the Secretary shall report the failure to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate, shall fully investigate the matter, may decline to provide additional Federal guarantees or interest subsidies to the State trust fund, and shall take other steps as may be appropriate to prevent the use of Federal assistance in a manner not consistent with this chapter.

"SEC. 1468. APPLICATIONS AND ADMINISTRATION.

"(a) APPLICATIONS.—In applying for assistance under this chapter an eligible State described in section 1465(c)(3)(B) shall—

"(1) prepare and submit, to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require;

"(2) agree that the State trust fund will use any funds provided, or guaranteed, by the Secretary under this chapter in a manner that is consistent with the chapter and the regulations promulgated by the Secretary; and

"(3) agree to comply with any other requirements set forth in agreements with the Secretary or as the Secretary may prescribe by regulation.

"(b) ANNUAL APPLICATIONS.—Eligible States described in section 1465(c)(3)(B) may apply for Federal assistance under this chapter on an annual basis. The Secretary shall approve or disapprove each application for assistance, and notify the applicant of the action not later than 30 days after receipt of a complete application.

"(c) MATCH AND MAXIMUM AMOUNT.—

"(1) IN GENERAL.—The total amount of any guarantees provided by the Secretary under this program for each eligible State shall equal an amount that is equal to double the amount that is, or shall be, made available to the trust fund (including matching funds described in paragraphs (2) through (4)) in each such eligible State by the State, political subdivisions thereof, charitable organizations, private persons, or any other entity, for acquiring interests in land to protect and preserve important farmlands for future agricultural use but in no event shall the total Federal share exceed $10,000,000 in any fiscal year for any given State.

"(2) EARNINGS.—Earnings of the State trust fund and funds expended by the State or the State trust fund prior to loan closing for purposes consistent with this chapter, and in the same fiscal year, may be considered as matching funds.

"(3) OBLIGATIONS.—Proceeds from the sale of tax-exempt general obligation bonds, or other obligations, of the State or State trust fund shall be an allowable source of matching funds under this chapter for the same fiscal year.

"(4) LAND.—The fair market value of any donation of an interest in land to the State trust fund, or a charitable organization working with the State trust fund, may be considered as matching funds, for the same fiscal year, if—

"(i) the fair market value is based on an appraisal determined to be adequate by the State trust fund; and

"(ii) the donation is consistent with the State farmland preservation plan,

except that the value of land donated to charitable organizations by the State trust fund shall not be included as part of the match.

"(d) CLARIFICATION OF FEDERAL LAW.—Sellers of land, or of interests in land, to any State trust fund are not, and shall not be considered by the Secretary as, recipients or beneficiaries of Federal assistance.

"SEC. 1469. REPORT.

"Not later than September 30, 1992, and annually thereafter, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report concerning the operation of the program established under this chapter.".

(b) REGULATIONS.—Section 1470 of the Farms for the Future Act of 1990 (7 U.S.C. 4201 note) is amended—

(1) by striking "This" and inserting "(a) IN GENERAL.—This"; and

(2) by adding at the end the following new subsection:

Federal Register, publication.

"(b) REGULATIONS.—Not later than December 31, 1991, the Secretary of Agriculture shall publish in the Federal Register interim final regulations to implement this chapter. The regulations shall not require each State's program to give a priority to the acquisition of land, or interests in land, that is subject to significant urban pressure.".

(c) REPORTS; STOCK ISSUANCE.—Such Act is amended by adding at the end the following new sections:

7 USC 4201 note.

"SEC. 1470A. COMPTROLLER GENERAL REPORTS.

"On February 15 of 1992, and on December 1 of each of the years 1992 through 1996, the Comptroller General of the United States shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on whether the Secretary of Agriculture is complying with the requirements of this chapter. The report shall include information concerning loans guaranteed under this chapter and the steps the Secretary of Agriculture has taken to comply with this chapter.

7 USC 4201 note.

"SEC. 1470B. SPECIAL RULES FOR ISSUANCE OF STOCK FOR 1992.

"The Secretary shall issue the stock required to be issued to the Secretary of Treasury under this chapter with respect to the eligible State described in section 1465(c)(3)(A), for fiscal year 1992, on or before December 20, 1991.".

SEC. 204. AMENDMENTS TO THE FOOD SECURITY ACT OF 1985.

Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended—

(1) in section 1211 (16 U.S.C. 3811)—

(A) in paragraph (1)(D), by striking "(16 U.S.C. 1421 note)" and inserting "(7 U.S.C. 1421 note)";

(B) in paragraph (3)(D), by inserting "of subtitle D" after "chapter 2"; and

(C) in paragraph (3)(E), by inserting "of subtitle D" after "chapter 3";

(2) in section 1212 (16 U.S.C. 3812)—

(A) in subsection (f)(4)(A), by striking "such violations" and inserting "such violation"; and

(B) in subsection (g)(2), by striking "XIII," and inserting "XIII";

(3) in section 1221(1)(D) (16 U.S.C. 3821(1)(D)), by striking "(16 U.S.C. 1421 note)" and inserting "(7 U.S.C. 1421 note)";

(4) in section 1223 (16 U.S.C. 3823), by striking "and" at the end of paragraph (3);

(5) in section 1232(a) (16 U.S.C. 3832(a))—

(A) by striking the extra semicolon at the end of paragraph (6); and

(B) in paragraph (7)—

(i) by striking "fall and winter"; and

(ii) by striking "for an applicable reduction in rental payment" and inserting "and occurs during the 7-month period in which grazing of conserving use acreage is allowed in a State under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) or after the producer harvests the grain crop of the surrounding field for a reduction in rental payment commensurate with the limited economic value of such incidental grazing".

(6) in section 1237(d) (16 U.S.C. 3837(d)), by striking "subsection (d)" and inserting "subsection (c)";

(7) in section 1239(b)(1)(A) (16 U.S.C. 3839(b)(1)(A)), by striking "corridors," and inserting "corridors;"; and

(8) in section 1247(b) (16 U.S.C. 3847(b)), by striking "subsection 1234(b)" and inserting "section 1234(b)".

TITLE III—AGRICULTURAL TRADE

SEC. 301. SUPERFLUOUS PUNCTUATION IN FARMER TO FARMER PROVISIONS.

Section 501(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(a)(3)) is amended by striking the comma after "public".

SEC. 302. PUNCTUATION CORRECTION IN ENTERPRISE FOR THE AMERICAS INITIATIVE.

Section 603(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738b(a)(3)) is amended by inserting a hyphen between "Inter" and "American".

SEC. 303. SPELLING CORRECTION IN SECTION 604.

Section 604(a)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c(a)(2)) is amended by striking "AVALIABILITY" and inserting "AVAILABILITY".

SEC. 304. MISSING WORD IN SECTION 606.

Section 606(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738e(c)) is amended by inserting "accounts" after "Corporation".

SEC. 305. PUNCTUATION ERROR IN SECTION 607.

Section 607(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C 1738f(a)) is amended by striking the

quotation mark before "Fund" and inserting it after "Fund" the last place it appears.

SEC. 306. TYPOGRAPHICAL CORRECTION IN SECTION 612.

Section 612(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C 1738k(a)(1)) is amended by striking "462), and—" and inserting "2281 et seq.);".

SEC. 307. ERRONEOUS QUOTATION.

7 USC 1736bb-6.

Section 1515(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "title I and" and inserting "titles I and".

SEC. 308. PUNCTUATION CORRECTION.

Section 103(d)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5603(d)(2)) is amended by inserting a close parenthesis mark before the final period.

SEC. 309. DATE CORRECTION.

Section 203(g)(3) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(g)(3)) is amended by striking "the date of enactment of this Act" and inserting "November 28, 1990,".

SEC. 310. MISSING SUBTITLE HEADING CORRECTION.

Title II of the Agricultural Trade Act of 1978 is amended by inserting after the title heading the following:

"Subtitle A—Programs".

SEC. 311. REDESIGNATION OF SUBSECTION.

Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by redesignating subsection (g) as subsection (f).

SEC. 312. DATE CORRECTION TO SECTION 404.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is amended by striking out "the date of enactment of this Act" and inserting "November 28, 1990".

SEC. 313. DATE CORRECTION TO SECTION 416.

Section 416(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5676(e)) is amended by striking out "the effective date of this section" and inserting "November 28, 1990".

SEC. 314. REDESIGNATION OF SECTION.

The Agricultural Trade Act of 1978 is amended by redesignating section 506 (7 U.S.C. 5695) as section 505.

SEC. 315. CROSS REFERENCE CORRECTION.

Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is amended by striking "section 104" each place it appears and inserting "section 103".

SEC. 316. PLACEMENT CLARIFICATION.

7 USC 1748, 1749.

Section 1532 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking "thereof" and inserting "of title I".

SEC. 317. PUNCTUATION CORRECTION.

Section 108(b) of the Agricultural Act of 1954 (7 U.S.C. 1748) is amended by striking the period at the end of paragraph (1)(B) and inserting a semicolon.

SEC. 318. ELIMINATION OF OBSOLETE CROSS REFERENCE.

Section 108(b)(4) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(4)) is amended by striking "the trade assistance office" and all that follows through "section 201),".

SEC. 319. CROSS REFERENCE CORRECTION.

Section 407(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is amended by inserting "title I of" before "this Act" each place it appears in paragraphs (2)(B) and (3).

SEC. 320. CORRECTING CLERICAL ERRORS IN SECTION 204 OF THE AGRICULTURAL TRADE ACT OF 1978.

Section 204(d) of the Agricultural Trade Act of 1978 (7 U.S.C. 5624) is amended—

(1) by striking "AGENCY OR PRIVATE PARTIES" in the heading and inserting "AGENCIES"; and

(2) by striking "government" and inserting "Government".

SEC. 321. CAPITALIZATION CORRECTION.

Section 403(i)(2)(C) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733(i)(2)(C)) is amended by striking "Committees" and inserting "committees".

SEC. 322. CORRECTION OF ERROR IN DATE.

Sections 409, 410(a), 410(b), 410(c), and 411(e) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c, 1736d(a), 1736d(b), 1736d(c), and 1736e(e)) are each amended by striking "the date of enactment of this Act" and inserting "November 28, 1990".

SEC. 323. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 406(b)(5)(D) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(b)(5)(D)) is amended by striking "items" and inserting "time".

SEC. 324. CROSS REFERENCE CORRECTION.

Section 407(c)(1)(A) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(1)(A)) is amended by striking "this section" and inserting "title I".

SEC. 325. ELIMINATION OF SUPERFLUOUS WORD.

Section 407(c)(1)(C) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(1)(C)) is amended by striking "other".

SEC. 326. CROSS REFERENCE CORRECTION.

Section 411(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736e(a)) is amended by striking "this title" and inserting "title I".

SEC. 327. AMENDMENT TO SECTION 602.

Section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)) is amended—

(1) in paragraph (1), by striking "designate as produced" and inserting "designate produced"; and

(2) in paragraph (2), by striking "in accordance with subsection (c)".

SEC. 328. SECTION 407 CORRECTIONS.

(a) SUBSECTION (c)(4).—Section 407(c)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(4)) is amended—

(1) by inserting "provides or" after "in which such person"; and

(2) by striking "if the person is" and inserting "of a person".

(b) ELIMINATION OF WORD.—Section 407(d)(3) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking "other".

SEC. 329. SECTION 407(b) AMENDMENT.

Section 407(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(b)(1)) is amended by striking "or agricultural commodity donated".

SEC. 330. SUPPLEMENTAL VIEWS IN ANNUAL REPORT.

Section 614 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738m) is amended—

(1) by striking "Not later" and inserting "(a) IN GENERAL.—Not later"; and

(2) by adding at the end the following:

"(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—No later than December 15 of each fiscal year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this title by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.".

SEC. 331. CONSULTATIONS WITH CONGRESS.

The Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after section 614 (7 U.S.C. 1738m) the following:

President.
7 USC 1738n.

"SEC. 615. CONSULTATIONS WITH CONGRESS.

"The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this title and the eligibility of countries for benefits from the Facility under this title.".

SEC. 332. STATUTE DESIGNATION.

Section 407(d)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(d)(4)) is amended by striking "the Federal Property Act of 1949, as amended," and inserting "the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)".

SEC. 333. CORRECTION OF PLACEMENT AND INDENTATION OF SUBPARAGRAPH.

Subparagraph (B) of section 1514(5) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3663), is amended to read as follows: 7 USC 1431.

"(B) by inserting after subparagraph (E) the following new subparagraph:

" '(F) The provisions of sections 403(i) and 407(c) of the Agricultural Trade Development and Assistance Act of 1954 shall apply to donations, sales and barters of eligible commodities under this subsection.' ".

SEC. 334. EXPORT CREDIT GUARANTEE PROGRAM.

Section 202(i) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(i)) is amended by striking "or proceeds payable under a credit guarantee issued by the Commodity Credit Corporation under this section if it is determined by the Corporation that" and inserting "issued by the Commodity Credit Corporation under this section if it is determined by the Corporation, at the time of the assignment, that".

SEC. 335. TECHNICAL AMENDMENTS TO THE FOOD FOR PROGRESS PROGRAM.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (l), by striking "September 30," where it appears immediately before "December 31";

(2) in subsection (m), by striking "this Act" each place it appears and inserting "this section"; and

(3) by redesignating subsections (l) and (m) (as amended by paragraphs (1) and (2)) as subsections (k) and (l), respectively.

SEC. 336. MISCELLANEOUS AMENDMENT TO THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

The first sentence of section 411(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736e) is amended by inserting before the period at the end the following: "at least 10 days prior to providing the debt relief".

SEC. 337. REPORTING REQUIREMENTS.

Section 214 of the Tobacco Adjustment Act of 1983 (7 U.S.C. 509(f)) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) EXCEPTIONS.—The reporting and recordkeeping requirements of this section shall not apply with respect to cigars, cigar tobaccos, pipe tobacco, chewing tobacco in retail packaging, and snuff in retail packaging. In order to qualify for the exception under this subsection, the tobacco must have a certification that its end use is for cigars, cigar tobacco, pipe tobacco, chewing tobacco in retail packaging, or snuff in retail packaging.".

SEC. 338. SHARING UNITED STATES AGRICULTURAL EXPERTISE AND INFORMATION.

Section 1542(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) by striking the subsection heading and inserting the following:

Establishment.

"(d) E (KIKA) DE LA GARZA AGRICULTURAL FELLOWSHIP PROGRAM.—The Secretary of Agriculture (hereafter in this section referred to as the 'Secretary') shall establish a program, to be known as the 'E (Kika) de la Garza Agricultural Fellowship Program', to develop agricultural markets in emerging democracies and to promote cooperation and exchange of information between agricultural institutions and agribusinesses in the United States and the Soviet Union, as follows:

"(1) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—";

(2) in paragraph (1), by indenting 2 ems the left margin of subparagraphs (A) and (B) and redesignating such subparagraphs as clauses (i) and (ii), respectively;

(3) in paragraph (2), by indenting 2 ems the left margin of subparagraphs (A) and (B) and redesignating such subparagraphs as clauses (i) and (ii), respectively;

(4) by indenting 2 ems the left margin of paragraphs (1) through (9) and redesignating such paragraphs as subparagraphs (A) through (I), respectively;

(5) by striking "subsection" each place it appears and inserting "paragraph";

(6) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(7) by striking "paragraph (2)(A)" each place it appears and inserting "subparagraph (B)";

(8) by striking "paragraph (2)(B)" each place it appears and inserting "subparagraph (B)";

(9) in paragraph (1)(B) (as so redesignated)—

(A) by striking "and" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) by providing for necessary subsistence expenses in emerging democracies and necessary transportation expenses of United States agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to assist in transferring their knowledge and expertise to entities in emerging democracies.";

(10) in paragraph (1)(I) (as so redesignated), by striking "$5,000,000" and inserting "$10,000,000"; and

(11) by adding at the end the following new paragraph:

"(2) AGRICULTURAL INFORMATION PROGRAM.—

"(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program, administered to complement the emerging democracies export promotion program developed under this section, to initiate and develop collaboration between the United States Department of Agriculture, United States agribusinesses, and appropriate agricultural institutions in the Soviet Union in order to promote the exchange of information and resources that will make a long-term contribution to the establishment of a free market food production and distribution system in the Soviet Union and the enhancement of agricultural trade with the United States.

"(B) IMPLEMENTATION.—The Secretary shall draw on the Department of Agriculture's experience to design, implement, and evaluate, on a cost-sharing basis with cooperating agricultural institutions, a program to—

Contracts. Union of Soviet Socialist Republics.

"(i) compile, through contacts with the Government of the Soviet Union and private sector officials in the Soviet Union, a list of their agricultural institutions, including the location, capabilities, and needs of the institutions;

"(ii) make such information available through an appropriate agency of the Department of Agriculture to agribusinesses and agricultural institutions in the United States and other agencies of the United States Government; and

"(iii) carry out a program—

"(I) to review available agricultural information resources, to determine which would be useful for the purposes of this program;

"(II) to arrange for the exchange of persons associated with such agricultural institutions and agribusinesses with experience or interest in the areas of need identified in clause (i); and

"(III) to help establish contacts between agricultural entrepreneurs and businesses in the United States and the Soviet Union, which may include individuals and entities participating in the program established under paragraph (1), to facilitate cooperation and joint enterprises.

"(C) CONSULTATION AND COORDINATION.—The Secretary shall consult and coordinate with the Secretary of State and the Agency for International Development in the formulation and implementation of this program in conjunction with overall assistance to the Soviet Union.

"(D) DEFINITION.—For the purposes of this subsection, the term 'Soviet Union' means the Soviet Union, its successor entities, or any of the individual republics of the Soviet Union.

"(E) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program established under this paragraph.".

SEC. 339. CONFORMING AMENDMENT RELATING TO THE ENVIRONMENT FOR THE AMERICAS BOARD.

Section 610(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "five" and inserting "six"; and

(B) by inserting ", at least one of whom shall be a representative of the Department of Agriculture" after "Government"; and

(2) in subparagraph (B), by striking "four" and inserting "five".

TITLE IV—RESEARCH

SEC. 401. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

(a) SHORT TITLE.—Subsection (a) of section 2 of Public Law 89-106 (7 U.S.C. 450i) is amended—

(1) by inserting "(1)" before "In order"; and

(2) by adding at the end the following new paragraph:

Competitive, Special, and Facilities Research Grant Act.

"(2) SHORT TITLE.—This section may be cited as the 'Competitive, Special, and Facilities Research Grant Act'.".

(b) OTHER AMENDMENTS.—Such section is further amended—

(1) in subsection (b)(10), by striking "and" after "1993,";

(2) in subsection (e)—

(A) by striking "RECORD KEEPING.—" and inserting "INTER-REGIONAL RESEARCH PROJECT NUMBER 4.—";

(B) in paragraphs (1) and (7), by striking "this section" and inserting "this subsection";

(C) in paragraphs (2), (3), (4), (5)(C), and (6)(A), by striking "IR-4 program" and inserting "IR-4 Program";

(D) in paragraph (5)(B)—

(i) by striking "registration," and inserting "registrations,"; and

(ii) by inserting "and" at the end of the subparagraph; and

(E) in paragraph (6)—

(i) by striking "within one year of the date of the enactment of this paragraph" and inserting "not later than November 28, 1991,"; and

(ii) by inserting a comma after "reregistrations" in the first sentence;

(3) in subsection (f), by striking "LIMITS ON OVERHEAD COSTS.—" and inserting "RECORD KEEPING.—";

(4) in subsection (g), by striking "AUTHORIZATION OF APPROPRIATIONS.—" and inserting "LIMITS ON OVERHEAD COSTS.—";

(5) in subsection (h)—

(A) by striking "RULES.—" and inserting "AUTHORIZATION OF APPROPRIATIONS.—";

(B) by striking "subsection (b) of this section" and inserting "subsections (b) and (e)"; and

(C) by striking "the provisions of";

(6) in subsection (i)—

(A) by striking "APPLICATION OF OTHER LAWS.—" and inserting "RULES.—";

(B) by striking "is authorized to" and inserting "may"; and

(C) by striking "the provisions of";

(7) in subsection (j) (as redesignated by section 1497(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3630)), by inserting "APPLICATION OF OTHER LAWS.—" after "(j)"; and

(8) by redesignating subsections (j), (k), and (l) (as inserted by section 1615(b) of such Act (104 Stat. 3731)) as subsections (k), (l), and (m), respectively.

SEC. 402. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended—

(1) in section 1407(e) (7 U.S.C. 3122(e)) by striking the semicolon at the end of paragraph (7) and inserting a period;

(2) in section 1408 (7 U.S.C. 3123)—

(A) in subsection (e), by striking "government" and inserting "Government"; and

(B) in subsection (g)(1), by striking "Federally" and inserting "federally";

(3) in sections 1404(18) and 1408A(a) (7 U.S.C. 3103(18) and 3123a(a)), by inserting "and" after "Science";

(4) in section 1408A(c)(2)(H) (7 U.S.C. 3123a(c)(2)(H)), by striking "farmerworkers" and inserting "farmworkers";

(5) in section 1412 (7 U.S.C. 3127), by striking "and Advisory Board" in subsections (b) and (c) and inserting ", Advisory Board, and Technology Board";

(6) in section 1417(i) (7 U.S.C. 3152(c)), by striking the second sentence;

(7) in section 1419(b) (7 U.S.C. 3154(b)), by striking "subsection (c)" and inserting "subsection (d)";

(8) in section 1432 (7 U.S.C. 3194), by striking "SEC. 1432. (a)";

(9) in section 1446(d)(2) (7 U.S.C. 3222a(d)(2), by striking "the needs identified" and inserting "the purposes identified";

(10) in section 1446(e) (7 U.S.C. 3222a(e)), by striking "objective or" and inserting "objective of";

(11) in section 1458(a) (7 U.S.C. 3291(a)), by striking the period at the end of paragraph (3) and inserting a semicolon;

(12) in section 1463(a) (7 U.S.C. 3311), by striking "subtitle H and";

(13) in section 1473 (7 U.S.C. 3319), by striking "subsection (c)(2)" and inserting "subsection (c)(1)(B)"; and

(14) by repealing section 1473E (7 U.S.C. 3319e).

SEC. 403. RURAL DEVELOPMENT AND SMALL FARM RESEARCH AND EDUCATION.

(a) PROGRAMS AUTHORIZED.—Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended—

(1) in subsection (f)—

(A) by striking the subsection heading and inserting "COMPETITIVE GRANTS FOR FINANCIALLY STRESSED FARMERS, DISLOCATED FARMERS, AND RURAL FAMILIES.—"; and

(B) in paragraph (2), by striking "during the period beginning on the date of the enactment of this Act and ending on" and inserting "until"; and

(2) in the subsections following subsection (g)—

(A) by striking "(b) RURAL DEVELOPMENT EXTENSION" and inserting "(h) RURAL DEVELOPMENT EXTENSION";

(B) by striking "(h) RURAL HEALTH" and inserting "(i) RURAL HEALTH";

(C) by striking "(h) RESEARCH GRANTS.—" and inserting "(j) RESEARCH GRANTS.—"; and

(D) by arranging such subsections to appear in the proper order.

(b) DISTRIBUTION OF FUNDS.—Section 503(c)(1) of that Act (7 U.S.C. 2663(c)(1)) is amended—

(1) by striking "the provisions of section 502(e) of this title" and inserting "subsections (e) and (i) of section 502"; and

(2) by striking "objectives of section 502(e) of this title" and inserting "objectives of those subsections".

SEC. 404. NATIONAL GENETIC RESOURCES PROGRAM.

(a) IN GENERAL.—Subtitle C of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3744) is amended—

(1) in the subtitle heading, by striking "**Genetics**" and inserting "**Genetic**"; and

(2) in section 1633(a) (7 U.S.C. 5842(a)), by striking "Resources program" and inserting "Resources Program".

(b) TABLE OF CONTENTS.—The item relating to such subtitle in section 1(b) of such Act (104 Stat. 3365) is amended to read as follows:

"Subtitle C—National Genetic Resources Program".

SEC. 405. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION.

(a) PUNCTUATION CORRECTION.—Section 1658(d) of the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5902(d)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting "; and"; and

(2) by striking "; and" at the end of paragraph (3) and inserting a period.

(b) ESTABLISHMENT OF REGIONAL CENTERS.—Section 1663(a)(2) of such Act (7 U.S.C. 5907(a)(2)) is amended by striking "A Regional Center may not be established or operated" and inserting "No Regional Centers may be established".

SEC. 406. DEER TICK RESEARCH.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (i), by striking "Agricultural Research Service" and inserting "Secretary of Agriculture, acting through the Cooperative State Research Service, to make competitive grants"; and

(2) in subsection (k)(1), by striking "Except for research funded under subsection (i), research" and inserting "Research".

SEC. 407. MISCELLANEOUS RESEARCH PROVISIONS.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3703) is amended—

7 USC 3122.

(1) in section 1604(a) (Public Law 101-624; 104 Stat. 3706), by striking "(7 U.S.C. 3122(a))" and inserting "(7 U.S.C. 3122)".

(2) in section 1619(b)(8) (7 U.S.C. 5801(b)(8)), by striking "Marianas Islands" and inserting "Mariana Islands";

(3) in section 1628(c) (7 U.S.C. 5831(c)), by striking "education" and inserting "educational";

(4) in section 1629(c)(1) (7 U.S.C. 5832(c)(1)), by striking "insure" and inserting "ensure";

(5) in section 1634(l) (7 U.S.C. 5843(l)), by striking "committee established" and inserting "council established";

(6) in section 1638(b)(5) (7 U.S.C. 5852(b)(5)), by striking "National Sciences Foundation" and inserting "National Science Foundation";

(7) in section 1639(a) (7 U.S.C. 5853(a)), by striking "Act" and inserting "subtitle";

(8) in section 1652(b)(1) (7 U.S.C. 5883(b)(1)), by striking "pheremones" and inserting "pheromones";

(9) in section 1668(g)(2) (7 U.S.C. 5921(g)(2)), by striking "WITHOLDINGS" and inserting "WITHHOLDINGS";

(10) in section 1670(d) (7 U.S.C. 5923(d)), by striking "acquaculture" and inserting "aquaculture";

(11) in section 1672(c) (7 U.S.C. 5925(c)), by redesignating paragraphs (A) through (I) as paragraphs (1) through (9), respectively;

(12) in section 1673(f) (7 U.S.C. 5926(f)), by striking "programs or" and inserting "programs of";

(13) in section 1674 (7 U.S.C. 5927)—

(A) in subsection (d)(3)(A), by striking "Schedules" and inserting "Schedule"; and

(B) in subsection (f), by striking "Committee" both places it appears and inserting "Committees";

(14) in section 1675(c) (7 U.S.C. 5928(c))—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) ESTABLISHMENT.—Notwithstanding subsection (g)(1), the Secretary shall establish not more than four centers."; and

(B) in paragraph (2), by striking "PERIODS AND PREFERENCES.—Grants" and inserting the following: "OPERATING GRANTS.—The Secretary shall make grants to operate the centers established under paragraph (1). Such grants shall be competitively awarded based on merit and relevance in reference to meeting the purposes specified in subsection (a). Such grants";

(15) in section 1677 (7 U.S.C. 5930)—

(A) by striking "Reservation" each place it appears in subsections (a), (b), and (e) and inserting "reservation";

(B) by striking "Reservations" both places it appears in subsection (a) and inserting "reservations"; and

(C) by striking "Tribal" in subsection (c) and inserting "tribal";

(16) in section 1678(d) (7 U.S.C. 5931(d)), by striking "Teaching, and Extension" and inserting "Extension, and Teaching"; and

(17) in section 1681(a)(2) (7 U.S.C. 5934(a)(2)), by striking "teacheal mite" and inserting "tracheal mite".

SEC. 408. SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION.

Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended by striking "and 1623" and inserting "and 1622".

TITLE V—CREDIT

SEC. 501. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) AMENDMENTS TO SECTION 304.—Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsection (d) as subsection (a) and moving such subsection to appear before subsection (b).

(b) AMENDMENT TO SECTION 312(a).—Section 312(a) of such Act (7 U.S.C. 1942(a)) is amended by striking "systems." and all that follows and inserting "systems (for purposes of this subtitle, the term 'solar energy' means energy derived from sources (other than fossil fuels) and technologies included in the Federal Nonnuclear Energy Research and Development Act of 1974) (42 U.S.C. 5901 et seq.), (12) training in maintaining records of farming and ranching operations for limited resource borrowers receiving loans under section 310D, and (13) borrower training under section 359.".

(c) AMENDMENTS TO SECTION 331.—

(1) DIRECT AMENDMENTS.—Section 331(b)(4) of such Act (7 U.S.C. 1981(b)(4)) is amended—

(A) by striking "this title"; and

(B) by striking "1949 from" and inserting "1949, from".

(2) INDIRECT AMENDMENTS.—

(A) CLARIFICATION OF REPEAL.—Section 1805 of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3819) is amended by striking subsections (b) and (c) and inserting the following:

7 USC 1981.

"(b) PAYMENT OF ACCRUED INTEREST.—Section 331 (7 U.S.C. 1981) is amended by striking subsection (h) and redesignating subsections (i) and (j) as subsections (h) and (i), respectively.".

(B) CLARIFICATION OF TECHNICAL CORRECTIONS.—Section 2388(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 4052) is amended—

7 USC 1981.

(i) by inserting ", as amended by section 1805(b) of this Act," before "is amended";

(ii) in clause (i) of subparagraph (A), by striking "(h), and (i)" and inserting "and (h)";

(iii) by striking clause (iv) and redesignating clauses (v), (vi), and (vii) of subparagraph (A) as clauses (iv), (v), and (vi), respectively;

(iv) in clause (iv) of subparagraph (A) (as so redesignated by clause (iii) of this subparagraph), by striking "(i)" and inserting "(h)"; and

(v) in clause (vi) of subparagraph (A) (as so redesignated by clause (iii) of this subparagraph)—

(I) by striking "(j)" and inserting "(i)"; and

(II) by striking "(10)" and inserting "(9)".

(d) AMENDMENTS TO SECTION 331E.—

(1) IN GENERAL.—Section 331E of such Act (7 U.S.C. 1981e) is amended—

(A) by striking "The" and inserting "(a) IN GENERAL.—The"; and

(B) by adding at the end the following new subsection:

"(b) CALCULATION OF YIELDS.—

"(1) IN GENERAL.—For purposes of averaging past yields of the farm of a borrower or applicant over a period of crop years to calculate future yields for the farm under this title (except for loans under subtitle C), the Secretary shall permit the borrower or applicant to exclude the crop year with the lowest actual or county average yield for the farm from the calculation, if the borrower or applicant was affected by a disaster during at least 2 of the crop years during the period.

"(2) AFFECTED BY A DISASTER.—For purposes of paragraph (1), a borrower or applicant was affected by a disaster if the Secretary finds that the borrower or applicant's farming operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including a borrower or applicant who has a qualifying loss but is not located in a designated or declared disaster area.

"(3) APPLICATION OF SUBSECTION.—Paragraph (1) shall apply to all actions taken by the Secretary to carry out this title (except for loans under subtitle C) that involve the yields of a farm of a borrower or applicant, including making loans and loan guarantees, servicing loans, and making credit sales.".

(2) REGULATIONS.— 7 USC 1981e note.

(A) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, as soon as practicable after the date of enactment of this Act and without a requirement for prior public notice and comment, the Secretary of Agriculture shall issue interim regulations that provide for the implementation of the amendment made by paragraph (1) beginning in crop year 1992.

(B) FINAL REGULATIONS.—The Secretary of Agriculture shall provide for public notice and comment before the issuance of final regulations to implement the amendment made by paragraph (1).

(3) EFFECTIVE DATE.— 7 USC 1981e note.

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by paragraph (1) shall become effective on the date of publication of the interim regulations issued pursuant to paragraph (2)(A).

(B) EXCEPTION.—The amendment made by paragraph (1) shall apply to each primary loan servicing application submitted on or after the date of enactment of this Act.

(e) AMENDMENTS TO SECTION 333(2)(A).—Section 333(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983(2)(A)) is amended by redesignating clauses (1), (2), and (3), as clauses (i), (ii), and (iii), respectively.

(f) AMENDMENTS TO SECTION 335(e)(1).—Section 335(e)(1) of such Act (7 U.S.C. 1985(e)(1)) is amended—

(1) in subparagraph (A)(i), by striking "the borrower" and all that follows through "the 'borrower-owner')" and inserting "borrower-owner (as defined in subparagraph (F)"; and

(2) by adding at the end the following new subparagraph:

"(F) As used in this paragraph, the term 'borrower-owner' means—

"(i) a borrower from whom the Secretary acquired real farm or ranch property (including the principal residence of the borrower) used to secure any loan made to the borrower under this title; or

"(ii) in any case in which an owner of property pledged the property to secure the loan and the owner is different than the borrower, the owner.".

(g) AMENDMENTS TO SECTION 352.—Section 352 of such Act (7 U.S.C. 2000) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'borrower-owner' means—

"(A) a borrower of a loan made or insured by the Secretary or the Administrator who meets the eligibility requirements of subsection (c)(1); or

"(B) in any case in which an owner of homestead property pledged the property to secure the loan and the owner is different than the borrower, the owner."; and

(2) by striking "borrower" each place it appears and inserting "borrower-owner".

(h) AMENDMENTS TO SECTION 353.—Section 353 of such Act (7 U.S.C. 2001) is amended—

(1) in subsection (c)(6)(A)(ii), by striking "the date of enactment of this paragraph" and inserting "November 28, 1990"; and

(2) in subsection (m), by striking "335(e)(1)(A)" and inserting "335(e)(1)".

(i) AMENDMENTS TO SECTION 363.—Section 363 of such Act (7 U.S.C. 2006e) is amended—

(1) by striking "3801(a)(16))" and inserting "3801(a)(16)))"; and

(2) by striking "prior to the date of enactment of this section" and inserting "before November 28, 1990".

SEC. 502. AMENDMENTS TO THE FARM CREDIT ACT OF 1971.

(a) AMENDMENTS TO SECTION 1.11(a).—Section 1.11(a) of the Farm Credit Act of 1971 (12 U.S.C. 2019(a)) is amended—

(1) by striking "(a) Agricultural or Aquatic Purposes" and inserting the following:

"(a) AGRICULTURAL OR AQUATIC PURPOSES";

(2) by striking "(1) In general" and inserting the following: "(1) IN GENERAL"; and

(3) by striking "(2) Limitation on loans for basic processing and marketing operations" and inserting the following:

"(2) LIMITATION ON LOANS FOR BASIC PROCESSING AND MARKETING OPERATIONS".

(b) AMENDMENT TO SECTION 2.0(b)(8).—Section 2.0(b)(8) of such Act (12 U.S.C. 2071(b)(8)) is amended by striking "charter to" and inserting "charter, to".

(c) AMENDMENT TO SECTION 2.1.—Section 2.1 of such Act (12 U.S.C. 2072) is amended by striking "or stockholder" and inserting "stockholder, or agent".

(d) AMENDMENT TO SECTION 2.11.—Section 2.11 of such Act (12 U.S.C. 2092) is amended by striking "or stockholder" and inserting "stockholder, or agent".

(e) AMENDMENT TO SECTION 3.7(b).—

(1) IN GENERAL.—Section 3.7(b) of such Act (12 U.S.C. 2128(b)) is amended—

(A) by inserting "(1)" after the subsection designation;

(B) by striking "(1) a domestic" and inserting "(A) a domestic";

(C) by inserting "or products thereof" after "commodities";

(D) by striking "(2) a domestic" and inserting "(B) a domestic";

(E) by striking "clause (1) of this subsection" and inserting "subparagraph (A)"; and

(F) by adding at the end the following new paragraphs:

"(2) A bank for cooperatives is authorized to make or participate in loans and commitments, and to extend other technical and financial assistance, to any domestic or foreign entity that is eligible for a guarantee or insurance as described in subparagraphs (A) and (B) with respect to transactions involving the Soviet Union (its successor entities or any of the individual republics of the Soviet Union) or an emerging democracy (as defined in section 1542(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note)) for the export of agricultural commodities and products thereof from the United States, including (where applicable) the cost of freight, if in each case—

"(A) the loan involved is unconditionally guaranteed or insured by a department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States; and

"(B) the guarantee or insurance—

"(i) covers at least 95 percent of the amount loaned for the purchase of the commodities or products; and

"(ii) is issued on or before September 30, 1995.

"(3) A bank for cooperatives is authorized to provide such services as may be customary and normal in maintaining relationships with domestic or foreign entities to facilitate the activities specified in paragraphs (1) and (2), consistent with this Act.".

(2) CONFORMING AMENDMENT.—Section 3.8(b)(1)(D) of such Act (12 U.S.C. 2129(b)(1)(D)) is amended by striking "section 3.7(f)" and inserting "subsection (b) or (f) of section 3.7".

(f) AMENDMENTS TO SECTION 3.8.—Section 3.8 of such Act (12 U.S.C. 2129) is amended—

(1) in subsection (a)(4), by striking "(4) A" and inserting "(4) a"; and

(2) in subsection (b)(1), by moving subparagraph (D) 2 ems to the right so that the left margin of such subparagraph is aligned with the left margin of subparagraph (C).

(g) AMENDMENT TO SECTION 4.28.—Section 4.28 of such Act (12 U.S.C. 2214) is amended by striking "2.17" and inserting "2.16".

(h) AMENDMENT TO SECTION 5.17(a)(8)(B)(ii).—Section 5.17(a)(8)(B)(ii) of such Act (12 U.S.C. 2252(a)(8)(B)(ii)) is amended by striking the last period.

(i) AMENDMENT TO SECTION 5.35(3).—Section 5.35(3) of such Act (12 U.S.C. 2271(3)) is amended by striking "D" and inserting "E".

(j) AMENDMENT TO SECTION 5.58(4)(B).—Section 5.58(4)(B) of such Act (12 U.S.C. 2277a-7(4)(B)) is amended by inserting after "and the Corporation," the following: "in any capacity,".

(k) AMENDMENT TO SECTION 5.65(d)(1).—Section 5.65(d)(1) of such Act (12 U.S.C. 2277a-14(d)(1)) is amended by striking "insured".

(l) AMENDMENTS TO SECTION 6.2(d).—Section 6.2(d) of such Act (12 U.S.C. 2278a-2(d)) is amended by striking "subchapter 1" each place such term appears and inserting "subchapter I".

(m) AMENDMENTS TO SECTION 6.23.—Section 6.23 of such Act (12 U.S.C. 2278b-3) is amended by inserting before the period at the end the following: ", except in the event of a restructuring or liquidation to a successor System institution".

(n) AMENDMENT TO SECTION 7.11(a)(2).—Section 7.11(a)(2) of such Act (12 U.S.C. 2279e(a)(2)) is amended by striking "30 days" and inserting "60 days".

SEC. 503. FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

(a) SUPERVISION AND OVERSIGHT.—Section 8.11 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-11) is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, the Farm Credit Administration shall have the authority to provide, acting through the Office of Secondary Market Oversight—

"(A) for the examination of the Corporation and its affiliates; and

"(B) for the general supervision of the safe and sound performance of the powers, functions, and duties vested in the Corporation and its affiliates by this title, including through the use of the authorities granted to the Farm Credit Administration under—

"(i) part C of title V; and

"(ii) beginning 6 months after the date of enactment of this section, section 5.17(a)(9).";

(2) by adding at the end of subsection (a) the following new paragraph:

Establishment.

"(3) OFFICE OF SECONDARY MARKET OVERSIGHT.—

"(A) Not later than 180 days after the date of enactment of this paragraph, the Farm Credit Administration Board shall establish within the Farm Credit Administration the Office of Secondary Market Oversight.

"(B) The Farm Credit Administration Board shall carry out the authority set forth in this section through the Office of Secondary Market Oversight.

"(C) The Office of Secondary Market Oversight shall be managed by a full-time Director who shall be selected by and report to the Farm Credit Administration Board."; and

(3) by adding at the end thereof the following new subsection:

"(f) The Farm Credit Administration Board shall ensure that—

"(1) the Office of Secondary Market Oversight has access to a sufficient number of qualified and trained employees to adequately supervise the secondary market activities of the Corporation; and

"(2) the supervision of the powers, functions, and duties of the Corporation is performed, to the extent practicable, by personnel who are not responsible for the supervision of the banks and associations of the Farm Credit System.".

(b) REGULATION OF FINANCIAL SAFETY AND SOUNDNESS.—Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) is amended—

(1) by inserting after section 8.0 the following:

"Subtitle A—Establishment and Activities of Federal Agricultural Mortgage Corporation"; and

(2) by inserting after section 8.14 the following new subtitle:

"Subtitle B—Regulation of Financial Safety and Soundness of Federal Agricultural Mortgage Corporation

"SEC. 8.31. DEFINITIONS. 12 USC 2279bb.

"For purposes of this subtitle:

"(1) COMPENSATION.—The term 'compensation' means any payment of money or the provision of any other thing of current or potential value in connection with employment.

"(2) CORE CAPITAL.—The term 'core capital' means, with respect to the Corporation, the sum of the following (as determined in accordance with generally accepted accounting principles):

"(A) The par value of outstanding common stock.

"(B) The par value of outstanding preferred stock.

"(C) Paid-in capital.

"(D) Retained earnings.

"(3) DIRECTOR.—The term 'Director' means the Director of the Office of Secondary Market Oversight of the Farm Credit Administration, selected under section 8.11(a)(3).

"(4) OFFICE.—The term 'Office' means the Office of Secondary Market Oversight of the Farm Credit Administration, established in section 8.11(a).

"(5) REGULATORY CAPITAL.—The term 'regulatory capital' means, with respect to the Corporation, the core capital of the Corporation plus an allowance for losses and guarantee claims, as determined in accordance with generally accepted accounting principles.

"(6) STATE.—The term 'State' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"SEC. 8.32. RISK-BASED CAPITAL LEVELS. 12 USC 2279bb-1.

"(a) RISK-BASED CAPITAL TEST.—Not later than the expiration of the 2-year period beginning on the date of the enactment of this section, the Director of the Office of Secondary Market Oversight shall, by regulation, establish a risk-based capital test under this section for the Corporation. When applied to the Corporation, the risk-based capital test shall determine the amount of regulatory capital for the Corporation that is sufficient for the Corporation to maintain positive capital during a 10-year period in which both of the following circumstances occur:

"(1) CREDIT RISK.—With respect to securities representing an interest in, or obligations backed by, a pool of qualified loans

owned or guaranteed by the Corporation and other obligations of the Corporation, losses on the underlying qualified loans occur throughout the United States at a rate of default and severity (based on any measurements of default reasonably related to prevailing industry practice in determining capital adequacy) reasonably related to the rate and severity that occurred in contiguous areas of the United States containing an aggregate of not less than 5 percent of the total population of the United States that, for a period of not less than 2 years (as established by the Director), experienced the highest rates of default and severity of agricultural mortgage losses, in comparison with such rates of default and severity of agricultural mortgage losses in other such areas for any period of such duration, as determined by the Director.

"(2) INTEREST RATE RISK.—Interest rates on Treasury obligations of varying terms increase or decrease over the first 12 months of such 10-year period by not more than the lesser of (A) 50 percent (with respect to the average interest rates on such obligations during the 12-month period preceding the 10-year period), or (B) 600 basis points, and remain at such level for the remainder of the period. This paragraph may not be construed to require the Director to determine interest rate risk under this paragraph based on the interest rates for various long-term and short-term obligations all increasing or all decreasing concurrently.

"(b) CONSIDERATIONS.—

"(1) ESTABLISHMENT OF TEST.—In establishing the risk-based capital test under subsection (a)—

"(A) the Director shall take into account appropriate distinctions based on various types of agricultural mortgage products, varying terms of Treasury obligations, and any other factors the Director considers appropriate;

"(B) the Director shall conform loan data used in determining credit risk to the minimum geographic and commodity diversification standards applicable to pools of qualified loans eligible for guarantee;

"(C) the Director shall take into account retained subordinated participating interests under section 8.6(b)(2);

"(D) the Director may take into account other methods or tests to determine credit risk developed by the Corporation before the date of the enactment of this section; and

"(E) the Director shall consider any other information submitted by the Corporation in writing during the 180-day period beginning on the date of the enactment of such Act.

"(2) REVISING TEST.—Upon the expiration of the 5-year period beginning on the date of the enactment of this section, the Director shall examine the risk-based capital test under subsection (a) and may revise the test. In making examinations and revisions under this paragraph, the Director shall take into account that, before the date of the enactment of this section, the Corporation has not issued guarantees for pools of qualified loans. To the extent that the revision of the risk-based capital test causes a change in the classification of the Corporation within the enforcement levels established under section 8.35, the Director shall waive the applicability of any additional enforcement actions available because of such change for a

reasonable period of time, to permit the Corporation to increase the amount of regulatory capital of the Corporation accordingly.

"(c) RISK-BASED CAPITAL LEVEL.—For purposes of this subtitle, the risk-based capital level for the Corporation shall be equal to the sum of the following amounts:

"(1) CREDIT AND INTEREST RATE RISK.—The amount of regulatory capital determined by applying the risk-based capital test under subsection (a) to the Corporation, adjusted to account for foreign exchange risk.

"(2) MANAGEMENT AND OPERATIONS RISK.—To provide for management and operations risk, 30 percent of the amount of regulatory capital determined by applying the risk-based capital test under subsection (a) to the Corporation.

"(d) SPECIFIED CONTENTS.—The regulations establishing the risk-based capital test under this section shall contain specific requirements, definitions, methods, variables, and parameters used under the risk-based capital test and in implementing the test (such as loan loss severity, float income, loan-to-value ratios, taxes, yield curve slopes, default experience, prepayment rates, and performance of pools of qualified loans). The regulations shall be sufficiently specific to permit an individual other than the Director to apply the test in the same manner as the Director.

"(e) AVAILABILITY OF MODEL.—The Director shall make copies of the statistical model or models used to implement the risk-based capital test under this section available for public acquisition and may charge a reasonable fee for such copies.

"SEC. 8.33. MINIMUM CAPITAL LEVEL.

12 USC 2279bb-2.

"(a) IN GENERAL.—Except as provided in subsection (b), for purposes of this subtitle, the minimum capital level for the Corporation shall be an amount of core capital equal to the sum of—

"(1) 2.50 percent of the aggregate on-balance sheet assets of the Corporation (other than assets referred to in paragraph (3)), as determined in accordance with generally accepted accounting principles;

"(2) 0.45 percent of the unpaid principal balance of outstanding securities guaranteed by the Corporation and backed by pools of qualified loans and substantially equivalent instruments issued or guaranteed by the Corporation, and other off-balance sheet obligations of the Corporation; and

"(3) the percentage of the aggregate assets of the Corporation acquired pursuant to the linked portfolio option under section 8.6(g) that is determined under subsection (c).

"(b) 18-MONTH TRANSITION.—During the 18-month period beginning upon the date of the enactment of this section, for purposes of this subtitle, the minimum capital level for the Corporation shall be an amount of core capital equal to the sum of—

"(1) 1.50 percent of the aggregate on-balance sheet assets of the Corporation (other than assets referred to in paragraph (3)), as determined in accordance with generally accepted accounting principles;

"(2) 0.40 percent of the unpaid principal balance of outstanding securities guaranteed by the Corporation and backed by pools of qualified loans and substantially equivalent instruments issued or guaranteed by the Corporation, and other off-balance sheet obligations of the Corporation; and

"(3) the percentage of the aggregate assets of the Corporation acquired pursuant to the linked portfolio option under section 8.6(g) that is determined under subsection (c).

"(c) LINKED PORTFOLIO ASSETS.—The percentage of any aggregate assets of the Corporation acquired pursuant to the linked portfolio option under section 8.6(g) that is referred to in subsections (a)(3) and (b)(3) of this section (and in section 8.34(3)(A)) shall be—

"(1) during the 5-year period beginning on the date of the enactment of this section—

"(A) 0.45 percent of any such assets not exceeding $1,000,000,000;

"(B) 0.75 percent of any such assets in excess of $1,000,000,000 but not exceeding $2,000,000,000;

"(C) 1.00 percent of any such assets in excess of $2,000,000,000 but not exceeding $3,000,000,000;

"(D) 1.25 percent of any such assets in excess of $3,000,000,000 but not exceeding $4,000,000,000;

"(E) 1.50 percent of any such assets in excess of $4,000,000,000 but not exceeding $5,000,000,000; and

"(F) 2.50 percent of any such assets in excess of $5,000,000,000; and

"(2) after the expiration of such 5-year period, 2.50 percent of any such aggregate assets.

12 USC 2279bb-3.

"SEC. 8.34. CRITICAL CAPITAL LEVEL.

"For purposes of this subtitle, the critical capital level for the Corporation shall be an amount of core capital equal to the sum of—

"(1) 1.25 percent of the aggregate on-balance sheet assets of the Corporation (other than assets referred to in paragraph (3)), as determined in accordance with generally accepted accounting principles;

"(2) 0.25 percent of the unpaid principal balance of outstanding securities guaranteed by the Corporation and backed by pools of qualified loans and substantially equivalent instruments issued or guaranteed by the Corporation, and other off-balance sheet obligations of the Corporation; and

"(3) a percentage of any aggregate assets of the Corporation acquired pursuant to the linked portfolio option under section 8.6(g), which shall be—

"(A) during the 5-year period beginning on the date of the enactment of this section, one-half of the percentage that is determined under section 8.33(c)(1); and

"(B) after the expiration of such 5-year period, 1.25 percent of any such aggregate assets.

12 USC 2279bb-4.

"SEC. 8.35. ENFORCEMENT LEVELS.

"(a) IN GENERAL.—The Director shall classify the Corporation, for purposes of this subtitle, according to the following enforcement levels:

"(1) LEVEL I.—The Corporation shall be classified as within level I if the Corporation—

"(A) maintains an amount of regulatory capital that is equal to or exceeds the risk-based capital level established under section 8.32; and

"(B) equals or exceeds the minimum capital level established under section 8.33.

"(2) LEVEL II.—The Corporation shall be classified as within level II if—

"(A) the Corporation—

"(i) maintains an amount of regulatory capital that is less than the risk-based capital level; and

"(ii) equals or exceeds the minimum capital level; or

"(B) the Corporation is otherwise classified as within level II under subsection (b) of this section.

"(3) LEVEL III.—The Corporation shall be classified as within level III if—

"(A) the Corporation—

"(i) does not equal or exceed the minimum capital level; and

"(ii) equals or exceeds the critical capital level established under section 8.34; or

"(B) the Corporation is otherwise classified as within level III under subsection (b) of this section.

"(4) LEVEL IV.—The Corporation shall be classified as within level IV if the Corporation—

"(A) does not equal or exceed the critical capital level; or

"(B) is otherwise classified as within level IV under subsection (b) of this section.

"(b) DISCRETIONARY CLASSIFICATION.—If at any time the Director determines in writing (and provides written notification to the Corporation and the Farm Credit Administration) that the Corporation is taking any action not approved by the Director that could result in a rapid depletion of core capital or that the value of the property subject to mortgages securitized by the Corporation or property underlying securities guaranteed by the Corporation, has decreased significantly, the Director may classify the Corporation—

"(1) as within level II, if the Corporation is otherwise within level I;

"(2) as within level III, if the Corporation is otherwise within level II; or

"(3) as within level IV, if the Corporation is otherwise within level III.

"(c) QUARTERLY DETERMINATION.—The Director shall determine the classification of the Corporation for purposes of this subtitle on not less than a quarterly basis (and as appropriate under subsection (b)). The first such determination shall be made for the quarter ending March 31, 1992.

"(d) NOTICE.—Upon determining under subsection (b) or (c) that the Corporation is within level II or III, the Director shall provide written notice to the Congress and to the Corporation—

"(1) that the Corporation is within such level;

"(2) that the Corporation is subject to the provisions of section 8.36 or 8.37, as applicable; and

"(3) stating the reasons for the classification of the Corporation within such level.

"(e) IMPLEMENTATION.—Notwithstanding paragraphs (1) and (2) of subsection (a), during the 30-month period beginning on the date of the enactment of this section, the Corporation shall be classified as within level I if the Corporation equals or exceeds the minimum capital level established under section 8.33.

12 USC 2279bb-5.

"SEC. 8.36. MANDATORY ACTIONS APPLICABLE TO LEVEL II.

"(a) CAPITAL RESTORATION PLAN.—If the Corporation is classified as within level II, the Corporation shall, within the time period determined by the Director, submit to the Director a capital restoration plan and, after approval, carry out the plan.

"(b) RESTRICTION ON DIVIDENDS.—If the Corporation is classified as within level II, the Corporation may not make any payment of dividends that would result in the Corporation being reclassified as within level III or IV.

"(c) RECLASSIFICATION FROM LEVEL II TO LEVEL III.—The Director shall immediately reclassify the Corporation as within level III (and the Corporation shall be subject to the provisions of section 8.37), if—

"(1) the Corporation is within level II; and

"(2)(A) the Corporation does not submit a capital restoration plan that is approved by the Director; or

"(B) the Director determines that the Corporation has failed to make, in good faith, reasonable efforts necessary to comply with such a capital restoration plan and fulfill the schedule for the plan approved by the Director.

"(d) EFFECTIVE DATE.—This section shall take effect upon the expiration of the 30-month period beginning on the date of the enactment of this section.

12 USC 2279bb-6.

"SEC. 8.37. SUPERVISORY ACTIONS APPLICABLE TO LEVEL III.

"(a) MANDATORY SUPERVISORY ACTIONS.—

"(1) CAPITAL RESTORATION PLAN.—If the Corporation is classified as within level III, the Corporation shall, within the time period determined by the Director, submit to the Director a capital restoration plan and, after approval, carry out the plan.

"(2) RESTRICTIONS ON DIVIDENDS.—

"(A) PRIOR APPROVAL.—If the Corporation is classified as within level III, the Corporation—

"(i) may not make any payment of dividends that would result in the Corporation being reclassified as within level IV; and

"(ii) may make any other payment of dividends only if the Director approves the payment before the payment.

"(B) STANDARD FOR APPROVAL.—If the Corporation is classified as within level III, the Director may approve a payment of dividends by the Corporation only if the Director determines that the payment (i) will enhance the ability of the Corporation to meet the risk-based capital level and the minimum capital level promptly, (ii) will contribute to the long-term safety and soundness of the Corporation, or (iii) is otherwise in the public interest.

"(3) RECLASSIFICATION FROM LEVEL III TO LEVEL IV.—The Director shall immediately reclassify the Corporation as within level IV if—

"(A) the Corporation is classified as within level III; and

"(B)(i) the Corporation does not submit a capital restoration plan that is approved by the Director; or

"(ii) the Director determines that the Corporation has failed to make, in good faith, reasonable efforts necessary to

comply with such a capital restoration plan and fulfill the schedule for the plan approved by the Director.

"(b) DISCRETIONARY SUPERVISORY ACTIONS.—In addition to any other actions taken by the Director (including actions under subsection (a)), the Director may, at any time, take any of the following actions if the Corporation is classified as within level III:

"(1) LIMITATION ON INCREASE IN OBLIGATIONS.—Limit any increase in, or order the reduction of, any obligations of the Corporation, including off-balance sheet obligations.

"(2) LIMITATION ON GROWTH.—Limit or prohibit the growth of the assets of the Corporation or require contraction of the assets of the Corporation.

"(3) PROHIBITION ON DIVIDENDS.—Prohibit the Corporation from making any payment of dividends.

"(4) ACQUISITION OF NEW CAPITAL.—Require the Corporation to acquire new capital in any form and in any amount sufficient to provide for the reclassification of the Corporation as within level II.

"(5) RESTRICTION OF ACTIVITIES.—Require the Corporation to terminate, reduce, or modify any activity that the Director determines creates excessive risk to the Corporation.

"(6) CONSERVATORSHIP.—Appoint a conservator for the Corporation consistent with this Act.

"(c) EFFECTIVE DATE.—This section shall take effect on January 1, 1992.".

(c) AMENDMENT TO SECTION 8.3(c).—Section 8.3(c) of such Act (12 U.S.C. 2279aa-3(c)) is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) To establish, acquire, and maintain affiliates (as such term is defined in section 8.11(g)) under applicable State laws to carry out any activities that otherwise would be performed directly by the Corporation under this title.".

(d) AMENDMENT TO SECTION 8.6.—Section 8.6 of such Act (12 U.S.C. 2279aa-6) is amended by adding at the end the following new subsection:

"(g) PURCHASE OF GUARANTEED SECURITIES.—

"(1) PURCHASE AUTHORITY.—The Corporation (and affiliates) may purchase, hold, and sell any securities guaranteed under this section by the Corporation that represent interests in, or obligations backed by, pools of qualified loans. Securities issued under this section shall have maturities and bear rates of interest as determined by the Corporation.

"(2) ISSUANCE OF DEBT OBLIGATIONS.—The Corporation (and affiliates) may issue debt obligations solely for the purpose of obtaining amounts for the purchase of any securities under paragraph (1), for the purchase of qualified loans (as defined in section 8.0(9)(B)), and for maintaining reasonable amounts for business operations (including adequate liquidity) relating to activities under this subsection.

"(3) TERMS AND LIMITATIONS.—

"(A) TERMS.—The obligations issued under this subsection shall have maturities and bear rates of interest as determined by the Corporation, and may be redeemable at the option of the Corporation before maturity in the manner stipulated in the obligations.

"(B) REQUIREMENT.—Each obligation shall clearly indicate that the obligation is not an obligation of, and is not guaranteed as to principal and interest by, the Farm Credit Administration, the United States, or any other agency or instrumentality of the United States (other than the Corporation).

"(C) AUTHORITY.—The Corporation may not issue obligations pursuant to paragraph (2) under this subsection while any obligation issued by the Corporation under section 8.13(a) remains outstanding.".

TITLE VI—CROP INSURANCE AND DISASTER ASSISTANCE

SEC. 601. FEDERAL CROP INSURANCE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended—

(1) in section 506(d) (7 U.S.C. 1506(d))—

(A) by striking "section 508(c)" and inserting "section 508(f)"; and

(B) by striking the semicolon at the end and inserting a period;

(2) in section 506(m) (7 U.S.C. 1506(m))—

(A) by striking "wilfully" and inserting "willfully"; and

(B) by striking "to" after "exceed";

(3) in section 507(c)(2) (7 U.S.C. 1507(c)(2)), by inserting a comma after "private insurance companies";

(4) in section 508(a) (7 U.S.C. 1508(a)), by striking "(1)";

(5) in section 508 (7 U.S.C. 1508), by redesignating subsections (l), (m), and (n) as subsections (k), (l), and (m), respectively; and

(6) in section 518 (7 U.S.C. 1518) by striking "subsection (a) or (i)" and inserting "subsection (a) or (k)".

SEC. 602. DISASTER RELIEF.

(a) 1989 ACT.—Section 104(d)(1) of the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note) is amended by inserting "(A)" after the paragraph heading.

(b) 1988 ACT.—Section 301(b) of the Disaster Assistance Act of 1988 (7 U.S.C. 1464 note) (as amended by section 1541 of the Food, Agriculture, Conservation, and Trade Act of 1990) is amended—

(1) in the subsection heading, by striking "SUNFLOWER SEED" and inserting "SUNFLOWERSEED"; and

(2) in paragraph (2)(A)—

(A) by inserting a comma after "(7 U.S.C. 612c)" in clause (i);

(B) by striking "such Act" in clause (i) and inserting "such section"; and

(C) by striking "sunflower seed" in clause (iv) and inserting "sunflowerseed".

(c) CLARIFICATION OF AMENDMENT.—Section 2232(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-510; 104 Stat. 3959) is amended— 7 USC 1421 note.

(1) by striking "is amended to read:" and inserting "is amended by striking the material before the clauses and inserting the following:";

(2) by inserting open double quotes before "(A)"; and

(3) by moving the left margin of subparagraph (A) 2 ems to the right.

TITLE VII—RURAL DEVELOPMENT

SEC. 701. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) AMENDMENTS TO SECTION 306(a).—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended—

(1) in paragraph (11)(B)(ii)—

(A) in subclause (I), by inserting "and" after the semicolon; and

(B) in subclause (II), by striking "; and" and inserting a period; and

(2) by striking paragraph (21).

(b) AMENDMENTS TO SECTION 306C(a)(2).—Subparagraphs (A) and (B) of section 306C(a)(2) of such Act (7 U.S.C. 1926c(a)(2) (A) and (B)) are each amended by moving the left margin of such subparagraphs 2 ems to the right.

(c) AMENDMENTS TO SECTION 310B.—Section 310B of such Act (7 U.S.C. 1932) is amended—

(1) in subsection (i)(2)(B)(iv), by striking "(ii) of this subsection" and inserting "(iii) of this subparagraph";

(2) in subsection (i)(5)(A), by striking "365(b)(3)," and inserting "365(b)(3)),";

(3) by transferring to the end of such section the provision added by section 2386 of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 4051);

(4) by redesignating the provision so transferred as subsection (j); and

(5) in subsection (j) (as so redesignated), by striking "The Secretary" and inserting "GRANTS TO BROADCASTING SYSTEMS.—The Secretary.

(d) AMENDMENTS TO SECTION 364(e).—Section 364(e) of such Act (7 U.S.C. 2006f(e)) is amended—

(1) in paragraph (2), by striking "the date of enactment of this section" and inserting "November 28, 1990"; and

(2) in paragraph (3), by striking "the date of enactment of this section" and inserting "November 28, 1990,".

(e) AMENDMENTS TO SECTION 365(b).—Section 365(b) of such Act (7 U.S.C. 2008(b)) is amended—

(1) in paragraph (4)(A), by striking "(3)(C)" and inserting "(3)(A)(iii)"; and

(2) in paragraph (5), by striking "(3)(B)" and inserting "(3)(A)(ii)".

(f) AMENDMENT TO SECTION 366(h).—Section 366(h) of such Act (7 U.S.C. 2008a(h)) is amended by striking "of such officer" and inserting "of such officer's".

(g) AMENDMENT TO SECTION 367(b)(1).—Section 367(b)(1) of such Act (7 U.S.C. 2008b(b)(1)) is amended by striking "365(b)(6)" and inserting "366(b)(6)".

(h) MISCELLANEOUS AMENDMENTS.—

(1) IDENTICAL AMENDMENTS.—Each of the following provisions of such Act is amended by striking "this Act" each place such term appears and inserting "this title":

(A) Section 306(a)(12)(D) (7 U.S.C. 1926(a)(12)(D)).

(B) Section 306(a)(20) (7 U.S.C. 1926(a)(20)).

(C) Section 310B(d)(5) (7 U.S.C. 1932(d)(5)).

(D) Section 310B(d)(7) (7 U.S.C. 1932(d)(7)).

(E) Section 331(b)(3) (7 U.S.C. 1981(b)(3)).

(F) Section 346(b)(3)(C) (7 U.S.C. 1994(b)(3)(C)).

(2) OTHER MISCELLANEOUS AMENDMENT.—Section 352(b)(3) of such Act (7 U.S.C. 2000(b)(3)) is amended by striking "be".

SEC. 702. AMENDMENTS TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) AMENDMENT TO SECTION 2302(b)(1).—Section 2302(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2006f note) is amended by striking "the date of enactment of this section" and inserting "November 28, 1990".

(b) AMENDMENTS TO SECTION 2311.—Section 2311 of such Act (7 U.S.C. 2007a) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking "4(b)" and inserting "4(e)";

(B) by striking "the section 4(c)" and inserting "section 4(l)"; and

(C) by striking "450b(c)))" and inserting "450b(l)))"; and

(2) in paragraph (4), by striking "this Act" and inserting "this chapter".

(c) AMENDMENTS TO SECTION 2313.—Section 2313 of such Act (7 U.S.C. 2007c) is amended—

(1) in subsection (a)(2), by striking "Fund established under paragraph (1)" and inserting "Rural Business Investment Fund";

(2) in subsection (b)(1), by striking "fund established by subsection (a)" and inserting "Rural Business Investment Fund"; and

(3) in subsection (c)(6), by inserting "Business Investment" before "Fund".

(d) AMENDMENT TO SECTION 2314(a)(1)(A)(i).—Section 2314(a)(1)(A)(i) of such Act (7 U.S.C. 2007d(a)(1)(A)(i)) is amended by striking "from the Fund under this chapter" and inserting "under this chapter from the Rural Business Investment Fund".

(e) AMENDMENT TO SECTION 2315(d)(2).—Section 2315(d)(2) of such Act (7 U.S.C. 2007e(d)(2)) is amended by striking "engage in conduct, in".

(f) AMENDMENTS TO SECTION 2322.—Section 2322 of such Act (7 U.S.C. 1926-1) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking "section 306(a)(9) and 306(a)(10)" and inserting "paragraphs (9) and (10) of section 306(a)"; and

(B) by striking "sections 306(a)(19)(A) and (B)" and inserting "subparagraphs (A) and (B) of section 306(a)(19)"; and

(2) in subsection (i)(1), by striking "and (3)".

(g) AMENDMENT TO SECTION 2332.—Section 2332 of such Act (7 U.S.C. 950aaa-1) is amended by striking "Federal government" and inserting "Federal Government".

(h) AMENDMENTS TO SECTION 2388(h).—

(1) AMENDMENTS.—Section 2388(h) of such Act (104 Stat. 4053) is amended— 7 USC 1991.

(A) in paragraph (1), by inserting "and" after the semicolon;

(B) in paragraph (2), by striking "; and" and inserting a period; and

(C) by striking paragraph (3).

(2) SPECIAL RULE.—The Consolidated Farm and Rural Development Act shall be applied and administered as if the amendment made by 2388(h)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 had never been enacted. 7 USC 1991 note.

(i) REPEAL OF SECTION 2388(i).—Subsection (i) of section 2388 of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 4053) is hereby repealed and the Consolidated Farm and Rural Development Act shall be applied and administered as if the amendments made by such subsection had never been enacted. 7 USC 1994.

SEC. 703. AMENDMENTS TO THE RURAL ELECTRIFICATION ACT OF 1936.

(a) AMENDMENT TO SECTION 11A(e).—Section 11A(e) of the Rural Electrification Act of 1936 (7 U.S.C. 911a(e)) is amended by striking "1 percent" and inserting "2 percent".

(b) REPEAL OF SECTION 17.—Section 17 of such Act (7 U.S.C. 917) is repealed.

(c) AMENDMENTS TO SECTION 501.—Section 501 of such Act (7 U.S.C. 950aa) is amended—

(1) in paragraph (6), by inserting "and" after the semicolon;

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7).

(d) AMENDMENT TO SECTION 502(a)(2).—Section 502(a)(2) of such Act (7 U.S.C. 950aa-1(a)(2)) is amended by striking "as defined in this Act".

SEC. 704. RURAL HEALTH LEADERSHIP DEVELOPMENT.

(a) IN GENERAL.—Section 502(i)(1) of the Rural Development Act of 1972 (7 U.S.C. 2662) (as redesignated by section 403(a)(2)(B) of this Act) is amended by adding at the end the following new subparagraph:

"(C) RURAL HEALTH LEADERSHIP DEVELOPMENT.—The Secretary, in consultation with the Office of Rural Health Policy of the Department of Health and Human Services, may make grants to academic medical centers or land grant colleges and universities, or any combination thereof, for the establishment of rural health leadership development education programs that shall assist rural communities in developing health care services and facilities that will provide the maximum benefit for the resources invested and assist community leaders and public officials in understanding their roles and responsibilities relative to rural health services and facilities, including—

"(i) community decisions regarding funding for and retention of rural hospitals;

"(ii) rural physician and allied health professionals recruitment and retention;

"(iii) the aging rural population and senior services required to care for the population;

"(iv) the establishment and maintenance of rural emergency medical services systems; and

"(v) the application of computer-assisted capital budgeting decision aids for rural health services and facilities.".

(b) CONFORMING AMENDMENT.—The first sentence of section 502(i)(4) of the Rural Development Act of 1972 (7 U.S.C. 2662) (as redesignated by section 403(a)(2)(B) of this Act) is amended by inserting after "to States" the following "or entities described in paragraph (1)(C)".

TITLE VIII—AGRICULTURAL PROMOTION

SEC. 801. SHORT TITLE.

Section 1901 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6001 note; 104 Stat. 3838) is amended by striking "This Act" and inserting "This title".

SEC. 802. PECANS.

Subtitle A of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6001 et seq.; 104 Stat. 3838) is amended—

(1) in section 1907(22) (7 U.S.C. 6002(22)), by striking "inshell" and inserting "in-shell";

(2) in section 1910(b)(8)(G) (7 U.S.C. 6005(b)(8)(G))—

(A) by striking "paragraph 3(A), (B), and (C)," and inserting "subparagraphs (A), (B), and (C) of paragraph (3),"; and

(B) by striking "paragraph (3)(D) and (E)" and inserting "subparagraphs (D) and (E) of paragraph (3)"; and

(3) in section 1915(b)(2) (7 U.S.C. 6010(b)(2)), by striking "section" after "1913 or".

SEC. 803. MUSHROOMS.

Subtitle B of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6101 et seq.; 104 Stat. 3854) is amended—

(1) in section 1925(h) (7 U.S.C. 6104(h)), by striking "government" and inserting "governmental";

(2) in section 1928(d)(1)(A) (7 U.S.C. 6107(d)(1)(A)), by striking "United States district court" and inserting "United States District Court; and

(3) in section 1929(b)(2) (7 U.S.C. 6108(b)(2)), by striking "section" after "1927 or".

SEC. 804. POTATOES.

Section 310(a)(2) of the Potato Research and Promotion Act (7 U.S.C. 2619(a)(2)) is amended by striking "(2) when" and inserting "(2) When".

SEC. 805. LIMES.

Subtitle D of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6501 et seq.; 104 Stat. 3870) is amended—

(1) in section 1955(e)(1)(B) (7 U.S.C. 6204(e)(1)(B)), by striking "government employees" and inserting "Government employees";

(2) in section 1958(d)(1) (7 U.S.C. 6207(d)(1)), by striking "United States district court" and inserting "United States District Court"; and

(3) in section 1959(b)(2) (7 U.S.C. 6208(b)(2)), by striking "section" after "1957 or".

SEC. 806. SOYBEANS.

Subtitle E of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6301 et seq.; 104 Stat. 3881) is amended—

(1) in section 1969 (7 U.S.C. 6304)—

(A) in subsection (g)(2)(A)(ii), by striking "Argicultural" and inserting "Agricultural";

(B) in subsection (l)(2)(F)(vii)(V), by striking "that requests" and inserting "that request"; and

(C) in subsection (q)(4)—

(i) by inserting a comma after "and"; and

(ii) by striking the semicolon after "Board";

(2) in section 1970(b)(3) (7 U.S.C. 6305(b)(3)), by striking "this Act" and inserting "this subtitle"; and

(3) in section 1974 (7 U.S.C. 6309)—

(A) in subsection (b)(3), by striking "section 1969(k)(4)" and inserting "section 1969(l)(4)"; and

(B) by redesignating the second subsection (b) as subsection (c).

SEC. 807. HONEY.

The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.) is amended—

(1) in section 9(h) (7 U.S.C. 4608(h)), by inserting "to" before "an importer"; and

(2) in section 11A(b)(2) (7 U.S.C. 4610a(b)(2)), by striking "section" after "10 or".

SEC. 808. COTTON.

(a) COTTON PROMOTION ACT.—The Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.) is amended—

(1) in section 7(e)(4) (7 U.S.C. 2106(e)(4)), by striking "title" and inserting "Act";

(2) in section 8(b)(2) (7 U.S.C. 2107(b)(2)), by striking "section 17C(2)" and inserting "section 17(c)(2)";

(3) in section 10(b) (7 U.S.C. 2109(b)), by striking "section 8(b) or 8(c)" and inserting "subsection (b) or (c) of section 8"; and

(4) in section 11(a) (7 U.S.C. 2110(a))—

(A) by inserting "of this Act" after "section"; and

(B) by striking "of this Act," after "subsection (b),".

(b) REPORTS.—Section 1998 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2101 note; 104 Stat. 3913) is amended by striking "title" each place it appears in subsections (a) and (b) and inserting "subtitle".

SEC. 809. FLUID MILK.

Section 1999L(b) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6411(b); 104 Stat. 3922) is amended by striking "this subsection" and inserting "this section".

SEC. 810. WOOL.

Section 708 of the National Wool Act of 1954 (7 U.S.C. 1787) is amended by inserting after the third sentence the following new sentence: "In any agreement entered into under this section, the Secretary shall prohibit the use of any funds made available through pro rata deductions from payments under section 704 of this title in any manner for the purpose of influencing legislation or government action or policy, except for the development or rec- Contracts.

ommendation to the Secretary of amendments to the research and promotion program.".

TITLE IX—FOOD AND NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

SEC. 901. APPLICATION OF FOOD STAMP ACT OF 1977 TO DISABLED PERSONS.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by inserting after "title I, II, X, XIV, or XVI of the Social Security Act" both places it appears in subsections (g)(7) and (i) the following: ", or are individuals described in paragraphs (2) through (7) of subsection (r),".

SEC. 902. CATEGORICAL ELIGIBILITY FOR RECIPIENTS OF GENERAL ASSISTANCE.

The third sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended by striking "appropriate for categorical treatment" and inserting "based on income criteria comparable to or more restrictive than those under subsection (c)(2), and not limited to one-time emergency payments that cannot be provided for more than one consecutive month,".

SEC. 903. EXCLUSIONS FROM INCOME.

Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "to the extent" and all that follows through "involved)" and inserting "awarded to a household member enrolled"; and

(B) in subparagraph (B)—

(i) by inserting after "amount" the following: "used for or"; and

(ii) by striking "or program for" and inserting "program, or other grantor, for tuition and mandatory fees (including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved),";

(2) by striking "and" at the end of paragraph (14); and

(3) by inserting before the period at the end the following: ", and (16) any amounts necessary for the fulfillment of a plan for achieving self-support of a household member as provided under section 1612(b)(4)(B)(iv) of the Social Security Act (42 U.S.C. 1382a(b)(4)(B)(iv))".

SEC. 904. RESOURCES THAT CANNOT BE SOLD FOR A SIGNIFICANT RETURN.

Section 5(g)(5) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(5)) is amended by adding at the end the following new sentences: "A resource shall be so identified if its sale or other disposition is unlikely to produce any significant amount of funds for the support of the household. The Secretary shall not require the State agency to require verification of the value of a resource to be excluded

under this paragraph unless the State agency determines that the information provided by the household is questionable.".

SEC. 905. RESOURCE EXEMPTION FOR HOUSEHOLDS EXEMPT UNDER AFDC OR SSI.

Subsection (j) of section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014(j)) is amended to read as follows:

"(j) Notwithstanding subsections (a) through (i), a State agency shall consider a household member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1382 et seq.), aid to the aged, blind, or disabled under title I, II, X, XIV, or XVI of such Act (42 U.S.C. 301 et seq.), or who receives benefits under a State plan approved under part A of title IV of such Act (42 U.S.C. 601 et seq.) to have satisfied the resource limitations prescribed under subsection (g).".

SEC. 906. TECHNICAL AMENDMENT ON TRANSITIONAL HOUSING.

Section 5(k)(2)(F) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)(F)) is amended by inserting before the semicolon the following: ", if the State agency calculates a shelter allowance to be paid under the State plan separate and apart from payments for other household needs even though it may be paid in combination with other allowances in some cases".

SEC. 907. PERFORMANCE STANDARDS FOR EMPLOYMENT AND TRAINING PROGRAMS.

(a) IN GENERAL.—Subparagraph (L) of section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)(L)) is amended to read as follows:

"(L)(i) The Secretary shall establish performance standards and measures applicable to employment and training programs carried out under this paragraph that are based on employment outcomes, including increases in earnings.

"(ii) Final performance standards and measures referred to in clause (i) shall be published not later than 12 months after the date that the final outcome-based performance standards are published for job opportunities and basic skills training programs under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.).

"(iii) The standards shall encourage States to serve those individuals who have greater barriers to employment and shall take into account the extent to which persons have elected to participate in employment and training programs under this paragraph. The standards shall require participants to make levels of efforts comparable to those required under the regulations set forth in section 273.7(f)(1) of title 7, Code of Federal Regulations in effect on January 1, 1991.

"(iv) The performance standards in effect under subparagraph (K) shall remain in effect during the period beginning on October 1, 1988, and ending on the date the Secretary implements the outcome-based performance standards described in this subparagraph.

"(v) A State agency shall be considered in compliance with applicable performance standards under subparagraph (K) if the State agency operates an employment and training program in a manner consistent with its approved plan and if the program requires participants to make levels of effort comparable to those required under the regulations set forth in section 273.7(f)(1) of title 7, Code of Federal Regulations in effect on January 1, 1991.".

(b) LIMITATION.—Section 6(d)(4)(K)(i) of such Act is amended—

(1) by striking "50 percent through September 30, 1989" and inserting "10 percent in fiscal years 1992 and 1993, and 15 percent in fiscal years 1994 and 1995"; and

(2) by adding at the end the following new sentence: "The Secretary shall not require the plan of a State agency to provide for the participation of a number of recipients greater than 10 percent in fiscal years 1992 and 1993, and 15 percent in fiscal years 1994 and 1995, of the persons who are subject to employment requirements under this section and who are not exempt under subparagraph (D).".

SEC. 908. SUSPENSION OF CERTAIN REQUIREMENTS, AND STUDY, OF FOOD STAMP PROGRAM ON INDIAN RESERVATIONS.

(a) SUSPENSION OF REQUIREMENTS.—

7 USC 2016 note.

(1) STAGGERED ISSUANCE OF COUPONS.—No State agency shall be required to implement section 7(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2016(h)(1)), regarding the staggering of issuance of food stamp coupons, until April 1, 1993. The Secretary of Agriculture shall issue final regulations requiring the staggered issuance of coupons no later than December 1, 1992.

Regulations.

7 USC 2015 note.

(2) EXEMPTION FROM MONTHLY REPORTING SYSTEMS.—No State agency shall be required to exempt households residing on Indian reservations from food stamp program monthly reporting systems until April 1, 1993. The Secretary shall issue final regulations requiring the exemption of households residing on Indian reservations from food stamp program monthly reporting systems no later than December 1, 1992.

Regulations.

(b) STUDY.—

Reports.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on the difficulties that residents of Indian reservations experience in obtaining food stamp benefits, in using food stamp benefits, and in purchasing food economically with food stamps.

(2) COMPONENTS.—In carrying out paragraph (1), the Comptroller General shall—

(A) examine whether monthly reporting requirements are a burden to food stamp households residing on Indian reservations;

(B) examine whether prices at food stores serving reservations are increased during the parts of months when food stamps are issued or are decreased during times of the month when most households have exhausted their food stamp allotments;

(C) examine whether eligible households residing on reservations would prefer that the households' food stamp issuances be—

(i) staggered throughout the month;

(ii) concentrated on the same day of each month; or

(iii) staggered during approximately the first 2 weeks of the month; and

(D) analyze problems associated with transportation difficulties in terms of food stamp program participation and

any actions that could be taken at the Federal, State, or local level to remedy the problems.

(3) CONSULTATION.—In completing the report and recommendations, the Comptroller General shall consult with Indian tribes, State agencies, and other appropriate parties.

SEC. 909. VALUE OF ALLOTMENT.

Section 8(b) of the Food Stamp Act of 1977 (7 U.S.C. 2017(b)) is amended—

(1) by striking "the allotment provided any eligible household" and inserting "benefits that may be provided under this Act, whether through coupons, access devices, or otherwise"; and

(2) by striking "an allotment" and inserting "benefits".

SEC. 910. PRORATING WITHIN A CERTIFICATION PERIOD.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "Households shall receive full months' allotments for all months within a certification period, except as provided in the first sentence of this paragraph with respect to an initial month."; and

(2) in paragraph (2)(B), by striking "previous participation in such program" and inserting "the expiration of a certification period or after the termination of the certification of a household, during a certification period, when the household ceased to be eligible after notice and an opportunity for a hearing under section 11(e)(10)".

SEC. 911. RECOVERY OF CLAIMS CAUSED BY NONFRAUDULENT HOUSEHOLD ERRORS.

The first sentence of section 13(b)(2)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2022(b)(2)(A)) is amended by inserting before the period the following: ", except that the household shall be given notice permitting it to elect another means of repayment and given 10 days to make such an election before the State agency commences action to reduce the household's monthly allotment".

SEC. 912. DEMONSTRATION PROJECTS FOR VEHICLE EXCLUSION LIMIT. 7 USC 2026 note.

The Secretary of Agriculture shall solicit requests to participate in the demonstration projects required by section 17(h) of the Food Stamp Act of 1977 (7 U.S.C. 2026(h)) by May 1, 1992. The projects shall commence operations no later than January 1, 1993.

SEC. 913. DEFINITION OF RETAIL FOOD STORE.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99-570; 7 U.S.C. 2012 note) is amended by striking "and (b)" and inserting ", (b), and (c)".

Subtitle B—Commodity Distribution

SEC. 921. EXTENSION OF ELDERLY COMMODITY PROCESSING DEMONSTRATIONS.

Section 1114(a)(2)(D) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(D)) is amended by striking "1992 and 1993" and inserting "1992, 1993, and 1994".

SEC. 922. REDUCTION OF FEDERAL PAPERWORK FOR DISTRIBUTION OF COMMODITIES.

(a) HUNGER PREVENTION ACT.—Section 110 of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note) is amended—

(1) in paragraphs (1) and (2) of subsection (c), by inserting after "to needy persons" each place it appears the following: "and to other institutions that can demonstrate, in accordance with subsection (j)(3), that they serve predominantly needy persons"; and

(2) by adding at the end the following new subsections:

Homeless.

"(j) PRIORITY SYSTEM FOR STATE DISTRIBUTION OF COMMODITIES.—

"(1) SOUP KITCHENS.—In distributing commodities under this section, the distributing agency, under procedures determined appropriate by the distributing agency, shall offer, or otherwise make available, its full allocation of commodities for distribution to soup kitchens and other like organizations that serve meals to homeless persons, and to food banks for distribution to such organizations.

"(2) INSTITUTIONS THAT SERVE ONLY LOW-INCOME RECIPIENTS.—If distributing agencies determine that they will not likely exhaust their allocation of commodities under this section through distribution to institutions referred to in paragraph (1), the distributing agencies shall make the remaining commodities available to food banks for distribution to institutions that distribute commodities to the needy. When such institutions distribute commodities to individuals for home consumption, eligibility for such commodities shall be determined through a means test as determined appropriate by the State distributing agency.

Disadvantaged.

"(3) OTHER INSTITUTIONS.—If the distributing agency's commodity allocation is not likely to be exhausted after distribution under paragraphs (1) and (2) (as determined by the food bank), food banks may distribute the remaining commodities to institutions that serve meals to needy persons and do not employ a means test to determine eligibility for such meals, provided that the organizations have documented, to the satisfaction of the food bank, that the organizations do, in fact, serve predominantly needy persons.

"(k) SETTLEMENT AND ADJUSTMENT OF CLAIMS.—

"(1) IN GENERAL.—The Secretary or a designee of the Secretary shall have the authority to—

"(A) determine the amount of, settle, and adjust any claim arising under this section; and

"(B) waive such a claim if the Secretary determines that to do so will serve the purposes of this section.

"(2) LITIGATION.—Nothing contained in this subsection shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduct litigation on behalf of the United States.".

(b) EMERGENCY FOOD ASSISTANCE ACT.—The Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end the following new section:

"SEC. 215. SETTLEMENT AND ADJUSTMENT OF CLAIMS.

"(a) IN GENERAL.—The Secretary or a designee of the Secretary shall have the authority to—

"(1) determine the amount of, settle, and adjust any claim arising under this Act; and

"(2) waive such a claim if the Secretary determines that to do so will serve the purposes of this Act.

"(b) LITIGATION.—Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduct litigation on behalf of the United States.".

(c) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by adding at the end the following new subsection:

"(k)(1) The Secretary or a designee of the Secretary shall have the authority to—

"(A) determine the amount of, settle, and adjust any claim arising under the commodity supplemental food program; and

"(B) waive such a claim if the Secretary determines that to do so will serve the purposes of the program.

"(2) Nothing contained in this subsection shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduct litigation on behalf of the United States.".

Subtitle C—Indian Subsistence Farming Demonstration Grant

7 USC 5930 note.

SEC. 931. PURPOSES.

The purposes of this subtitle are to—

(1) provide technical assistance and training through the Extension Service in the Department of Agriculture to Indian tribes and Alaska Natives for the development and operation of subsistence farming programs to improve the nutritional health of Indians living on or near Indian reservations;

(2) establish the Indian subsistence farming demonstration grant program within the Department of Agriculture; and

(3) provide a supplemental source of fresh produce for Indians and Alaska Natives who—

(A) have special dietary needs;

(B) are participating in—

(i) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) the food distribution program on Indian reservations established under section 4(b) of such Act (7 U.S.C. 2013(b)); or

(C) have income below 185 percent of the poverty line referred to in section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)).

SEC. 932. DEFINITIONS.

For the purposes of this subtitle:

(1) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an Indian who—

(A) is identified by the Secretary as having special dietary needs;

(B) is participating in—

(i) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) the food distribution program on Indian reservations established under section 4(b) of such Act (7 U.S.C. 2013(b)); or

(C) has income below 185 percent of the poverty line referred to in section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)).

(2) INDIAN.—The term "Indian" means a person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation (as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(3) INDIAN RESERVATION.—The term "Indian reservation" has the same meaning given to the term "reservation" under section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)).

(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village, Regional Corporation, or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

(5) INTER-TRIBAL CONSORTIUM.—The term "inter-tribal consortium" means a partnership between—

(A) an Indian tribe or tribal organization on an Indian reservation; and

(B) one or more Indian tribes or tribal organizations of other Indian tribes.

(6) PROGRAM.—The term "program" means any subsistence farming program funded or assisted under this subtitle.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 933. INDIAN SUBSISTENCE FARMING DEMONSTRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may establish an Indian subsistence farming demonstration grant program that provides grants to any Indian tribe, or intertribal consortium, for the establishment on Indian reservations of subsistence farming operations that grow fresh produce for distribution to eligible recipients.

(b) APPLICATION.—Any Indian tribe or tribal consortium may submit to the Secretary an application for a grant under this subtitle. Any such application shall—

(1) be in such form as the Secretary may prescribe;

(2) be submitted to the Secretary on or before the date designated by the Secretary; and

(3) specify—

(A) the nature and scope of the subsistence farming project proposed by the applicant;

(B) the extent to which the project plans to use or incorporate existing resources and services available on the reservation; and

(C) the number of Indians who are projected as eligible recipients of produce grown under the project.

SEC. 934. TRAINING AND TECHNICAL ASSISTANCE.

The Extension Service may conduct, with respect to the projects established under this title, site surveys, workshops, short courses, training, and technical assistance on such topics as nutrition food preservation and preparation techniques, spacing, depth of seed placement, soil types, and other aspects of subsistence farming operations.

SEC. 935. TRIBAL CONSULTATION.

An Indian tribe participating in any subsistence farming program established under this subtitle shall consult with appropriate tribal and Indian Health Service officials regarding the specific dietary needs of the population to be served by the operation of the Indian subsistence farming project.

SEC. 936. USE OF GRANTS.

Funds provided under this subtitle may be used for—

(1) the purchase or lease of agricultural machinery, equipment, and tools for the operation of the program;

(2) the purchase of seeds, fertilizers, and such other resources as may be required for the operation of the program;

(3) the construction of greenhouses, fences, and other structures or facilities;

(4) accounting and distribution of produce grown under the program; and

(5) the employment of persons for the management and operation of the program.

SEC. 937. AMOUNT AND TERM OF GRANT.

(a) AMOUNT.—The maximum amount of any grant awarded under this subtitle shall not exceed $50,000.

(b) TERM.—The maximum term of any grant awarded under this subtitle shall be 3 years.

SEC. 938. OTHER REQUIREMENTS.

Each recipient of a grant awarded under this subtitle shall—

(1) furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the program for which the grant is made;

(B) ensure that the grant funds are expended for the purposes for which the grant was made; and

(C) ensure that the produce grown is distributed to eligible recipients on the reservation; and

(2) submit to the Secretary at the close of the term of the grant a final report that shall include such information as the Secretary may require. Reports.

SEC. 939. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $2,000,000 for each of the fiscal years 1993 through 1995.

Subtitle D—Technical Amendments

SEC. 941. TECHNICAL AMENDMENTS TO THE FOOD STAMP ACT OF 1977.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended—

(1) in section 3 (7 U.S.C. 2012)—

(A) in subsection (j), by striking "section 3(p) of this Act" and inserting "subsection (p)";

(B) in subsection (o)(6), by striking "per centun" and inserting "percent"; and

(C) by redesignating subsection (u) as subsection (t);

(2) in section 5 (7 U.S.C. 2014)—

(A) in subsection (d)(2), by striking "section 5(f) of this Act" and inserting "subsection (f)";

(B) in subsection (h)(1), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)"; and

(C) in subsection (k)(2), by moving the margin of subparagraph (E) to the left so as to align with the margin of subparagraph (D);

(3) in section 6 (7 U.S.C. 2015)—

(A) in subsection (c)(1)(A), by moving the margin of clause (ii) to the left so as to align with the margin of clause (i);

(B) in subsection (d)(1)(A)—

(i) by striking "who is physically" and inserting "who is a physically";

(ii) by striking "Secretary;" in clause (i) and all that follows through "refuses" in clause (ii) and inserting "Secretary; (ii) refuses"; and

(iii) by striking "two months" in clause (ii) and all that follows through "refuses" in clause (iii) and inserting "two months; or (iii) refuses";

(C) in subsection (d)(4)(B)(vii)—

(i) by striking "Secretary,," and inserting "Secretary,"; and

(ii) by striking "aimed an" and inserting "aimed at";

(D) in subsection (d)(4)(D)(iii), by striking "clauses (i) or (ii)" and inserting "clause (i) or (ii)"; and

(E) in subsection (d)(4)(I)(i)(II)—

(i) by striking "601 et seq.))" and inserting "601 et seq.)"; and

(ii) by striking ", but in" and inserting "), but in";

(4) in section 9(a)(1) (7 U.S.C. 2018(a)(1)), by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(5) in section 11(e) (7 U.S.C. 2020(e))—

(A) in paragraph (2), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3)—

(i) in subparagraph (D), by inserting a close parenthesis after "section 6"; and

(ii) in subparagraph (E), by striking "verified under this Act, and that the State agency shall provide the household" and inserting "verified under this Act, and that the State agency shall provide the household"; and

(C) in paragraph (15), by striking the period at the end and inserting a semicolon;

(6) in section 11 (7 U.S.C. 2020), by redesignating subsection (p) as subsection (b) and transferring such subsection to the location after subsection (a);

(7) in section 16 (7 U.S.C. 2025)—

(A) in subsection (g), by inserting a comma after "1991"; and

(B) in subsection (h)(4), by striking "the Act" and inserting "this Act";

(8) in the first sentence of section 17(b)(3)(C) (7 U.S.C. 2026(b)(3)(C)), by striking "402(g)(1)(A)" and inserting "402(g)(1)(A))";

(9) in section 19(b)(1)(A)(i) (7 U.S.C. 2028(b)(1)(A)(i)), by striking "directly." and inserting "directly";

(10) in section 20(g)(2) (7 U.S.C. 2029(g)(2))—

(A) by moving the margins of subparagraphs (A) and (B) 2 ems to the left; and

(B) in subparagraph (B), by moving the margins of clauses (i) and (ii) 2 ems to the left; and

(11) in section 22 (7 U.S.C. 2031)—

(A) by inserting the following section heading above the section designation:

"FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN";

(B) in subsection (d)(2)(B), by striking "paragraph (b)(3)(D)(iii)" and inserting "subsection (b)(3)(D)(iii)"; and

(C) in subsection (h), by striking "subsection b(12)" and inserting "subsection (b)(12)".

SEC. 942. AMENDMENT RELATING TO THE HUNGER PREVENTION ACT OF 1988.

Section 1772(h)(5) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3809) is amended by striking "Relief" and inserting "Prevention". 7 USC 612c note.

TITLE X—MISCELLANEOUS TECHNICAL CORRECTIONS

SEC. 1001. ORGANIC CERTIFICATION.

Title XXI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3935) is amended—

(1) in section 2105 (7 U.S.C. 6504), by striking the period at the end of paragraph (2) and inserting "; and";

(2) in section 2110 (7 U.S.C. 6509)—

(A) in subsection (d)(1)(B), by striking "paraciticides" and inserting "parasiticides"; and

(B) by redesignating subsection (h) as subsection (g);

(3) in section 2111(a)(1) (7 U.S.C. 6510(a)(1)), by striking "post harvest" and inserting "postharvest";

(4) in section 2112(b) (7 U.S.C. 6511(b)), by striking "PRE-HARVEST" and inserting "PREHARVEST";

(5) in section 2116(j)(2) (7 U.S.C. 6515(j)(2)), by striking "certifying such" and inserting "such certifying";

(6) in section 2118(c)(1)(B)(i) (7 U.S.C. 6517(c)(1)(B)(i)), by striking "paraciticides" and inserting "parasiticides"; and

(7) in section 2119(a) (7 U.S.C. 6518(a)), by striking "(to" and inserting "to";

(8) in section 2120(f) (7 U.S.C. 6519(f)), by inserting a comma after "et seq.)" the first place it appears; and

(9) in section 2121(b) (7 U.S.C. 6520(b)), by striking "District Court for the District" and inserting "district court for the district".

SEC. 1002. AGRICULTURAL FELLOWSHIPS.

Section 1543(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293; 104 Stat. 3694) is amended by striking "Program" and inserting "program".

SEC. 1003. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in subsection (a)(3), by striking "section" and inserting "subsection";

(2) in subsection (c)(1)(C), by inserting "program" after "agricultural"; and

(3) in subsection (d)(3), by striking "Not later than 1 year after the date of enactment of this Act," and inserting "Not later than November 28, 1991,".

SEC. 1004. PROTECTION OF PETS.

Section 28(b)(2)(F) of the Animal Welfare Act (7 U.S.C. 2158(b)(2)(F)) is amended by striking "subsection (b)" and inserting "subsection (a)".

SEC. 1005. CRITICAL AGRICULTURAL MATERIALS.

The Critical Agricultural Materials Act (7 U.S.C. 178 et seq.) is amended—

(1) in section 5(b)(9) (7 U.S.C. 178c(b)(9)), by striking the first comma after "industrial purposes"; and

(2) in section 11 (7 U.S.C. 178i), by striking "insure" both places it appears and inserting "ensure".

SEC. 1006. AMENDMENTS TO FIFRA AND RELATED PROVISIONS.

(a) IN GENERAL.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) in section 2(e)(1) (7 U.S.C. 136(e)(1))—

(A) by striking "section 4" and inserting "section 11";

(B) by striking "use" in the second sentence and inserting "uses"; and

(C) by striking "section 2(ee) of this Act" and inserting "subsection (ee)";

(2) in section 2(q)(2)(A)(i) (7 U.S.C. 136(q)(2)(A)(i)), by striking "size of form" and inserting "size or form";

(3) in section 3(c)(1) (7 U.S.C. 136a(c)(1))—

(A) by striking subparagraphs (E) and (F);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

"(D) the complete formula of the pesticide;

"(E) a request that the pesticide be classified for general use or for restricted use, or for both; and"; and

(D) in subparagraph (F) (as so redesignated)—

(i) by striking "(i) with" and inserting "(i) With";

(ii) by striking the semicolon at the end of clauses (i), (ii), and (iii) and inserting a period;

(iii) by striking "(ii) except" and inserting "(ii) Except"; and

(iv) by striking "(iii) after" and inserting "(iii) After";

(4) by conforming the left margin of paragraph (3) of section 4(f) (7 U.S.C. 136a-1(f)) to the left margin of the preceding paragraph;

(5) in section 6(f)(3)(B) (7 U.S.C. 136d(f)(3)(B)), by striking "an unreasonable adverse affect" and inserting "an unreasonable adverse effect";

(6) in section 11 (7 U.S.C. 136i)—

(A) in the section heading, by striking "APPPLICATORS" and inserting "APPLICATORS";

(B) in subsection (b), by striking "this paragraph" each place it appears and inserting "subsection (a)(2)"; and

(C) in subsection (c), by striking "subsections (a) and (b)" and inserting "subsection (a)";

(7) in section 12(a)(2) (7 U.S.C. 136j(a)(2))—

(A) by striking "thereunder. It" in subparagraph (F) and inserting "thereunder, except that it";

(B) by striking "or" at the end of subparagraph (O); and

(C) by striking the period at the end of subparagraph (P) and inserting a semicolon;

(8) in section 14(a)(2) (7 U.S.C. 136l(a)(2))—

(A) by striking ": *Provided,* That" and inserting ", except that"; and

(B) by striking "use" and inserting "uses";

(9) in section 17(a) (7 U.S.C. 136o), by removing the last sentence from paragraph (2) and placing it as full measure sentence under such paragraph;

(10) in section 20(a) (7 U.S.C. 136r(a)), by striking "insure" and inserting "ensure"; and

(11) in section 26(c) (7 U.S.C. 136w-1(c)), by striking "use" and inserting "uses".

(b) GENDER.—

(1) Such Act is amended by striking "he" each place it appears in sections 3(c)(2)(A), 3(c)(5), 3(c)(6), 3(d)(1)(A), 3(d)(1)(B), 3(d)(1)(C), 3(d)(2), 5(b), 5(e), 5(f), 6(a)(1), 6(b), 6(c)(1), 6(c)(3), 7(b), 8(a), 9(c)(3), 10(c), 11(b), 16(b), 16(d), 18, 20(a), 21(b), 25(a)(3), 25(b), 25(c)(5), and 25(d) (7 U.S.C. 136a(c)(2)(A), 136a(c)(5), 136a(c)(6), 136a(d)(1)(A), 136a(d)(1)(B), 136a(d)(1)(C), 136a(d)(2), 136c(b), 136c(e), 136c(f), 136d(a)(1), 136d(b), 136d(c)(1), 136d(c)(3), 136e(b), 136f(a), 136g(c)(3), 136h(c), 136i(b), 136n(b), 136n(d), 136p, 136r(a), 136s(b), 136w(a)(3), 136w(b), 136w(c)(5), and 136w(d)) and inserting "the Administrator".

(2) Such Act is amended by striking "his" each place it appears in sections 3(c)(2)(A), 3(c)(3)(A), 3(c)(6), 6(b), 6(c)(1), 6(d), 10(b), 11(a)(2), 16(b), 17(c), 18, 21(b), and 25(c)(4) (7 U.S.C. 136a(c)(2)(A), 136a(c)(3)(A), 136a(c)(6), 136d(b), 136d(c)(1), 136d(d), 136h(b), 136i(a)(2), 136n(b), 136o(c), 136p, 136s(b), and 136w(c)(4)) and inserting "the Administrator's".

(3) Such Act is amended—

(A) in section 2(e)(2) (7 U.S.C. 136(e)(2)), by striking "him or his" and inserting "the applicator or the applicator's";

(B) in section 2(e)(3), by striking "he" and inserting "the applicator";

(C) in section 6(a)(2) (7 U.S.C. 136d(a)(2), by striking "he" and inserting "the registrant";

7 USC 136d.

(D) in section 6(c)(3), by striking "him" and inserting "the Administrator";

(E) in section 6(d), by striking "him" and inserting "the Administrator";

(F) in section 7(c)(1) (7 U.S.C. 136e(c)(1)), by striking "he" each place it appears and inserting "the producer";

(G) in section 7(c)(2)—

(i) by striking "him" and inserting "the Administrator"; and

(ii) by striking "he" and inserting "the producer";

(H) in the fourth sentence of section 9(a)(2) (7 U.S.C. 136g(a)(2)), by striking "he" and inserting "the officer or employee";

(I) in the third sentence of section 9(c)(1), by striking "his" and inserting "the person's";

(J) in section 10(a) (7 U.S.C. 136h(a)), by striking "his" and inserting "the applicant's";

(K) in section 11(a)(1) (7 U.S.C. 136i(a)(1))—

(i) in the ninth sentence, by striking "his" and inserting "the applicator"; and

(ii) in the last sentence, by striking "him" and inserting "the Administrator";

(L) in section 12(a)(2)(C) (7 U.S.C. 136j(a)(2)(C))—

(i) by striking "his" and inserting "the person's"; and

(ii) by striking "he" and inserting "the person";

(M) in section 12(a)(2)(D), by striking "his" and inserting "the person's";

(N) in section 12(b)(1)—

(i) by striking "he" and inserting "the person";

(ii) by striking "him" and inserting "the person";

(O) in section 12(b)(3), by striking "his official duties" and inserting "the official duties of the public official"; and

(P) in the second sentence of section 16(b) (7 U.S.C. 136n(b)), by striking "him" and inserting "the Administrator".

(c) UNEXECUTABLE AMENDMENT.—The phrase sought to be struck in section 102(b)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988 (Public Law 100-532; 102 Stat. 2667) shall be deemed to be "an end-use product".

7 USC 136a.

(d) RECORDKEEPING.—Section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 136i-1) is amended—

(1) in subsection (a), by striking "(7 U.S.C. 136a(d)(1)(C))" and inserting "(7 U.S.C. 136a(d)(1)(C)))"; and

(2) in subsection (d)(1), by inserting "of" after "fine".

(e) MAINTENANCE FEE.—Paragraph (5) of section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)) is amended to read as follows:

"(5) MAINTENANCE FEE.—

"(A) Subject to other provisions of this paragraph, each registrant of a pesticide shall pay an annual fee by January 15 of each year of—

"(i) $650 for the first registration; and

"(ii) $1,300 for each additional registration, except that no fee shall be charged for more than 200 registrations held by any registrant.

"(B) In the case of a pesticide that is registered for a minor agricultural use, the Administrator may reduce or

waive the payment of the fee imposed under this paragraph if the Administrator determines that the fee would significantly reduce the availability of the pesticide for the use.

"(C) The amount of each fee prescribed under subparagraph (A) shall be adjusted by the Administrator to a level that will result in the collection under this paragraph of, to the extent practicable, an aggregate amount of $14,000,000 each fiscal year.

"(D) The maximum annual fee payable under this paragraph by—

"(i) a registrant holding not more than 50 pesticide registrations shall be $55,000; and

"(ii) a registrant holding over 50 registrations shall be $95,000.

"(E)(i) For a small business, the maximum annual fee payable under this paragraph by—

"(I) a registrant holding not more than 50 pesticide registrations shall be $38,500; and

"(II) a registrant holding over 50 pesticide registrations shall be $66,500.

"(ii) For purposes of clause (i), the term 'small business' means a corporation, partnership, or unincorporated business that—

"(I) has 150 or fewer employees; and

"(II) during the 3-year period prior to the most recent maintenance fee billing cycle, had an average annual gross revenue from chemicals that did not exceed $40,000,000.

"(F) If any fee prescribed by this paragraph with respect to the registration of a pesticide is not paid by a registrant by the time prescribed, the Administrator, by order and without hearing, may cancel the registration.

"(G) The authority provided under this paragraph shall terminate on September 30, 1997.". Termination date.

(f) REGISTRATION AND EXPEDITED PROCESSING FUND.—Section 4(k)(3)(A) of such Act (7 U.S.C. 136a-1(k)(3)(A)) is amended by striking "each fiscal year not more than $2,000,000 of the amounts in the fund" and inserting "for each of the fiscal years 1992, 1993, and 1994, 1/7th of the maintenance fees collected, up to $2 million each year".

SEC. 1007. GRAIN STANDARDS.

The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 3 (7 U.S.C. 75), by striking "The" in subsections (i), (j), (k), (u), (v), (w), (x), (z), and (aa) and inserting "the";

(2) in section 16(a) (7 U.S.C. 87e(a)), by striking "Administrtor." in the second sentence and inserting "Administrator."; and

(3) in section 17B(a) (7 U.S.C. 87f-2(a))—

(A) by striking "The" and inserting "On December 1 of each year, the";

(B) by striking "committee on Agriculture" and inserting "Committee on Agriculture"; and

(C) by striking "one year" and all that follows through "such committees".

SEC. 1008. PACKERS AND STOCKYARDS.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(1) in section 202(c) (7 U.S.C. 192(c)), by striking "dealer. any" and inserting "dealer, any"; and

(2) in section 406(b)(2) (7 U.S.C. 227(b)(2)), by striking the comma after "unmanufactured form,".

SEC. 1009. REDUNDANT LANGUAGE IN WAREHOUSE ACT.

Section 17(c)(1)(B) of the United States Warehouse Act (7 U.S.C. 259(c)(1)(B)) is amended by striking ", or to a specified person".

7 USC 2006f note.

SEC. 1010. CLARIFICATION OF FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

Notwithstanding any other provision of law, the Secretary of Agriculture is directed immediately to implement the establishment within the Department of Agriculture of the Rural Development Administration established by subtitle A of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2006f et seq.) and the amendments made by such subtitle.

SEC. 1011. PERISHABLE AGRICULTURAL COMMODITIES.

The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.), is amended—

(1) in the first section (7 U.S.C. 499a)—

(A) by striking out "That when used in this Act—" and inserting the following:

"SECTION 1. SHORT TITLE AND DEFINITIONS.

Perishable Agricultural Commodities Act, 1930.

"(a) SHORT TITLE.—This Act may be cited as the 'Perishable Agricultural Commodities Act, 1930'.

"(b) DEFINITIONS.—For purposes of this Act:"; and

(B) by striking the semicolon at the end of paragraphs (1), (2), (3), (4), (5), (6), and (9) and inserting a period;

(2) in section 4(a) (7 U.S.C. 499d(a)), by striking "anual" in the material before the first proviso and inserting "annual";

(3) in section 5(c)(2) (7 U.S.C. 499e(c)(2)), by striking "(as" and inserting ", as";

(4) in section 6 (7 U.S.C. 499f)—

(A) by adding a period at the end of subsection (c); and

(B) by striking the semicolon at the end of subsection (d) and inserting a period;

(5) in section 7 (7 U.S.C. 499g), by striking the semicolon at the end of subsections (a), (b), and (c) and inserting a period;

(6) in section 8(a) (7 U.S.C. 499h(a))—

(A) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; and

(B) by striking the semicolon at the end of the subsection and inserting a period;

(7) in section 14(a) (7 U.S.C. 499n(a))—

(A) by striking "(7 U.S.C., Supp. 2, secs. 1 to 17 (a))" and inserting "(7 U.S.C. 1 et seq.)"; and

(B) by striking the semicolon at the end of the subsection and inserting a period; and

(8) by striking section 18 (7 U.S.C. 499r).

SEC. 1012. EGG PRODUCTS INSPECTION.

Consumer protection. Business and industry. 21 USC 1031 note.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) food borne illness is a serious health problem;

(B) its incidence can be reduced through proper handling of food; and

(C) eggs are perishable and therefore are particularly susceptible to supporting microbial growth if proper temperature controls are not maintained.

(2) PURPOSES.—It is the purpose of this section to prescribe the temperature at which eggs are maintained in order to reduce the potential for harmful microbial growth to protect the health and welfare of consumers.

(b) INSPECTION OF EGG PRODUCTS.—Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034) is amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraphs (2), (3), and (4), the Secretary shall make such inspections as the Secretary considers appropriate of a facility of an egg handler (including a transport vehicle) to determine if shell eggs destined for the ultimate consumer—

"(A) are being held under refrigeration at an ambient temperature of no greater than 45 degrees Fahrenheit after packing; and

"(B) contain labeling that indicates that refrigeration is required.

"(2) In the case of a shell egg packer packing eggs for the ultimate consumer, the Secretary shall make an inspection in accordance with paragraph (1) at least once each calendar quarter.

"(3) The Secretary of Health and Human Services shall cause such inspections to be made as the Secretary considers appropriate to ensure compliance with the requirements of paragraph (1) at food manufacturing establishments, institutions, and restaurants, other than plants packing eggs.

"(4) The Secretary shall not make an inspection as provided in paragraph (1) on any egg handler with a flock of not more than 3,000 layers.

"(5) A representative of the Secretary and the Secretary of Health and Human Services shall be afforded access to a place of business referred to in this subsection, including a transport vehicle, for purposes of making an inspection required under this subsection.".

(c) PROHIBITED ACTS.—Section 8 of such Act (21 U.S.C. 1037) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) No egg handler shall possess any eggs after the eggs have been packed into a container that is destined for the ultimate consumer unless the eggs are stored and transported under refrigeration at an ambient temperature of no greater than 45 degrees Fahrenheit, as prescribed by rules and regulations promulgated by the Secretary.".

(d) PENALTIES.—Section 12 of such Act (21 U.S.C. 1041) is amended—

(1) in the first sentence of subsection (a), by striking "$1,000" and inserting "$5,000";

(2) by designating the last sentence of subsection (a) as subsection (d) and transferring such subsection to the end of the section;

(3) by redesignating subsection (b) as subsection (e) and transferring such subsection to the end of the section;

(4) by redesignating subsection (c) as subsection (b); and

(5) by inserting after subsection (b) the following new subsection:

"(c)(1)(A) Except as otherwise provided in this subsection, any person who violates any provision of this Act or any regulation issued under this Act, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Each violation to which this subparagraph applies shall be considered a separate offense.

"(B) No penalty shall be assessed against any person under this subsection unless the person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code.

"(C) The amount of the civil penalty imposed under this subsection—

"(i) shall be assessed by the Secretary, by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and

"(ii) may be reviewed only as provided in paragraph (2).

"(2)(A) The determination and order of the Secretary under this subsection shall be final and conclusive unless the person against whom such a violation is found under paragraph (1) files an application for judicial review within 30 days after service of the order in the United States court of appeals for the circuit in which the person has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit.

"(B) Judicial review of any such order shall be based on the record on which the determination and order are based.

"(C) If the court determines that additional evidence needs to be taken, the court shall order the hearing to be reopened for this purpose in such manner and on such terms and conditions as the court considers proper. The Secretary may modify the findings of the Secretary as to the facts, or make new findings, on the basis of the additional evidence so taken.

"(3) If any person fails to pay an assessment of a civil penalty after the penalty has become a final and unappealable order, or after the appropriate court of appeals has entered a final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General. The Attorney General shall institute a civil action to recover the amount assessed in an appropriate district court of the United States. In the collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(4) All penalties collected under this subsection shall be paid into the Treasury of the United States.

"(5) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty assessed under this subsection.

"(6) Paragraph (1) shall not apply to an official plant.".

(e) REPORTING OF VIOLATION TO UNITED STATES ATTORNEY FOR INSTITUTION OF CRIMINAL PROCEEDINGS.—The last sentence of section 13 of such Act (21 U.S.C. 1042) is amended by inserting before

the period at the end the following: "or an action to assess civil penalties".

(f) IMPORTS.—Section 17(a) of such Act (21 U.S.C. 1046(a)) is amended—

(1) by designating the first, second, and third sentences as paragraphs (1), (2), and (4), respectively; and

(2) by inserting after paragraph (2) (as so designated) the following new paragraph:

"(3) No eggs packed into a container that is destined for the ultimate consumer shall be imported into the United States unless the eggs are accompanied by a certification that the eggs have at all times after packaging been stored and transported under refrigeration at an ambient temperature of no greater than 45 degrees Fahrenheit, as required by sections 5(e) and 8(c).".

(g) RELATION TO OTHER AUTHORITIES.—The first sentence of section 23(b) of such Act (21 U.S.C. 1052(b)) is amended by striking "and (2)" and inserting the following: "(2) with respect to egg handlers specified in paragraphs (1) and (2) of section 5(e), no State or local jurisdiction may impose temperature requirements pertaining to eggs packaged for the ultimate consumer which are in addition to, or different from, Federal requirements, and (3)".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 12 months after the Secretary of Agriculture promulgates final regulations implementing this section and the amendments. 21 USC 1034 note.

SEC. 1013. PREVENTION OF INTRODUCTION OF BROWN TREE SNAKES TO HAWAII FROM GUAM. 7 USC 426 note.

(a) IN GENERAL.—The Secretary of Agriculture shall, to the extent practicable, take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes into other areas of the United States from Guam.

(b) INTRODUCTION INTO HAWAII.—The Secretary shall initiate a program to prevent, to the extent practicable, the introduction of the brown tree snake into Hawaii from Guam. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventative processes or devices at aircraft and vessel loading facilities on Guam, Hawaii, or intermediate sites serving as transportation points that could result in the introduction of brown tree snakes into Hawaii.

(c) AUTHORITY.—The Secretary shall use the authority provided under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.) to carry out subsections (a) and (b).

(d) CONTROL OF BROWN TREE SNAKES.—The Act of March 2, 1931 (46 Stat. 1468, chapter 370; 7 U.S.C. 426) is amended by inserting "brown tree snakes," after "rabbits,".

(e) IMPORTATION OF BROWN TREE SNAKES.—The first sentence of section 42(a)(1) of title 18, United States Code, is amended by inserting "brown tree snakes," after "reptiles,".

SEC. 1014. GRANT TO PREVENT AND CONTROL POTATO DISEASES.

Notwithstanding any other provision of law, funds available to the Animal and Plant Health Inspection Service of the Department of Agriculture for fiscal year 1992 shall be made available as a grant in the amount of $530,000 to the State of Maine Department of Agriculture, Food, and Rural Resources for potato disease detection, control, prevention, eradication and related activities, including the

payment of compensation to persons for economic losses associated with such efforts conducted or to be conducted in the State of Maine. Any unobligated balances of funds previously appropriated or allocated for potato disease efforts by the Secretary of Agriculture shall remain available until expended by the Secretary.

SEC. 1015. COLLECTION OF FEES FOR INSPECTION SERVICES.

Section 2509(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) QUARANTINE AND INSPECTION.—The Secretary" and inserting the following:

"(1) QUARANTINE AND INSPECTION.—

"(A) IN GENERAL.—The Secretary";

(B) by indenting 2 ems the left margin of paragraph (1); and

(C) by adding at the end the following new subparagraphs:

"(B) AIRPORT INSPECTION SERVICES.—For airport inspection services, the Secretary shall collect no more than $69,000,000 in fiscal year 1992 and $75,000,000 in fiscal year 1993 from international airline passengers and commercial aircraft operators.

"(C) COMMERCIAL TRUCK AND RAILROAD CAR INSPECTION SERVICES.—For commercial truck and railroad car inspection services, the Secretary shall collect no more than $3,667,000 in fiscal year 1992 and $3,890,000 in fiscal year 1993 from commercial truck and railroad car operators.

"(D) COSTS.—Fees, including fees from international airline passengers and commercial aircraft operators, may only be collected to the extent that the Secretary reasonably estimates that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of such services with respect to passengers as a class includes the costs of related inspections of the aircraft.";

(2) in paragraph (3)(B), by striking clause (ii) and inserting the following new clause:

"(ii) REIMBURSEMENT.—The Secretary of the Treasury shall use the Account to provide reimbursements to any appropriation accounts that incur the costs associated with the administration of this subsection and all other activities carried out by the Secretary at ports in the customs territory of the United States and at preclearance or preinspection sites outside the customs territory of the United States in connection with the enforcement of the animal quarantine laws. Any such reimbursement shall be subject to appropriations under clause (v).";

and

(3) in paragraph (4), by striking "The" and inserting "Subject to the limits set forth in paragraph (1), the".

SEC. 1016. EXEMPTION AND STUDY OF CERTAIN FOOD PRODUCTS.

(a) AMENDMENTS TO FEDERAL MEAT INSPECTION ACT.—Section 23 of the Federal Meat Inspection Act (21 U.S.C. 623) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Under such terms and conditions as the Secretary shall prescribe through rules and regulations issued under section 24 that may be necessary to ensure food safety and protect public health such as special handling procedures, the Secretary shall exempt pizzas containing a meat food product from the inspection requirements of this Act if— Regulations.

"(A) the meat food product components of the pizzas have been prepared, inspected, and passed in a cured or cooked form as ready-to-eat in compliance with the requirements of this Act; and

"(B) the pizzas are to be served in public or private nonprofit institutions.

"(2) The Secretary may withdraw or modify any exemption under this subsection whenever the Secretary determines such action is necessary to ensure food safety and to protect public health. The Secretary may reinstate or further modify any exemption withdrawn or modified under this subsection.".

(b) AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT.—Section 15 of the Poultry Products Inspection Act (21 U.S.C. 464) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) in subsection (e) (as so redesignated), by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (c) the following new subsection:

"(d)(1) Under such terms and conditions as the Secretary shall prescribe through rules and regulations issued under this section that may be necessary to ensure food safety and protect public health such as special handling procedures, the Secretary shall exempt pizzas containing a poultry product from the inspection requirements of this Act if— Regulations.

"(A) the poultry product components of the pizzas have been prepared, inspected, and passed in a cured or cooked form as ready-to-eat in compliance with the requirements of this Act; and

"(B) the pizzas are to be served in public or private nonprofit institutions.

"(2) The Secretary may withdraw or modify any exemption under this subsection whenever the Secretary determines such action is necessary to ensure food safety and to protect public health. The Secretary may reinstate or further modify any exemption withdrawn or modified under this subsection.".

(c) REGULATIONS.—No later than August 1, 1992, the Secretary of Agriculture shall issue final rules, through prior notice and comment rulemaking procedures, to implement the exemption authorized by section 23(c) of the Federal Meat Inspection Act (as added by subsection (a)) and the exemption authorized by section 15(d) of the Poultry Products Inspection Act (as added by subsection (b)). Prior to the issuance of the final rules, the Secretary shall hold at least one public hearing examining the public health and food safety issues raised by the granting of each of the exemptions. 21 USC 464 note.

(d) STUDIES.— 21 USC 464 note.

(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the National Academy of Sciences, shall conduct—

(A) a study to develop criteria for, and evaluate, present and future inspection exemptions for meat food products and poultry products under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), respectively, which shall examine the potential effect on consumers, on the affected industries, on public health and food safety, on the role of the Department of Agriculture, and the scientific basis for the exemptions; and

(B) a study of the appropriateness of granting an exemption from the requirements of the Federal Meat Inspection Act or the Poultry Products Inspection Act, as appropriate, for wholesale meat outlets selling to hotels, restaurants, or other similar institutional users provided that the processing of meat by the outlets is limited to cutting, slicing, grinding, or repackaging into smaller quantities.

(2) RESULTS.—On completion of each study required under paragraph (1), the Secretary shall provide the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1017. FEES FOR LABORATORY ACCREDITATION.

Section 1327 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 138f) is amended to read as follows:

"SEC. 1327. FEES.

"(a) IN GENERAL.—At the time that an application for accreditation is received by the Secretary and annually thereafter, a laboratory seeking accreditation by the Secretary under the authority of this subtitle, the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) shall pay to the Secretary a nonrefundable accreditation fee. All fees collected by the Secretary shall be credited to the account from which the expenses of the laboratory accreditation program are paid and, subject to subsection (e), shall be available immediately and remain available until expended to pay the expenses of the laboratory accreditation program.

"(b) AMOUNT OF FEE.—The fee required under this section shall be established by the Secretary in an amount that will offset the cost of the laboratory accreditation programs administered by the Secretary under the statutory authorities set forth in subsection (a).

"(c) REIMBURSEMENT OF EXPENSES.—Each laboratory that is accredited under a statutory authority set forth in subsection (a) or that has applied for accreditation under such authority shall reimburse the Secretary for reasonable travel and other expenses necessary to perform onsite inspections of the laboratory.

"(d) ADJUSTMENT OF FEES.—The Secretary may, on an annual basis, adjust the fees imposed under this section as necessary to support the full costs of the laboratory accreditation programs carried out under the statutory authorities set forth in subsection (a).

"(e) APPROPRIATIONS PREREQUISITE.—No fees collected under this section may be used to offset the cost of laboratory accreditation without appropriations made under subsection (f).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated each fiscal year such sums as may be necessary for laboratory accreditation services under this section.".

SEC. 1018. STATE AND PRIVATE FORESTRY TECHNICAL AMENDMENTS.

(a) COOPERATIVE FORESTRY ASSISTANCE.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended—

(1) in section 5(d) (16 U.S.C. 2103a(d)), by striking "State Foresters" each place it appears and inserting "State foresters";

(2) in section 7 (16 U.S.C. 2103c)—

(A) in subsection (d)(2), by striking "Not later than 1 year after the date of enactment of this section," and inserting "Not later than November 28, 1991,";

(B) in subsection (e), by striking "Within 1 year from the date of enactment of this section and in consultation with State Forest Stewardship Advisory Committees established under section 15(b)" and inserting "Not later than November 28, 1991, and in consultation with State Forest Stewardship Coordinating Committees established under section 19(b)"; and

(C) in subsection (f), by striking "subsection (d)" and inserting "subsection (e)";

(3) in section 9 (16 U.S.C. 2105)—

(A) in subsection (g)(1)(C), by striking "subsection (e)" and inserting "subsection (f)";

(B) in subsection (g)(3)(E), by striking "subsection (e)" and inserting "subsection (f)";

(C) in subsection (h)(1), by striking "subsection (f)" and inserting "subsection (g)"; and

(D) in subsection (h)(2), by striking "subsection (f)(3)" and inserting "subsection (g)(3)"; and

(4) in section 10(g)(2) (16 U.S.C. 2106(g)(2)), by striking "fire fighting organization" and inserting "firefighting organization".

(b) COMMISSION ON STATE AND PRIVATE FORESTS.—Section 1245(g)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3549; 16 U.S.C. 1601 note) is amended by striking "the Director of the Office Technology Assessment may furnish".

(c) FOREST PRODUCTS INSTITUTE.—Section 1247(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3551; 16 U.S.C. 2112 note) is amended by striking "in this section" the second place it appears.

(d) RENEWABLE RESOURCES EXTENSION.—Section 3(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1672(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of the first paragraph (9) (as added by section 1219(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3539) and inserting "; and"; and

(3) by redesignating the second paragraph (9) (as added by section 1251(b)(3) of such Act (104 Stat. 3552) as paragraph (10).

(e) AMERICA THE BEAUTIFUL.—Section 1264(n)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624;

104 Stat. 3556; 16 U.S.C. 2101 note) is amended by striking "this Act" and inserting "this subtitle".

(f) REFORESTATION ASSISTANCE.—Section 1271(c)(3)(C) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3558; 16 U.S.C. 2106a) is amended—

(1) by inserting "(16 U.S.C. 2101 et seq.)" after "1978"; and

(2) by striking "(16 U.S.C. 590h, 590l, or 590p)" and inserting "(16 U.S.C. 590p(b))".

SEC. 1019. REPEAL OF PUBLIC LAW 76-543.

7 USC 516, 517.

Public Law 76-543 (54 Stat. 231) is hereby repealed.

TITLE XI—EFFECTIVE DATES

7 USC 1421 note.

SEC. 1101. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) INCLUSION IN FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—The amendments made by the following provisions of this Act shall take effect as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) to which the amendment relates:

(1) Section 201 (other than section 201(h)).

(2) Section 307.

(3) Subsections (a) through (c), (e), (h), and (i) of section 501.

(4) Subsections (a), (b), (f) through (i), and (l) of section 502.

(5) Section 602(c).

(6) Section 701 (except as provided in subsection (c) of this section).

(7) Section 702.

(8) Section 703(c).

(c) MISCELLANEOUS AMENDMENTS TO CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The amendments made by section 701(h) of this Act to any provision specified therein shall take effect as if such amendments had been included in the Act that added the provision so specified at the time such Act became law.

(d) FOOD AND NUTRITION PROGRAMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, title IX of this Act, and the amendments made by title IX of this Act, shall take effect and be implemented no later than February 1, 1992.

(2) PASS ACCOUNTS EXCLUSION.—

(A) IN GENERAL.—The amendment made by section 903(3) of this Act shall take effect on the earlier of—

(i) the date of enactment of this Act;

(ii) October 1, 1990, for food stamp households for which the State agency knew, or had notice, that a member of the household had a plan for achieving self-support as provided under section 1612(b)(4)(B)(iv) of the Social Security Act (42 U.S.C. 1382a(b)(4)(B)(iv)); or

(iii) beginning on the date that a fair hearing was requested under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) contesting the denial of an exclusion for food stamp purposes for amounts necessary for the fulfillment of such a plan for achieving self-support.

(B) LIMITATION ON APPLICATION OF SECTION.—Notwithstanding section 11(b) of the Food Stamp Act of 1977 (as redesignated by section 941(6) of this Act), no State agency shall be required to search its files for cases to which the amendment made by section 903(3) of this Act applies, except where the excludability of amounts described in section 5(d)(16) of the Food Stamp Act of 1977 (as added by section 903(3) of this Act) was raised with the State agency prior to the date of enactment of the Act.

(3) PERFORMANCE STANDARDS FOR EMPLOYMENT AND TRAINING PROGRAMS.—The amendments made by section 908 of this Act shall take effect on September 30, 1991.

(4) RECOVERY OF CLAIMS CAUSED BY NONFRAUDULENT HOUSEHOLD ERRORS.—The amendment made by section 911 of this Act shall take effect on the date of enactment of this Act.

(5) DEFINITION OF RETAIL FOOD STORE.—The amendment made by section 913 of this Act shall take effect on October 1, 1990, and shall not apply with respect to any period occurring before such date.

Approved December 13, 1991.

LEGISLATIVE HISTORY—H.R. 3029:

HOUSE REPORTS: No. 102-175 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 30, 31, considered and passed House.
Nov. 22, considered and passed Senate, amended.
Nov. 26, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.

Public Law 102-238
102d Congress

An Act

Dec. 17, 1991
[S. 1193]

To make technical amendments to various Indian laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Technical Amendments to Various Indian Laws Act of 1991.
25 USC 2201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technical Amendments to Various Indian Laws Act of 1991".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

(a) EXTENSION OF TIME FOR OPERATION OF CERTAIN GAMING ACTIVITIES.—Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended by adding at the end of paragraph (7) the following new subparagraphs:

Wisconsin.
Montana.

"(E) Notwithstanding any other provision of this paragraph, the term 'class II gaming' includes, during the 1-year period beginning on the date of enactment of this subparagraph, any gaming described in subparagraph (B)(ii) that was legally operated on Indian lands in the State of Wisconsin or Montana on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requested the State, by no later than November 16, 1988, to negotiate a Tribal-State compact under section 11(d)(3) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(3)).

"(F) If, during the 1-year period described in subparagraph (E), there is a final judicial determination that the gaming described in subparagraph (E) is not legal as a matter of State law, then such gaming on such Indian land shall cease to operate on the date next following the date of such judicial decision.".

(b) REAUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL INDIAN GAMING COMMISSION.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of section 18, there are authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for each of the fiscal years beginning October 1, 1991, and October 1, 1992.".

SEC. 3. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

Section 204 of the Indian Land Consolidation Act (25 U.S.C. 2203) is amended—

(1) by deleting "(1) the sale price" and inserting in lieu thereof "(1) except as provided by subsection (c), the sale price"; and

(2) by adding immediately after subsection (b) the following new subsection:

"(c) The Secretary may execute instruments of conveyance for less than fair market value to effectuate the transfer of lands used as homesites held, on the date of the enactment of this subsection, by

the United States in trust for the Cherokee Nation of Oklahoma. Only the lands used as homesites, and described in the land consolidation plan of the Cherokee Nation of Oklahoma approved by the Secretary on February 6, 1987, shall be subject to this subsection.".

SEC. 4. AMENDMENT TO THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE ALLOTMENT OF LANDS OF THE CROW TRIBE, FOR THE DISTRIBUTION OF TRIBAL FUNDS, AND FOR OTHER PURPOSES".

Section 1 of the Act entitled "An Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes", approved June 4, 1920 (41 Stat. 751) is amended by inserting immediately after "*Provided*, That any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made", a comma and the following: "except for those terms that pertain to conservation and land use measures on the land, and the Superintendent shall ensure that the leases contain proper conservation and land use provisions and shall also enforce such provisions".

SEC. 5. AMENDMENT TO THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT TO PROVIDE AUTHORITY FOR THE PROVISION OF ASSISTANCE UNDER TITLE IX OF THE ACT TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

(a) Title IX of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding at the end of subtitle D the following:

"SEC. 962. AUTHORIZATION FOR THE PROVISION OF ASSISTANCE TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

42 USC 1437f note.

"(a) ASSISTANCE AUTHORIZED.—The Secretary of Housing and Urban Development is authorized to provide assistance, under any housing assistance program administered by the Secretary, to the State of Hawaii, for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108).

"(b) MORTGAGE INSURANCE.—

"(1) IN GENERAL.—Notwithstanding any other provision or limitation of this Act, or the National Housing Act, including those relating to marketability of title, the Secretary of Housing and Urban Development may provide mortgage insurance covering any property on lands set aside under the provisions of the Act of July 9, 1921 (42 Stat. 108), upon which there is or will be located a multifamily residence, for which the Department of the Hawaiian Home Lands of the State of Hawaii—

"(A) is the mortgagor or co-mortgagor;

"(B) guarantees in writing to reimburse the Secretary for any mortgage insurance claim paid in connection with such property; or

"(C) offers other security that is acceptable to the Secretary, subject to appropriate conditions prescribed by the Secretary.

"(2) SALE ON DEFAULT.—In the event of a default on a mortgage insured pursuant to paragraph (1), the Department of Hawaiian Home Lands of the State of Hawaii may sell the

insured property or housing unit to an eligible beneficiary as defined in the Act of July 9, 1921 (42 Stat. 108).".

42 USC 1437f note.

(b) Section 958 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is repealed.

SEC. 6. AVAILABILITY OF FUNDS.

(a) FISCAL YEARS 1989 AND 1990.—(1) Moneys appropriated under the heading "Community Planning and Development" and the subheading "Community Development Grants" in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, and under the same heading and subheading in title II of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated under the heading "Community Planning and Development" and the subheading "Community Development Grants" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(b) FISCAL YEARS 1991 AND 1992.—(1) Moneys appropriated for special purpose grants under the heading "Annual Contributions For Assisted Housing" and subheading "(Including Recession And Transfer Of Funds)" in the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated for special purpose grants under the heading "Annual Contributions For Assisted Housing" and subheading "(Including Recession and Transfer of Funds)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

SEC. 7. AMENDMENTS TO SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY WATER RIGHTS SETTLEMENT ACT.

The Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100-512) is amended in sections

7(a), 7(d), 10(a)(1)(A), 10(a)(1)(B), and 12(b), by striking out "December 31, 1991" and inserting in lieu thereof "June 30, 1992". 102 Stat. 2553, 2556, 2559.

Approved December 17, 1991.

LEGISLATIVE HISTORY—S. 1193:

SENATE REPORTS: No. 102-66 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 4, considered and passed Senate.
July 29, considered and passed House, amended.
Sept. 24, Senate concurred in House amendment with amendments.
Oct. 8, Senate vitiated proceedings of Sept. 24; concurred in House amendment with an amendment.
Nov. 23, House concurred in Senate amendment with an amendment.
Nov. 25, Senate concurred in House amendment.

Public Law 102-239
102d Congress

An Act

Dec. 17, 1991
[S. 1891]

To permit the Secretary of Health and Human Services to waive certain recovery requirements with respect to the construction or remodeling of facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CERTAIN RECOVERY REQUIREMENTS.

Section 2713(d) of the Public Health Service Act (42 U.S.C. 300aaa-12(d)) is amended by striking "(a)(2)" and inserting "(a)".

SEC. 2. USE BY STATES OF FORFEITED REAL PROPERTY FOR STATE PARKS OR RELATED PURPOSES.

Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(1) in paragraph (1)(B), by striking "sell," and inserting "except as provided in paragraph (4), sell,"; and

(2) by adding at the end the following new paragraph:

"(4)(A) With respect to real property described in subparagraph (B), if the chief executive officer of the State involved submits to the Attorney General a request for purposes of such subparagraph, the authority established in such subparagraph is in lieu of the authority established in paragraph (1)(B).

"(B) In the case of property described in paragraph (1)(B) that is civilly or criminally forfeited under this title, if the property is real property that is appropriate for use as a public area reserved for recreational or historic purposes or for the preservation of natural conditions, the Attorney General, upon the request of the chief executive officer of the State in which the property is located, may transfer title to the property to the State, either without charge or for a nominal charge, through a legal instrument providing that—

"(i) such use will be the principal use of the property; and

"(ii) title to the property reverts to the United States in the event that the property is used otherwise.".

Approved December 17, 1991.

LEGISLATIVE HISTORY—S. 1891:

HOUSE REPORTS: No. 102-359 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 30, considered and passed Senate.
Nov. 23, considered and passed House, amended.
Nov. 25, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 17, Presidential statement.

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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED SECOND CONGRESS
OF THE UNITED STATES OF AMERICA

1991

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PUBLIC LAWS

(CONTINUED)

Public Law 102-240
102d Congress

An Act

Dec. 18, 1991
[H.R. 2950]

To develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Intermodal Surface Transportation Efficiency Act of 1991.
Intergovernmental relations.
49 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Surface Transportation Efficiency Act of 1991".

49 USC 101 note.

SEC. 2. DECLARATION OF POLICY: INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.

It is the policy of the United States to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner.

The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the Nation's preeminent position in international commerce.

The National Intermodal Transportation System shall include a National Highway System which consists of the National System of Interstate and Defense Highways and those principal arterial roads which are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings.

The National Intermodal Transportation System shall include significant improvements in public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.

The National Intermodal Transportation System shall provide improved access to ports and airports, the Nation's link to world commerce.

The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion and other aspects of the quality of life in the United States.

The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly

costly construction of the Interstate and Defense Highway System must be confronted and ceased.

The National Intermodal Transportation System shall be adapted to "intelligent vehicles", "magnetic levitation systems", and other new technologies wherever feasible and economical, with benefit cost estimates given special emphasis concerning safety considerations and techniques for cost allocation.

The National Intermodal Transportation System, where appropriate, will be financed, as regards Federal apportionments and reimbursements, by the Highway Trust Fund. Financial assistance will be provided to State and local governments and their instrumentalities to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century.

The Secretary shall distribute copies of this Declaration of Policy to each employee of the Department of Transportation and shall ensure that such Declaration of Policy is posted in all offices of the Department of Transportation.

SEC. 3. SECRETARY DEFINED. 49 USC 101 note.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—SURFACE TRANSPORTATION

Part A—Title 23 Programs

SEC. 1001. COMPLETION OF INTERSTATE SYSTEM.

(a) DECLARATION.—Congress declares that the authorizations of appropriations and apportionments for construction of the Dwight D. Eisenhower National System of Interstate and Defense Highways made by this section (including the amendments made by this section) are the final authorizations of appropriations and apportionments for completion of construction of such System. 23 USC 104 note.

(b) APPROVAL OF INTERSTATE COST ESTIMATE FOR FISCAL YEAR 1993.—The Secretary shall apportion for all States (other than Massachusetts) for fiscal year 1993 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the Dwight D. Eisenhower National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the Committee Print Numbered 102-24 of the Committee on Public Works and Transportation of the House of Representatives.

(c) EXTENSION OF APPORTIONMENT.—Section 104(b)(5)(A) of title 23, United States Code, is amended by striking "1960 through 1990" each place it appears and inserting "1960 through 1996". 23 USC 104 note.

(d) EXTENSION OF ADMINISTRATIVE ADJUSTMENT OF ICE.—Section 104(b)(5)(A) of such title is amended by striking the next to the last sentence and inserting the following new sentence: "As soon as practicable after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 for fiscal year 1992, and on October 1 of each of fiscal years 1993, 1994, and 1995, the Secretary shall make the apportionment required by this subpara-

graph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds, and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds.".

(e) ALLOCATION OF FUNDS TO MASSACHUSETTS.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting before the last sentence the following new sentence: "Notwithstanding any other provision of this subparagraph or any cost estimate approved or adjusted pursuant to this subparagraph, subject to the deductions under this section, the amounts to be apportioned to the State of Massachusetts pursuant to this subparagraph for fiscal years 1993, 1994, 1995, and 1996 shall be as follows: $450,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $800,000,000 for fiscal year 1995, and $500,000,000 for fiscal year 1996.".

23 USC 101 note.

(f) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking "and the additional sum of $1,400,000,000 for the fiscal year ending September 30, 1993." and inserting the following: "the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1993, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1994, the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1995, and the additional sum of $1,800,000,000 for the fiscal year ending September 30, 1996.".

(g) DECLARATION OF POLICY.—The second paragraph of section 101(b) of such title is amended—

(1) by striking "thirty-seven years' " and inserting "forty years' "; and

(2) by striking "1993" and inserting "1996".

(h) TERMINATION OF MINIMUM APPORTIONMENT.—Section 102(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (23 U.S.C. 104 note) is amended by inserting after "1987," the following: "and ending before October 1, 1991,".

23 USC 104 note.

SEC. 1002. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $16,800,000,000 for fiscal year 1992;
(2) $18,303,000,000 for fiscal year 1993;
(3) $18,362,000,000 for fiscal year 1994;
(4) $18,332,000,000 for fiscal year 1995;
(5) $18,357,000,000 for fiscal year 1996; and
(6) $18,338,000,000 for fiscal year 1997.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;
(2) under section 157 of such title;
(3) under section 147 of the Surface Transportation Assistance Act of 1978;
(4) under section 9 of the Federal-Aid Highway Act of 1981;
(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under section 404 of the Surface Transportation Assistance Act of 1982; and

(7) under sections 1103 through 1108 of this Act.

Such limitations shall also not apply to obligations of funds made available by subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—

(1) GENERAL RULE.—For each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(2) SPECIAL RULE FOR MASSACHUSETTS.—For purposes of this section, funds apportioned to the State of Massachusetts pursuant to the next to the last sentence of section 104(b)(5)(A) of title 23, United States Code, shall be treated as if such funds were allocated to such State under such title. If, before October 1 of each of fiscal years 1992, 1993, 1994, and 1995, the State of Massachusetts indicates it will not obligate a portion of the amount which would be distributed to such State under the preceding sentence, the Secretary shall distribute such portion to the other States under paragraph (1).

(d) LIMITATION ON OBLIGATION AUTHORITY.—During the period October 1 through December 31 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code; and

(3) not distribute amounts authorized for administrative expenses, Federal lands highways programs, and the national high speed ground transportation programs and amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(f) ADDITIONAL OBLIGATION AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1993, 1994, 1995, 1996, or 1997 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104 and 144 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each of fiscal years 1993, 1994, 1995, 1996, and 1997, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104 and 144 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1993, 1994, 1995, 1996, or 1997, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000 for fiscal year 1992 and $20,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(h) CONFORMING AMENDMENT.—Section 157(b) of title 23, United States Code, is amended by striking the period at the end of the last sentence and inserting "and section 1002(c) of the Intermodal Surface Transportation Efficiency Act of 1991.".

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

(a) FROM THE HIGHWAY TRUST FUND.—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program $2,431,000,000 for fiscal year 1992, $2,913,000,000 for fiscal year 1993, $2,914,000,000 for fiscal year 1994, $2,914,000,000 for fiscal year 1995, $2,914,000,000 for fiscal year 1996, and $2,914,000,000 for fiscal year 1997.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System $3,003,000,000 for fiscal year 1992, $3,599,000,000 for fiscal year 1993, $3,599,000,000 for fiscal year 1994,

$3,599,000,000 for fiscal year 1995, $3,600,000,000 for fiscal year 1996, and $3,600,000,000 for fiscal year 1997.

(3) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program $3,418,000,000 for fiscal year 1992, $4,096,000,000 for fiscal year 1993, $4,096,000,000 for fiscal year 1994, $4,096,000,000 for fiscal year 1995, $4,097,000,000 for fiscal year 1996, and $4,097,000,000 for fiscal year 1997.

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program $858,000,000 for fiscal year 1992, $1,028,000,000 for fiscal year 1993, $1,028,000,000 for fiscal year 1994, $1,028,000,000 for fiscal year 1995, $1,029,000,000 for fiscal year 1996, and $1,029,000,000 for fiscal year 1997.

(5) BRIDGE PROGRAM.—For the bridge program $2,288,000,000 for fiscal year 1992, $2,762,000,000 for fiscal year 1993, $2,762,000,000 for fiscal year 1994, $2,762,000,000 for fiscal year 1995, $2,763,000,000 for fiscal year 1996, and $2,763,000,000 for fiscal year 1997.

(6) FEDERAL LANDS HIGHWAY PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads $159,000,000 for fiscal year 1992 and $191,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways $143,000,000 for fiscal year 1992, $171,000,000 for each of fiscal years 1993, 1994, and 1995, and $172,000,000 for each of fiscal years 1996 and 1997.

(C) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways $69,000,000 for fiscal year 1992, $83,000,000 for each of fiscal years 1993, 1994, and 1995, and $84,000,000 for each of fiscal years 1996 and 1997.

(7) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 by the Federal Highway Administration $17,000,000 for fiscal year 1992 and $20,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(8) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 by the Federal Highway Administration $10,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I (other than part B), III, V, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $15,370,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged

individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are also otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) STUDY.—

(A) IN GENERAL.—The Comptroller General shall conduct a study of the disadvantaged business enterprise program of the Federal Highway Administration (hereinafter in this paragraph referred to as the "program").

(B) CONTENTS.—The study under this paragraph shall include the following:

(i) GRADUATION.—A determination of—

(I) the percentage of disadvantaged business enterprises which have enrolled in the program and graduated after a period of 3 years;

(II) the number of disadvantaged business enterprises which have enrolled in the program and not graduated after a period of 3 years;

(III) whether or not the graduation date of any of the disadvantaged business enterprises described in subclause (II) should have been accelerated;

(IV) since the program has no graduation time requirements, how many years would appear reasonable for disadvantaged business enterprises to participate in the program;

(V) the length of time the average small nondisadvantaged business enterprise takes to be successful in the highway construction field as compared to the average disadvantaged business enterprise; and

(VI) to what degree are disadvantaged business enterprises awarded contracts once they are no longer participating in the disadvantaged business program.

(ii) OUT-OF-STATE CONTRACTING.—A determination of which State transportation programs meet the requirement of the program for 10 percent participation by disadvantaged business enterprises by contracting with

contractors located in another State and a determination to what degree prime contractors use out-of-State disadvantaged business enterprises even when disadvantaged business enterprises exist within the State to meet the 10 percent participation goal and reasons why this occurs.

(iii) PROGRAM ADJUSTMENTS.—A determination of whether or not adjustments in the program could be made with respect to Federal and State participation in training programs and with respect to meeting capital needs and bonding requirements.

(iv) SUCCESS RATE.—Recommendations concerning whether or not adjustments described in clause (iii) would continue to encourage minority participation in the program and improve the success rate of the disadvantaged business enterprises.

(v) PERFORMANCE AND FINANCIAL CAPABILITIES.—Recommendations for additions and revisions to criteria used to determine the performance and financial capabilities of disadvantaged business enterprises enrolled in the program.

(vi) ENFORCEMENT MECHANISMS.—A determination of whether the current enforcement mechanisms are sufficient to ensure compliance with the disadvantaged business enterprise participation requirements.

(vii) ADDITIONAL COSTS.—A determination of additional costs incurred by the Federal Highway Administration in meeting the requirement of the program for 10 percent participation by disadvantaged business enterprises as well as a determination of benefits of the program.

(viii) EFFECT ON INDUSTRY.—A determination of how the program is being implemented by the construction industry and the effects of the program on all segments of the industry.

(ix) CERTIFICATION.—An analysis of the certification process for Federal-aid highway and transit programs, including a determination as to whether the process should be uniform and permit State-to-State reciprocity and how certification criteria and procedures are being implemented by the States.

(x) GOALS.—A determination of how the Federal goal is being implemented by the States, including the waiver process, and the impact of the goal on those individuals presumed to be socially and economically disadvantaged.

(C) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this paragraph.

(c) REDUCTION IN AUTHORIZATIONS FOR BUDGET COMPLIANCE.—If the total amount authorized by this Act out of the Highway Trust Fund (other than the Mass Transit Account) exceeds $17,042,000,000 for fiscal year 1992, or exceeds $98,642,000,000 for fiscal years 1992

through 1996, then each amount so authorized shall be reduced proportionately so that the total equals $17,042,000,000 for fiscal year 1992, or equals $98,642,000,000 for fiscal years 1992 through 1996, as the case may be.

SEC. 1004. BUDGET COMPLIANCE.

(a) IN GENERAL.—If obligations provided for programs pursuant to this Act for fiscal year 1992 will cause—

(1) the total outlays in any of the fiscal years 1992 through 1995 which result from this Act, to exceed

(2) the total outlays for such programs in any such fiscal year which result from appropriation Acts for fiscal year 1992 and are attributable to obligations for fiscal year 1992,

then the Secretary of Transportation shall reduce proportionately the obligations provided for each program pursuant to this Act for fiscal year 1992 to the extent required to avoid such excess outlays.

(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply, notwithstanding any provision of this Act to the contrary.

SEC. 1005. DEFINITIONS.

(a) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to highway safety improvement project is amended by inserting after "marking," the following: "installs priority control systems for emergency vehicles at signalized intersections,".

(b) URBANIZED AREA.—Such section is amended by striking the undesignated paragraph relating to urbanized area and inserting the following new undesignated paragraph:

"The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

(c) NATIONAL HIGHWAY SYSTEM.—Such section is further amended by striking the undesignated paragraph relating to the Federal-aid primary system and inserting the following new undesignated paragraph:

"The term 'National Highway System' means the Federal-aid highway system described in subsection (b) of section 103 of this title.".

(d) CONFORMING AMENDMENTS.—Such section is amended—

(1) by striking the undesignated paragraph relating to the Federal-aid secondary system;

(2) by striking the undesignated paragraph relating to the Federal-aid urban system;

(3) in the undesignated paragraph relating to Indian reservation roads by striking ", including roads on the Federal-aid systems,"; and

(4) in the undesignated paragraph relating to park road by inserting ", including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles," before "that is located within".

(e) INTERSTATE SYSTEM.—The undesignated paragraph of such section relating to the Interstate System is amended by inserting "Dwight D. Eisenhower" before "National".

(f) OPERATIONAL IMPROVEMENT.—Such section is further amended by inserting after the undesignated paragraph relating to Interstate System the following new undesignated paragraph:

"The term 'operational improvement' means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.".

(g) STARTUP COSTS FOR TRAFFIC MANAGEMENT AND CONTROL; CARPOOL PROJECT; PUBLIC AUTHORITY; PUBLIC LANDS HIGHWAY; RECONSTRUCTION.—Such section is further amended by inserting after the undesignated paragraph relating to Interstate System the following new undesignated paragraphs:

"The term 'startup costs for traffic management and control' means initial costs (including labor costs, administration costs, cost of utilities, and rent) for integrated traffic control systems, incident management programs, and traffic control centers.

"The term 'carpool project' means any project to encourage the use of carpools and vanpools, including but not limited to provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"The term 'public lands highway' means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.".

SEC. 1006. NATIONAL HIGHWAY SYSTEM.

(a) ESTABLISHMENT.—Section 103 of title 23, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) IN GENERAL.—For purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) NATIONAL HIGHWAY SYSTEM.—

"(1) PURPOSE.—The purpose of the National Highway System is to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel.

"(2) COMPONENTS.—The National Highway System shall consist of the following:

"(A) Highways designated as part of the Interstate System under subsection (e) and section 139 of this title.

"(B) Other urban and rural principal arterials and highways (including toll facilities) which provide motor vehicle access between such an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility. The States, in cooperation with local and regional officials, shall propose to the Secretary arterials and highways for designation to the National Highway System under this paragraph. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134 of this title. The routes on the National Highway System, as shown on the map submitted by the Secretary to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate in 1991, illustrating the National Highway System, shall serve as the basis for the States in proposing arterials and highways for designation to such system. The Secretary may modify or revise such proposals and submit such modified or revised proposals to Congress for approval in accordance with paragraph (3).

"(C) A strategic highway network which is a network of highways which are important to the United States strategic defense policy and which provide defense access, continuity, and emergency capabilities for the movement of personnel, materiels, and equipment in both peace time and war time. Such highways may include highways on and off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and be subject to approval by Congress in accordance with paragraph (3).

"(D) Major strategic highway network connectors which are highways that provide motor vehicle access between major military installations and highways which are part of the strategic highway network. Such highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and subject to approval by Congress in accordance with paragraph (3).

"(3) APPROVAL OF DESIGNATIONS.—

"(A) PROPOSED DESIGNATIONS.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a proposed National Highway System with a list and description of highways proposed to be designated to the National Highway System under this subsection and a map showing such proposed designations. In preparing the proposed system, the Secretary shall consult appropriate local officials and shall use the functional reclassification of roads and streets carried out under subsection (c) of section 1006 of the Intermodal Surface Transportation Efficiency Act of 1991.

"(B) APPROVAL OF CONGRESS REQUIRED.—After September 30, 1995, no funds made available for carrying out this title

may be apportioned for the National Highway System or the Interstate maintenance program under this title unless a law has been approved designating the National Highway System.

"(C) MAXIMUM MILEAGE.—For purposes of proposing highways for designation to the National Highway System, the mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent.

"(D) EQUITABLE ALLOCATIONS OF HIGHWAY MILEAGE.—In proposing highways for designation to the National Highway System, the Secretary shall provide for equitable allocation of highway mileage among the States.

"(4) INTERIM SYSTEM.—For fiscal years 1992, 1993, 1994, and 1995, highways classified as principal arterials by the States shall be treated as being on the National Highway System for purposes of this title.".

(b) CONFORMING AMENDMENTS TO SECTION 103.— 23 USC 103.

(1) REPEAL OF FEDERAL-AID SECONDARY AND URBAN SYSTEMS.—Subsections (c) and (d) of such section are repealed.

(2) APPROVAL.—Subsection (f) of such section is amended—

(A) by striking "the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and"; and

(B) by striking the last sentence.

(c) FUNCTIONAL RECLASSIFICATION OF HIGHWAYS.— 23 USC 103 note.

(1) STATE ACTION.—Each State shall functionally reclassify the roads and streets in such State in accordance with such guidelines and time schedule as the Secretary may establish in order to carry out the objectives of this section, including the amendments made by this section.

(2) APPROVAL AND SUBMISSION TO CONGRESS.—Not later than September 30, 1993, the Secretary shall approve the functional reclassification of roads and streets made by the States pursuant to this subsection and shall submit a report to Congress containing such reclassification. Reports.

(3) STATE DEFINED.—In this subsection, the term "State" has the meaning such term has under section 101 of title 23, United States Code, and shall include the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Marianas.

(d) PROJECT ELIGIBILITY.—Section 103 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(i) ELIGIBLE PROJECTS FOR NHS.—Subject to project approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

"(1) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

"(2) Operational improvements for segments of such system.

"(3) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System and construction of a transit project eligible for assistance under the Federal Transit Act—

"(A) if such highway or transit project is in the same corridor as, and in proximity to, a fully access controlled highway designated to the National Highway System;

"(B) if the construction or improvements will improve the level of service on the fully access controlled highway and improve regional travel; and

"(C) if the construction or improvements are more cost effective than an improvement to the fully access controlled highway that has benefits comparable to the benefits which will be achieved by the construction of, or improvements to, the highway not on the National Highway System.

"(4) Highway safety improvements for segments of the National Highway System.

"(5) Transportation planning in accordance with sections 134 and 135.

"(6) Highway research and planning in accordance with section 307.

"(7) Highway-related technology transfer activities.

"(8) Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds.

"(9) Fringe and corridor parking facilities.

"(10) Carpool and vanpool projects.

"(11) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(12) Development and establishment of management systems under section 303.

"(13) In accordance with all applicable Federal law and regulations, participation in wetlands mitigation efforts related to projects funded under this title, which may include participation in wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance and create wetlands; and development of statewide and regional wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes.".

23 USC 104.

(e) APPORTIONMENTS.—Section 104(b)(1) of such title is amended to read as follows:

"(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remaining 99 percent apportioned in the same ratio as funds are apportioned under paragraph (3).".

(f) TRANSFERABILITY.—Section 104 of such title is amended by striking subsection (c) and inserting the following new subsection:

"(c) TRANSFERABILITY OF NHS APPORTIONMENTS.—A State may transfer not to exceed 50 percent of the State's apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(3). A State may transfer not to exceed 100 percent of the State's

apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(3) if the State requests to make such transfer and the Secretary approves such transfer as being in the public interest, after providing notice and sufficient opportunity for public comment. Section 133(d) shall not apply to funds transferred under this subsection.".

(g) CONFORMING AMENDMENTS TO OTHER SECTIONS.—

(1) DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by striking the paragraph relating to Federal-aid highways and inserting the following new paragraph:

"The term 'Federal-aid highways' means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.".

(2) PREVAILING RATE OF WAGE.—Section 113(a) of such title is amended by striking "systems, the primary and secondary, as well as their extension in urban areas, and the Interstate System," and inserting "highways".

(h) NATIONAL DEFENSE HIGHWAYS LOCATED OUTSIDE UNITED STATES.— 23 USC 311 note.

(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

(2) FUNDING.—The Secretary may make available, from funds appropriated to construct the National System of Interstate and Defense Highways, not to exceed $20,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996 to carry out this subsection. Such sums shall remain available until expended.

SEC. 1007. SURFACE TRANSPORTATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 132 the following new section:

"§ 133. Surface transportation program

"(a) ESTABLISHMENT.—The Secretary shall establish a surface transportation program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

"(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.

"(2) Capital costs for transit projects eligible for assistance under the Federal Transit Act and publicly owned intracity or intercity bus terminals and facilities.

"(3) Carpool projects, fringe and corridor parking facilities and programs, and bicycle transportation and pedestrian walkways in accordance with section 217.

"(4) Highway and transit safety improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.

"(5) Highway and transit research and development and technology transfer programs.

"(6) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(7) Surface transportation planning programs.

"(8) Transportation enhancement activities.

"(9) Transportation control measures listed in section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act.

"(10) Development and establishment of management systems under section 303.

"(11) In accordance with all applicable Federal law and regulations, participation in wetlands mitigation efforts related to projects funded under this title, which may include participation in wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance and create wetlands; and development of statewide and regional wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes.

"(c) LOCATION OF PROJECTS.—Except as provided in subsection (b)(1), surface transportation program projects (other than those described in subsections (b) (3) and (4)) may not be undertaken on roads functionally classified as local or rural minor collectors, unless such roads are on a Federal-aid highway system on January 1, 1991, and except as approved by the Secretary.

"(d) ALLOCATIONS OF APPORTIONED FUNDS.—

"(1) FOR SAFETY PROGRAMS.—10 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program for a fiscal year shall only be available for carrying out sections 130 and 152 of this title. Of the funds set aside under the preceding sentence, the State shall reserve in such fiscal year an amount of such funds for carrying out each such section which is not less than the amount of funds apportioned to the State in fiscal year 1991 under such section.

"(2) FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—10 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall only be available for transportation enhancement activities.

"(3) DIVISION BETWEEN URBANIZED AREAS OF OVER 200,000 POPULATION AND OTHER AREAS.—

"(A) GENERAL RULE.—Except as provided in subparagraphs (C) and (D), 62.5 percent of the remaining 80 percent of the funds apportioned to a State under section 104(b)(3) for a fiscal year shall be obligated under this section—

"(i) in urbanized areas of the State with an urbanized area population of over 200,000, and

"(ii) in other areas of the State,

in proportion to their relative share of the State's population. The remaining 37.5 percent may be obligated in any area of the State. Funds attributed to an urbanized area under clause (i) may be obligated in the metropolitan area established under section 134 which encompasses the urbanized area.

"(B) SPECIAL RULE FOR AREAS OF LESS THAN 5,000 POPULATION.—Of the amounts required tobe obligated under subparagraph (A)(ii), the State shall obligate in areas of the State (other than urban areas with a population greater than 5,000) an amount which is not less than 110 percent of the amount of funds apportioned to the State for the Federal-aid secondary system for fiscal year 1991.

"(C) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State in which—

"(i) greater than 80 percent of the population of the State is located in 1 or more metropolitan statistical areas, and

"(ii) greater than 80 percent of the land area of such State is owned by the United States,

the 62.5 percentage specified in the first sentence of subparagraph (A) shall be 35 percent and the percentage specified in the second sentence of subparagraph (A) shall be 65 percent.

"(D) NONCONTIGUOUS STATES EXEMPTION.—Subparagraph (A) shall not apply to any State which is noncontiguous with the continental United States.

"(E) DISTRIBUTION BETWEEN URBANIZED AREAS OF OVER 200,000 POPULATION.—The amount of funds which a State is required to obligate under subparagraph (A)(i) shall be obligated in urbanized areas described in subparagraph (A)(i) based on the relative population of such areas; except that the State may obligate such funds based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to do so and the Secretary grants the request.

"(4) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.

"(e) ADMINISTRATION.—

"(1) NONCOMPLIANCE.—If the Secretary determines that a State or local government has failed to comply substantially with any provision of this section, the Secretary shall notify the State that, if the State fails to take corrective action within 60 days from the date of receipt of the notification, the Secretary will withhold future apportionments under section 104(b)(3) until the Secretary is satisfied that appropriate corrective action has been taken.

"(2) CERTIFICATION.—The Governor of each State shall certify before the beginning of each quarter of a fiscal year that the State will meet all the requirements of this section and shall notify the Secretary of the amount of obligations expected to be incurred for surface transportation program projects during

such quarter. A State may request adjustment to the obligation amounts later in each of such quarters. Acceptance of the notification and certification shall be deemed a contractual obligation of the United States for the payment of the surface transportation program funds expected to be obligated by the State in such quarter for projects not subject to review by the Secretary under this chapter.

"(3) PAYMENTS.—The Secretary shall make payments to a State of costs incurred by the State for the surface transportation program in accordance with procedures to be established by the Secretary. Payments shall not exceed the Federal share of costs incurred as of the date the State requests payments.

"(4) POPULATION DETERMINATIONS.—The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures for purposes of this section.

Urban areas.

"(f) ALLOCATION OF OBLIGATION AUTHORITY.—A State which is required to obligate in an urbanized area with an urbanized area population of over 200,000 under subsection (d) funds apportioned to it under section 104(b)(3) shall allocate during the 6-fiscal year period 1992 through 1997 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction for use in such area determined by multiplying—

"(1) the aggregate amount of funds which the State is required to obligate in such area under subsection (d) during such period; by

"(2) the ratio of the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction during such period to the total sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to an obligation limitation) during such period.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 132 the following:

"133. Surface transportation program.".

(b) APPORTIONMENT OF SURFACE TRANSPORTATION PROGRAM FUNDS.—

(1) IN GENERAL.—Section 104(b)(3) of title 23, United States Code, is amended to read as follows:

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) GENERAL RULE.—For the surface transportation program in a manner so that a State's current percentage share of apportionments is equal to the State's 1987–1991 percentage share of apportionments. For purposes of this paragraph—

"(i) a State's current percentage share of apportionments is the State's percentage share of all funds apportioned for a fiscal year under paragraph (1) for the National Highway System, under section 144 for the bridge program, under paragraph (5)(B) for Interstate maintenance, and under this paragraph; and

"(ii) a State's 1987–1991 percentage share of apportionments is the State's percentage share of all apportionments and allocations under this title for fiscal years 1987, 1988, 1989, 1990, and 1991 (except appor-

tionments and allocations for Interstate construction under sections 104(b)(5)(A) and 118, Interstate highway substitute under section 103(e)(4), Federal lands highways under section 202, and emergency relief under section 125, all allocations under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and the portion of allocations under section 157 (relating to minimum allocation) that would be attributable to apportionments made under Interstate construction and Interstate highway substitute programs under sections 104(b)(5)(A) and 103(e)(4), respectively, for such fiscal years if the minimum allocation percentage for such fiscal years had been 90 percent instead of 85 percent).

"(B) CALCULATION RULES.—In calculating a State's percentage share under this paragraph for the purpose of making apportionments for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, each State shall be treated as having received ½ of 1 percent of all funds apportioned for the Interstate construction program under section 104(b)(5)(A) in fiscal years 1987, 1988, 1989, 1990, and 1991. Notwithstanding any other provision of this paragraph, in any fiscal year no State shall receive a percentage of total apportionments and allocations that is less than 70 percent of its percentage of total apportionments and allocations for fiscal years 1987, 1988, 1989, 1990, and 1991, except for those States that receive an apportionment for Interstate construction under paragraph (5)(A) of more than $50,000,000 for fiscal year 1992.".

(2) CONFORMING AMENDMENTS.—Section 104 of such title is further amended— 23 USC 104.

(A) in subsections (a) and (b) by striking "upon the Federal-aid systems" and inserting "on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System";

(B) in subsection (b) by striking "paragraphs (4) and (5)" and inserting "paragraph (5)(A)"; and

(C) in subsection (b) by striking "and sections 118(c) and 307(d)" and inserting "and section 307".

(c) TRANSPORTATION ENHANCEMENT ACTIVITIES DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following new paragraph:

"The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, provision of facilities for pedestrians and bicycles, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.".

SEC. 1008. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149 of title 23, United States Code, is amended to read as follows:

"§ 149. Congestion mitigation and air quality improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish a congestion mitigation and air quality improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program—

"(1)(A) if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines, on the basis of information published by the Environmental Protection Agency pursuant to section 108(f)(1)(A) of the Clean Air Act (other than clauses (xii) and (xvi) of such section), that the project or program is likely to contribute to the attainment of a national ambient air quality standard; or

"(B) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is part of a program, method, or strategy described in such section;

"(2) if the project or program is included in a State implementation plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits; or

"(3) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the project or program is likely to contribute to the attainment of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors.

No funds may be provided under this section for a project which will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times.

"(c) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have a nonattainment area for ozone or carbon monoxide under the Clean Air Act located within its borders, the State may use funds apportioned to it under section 104(b)(2) for any project eligible for assistance under the surface transportation program.

"(d) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135 of this title.".

(b) APPORTIONMENT.—Section 104(b)(2) of such title is amended to read as follows:

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment area population of each State bears to the total weighted nonattainment area population of all States. The weighted nonattainment area population shall be calculated by

multiplying the population of each area within any State that is a nonattainment area (as defined in the Clean Air Act) for ozone by a factor of—

"(A) 1.0 if the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

"(B) 1.1 if the area is classified as a moderate ozone nonattainment area under such subpart;

"(C) 1.2 if the area is classified as a serious ozone nonattainment area under such subpart;

"(D) 1.3 if the area is classified as a severe ozone nonattainment area under such subpart; or

"(E) 1.4 if the area is classified as an extreme ozone nonattainment area under such subpart.

If the area is also classified under subpart 3 of part D of title I of such Act as a nonattainment area for carbon monoxide, for purposes of calculating the weighted nonattainment area population, the weighted nonattainment area population of the area, as determined under the preceding provisions of this paragraph, shall be further multiplied by a factor of 1.2. Notwithstanding any provision of this paragraph, in the case of States with a total 1990 census population of 15,000,000 or greater, the amount apportioned under this paragraph in a fiscal year to all of such States in the aggregate, shall be distributed among such States based on their relative populations; except that none of such States shall be distributed more than 42 percent of the aggregate amount so apportioned to all of such States. Notwithstanding any other provision of this paragraph, each State shall receive a minimum apportionment of ½ of 1 percent of the funds apportioned under this paragraph. The Secretary shall use estimates prepared by the Secretary of Commerce when determining population figures.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking

"149. Truck lanes."

and inserting

"149. Congestion mitigation and air quality improvement program.".

SEC. 1009. INTERSTATE MAINTENANCE PROGRAM.

(a) LIMITATION ON NEW CAPACITY.—Section 119 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g) LIMITATION ON NEW CAPACITY.—Notwithstanding any other provision of this title, the portion of the cost of any project undertaken pursuant to this section that is attributable to the expansion of the capacity of any Interstate highway or bridge, where such new capacity consists of one or more new travel lanes that are not high-occupancy vehicle lanes or auxiliary lanes, shall not be eligible for funding under this section.".

(b) ADEQUATE MAINTENANCE OF THE INTERSTATE SYSTEM.—Section 119(f) of such title is amended by inserting after "Interstate System routes and" the following: "the State is adequately maintaining the Interstate System and".

(c) GUIDANCE TO THE STATES.—The Secretary shall develop and make available to the States criteria for determining— 23 USC 119 note.

(1) what share of any project funded under section 119 of title 23, United States Code, is attributable to the expansion of the capacity of an Interstate highway or bridge; and

(2) what constitutes adequate maintenance of the Interstate System for the purposes of section 119(f)(1) of title 23, United States Code.

(d) NONCHARGEABLE SEGMENTS.—Section 104(b)(5)(B) of title 23, United States Code, is amended by inserting "and routes on the Interstate System designated under section 139(a) of this title before March 9, 1984," after "under sections 103 and 139(c) of this title" each place it appears.

(e) CONFORMING AMENDMENTS.—

(1) NEW HEADING.—The heading for section 119 of such title is amended to read as follows:

"§ 119. Interstate maintenance program".

(2) ANALYSIS.—The analysis for chapter 1 of such title is amended by striking

"119. Interstate System resurfacing."

and inserting

"119. Interstate maintenance program.".

(3) ELIGIBLE ACTIVITIES.—Section 119(c) of such title is amended to read as follows:

"(c) ELIGIBLE ACTIVITIES.—Activities authorized in subsection (a) may include the reconstruction of bridges, interchanges, and over crossings along existing Interstate routes, including the acquisition of right-of-way where necessary, but shall not include the construction of new travel lanes other than high occupancy vehicle lanes or auxiliary lanes.".

(4) PREVENTIVE MAINTENANCE.—Section 119(e) of such title is amended to read as follows:

"(e) PREVENTIVE MAINTENANCE.—Preventive maintenance activities shall be eligible under this section when a State can demonstrate, through its pavement management system, that such activities are a cost-effective means of extending Interstate pavement life.".

(5) MISCELLANEOUS.—Section 119 of such title is amended—

(A) in subsection (a) by striking ", rehabilitating, and reconstructing" and inserting "and rehabilitating";

(B) in subsection (a) by striking the last sentence;

(C) in the heading for subsection (f) by striking "PRIMARY SYSTEM" and inserting "SURFACE TRANSPORTATION PROGRAM";

(D) in subsection (f)(1) by striking "rehabilitating, or reconstructing" and inserting "or rehabilitating"; and

(E) in subsection (f) by striking "section 104(b)(1)" each place it appears and inserting "sections 104(b)(1) and 104(b)(3)".

SEC. 1010. OPERATION LIFESAVER; HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended to read as follows:

"(d) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—

"(1) OPERATION LIFESAVER.—The Secretary shall expend, from administrative funds deducted under subsection (a), $300,000 for each fiscal year for carrying out a public information and

education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—(A) Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,000,000 of the funds authorized to be appropriated for the surface transportation program for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors selected by the Secretary in accordance with the criteria set forth in this paragraph.

"(B) A corridor selected by the Secretary under subparagraph (A) must include rail lines where railroad speeds of 90 miles per hour are occurring or can reasonably be expected to occur in the future.

"(3) In making the determination required by paragraph (2)(A), the Secretary shall consider projected rail ridership volumes in such corridors, the percentage of the corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line, projected benefits to nonriders such as congestion relief on other modes of transportation serving the corridors (including congestion in heavily traveled air passenger corridors), the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities, and the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in such corridors.".

SEC. 1011. SUBSTITUTE PROGRAM.

(a) HIGHWAY PROJECTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 103(e)(4)(G) of title 23, United States Code, is amended—

(A) by striking "and" the next to the last place it appears;

(B) by inserting before the period at the end the following: ", $240,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, and 1995"; and

(C) by adding at the end the following: "Such sums may be obligated for transit substitute projects under this paragraph.".

(2) DISTRIBUTION.—Section 103(e)(4)(H) of such title is amended—

(A) by adding at the end of clause (i) the following new sentence: "For each of fiscal years 1992, 1993, 1994, and 1995, all funds made available by subparagraph (G) shall be apportioned in accordance with cost estimates adjusted by the Secretary.";

(B) in clause (iii), by striking "1988, 1989, 1990, AND 1991 APPORTIONMENTS" and inserting "1988–1995 APPORTIONMENTS"; and

(C) by striking "and 1991." and inserting "1991, 1992, 1993, 1994, and 1995.".

(b) TRANSIT PROJECTS.—Section 103(e)(4)(J) of such title is amended—

(1) in clause (i) by inserting after "1983," the following: "and ending before October 1, 1991";

(2) by adding at the end of clause (i) the following new sentence: "100 percent of funds appropriated for each of fiscal years 1992 and 1993 shall be apportioned in accordance with cost estimates adjusted by the Secretary.";

(3) in clause (iii) by striking "1988, 1989, 1990, AND 1991 APPORTIONMENTS" and inserting "1988–1993 APPORTIONMENTS"; and

(4) by striking "and 1991." and inserting "1991, 1992, and 1993.".

23 USC 103.

(c) PERIOD OF AVAILABILITY.—Section 103(e)(4)(E)(i) of such title is amended by adding at the end the following new sentence: "In the case of funds authorized to be appropriated for substitute transit projects under this paragraph for fiscal year 1993 and for substitute highway projects under this paragraph for fiscal year 1995, such funds shall remain available until expended.".

SEC. 1012. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) NEW PROGRAM.—Section 129(a) of title 23, United States Code, is amended to read as follows:

"(a) BASIC PROGRAM.—

"(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Notwithstanding section 301 of this title and subject to the provisions of this section, the Secretary shall permit Federal participation in—

"(A) initial construction of a toll highway, bridge, or tunnel (other than a highway, bridge, or tunnel on the Interstate System) or approach thereto;

"(B) reconstructing, resurfacing, restoring, and rehabilitating a toll highway, bridge, or tunnel (including a toll highway, bridge, or tunnel subject to an agreement entered into under this section or section 119(e) as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991) or approach thereto;

"(C) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

"(D) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility; and

"(E) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under subparagraph (A), (B), (C), or (D);

on the same basis and in the same manner as in the construction of free highways under this chapter.

"(2) OWNERSHIP.—Each highway, bridge, tunnel, or approach thereto constructed under this subsection must—

"(A) be publicly owned, or

"(B) be privately owned if the public authority having jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with a private person or persons to design, finance, construct, and operate the facility and the public authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

Contracts.

"(3) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation under this subsection in

construction of a highway, bridge, or tunnel located in a State, the public authority (including the State transportation department) having jurisdiction over the highway, bridge, or tunnel must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the toll facility will be used first for debt service, for reasonable return on investment of any private person financing the project, and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation. If the State certifies annually that the tolled facility is being adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.

"(4) SPECIAL RULE FOR FUNDING.—In the case of a toll highway, bridge, or tunnel under the jurisdiction of a public authority of a State (other than the State transportation department), upon request of the State transportation department and subject to such terms and conditions as such department and public authority may agree, the Secretary shall reimburse such public authority for the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as such department would be reimbursed if such project was being carried out by such department. The reimbursement of funds under this paragraph shall be from sums apportioned to the State under this chapter and available for obligations on projects on the Federal-aid system in such State on which the project is being carried out.

"(5) LIMITATION ON FEDERAL SHARE.—Except as otherwise provided in this paragraph, the Federal share payable for construction of a highway, bridge, tunnel, or approach thereto or conversion of a highway, bridge, or tunnel to a toll facility under this subsection shall be such percentage as the State determines but not to exceed 50 percent. The Federal share payable for construction of a new bridge, tunnel, or approach thereto or for reconstruction or replacement of a bridge, tunnel, or approach thereto shall be such percentage as the Secretary determines but not to exceed 80 percent. In the case of a toll facility subject to an agreement under section 119 or 129, the Federal share payable on any project for resurfacing, restoring, rehabilitating, or reconstructing such facility shall be 80 percent until the scheduled expiration of such agreement (as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991).

"(6) MODIFICATIONS.—If a public authority (including a State transportation department) having jurisdiction over a toll highway, bridge, or tunnel subject to an agreement under this section or section 119(e), as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Efficiency Act of 1991, requests modification of such agreement, the Secretary shall modify such agreement to allow the continuation of tolls in accordance with paragraph (3) without repayment of Federal funds.

"(7) LOANS.—A State may loan all or part of the Federal share of a toll project under this section to a public or private agency constructing a toll facility. Such loan may be made only after all

Federal environmental requirements have been complied with and permits obtained. The amount loaned shall be subordinated to other debt financing for the facility except for loans made by the State or any other public agency to the agency constructing the facility. Funds loaned pursuant to this section may be obligated for projects eligible under this section. The repayment of any such loan shall commence not more than 5 years after the facility has opened to traffic. Any such loan shall bear interest at the average rate the State's pooled investment fund earned in the 52 weeks preceding the start of repayment. The term of any such loan shall not exceed 30 years from the time the loan was obligated. Amounts repaid to a State from any loan made under this section may be obligated for any purpose for which the loaned funds were available. The Secretary shall establish procedures and guidelines for making such loans.

"(8) INITIAL CONSTRUCTION DEFINED.—For purposes of this subsection, the term 'initial construction' means the construction of a highway, bridge, or tunnel at any time before it is open to traffic and does not include any improvement to a highway, bridge, or tunnel after it is open to traffic.".

23 USC 149 note.

(b) CONGESTION PRICING PILOT PROGRAM.—(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more congestion pricing pilot projects. The Secretary may enter into cooperative agreements with as many as 5 such State or local governments or public authorities to establish, maintain, and monitor congestion pricing projects.

(2) Notwithstanding section 129 of title 23, United States Code, the Federal share payable for such programs shall be 80 percent. The Secretary shall fund all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least 1 year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation, except that the Secretary may not fund any project for more than 3 years.

(3) Revenues generated by any pilot project under this subsection must be applied to projects eligible under such title.

(4) Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of a pilot program under this section, but not on more than 3 of such programs.

Reports.

(5) The Secretary shall monitor the effect of such projects for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives every 2 years on the effects such programs are having on driver behavior, traffic, volume, transit ridership, air quality, and availability of funds for transportation programs.

(6) Of the sums made available to the Secretary pursuant to section 104(a) of title 23, United States Code, not to exceed $25,000,000 shall be made available each fiscal year to carry out the requirements of this subsection. Not more than $15,000,000 of such amounts shall be made available to carry out each pilot project under this section.

23 USC 129.

(c) ELIMINATION OF PUBLIC OPERATION REQUIREMENT FOR TOLL FERRIES.—Section 129 of such title is amended—

(1) by striking subsections (b), (c), (d), (e), (h), (i), and (k);

(2) by redesignating subsections (f), (g), and (j) as subsections (b), (c), and (d), respectively;

(3) in subsection (c) as so redesignated by inserting "and ferry terminal facilities" after "boats";

(4) in subsection (c) as so redesignated by striking paragraph (3) and inserting the following:

"(3) Such ferry boat or ferry terminal facility shall be publicly owned."; and

(5) in subsection (c)(4) as so redesignated—

(A) by inserting "or other public entity" after "State"; and

(B) by inserting before the period at the end the following: ", debt service, negotiated management fees, and, in the case of a privately operated toll ferry, for a reasonable rate of return".

(d) CONTINUATION OF EXISTING AGREEMENTS.—Unless modified under section 129(a)(6) of such title, as amended by subsection (a) of this section, agreements entered into under section 119(e) or 129 of such title before the effective date of this title and in effect on the day before such effective date shall continue in effect on and after such effective date in accordance with the provisions of such agreement and such section 119(e) or 129. 23 USC 129 note.

(e) SPECIAL RULE FOR CERTAIN EXISTING TOLL FACILITY AGREEMENTS.—Notwithstanding sections 119 and 129 of title 23, United States Code, at the request of the non-Federal parties to a toll facility agreement reached before October 1, 1991, regarding the New York State Thruway or the Fort McHenry Tunnel under section 105 of the Federal-Aid Highway Act of 1978 or section 129 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), the Secretary shall allow for the continuance of tolls without repayment of Federal funds. Revenues collected from such tolls, after the date of such request, in excess of revenues needed for debt service and the actual costs of operation and maintenance shall be available for (1) any transportation project eligible for assistance under title 23, United States Code, or (2) costs associated with transportation facilities under the jurisdiction of such non-Federal party, including debt service and costs related to the construction, reconstruction, restoration, repair, operation and maintenance of such facilities. New York.

(f) VOIDING OF CERTAIN AGREEMENTS FOR I-78 DELAWARE RIVER BRIDGE.—Upon the joint request of the State of Pennsylvania, the State of New Jersey, and the Delaware River Joint Toll Bridge Commission, and upon such parties entering into a new agreement with the Secretary regarding the bridge on Interstate Route 78 which crosses the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, the Secretary shall void any agreement entered into with such parties with respect to the bridge before the effective date of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code. The new agreement referred to in the preceding sentence shall permit the continuation of tolls without repayment of Federal funds and shall provide that all toll revenues received from operation of the bridge will be used— Pennsylvania. New Jersey.

(1) first for repayment of the non-Federal cost of construction of the bridge (including debt service);

(2) second for the costs necessary for the proper operation and maintenance of the bridge, including resurfacing, restoration, and rehabilitation; and

(3) to the extent that toll revenues exceed the amount necessary for paragraphs (1) and (2), such excess may be used with respect to any other bridge under the jurisdiction of the Delaware River Joint Toll Bridge Commission.

(g) BRIDGE CONNECTING PENNSYLVANIA TURNPIKE SYSTEM AND NEW JERSEY TURNPIKE.—Section 3 of the Act of October 26, 1951 (65 Stat. 653), is amended by striking ": *Provided*," and all that follows before the period.

SEC. 1013. MINIMUM ALLOCATION.

(a) GENERAL RULE.—Section 157(a) of title 23, United States Code, is amended—

(1) in paragraph (3) by striking "THEREAFTER" and inserting "FISCAL YEARS 1989–1991";

(2) in paragraph (3) by striking "and each fiscal year thereafter," and inserting ", 1990, and 1991"; and

(3) by adding at the end the following new paragraph:

"(4) THEREAFTER.—In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, surface transportation program, bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.".

(b) CONFORMING AMENDMENTS.—Section 157(b) of such title is amended—

(1) by striking "primary, secondary," and inserting "National Highway, surface transportation program,";

(2) by striking "urban," and inserting "congestion mitigation and air quality improvement program,";

(3) by striking "replacement and rehabilitation"; and

(4) by inserting after the first sentence the following: "½ of the amounts allocated pursuant to subsection (a) after September 30, 1991, shall be subject to section 133(d)(3) of this title.".

23 USC 157 note.

(c) DONOR STATE BONUS AMOUNTS.—

(1) FUNDING.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the payment of donor State bonus amounts the following amounts for the following fiscal years:

(A) For fiscal year 1992 $429,000,000.
(B) For fiscal year 1993 $514,000,000.
(C) For fiscal year 1994 $514,000,000.
(D) For fiscal year 1995 $514,000,000.
(E) For fiscal year 1996 $514,000,000.
(F) For fiscal year 1997 $515,000,000.

(2) APPORTIONMENT.—

(A) FORMULA.—The bonus apportionments which are provided under this subsection for a fiscal year shall be apportioned in such a way as to bring each successive State, or States, with the lowest dollar return on dollar projected to be contributed into the Highway Trust Fund for such fiscal

year, up to the highest common return on contributed dollar that can be funded with the annual authorizations provided under this subsection.

(B) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Funds apportioned under this subsection shall be available for obligation in the same manner and for the same purposes as if such funds were apportioned for the surface transportation program under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended. One-half of the amounts apportioned under this subsection shall be subject to section 133(d)(3) of title 23, United States Code, as added by this Act.

SEC. 1014. REIMBURSEMENT FOR SEGMENTS OF THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 160. Reimbursement for segments of the Interstate System constructed without Federal assistance

"(a) GENERAL AUTHORITY.—The Secretary shall allocate to the States in each of fiscal years 1996 and 1997 amounts determined under subsection (b) for reimbursement of their original contributions to construction of segments of the Interstate System which were constructed without Federal financial assistance.

"(b) DETERMINATION OF REIMBURSEMENT AMOUNT.—The amount to be reimbursed to a State in each of fiscal years 1996 and 1997 under this section shall be determined by multiplying the amount made available for carrying out this section for such fiscal year by the reimbursement percentage set forth in the table contained in subsection (c).

"(c) REIMBURSEMENT TABLE.—For purposes of carrying out this section, the reimbursement percentage, the original cost for constructing the Interstate System, and the total reimbursable amount for each State is set forth in the following table:

States	Original cost in millions	Reimbursement percentage	Reimbursable amount in millions
Alabama	$9	0.50	$147
Alaska		0.50	147
Arizona	20	0.50	147
Arkansas	6	0.50	147
California	298	5.42	1,591
Colorado	23	0.50	147
Connecticut	314	5.71	1,676
Delaware	39	0.71	209
Florida	31	0.56	164
Georgia	46	0.84	246
Hawaii		0.50	147
Idaho	5	0.50	147
Illinois	475	8.62	2,533
Indiana	167	3.03	892
Iowa	5	0.50	147
Kansas	101	1.84	540
Kentucky	32	0.57	169
Louisiana	22	0.50	147
Maine	38	0.69	204
Maryland	154	2.79	820

States	Original cost in millions	Reimbursement percentage	Reimbursable amount in millions
Massachusetts	283	5.14	1,511
Michigan	228	4.14	1,218
Minnesota	16	0.50	147
Mississippi	6	0.50	147
Missouri	74	1.35	396
Montana	5	0.50	147
Nebraska	1	0.50	147
Nevada	2	0.50	147
New Hampshire	8	0.50	147
New Jersey	353	6.41	1,882
New Mexico	8	0.50	147
New York	929	16.88	4,960
North Carolina	36	0.65	191
North Dakota	3	0.50	147
Ohio	257	4.68	1,374
Oklahoma	91	1.66	486
Oregon	78	1.42	417
Pennsylvania	354	6.43	1,888
Rhode Island	12	0.50	147
South Carolina	4	0.50	147
South Dakota	5	0.50	147
Tennessee	7	0.50	147
Texas	200	3.64	1,069
Utah	6	0.50	147
Vermont	1	0.50	147
Virginia	111	2.01	591
Washington	73	1.32	389
West Virginia	5	0.50	147
Wisconsin	8	0.50	147
Wyoming	9	0.50	147
D.C.	9	0.50	147
TOTALS	$4,967	100.00	$29,384

"(d) TRANSFER OF REIMBURSABLE AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (e) of this section, the Secretary shall transfer amounts allocated to a State pursuant to this section to the apportionment of such State under section 104(b)(3) for the surface transportation program.

"(e) LIMITATION ON APPLICABILITY OF CERTAIN REQUIREMENTS OF STP PROGRAM.—The following provisions of section 133 of this title shall not apply to ½ of the amounts transferred under subsection (d) to the apportionment of the State for the surface transportation program:

"(1) Subsection (d)(1).

"(2) Subsection (d)(2).

"(3) Subsection (d)(3).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), $2,000,000,000 per fiscal year for each of fiscal years 1996 and 1997 to carryout this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following new item:

"160. Reimbursement for segments of the Interstate System constructed without Federal assistance.".

(c) KANSAS PROJECTS.—

(1) UNITED STATES ROUTE 50.—The State of Kansas shall obligate in fiscal year 1996 $24,440,000 to construct the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas. Such funds shall be obligated from amounts allocated to the State of Kansas for fiscal year 1996 under section 160 of title 23, United States Code.

(2) UNITED STATES ROUTE 91.—The State of Kansas shall obligate in fiscal years 1996 and 1997 such sums as may be necessary to widen United States Route 91 from Belleville, Kansas, to the Nebraska border. Such funds shall be obligated from amounts allocated to the State of Kansas for fiscal years 1996 and 1997 under such section.

(3) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Sections 160(d) and 133(d)(3) of title 23, United States Code, shall not apply to funds allocated to the State of Kansas for fiscal years 1996 and 1997.

SEC. 1015. APPORTIONMENT ADJUSTMENTS. 23 USC 104 note.

(a) HOLD HARMLESS.—

(1) GENERAL RULE.—The amount of funds which, but for this subsection, would be apportioned to a State for each of the fiscal years 1992 through 1997 under section 104(b)(3) of title 23, United States Code, for the surface transportation program shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned to the State for such fiscal year and funds allocated to the State for the prior fiscal year under section 104(b) of such title, section 103(e)(4) for Interstate highway substitute, section 144 of such title, section 157 of such title, under section 202 of such title for the Federal lands highways program, section 160 of such title for the reimbursement program, and section 1013(c) of this Act for the donor State bonus program, will result in the percentage of amounts so apportioned and allocated to all States being equal to the percentage listed for such State in paragraph (2).

(2) STATE PERCENTAGES.—For purposes of paragraph (1) the percentage of amounts apportioned and allocated which are referred to in paragraph (1) for each State, and the District of Columbia shall be determined in accordance with the following table:

States	Adjustment Percentage
Alabama	1.74
Alaska	1.28
Arizona	1.49
Arkansas	1.20
California	9.45
Colorado	1.35
Connecticut	1.78
Delaware	0.41
District of Columbia	0.53
Florida	4.14
Georgia	2.97
Hawaii	0.57
Idaho	0.69
Illinois	3.72
Indiana	2.20
Iowa	1.25
Kansas	1.14
Kentucky	1.52
Louisiana	1.55

Maine	0.50
Maryland	1.69
Massachusetts	4.36
Michigan	2.81
Minnesota	1.58
Mississippi	1.15
Missouri	2.23
Montana	0.97
Nebraska	0.83
Nevada	0.64
New Hampshire	0.48
New Jersey	2.87
New Mexico	1.08
New York	5.37
North Carolina	2.65
North Dakota	0.62
Ohio	3.73
Oklahoma	1.42
Oregon	1.26
Pennsylvania	4.38
Rhode Island	0.54
South Carolina	1.41
South Dakota	0.71
Tennessee	2.08
Texas	6.36
Utah	0.77
Vermont	0.44
Virginia	2.27
Washington	2.06
West Virginia	0.94
Wisconsin	1.70
Wyoming	0.67

(b) 90 PERCENT OF PAYMENT ADJUSTMENTS.—

(1) GENERAL RULE.—For each of fiscal years 1992 through 1997, the Secretary shall allocate among the States amounts sufficient to ensure that a State's total apportionments for such fiscal year and allocations for the prior fiscal year under section 104(b) of such title, section 103(e)(4) for Interstate highway substitute, section 144 of such title, section 157 of such title, section 202 of such title for the Federal lands highways program, section 1013(c) of this Act for the donor State bonus program, section 160 of such title for the reimbursement program, and subsection (a) of this section for hold harmless is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.

(2) TRANSFER OF ALLOCATED AMOUNTS TO STP APPORTIONMENT.—Subject to subsection (d) of this section, the Secretary shall transfer amounts allocated to a State pursuant to paragraph (1) to the apportionment of such State under section 104(b)(3) for the surface transportation program.

Wisconsin.

(c) ADDITIONAL ALLOCATION.—Subject to subsection (d) of this section, the Secretary shall allocate to the State of Wisconsin $40,000,000 for fiscal year 1992 and $47,800,000 for each of fiscal years 1993 through 1997 and transfer such amounts to the apportionment of such State under section 104(b)(3) of title 23, United States Code, for the surface transportation program.

(d) LIMITATION ON APPLICABILITY OF CERTAIN REQUIREMENTS OF STP PROGRAM.—The following provisions of section 133 of title 23, United States Code, shall not apply to ½ of the amounts added under subsection (a) to the apportionment of the State for the

surface transportation program and of amounts transferred under subsections (b) and (c) to such apportionment:

(1) Subsection (d)(1).
(2) Subsection (d)(2).
(3) Subsection (d)(3).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section such sums as may be necessary for each of fiscal years 1992 through 1997.

SEC. 1016. PROGRAM EFFICIENCIES.

(a) HOV PASSENGER REQUIREMENTS; ENGINEERING COST REIMBURSEMENT.—Section 102 of title 23, United States Code, is amended to read as follows:

"§ 102. Program efficiencies

"(a) HOV PASSENGER REQUIREMENTS.—A State highway department shall establish the occupancy requirements of vehicles operating in high occupancy vehicle lanes; except that no fewer than 2 occupants per vehicle may be required and, subject to section 163 of the Surface Transportation Assistance Act of 1982, motorcycles and bicycles shall not be considered single occupant vehicles.

"(b) ENGINEERING COST REIMBURSEMENT.—If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years after the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.".

(b) PROJECT APPROVAL.—Section 106 of such title is amended—

(1) in subsection (a) by inserting "this section and" before "section 117"; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) SPECIAL RULES.—

"(1) 3R PROJECTS ON NHS.—Notwithstanding any other provision of this title, a State highway department may approve, on a project by project basis, plans, specifications, and estimates for projects to resurface, restore, and rehabilitate highways on the National Highway System if the State certifies that all work will meet or exceed the standards approved by the Secretary under section 109(c).

"(2) NON-NHS PROJECTS AND LOW-COST NHS PROJECTS.—Any State may request that the Secretary no longer review and approve plans, specifications, and estimates for any project (including any highway project on the National Highway System with an estimated construction cost of less than $1,000,000 but excluding any other highway project on the National Highway System). After receiving any such notification, the Secretary shall undertake project review only as requested by the State.

"(3) SAFETY CONSIDERATIONS.—Safety considerations for projects subject to this subsection may be met by phase construction consistent with an operative safety management system established in accordance with section 303.".

23 USC 109.

(c) STANDARDS.—Section 109(c) of such title is amended to read as follows:

"(c) DESIGN AND CONSTRUCTION STANDARDS FOR NHS.—Design and construction standards to be adopted for new construction on the National Highway System, for reconstruction on the National Highway System, and for resurfacing, restoring, and rehabilitating multilane limited access highways on the National Highway System shall be those approved by the Secretary in cooperation with the State highway departments. All eligible work for such projects shall meet or exceed such standards.".

(d) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.—Section 109 of such title is amended by adding at the end the following new subsection:

"(p) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.—Projects (other than highway projects on the National Highway System) shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.".

(e) HISTORIC AND SCENIC VALUES.—Section 109 of such title is amended by adding at the end the following new subsection:

"(q) HISTORIC AND SCENIC VALUES.—If a proposed project under sections 103(e)(4), 133, or 144 involves a historic facility or is located in an area of historic or scenic value, the Secretary may approve such project notwithstanding the requirements of subsections (a) and (b) of this section and section 133(c) if such project is designed to standards that allow for the preservation of such historic or scenic value and such project is designed with mitigation measures to allow preservation of such value and ensure safe use of the facility.".

(f) CONFORMING AMENDMENTS.—

(1) STANDARDS.—Section 109 of such title is amended—

(A) in subsection (a) by striking "projects on any Federal-aid system" and inserting "highway projects under this chapter"; and

(B) in subsection (l)(1) by striking "Federal-aid system" and inserting "Federal-aid highway".

(2) CERTIFICATION ACCEPTANCE.—Section 117 of such title is amended—

(A) in subsection (a) by striking "on Federal-aid systems, except" and inserting "under this chapter, except projects on";

(B) in subsection (a) by inserting "or other transportation" before "construction,";

(C) by striking subsection (b) and inserting the following:

"(b) The Secretary may accept projects based on inspections of a type and frequency necessary to ensure the projects are completed in accordance with appropriate standards."; and

(D) in subsection (e) by inserting ", section 106(b), section 133, and section 149" after "in this section".

(3) CHAPTER ANALYSIS.—The analysis of chapter 1 of such title, is amended by striking

"102. Authorizations."

and inserting

"102. Program efficiencies.".

(g) LIMITATION ON CERTAIN EXPENDITURES.—No Federal funds may be expended for any highway project on any portion of the

scenic highway known as "Ministerial Road" between route 138 and route 1 in the State of Rhode Island unless the Governor of such State and the town council of the town of South Kingstown, Rhode Island, first agree to the design.

SEC. 1017. ACQUISITION OF RIGHTS-OF-WAY.

(a) RIGHT-OF-WAY REVOLVING FUND.—Sections 108(a) and 108(c)(3) of title 23, United States Code, are each amended by striking "ten" and inserting "20".

(b) EARLY ACQUISITION OF RIGHTS-OF-WAY.—Section 108 of such title is further amended by adding at the end the following new subsection:

"(d) EARLY ACQUISITION OF RIGHTS-OF-WAY.—

"(1) GENERAL RULE.—Subject to paragraph (2), funds apportioned to a State under this title may be used to participate in the payment of—

"(A) costs incurred by the State for acquisition of rights-of-way, acquired in advance of any Federal approval or authorization, if the rights-of-way are subsequently incorporated into a project eligible for surface transportation program funds; and

"(B) costs incurred by the State for the acquisition of land necessary to preserve environmental and scenic values.

"(2) TERMS AND CONDITIONS.—The Federal share payable of the costs described in paragraph (1) shall be eligible for reimbursement out of funds apportioned to a State under this title when the rights-of-way acquired are incorporated into a project eligible for surface transportation program funds, if the State demonstrates to the Secretary and the Secretary finds that—

"(A) any land acquired, and relocation assistance provided, complied with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

"(B) the requirements of title VI of the Civil Rights Act of 1964 have been complied with;

"(C) the State has a mandatory comprehensive and coordinated land use, environment, and transportation planning process under State law and the acquisition is certified by the Governor as consistent with the State plans before the acquisition;

"(D) the acquisition is determined in advance by the Governor to be consistent with the State transportation planning process pursuant to section 135 of this title;

"(E) the alternative for which the right-of-way is acquired is selected by the State pursuant to regulations to be issued by the Secretary which provide for the consideration of the environmental impacts of various alternatives;

"(F) before the time that the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act has been completed for the project for which the right-of-way was acquired by the State, and the acquisition has been approved by the Secretary under this Act, and in compliance with section 4(f) of the Department of Transportation Act, section 7 of the Endangered Species Act, and all other applicable environmental laws shall be identified by the Secretary in regulations; and

Regulations.

"(G) before the time that the cost incurred by a State is approved for Federal participation, both the Secretary and the Administrator of the Environmental Protection Agency have concurred that the property acquired in advance of Federal approval or authorization did not influence the environmental assessment of the project, the decision relative to the need to construct the project, or the selection of the project design or location.".

23 USC 108 note.

(c) PRESERVATION OF TRANSPORTATION CORRIDORS REPORT.—The Secretary, in consultation with the States, shall report to Congress within 2 years after the date of the enactment of this Act, a national list of the rights-of-way identified by the metropolitan planning organizations and the States (under sections 134 and 135 of title 23, United States Code), including the total mileage involved, an estimate of the total costs, and a strategy for preventing further loss of rights-of-way including the desirability of creating a transportation right-of-way land bank to preserve vital corridors.

SEC. 1018. PRECONSTRUCTION ACTIVITIES.

(a) LIMITATION ON ESTIMATES FOR CONSTRUCTION ENGINEERING.—Section 106(c) of title 23, United States Code, is amended to read as follows:

"(c) LIMITATION ON ESTIMATES FOR CONSTRUCTION ENGINEERING.—Items included in all such estimates for construction engineering for a State for a fiscal year shall not exceed, in the aggregate, 15 percent of the total estimated costs of all projects financed within the boundaries of the State with Federal-aid highway funds in such fiscal year, after excluding from such total estimate costs, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.".

(b) CONFORMING AMENDMENTS.—Section 121(d) of such title is amended—

(1) by striking "120" and inserting "106(c), 120,"; and

(2) by striking the last sentence.

SEC. 1019. CONVICT PRODUCED MATERIALS.

Section 114(b)(2) of title 23, United States Code, is amended by inserting "after July 1, 1991," after "Materials produced".

SEC. 1020. PERIOD OF AVAILABILITY.

(a) DATE AND PERIOD OF AVAILABILITY; DISCRETIONARY PROJECTS.—Section 118 of title 23, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) DATE AVAILABLE FOR OBLIGATION.—Except as otherwise specifically provided, authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out this title shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

"(b) PERIOD OF AVAILABILITY; DISCRETIONARY PROJECTS.—

"(1) INTERSTATE CONSTRUCTION FUNDS.—Funds apportioned or allocated for Interstate construction in a State shall remain available for obligation in that State until the last day of the fiscal year in which they are apportioned or allocated. Sums not obligated by the last day of the fiscal year in which they are apportioned or allocated shall be allocated to other States, except Massachusetts, at the discretion of the Secretary. All

sums apportioned or allocated on or after October 1, 1994, shall remain available in the State until expended. All sums apportioned or allocated to Massachusetts on or before October 1, 1989, shall remain available until expended.

"(2) OTHER FUNDS.—Except as otherwise specifically provided, funds apportioned or allocated pursuant to this title (other than for Interstate construction) in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned or allocated that remain unobligated at the end of that period shall lapse.".

(b) SET ASIDE FOR DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended— 23 USC 118.

(1) by striking "1983" and inserting "1992";

(2) by striking "$300,000,000" and inserting "$100,000,000"; and

(3) by striking paragraph (2) and inserting the following new paragraph:

"(2) SET ASIDE FOR 4R PROJECTS.—

"(A) IN GENERAL.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside $54,000,000 for fiscal year 1992, $64,000,000 for each fiscal years 1993, 1994, 1995, and 1996, and $65,000,000 for fiscal year 1997 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title, as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991). Of the amounts set aside under the preceding sentence, the Secretary shall obligate $16,000,000 for fiscal year 1992 and $17,000,000 for each of fiscal years 1993 and 1994 for improvements on the Kennedy Expressway in Chicago, Illinois. The remainder of such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

"(i) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(B) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under subparagraph (A), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route

in an urban area or a high truck-volume route in a rural area.

"(C) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

23 USC 118.

(c) CONFORMING AMENDMENT.—Section 118(d) of such title is amended by striking "(b)(2)" and inserting "(b)(1)".

(d) ALASKA AND PUERTO RICO.—Section 118(f) of such title is amended by striking "on a Federal-aid system".

SEC. 1021. FEDERAL SHARE.

(a) IN GENERAL.—Section 120 of title 23, United States Code, is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

"(a) INTERSTATE SYSTEM PROJECTS.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

"(b) OTHER PROJECTS.—Except as otherwise provided in this title, the Federal share payable on account of any project or activity carried out under this title (other than a project subject to subsection (a)) shall be—

"(1) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands therein, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area; or

"(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area;

Contracts.

except that the Federal share payable on any project in a State shall not exceed 95 percent of the total cost of any such project. In any case where a State elects to have the Federal share provided in paragraph (2) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring such State to use solely for purposes eligible for assistance under this title (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in paragraph (2) and what its share would be if it elected to pay the share provided in paragraph (1) for all projects subject to such agreement.

"(c) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic control signalization, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier endtreatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that not more than 10 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 120 of such title is further amended— 23 USC 120.

(1) by striking subsections (j), (k), (l), and (m),

(2) by redesignating subsections (e), (f), (g), (h), (i), and (n) as subsections (d), (e), (f), (g), (h), and (i) respectively, and

(3) in subsection (d) as so redesignated by striking "and (c)" and inserting "and (b)".

(c) LIMITATION ON STATUTORY CONSTRUCTION.—The amendments made by this section shall not be construed to affect (1) the Federal share established by the Supplemental Appropriations Act, 1983 (97 Stat. 329) for construction of any highway on the Interstate System, and (2) the Federal share established by section 120(k) of such title, as in effect on the day before the date of the enactment of this Act, with respect to United States Highway 71 in Arkansas from the I-40 intersection to the Missouri-Arkansas State line. 23 USC 120 note.

(d) HIGHER FEDERAL SHARE.—If any highway project authorized to be carried out under sections 1103 through 1108 of this Act is a project which would be eligible for assistance under section 204 of title 23, United States Code, or is a project on a federally owned bridge, the Federal share payable on account of such project shall be 100 percent for purposes of this Act.

SEC. 1022. EMERGENCY RELIEF.

(a) EXTENSION OF TIME PERIOD.—Section 120(d) of title 23, United States Code, as redesignated by section 1021(b) of this Act, is amended by striking "90 days" and inserting "180 days".

(b) DOLLAR LIMITATION FOR TERRITORIES.—Section 125(b)(2) of such title is amended by striking "$5,000,000" and inserting "$20,000,000".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall only apply to natural disasters and catastrophic failures occurring after the date of the enactment of this Act.

SEC. 1023. GROSS VEHICLE WEIGHT RESTRICTION.

(a) CONFORMING AMENDMENTS.—Section 127(a) of title 23, United States Code, is amended—

(1) by striking "funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned" and inserting "funds shall be apportioned in any fiscal year under section 104(b)(1) of this title"; and

(2) in the fourth sentence by inserting after "thereof" the following: ", other than vehicles or combinations subject to subsection (d) of this section,".

23 USC 127.

(b) OPERATION OF LONGER COMBINATION VEHICLES.—Section 127 of such title is amended by adding at the end the following new subsection:

"(d) LONGER COMBINATION VEHICLES.—

"(1) PROHIBITION.—

"(A) GENERAL CONTINUATION RULE.—A longer combination vehicle may continue to operate only if the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation conforming to this section and in actual lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, or pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186).

"(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All such operations shall continue to be subject to, at the minimum, all State statutes, regulations, limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, in force on June 1, 1991; except that subject to such regulations as may be issued by the Secretary pursuant to paragraph (5) of this subsection, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

"(C) WYOMING.—In addition to those vehicles allowed under subparagraph (A), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if such vehicle configurations comply with the single axle, tandem axle, and bridge formula limits set forth in subsection (a) and do not exceed 117,000 pounds gross vehicle weight.

"(D) OHIO.—In addition to vehicles which the State of Ohio may continue to allow to be operated under subparagraph (A), such State may allow longer combination vehicles with 3 cargo carrying units of 28½ feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at and is south of exit 16 of the Ohio Turnpike.

"(E) ALASKA.—In addition to vehicles which the State of Alaska may continue to allow to be operated under subparagraph (A), such State may allow the operation of longer combination vehicles which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 5, 1991.

"(2) ADDITIONAL STATE RESTRICTIONS.—

"(A) IN GENERAL.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection; except that such restrictions or prohibitions shall be consistent with the requirements of sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316).

"(B) MINOR ADJUSTMENTS.—Any State further restricting or prohibiting the operations of longer combination vehicles or making minor adjustments of a temporary and emergency nature as may be allowed pursuant to regulations issued by the Secretary pursuant to paragraph (5) of this subsection, shall, within 30 days, advise the Secretary of such action, and the Secretary shall publish a notice of such action in the Federal Register. Federal Register, publication.

"(3) PUBLICATION OF LIST.—

"(A) SUBMISSION TO SECRETARY.—Within 60 days of the date of the enactment of this subsection, each State (i) shall submit to the Secretary for publication in the Federal Register a complete list of (I) all operations of longer combination vehicles being conducted as of June 1, 1991, pursuant to State statutes and regulations; (II) all limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, governing the operation of longer combination vehicles otherwise prohibited under this subsection; and (III) such statutes, regulations, limitations, and conditions; and (ii) shall submit to the Secretary copies of such statutes, regulations, limitations, and conditions.

"(B) INTERIM LIST.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall publish an interim list in the Federal Register, consisting of all information submitted pursuant to subparagraph (A). The Secretary shall review for accuracy all information submitted by the States pursuant to subparagraph (A) and shall solicit and consider public comment on the accuracy of all such information. Federal Register, publication.

"(C) LIMITATION.—No statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual operation on a regular or periodic basis on or before June 1, 1991.

"(D) FINAL LIST.—Except as modified pursuant to paragraph (1)(C) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the date of the enactment of this subsection. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, longer combination vehicles may not operate on the Interstate System except as provided in the list. Federal Register, publication.

"(E) REVIEW AND CORRECTION PROCEDURE.—The Secretary, on his or her own motion or upon a request by any person (including a State), shall review the list issued by the Secretary pursuant to subparagraph (D). If the Secretary determines there is cause to believe that a mistake was made in the accuracy of the final list, the Secretary shall commence a proceeding to determine whether the list published pursuant to subparagraph (D) should be corrected. If the Secretary determines that there is a mistake in the accuracy of the list the Secretary shall correct the

publication under subparagraph (D) to reflect the determination of the Secretary.

"(4) LONGER COMBINATION VEHICLE DEFINED.—For purposes of this section, the term 'longer combination vehicle' means any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

"(5) REGULATIONS REGARDING MINOR ADJUSTMENTS.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the States to follow in making minor adjustments under paragraph (1)(B).".

23 USC 141.

(c) STATE CERTIFICATION.—Section 141(b) of such title is amended by adding at the end the following new sentence: "Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).".

(d) INTERSTATE ROUTE 68.—Section 127 of such title is amended by adding at the end the following new subsection:

"(e) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON INTERSTATE ROUTE 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose on August 1, 1991.".

23 USC 127 note.

(e) FIREFIGHTING VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the National System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act, to any existing vehicle which is used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which is in actual operation before such date of enactment and to any new vehicle to be used for such purpose while such vehicle is being delivered to a firefighting agency. The Secretary may extend such 2-year period for an additional year.

(2) STUDY.—The Secretary shall conduct a study—

(A) of State laws regulating the use on the National System of Interstate and Defense Highways of vehicles which are used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which are being delivered to or operated by a firefighting agency; and

(B) of the issuance of permits by States which exempt such vehicles from the requirements of the second sentence of section 127 of title 23, United States Code.

(3) PURPOSES.—The purposes of the study under this subsection are to determine whether or not such State laws and such section 127 need to be modified with regard to such vehicles and whether or not a permanent exemption should be made for such vehicles from the requirements of such laws and section 127 or

whether or not the bridge formula set forth in such section should be modified as it applies to such vehicles.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (2), together with recommendations.

(f) MONTANA-CANADA TRADE.—The Secretary shall not withhold funds from the State of Montana on the basis of actions taken by the State of Montana pursuant to a draft memorandum of understanding with the Province of Alberta, Canada, regarding truck transportation between Canada and Shelby, Montana; except that such actions do not include actions not permitted by the State of Montana on or before June 1, 1991.

(g) TRANSPORTERS OF WATER WELL DRILLING RIGS.— 23 USC 127 note.

(1) STUDY.—The Secretary shall conduct a study of State and Federal regulations pertaining to transporters of water well drilling rigs on public highways for the purpose of identifying requirements which place a burden on such transporters without enhancing safety or preservation of public highways.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any legislative and administrative recommendations of the Secretary.

SEC. 1024. METROPOLITAN PLANNING.

(a) IN GENERAL.—Section 134 of title 23, United States Code, is amended to read as follows:

"§ 134. Metropolitan planning

"(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

"(2) MEMBERSHIP OF CERTAIN MPO'S.—In a metropolitan area designated as a transportation management area, the metropolitan planning organization designated for such area shall include local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization on June 1, 1991) and appropriate State officials. This paragraph shall only apply to a metropolitan planning organization which is redesignated after the date of the enactment of this section.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on the date of the enactment of this section, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; and

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—Designations of metropolitan planning organizations, whether made under this section or other provisions of law, shall remain in effect until redesignated under paragraph (5) or revoked by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population or as otherwise provided under State or local procedures.

"(5) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area (i) whose population is more than 5,000,000 but less than 10,000,000, or (ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act. Such redesignation shall be accomplished using procedures established by subparagraph (A).

"(6) TREATMENT OF LARGE URBAN AREAS.—More than 1 metropolitan planning organization may be designated within an urbanized area as defined by the Bureau of the Census only if the Governor determines that the size and complexity of the urbanized area make designation of more than 1 metropolitan planning organization for such area appropriate.

"(c) METROPOLITAN AREA BOUNDARIES.—For the purposes of this section, the boundaries of a metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan area shall cover at least the existing urbanized area and the contiguous area expected to become

urbanized within the 20-year forecast period and may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. For areas designated as nonattainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the nonattainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor.

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary considers appropriate to encourage Governors and metropolitan planning organizations with responsibility for a portion of a multi-State metropolitan area to provide coordinated transportation planning for the entire metropolitan area.

"(2) COMPACTS.—The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas and localities within such States and to establish such agencies, joint or otherwise, as such States may deem desirable for making such agreements and compacts effective.

"(e) COORDINATION OF MPO's.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and programs required by this section.

"(f) FACTORS TO BE CONSIDERED.—In developing transportation plans and programs pursuant to this section, each metropolitan planning organization shall, at a minimum, consider the following:

"(1) Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

"(2) The consistency of transportation planning with applicable Federal, State, and local energy conservation programs, goals, and objectives.

"(3) The need to relieve congestion and prevent congestion from occurring where it does not yet occur.

"(4) The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

"(5) The programming of expenditure on transportation enhancement activities as required in section 133.

"(6) The effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded.

"(7) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

"(8) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

"(9) The transportation needs identified through use of the management systems required by section 303 of this title.

"(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

"(11) Methods to enhance the efficient movement of freight.

"(12) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

"(13) The overall social, economic, energy, and environmental effects of transportation decisions.

"(14) Methods to expand and enhance transit services and to increase the use of such services.

"(15) Capital investments that would result in increased security in transit systems.

"(g) DEVELOPMENT OF LONG RANGE PLAN.—

"(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long range plan for its metropolitan area in accordance with the requirements of this subsection.

"(2) LONG RANGE PLAN.—A long range plan under this section shall be in a form that the Secretary determines to be appropriate and shall, at a minimum:

"(A) Identify transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long range plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

"(B) Include a financial plan that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.

"(C) Assess capital investment and other measures necessary to—

"(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and

"(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

"(D) Indicate as appropriate proposed transportation enhancement activities.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon

monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a long range plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a long range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long range plan, in a manner that the Secretary deems appropriate.

"(5) PUBLICATION OF LONG RANGE PLAN.—Each long range plan prepared by a metropolitan planning organization shall be—

"(i) published or otherwise made readily available for public review; and

"(ii) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(h) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and affected transit operators, shall develop a transportation improvement program for the area for which such organization is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) PRIORITY OF PROJECTS.—The transportation improvement program shall include the following:

"(A) A priority list of projects and project segments to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

"(B) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including value capture, tolls, and congestion pricing.

"(3) SELECTION OF PROJECTS.—Except as otherwise provided in subsection (i)(4), project selection in metropolitan areas for projects involving Federal participation shall be carried out by the State in cooperation with the metropolitan planning organization and shall be in conformance with the transportation improvement program for the area.

"(4) MAJOR CAPITAL INVESTMENTS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under

such Act applicable to highway projects. Nothing in this section shall be construed to affect the applicability of such Act to transit or highway projects.

"(5) INCLUDED PROJECTS.—A transportation improvement program for a metropolitan area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Federal Transit Act and which are consistent with the long range plan developed under subsection (g) for the area. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(6) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—The Secretary shall designate as transportation management areas all urbanized areas over 200,000 population. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for such area or the affected local officials. Such additional areas shall include upon such a request the Lake Tahoe Basin as defined by Public Law 96-551.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and the Federal Transit Act through the use of travel demand reduction and operational management strategies. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

"(4) SELECTION OF PROJECTS.—All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title (excluding projects undertaken on the National Highway System and pursuant to the bridge and Interstate maintenance programs) or pursuant to the Federal Transit Act shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and priorities established therein. Projects undertaken within the boundaries of a transportation management area on the National Highway System or pursuant to the bridge and Interstate maintenance programs shall be selected by the State in cooperation with the metropolitan planning organization designated for such area

and shall be in conformance with the transportation improvement program for such area.

"(5) CERTIFICATION.—The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least once every 3 years. The Secretary may make such certification only if (1) a metropolitan planning organization is complying with the requirements of this section and other applicable requirements of Federal law, and (2) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If after September 30, 1993, a metropolitan planning organization is not certified by the Secretary, the Secretary may withhold, in whole or in part, the apportionment under section 104(b)(3) attributed to the relevant metropolitan area pursuant to section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act. If a metropolitan planning organization remains uncertified for more than 2 consecutive years after September 30, 1994, 20 percent of the apportionment attributed to that metropolitan area under section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act shall be withheld. The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary. The Secretary shall not withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 8(o) of the Federal Transit Act.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—For metropolitan areas not designated as transportation management areas under this section, the Secretary may provide for the development of abbreviated metropolitan transportation plans and programs that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems, including transportation related air quality problems, in such areas. In no event shall the Secretary provide abbreviated plans or programs for metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act.

"(k) TRANSFER OF FUNDS.—Funds made available for a highway project under the Federal Transit Act shall be transferred to and administered by the Secretary in accordance with the requirements of this title. Funds made available for a transit project under the Federal-Aid Highway Act of 1991 shall be transferred to and administered by the Secretary in accordance with the requirements of the Federal Transit Act.

"(l) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Notwithstanding any other provisions of this title or the Federal Transit Act, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed in such area for any highway project that will result in a significant increase in carrying capacity for single-occupant vehicles unless the project is part of an approved congestion management system.

"(m) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or the Federal Transit Act.

"(n) REPROGRAMMING OF SET ASIDE FUNDS.—Any funds set aside pursuant to section 104(f) of this title that are not used for the purpose of carrying out this section may be made available by the metropolitan planning organization to the State for the purpose of funding activities under section 135.".

(b) AMENDMENTS TO SECTION 104.—Section 104(f) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "one-half per centum" and inserting "1 percent";

(2) in paragraph (1) by striking "the Federal-aid systems" and inserting "programs authorized under this title";

(3) in paragraph (1) by striking "except that" and all that follows before the period and inserting "except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the Interstate construction and Interstate substitute programs";

(4) in paragraph (3) by striking "section 120" and inserting "section 120(j)";

(5) in paragraph (4) by striking "and metropolitan area transportation needs" and inserting "attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 134 and other applicable requirements of Federal law"; and

(6) by adding at the end the following new paragraph:

"(5) DETERMINATION OF POPULATION FIGURES.—For the purposes of determining population figures under this subsection, the Secretary shall use the most recent estimate published by the Secretary of Commerce.".

(c) CONFORMING AMENDMENTS.—

(1) The analysis of chapter 1 of title 23, United States Code, is amended by striking

"Sec. 134. Transportation planning in certain urban areas."

and inserting

"Sec. 134. Metropolitan planning.".

(2) Section 104(f)(3) of title 23, United States Code, is amended by striking "designated by the State as being".

SEC. 1025. STATEWIDE PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Statewide planning

"(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of this title, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which

will function as an intermodal State transportation system. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall coordinate such planning with the transportation planning activities carried out under section 134 of this title for metropolitan areas of the State and shall carry out its responsibilities for the development of the transportation portion of the State implementation plan to the extent required by the Clean Air Act.

"(c) STATE PLANNING PROCESS.—Each State shall undertake a continuous transportation planning process which shall, at a minimum, consider the following:

"(1) The results of the management systems required pursuant to subsection (b).

"(2) Any Federal, State, or local energy use goals, objectives, programs, or requirements.

"(3) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the State.

"(4) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.

"(5) The transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials with jurisdiction over transportation.

"(6) Any metropolitan area plan developed pursuant to section 134.

"(7) Connectivity between metropolitan areas within the State and with metropolitan areas in other States.

"(8) Recreational travel and tourism.

"(9) Any State plan developed pursuant to the Federal Water Pollution Control Act.

"(10) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

"(11) The overall social, economic, energy, and environmental effects of transportation decisions.

"(12) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

"(13) Methods to expand and enhance transit services and to increase the use of such services.

"(14) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

"(15) The transportation needs identified through use of the management systems required by section 303 of this title.

"(16) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

"(17) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identify those corridors for which action is most needed to prevent destruction or loss.

"(18) Long-range needs of the State transportation system.

"(19) Methods to enhance the efficient movement of commercial motor vehicles.

"(20) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

"(d) ADDITIONAL REQUIREMENTS.—Each State in carrying out planning under this section shall, at a minimum, consider the following:

"(1) The coordination of transportation plans and programs developed for metropolitan areas of the State under section 134 with the State transportation plans and programs developed under this section and the reconciliation of such plans and programs as necessary to ensure connectivity within transportation systems.

"(2) Investment strategies to improve adjoining State and local roads that support rural economic growth and tourism development, Federal agency renewable resources management, and multipurpose land management practices, including recreation development.

"(3) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State.

"(e) LONG-RANGE PLAN.—The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the State shall develop a long-range plan for bicycle transportation and pedestrian walkways for appropriate areas of the State which shall be incorporated into the long-range transportation plan.

Indians.

"(f) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The State shall develop a transportation improvement program for all areas of the State. With respect to metropolitan areas of the State, the program shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—A transportation improvement program for a State developed under this subsection shall include projects within the boundaries of the State which are proposed for funding under this title and the Federal Transit Act, which

are consistent with the long-range plan developed under this section for the State, which are consistent with the metropolitan transportation improvement program, and which in areas designated as nonattainment for ozone or carbon monoxide under the Clean Air Act conform with the applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for such project within the time period contemplated for completion of the project. The program shall also reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

"(3) PROJECT SELECTION FOR AREAS LESS THAN 50,000 POPULATION.—Projects undertaken in areas of less than 50,000 population (excluding projects undertaken on the National Highway System and pursuant to the bridge and Interstate maintenance programs) shall be selected by the State in cooperation with the affected local officials. Projects undertaken in such areas on the National Highway System or pursuant to the bridge and Interstate maintenance programs shall be selected by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and approved no less frequently than biennially by the Secretary.

"(g) FUNDING.—Funds set aside pursuant to section 307(c)(1) of title 23, United States Code, shall be available to carry out the requirements of this section.

"(h) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT SYSTEMS.—For purposes of this section, section 134, and section 8 of the Federal Transit Act, United States Code, State laws, rules or regulations pertaining to congestion management systems or programs may constitute the congestion management system under this Act if the Secretary finds that the State laws, rules or regulations are consistent with, and fulfill the intent of, the purposes of this section, section 134 or section 8 of such Act, as appropriate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 135 and inserting the following:

"135. Statewide planning.".

SEC. 1026. NONDISCRIMINATION.

(a) FUNDING OF HIGHWAY CONSTRUCTION TRAINING.—Subsection (b) of section 140 of title 23, United States Code, is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, not to exceed ¼ of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary.".

(b) ELIGIBILITY FOR TRAINING PROGRAMS.—Subsections (b) and (c) of section 140 of such title are each amended by inserting "Indian tribal government," after "institution,".

(c) INDIAN EMPLOYMENT PREFERENCE.—Section 140(d) of such title is amended by inserting after the first sentence the following new sentence: "States may implement a preference for employment of

Indians on projects carried out under this title near Indian reservations.".

SEC. 1027. PUBLIC TRANSPORTATION.

(a) IMPROVED ACCESS BETWEEN INTERCITY AND RURAL BUS SERVICE.—Section 142(a)(2) of title 23, United States Code, is amended—

(1) by striking ", beginning with the fiscal year ending June 30, 1975,";

(2) by striking "Federal-aid urban system," the first place it appears and inserting "the surface transportation program"; and

(3) by striking "104(b)(6)" the first place it appears and all that follows through the period at the end and inserting "104(b)(3) for carrying out any capital transit project eligible for assistance under the Federal Transit Act, capital improvement to provide access and coordination between intercity and rural bus service, and construction of facilities to provide connections between highway transportation and other modes of transportation.".

(b) ACCOMMODATION OF OTHER MODES.—Section 142(c) of such title is amended to read as follows:

"(c) ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.—The Secretary may approve as a project on any Federal-aid system for payment from sums apportioned under section 104(b) (other than section 104(b)(5)(A)) modifications to existing highway facilities on such system necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety.".

(c) METROPOLITAN PLANNING.—Section 142(d) of such title is amended to read as follows:

"(d) METROPOLITAN PLANNING.—Any project carried out under this section in an urbanized area shall be subject to the metropolitan planning requirements of section 134.".

(d) AVAILABILITY OF RIGHTS-OF-WAY.—Section 142(g) of such title is amended to read as follows:

"(g) AVAILABILITY OF RIGHTS-OF-WAY.—In any case where sufficient land or air space exits within the publicly acquired rights-of-way of any highway, constructed in whole or in part with Federal-aid highway funds, to accommodate needed passenger, commuter, or high speed rail, magnetic levitation systems, and highway and nonhighway public mass transit facilities, the Secretary shall authorize a State to make such lands, air space, and rights-of-way available with or without charge to a publicly or privately owned authority or company or any other person for such purposes if such accommodation will not adversely affect automotive safety.".

(e) CONFORMING AMENDMENTS TO SECTION 142.—Section 142 of such title is amended—

(1) in subsection (e)(2) by striking "Federal-aid urban system" and inserting "surface transportation program";

(2) by striking subsections (f) and (k);

(3) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively;

(4) in subsection (g), as so redesignated, by striking "or subsection (c) of this section"; and

(5) in each of subsections (h) and (i), as so redesignated, by striking "and subsection (c)".

(f) CONFORMING AMENDMENT TO SECTION 156.—Section 156 of such title is amended by striking "States shall" and inserting "Subject to section 142(f), States shall". 23 USC 156.

SEC. 1028. BRIDGE PROGRAM.

(a) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—Section 144(c) of title 23, United States Code, is amended by adding at the end the following new paragraph:

"(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads, (B) classify them according to serviceability, safety, and essentiality for public use, (C) based on the classification, assign each a priority for replacement or rehabilitation, and (D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.".

(b) BRIDGE STRUCTURE PAINTING AND ACETATE APPLICATION.—Section 144(d) of such title is amended—

(1) by inserting after the first sentence the following new sentence: "Whenever any State makes application to the Secretary for assistance in painting and seismic retrofit, or applying calcium magnesium acetate to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting or seismic retrofit of, or application of such acetate to, such structure."; and

(2) by inserting after "projects" the first place it appears in the last sentence the following: "(other than projects for bridge structure painting or seismic retrofit or application of such acetate)".

(c) FEDERAL SHARE.—Section 144(f) of such title is amended by striking "highway bridge replaced or rehabilitated" and inserting "project".

(d) DISCRETIONARY BRIDGE PROGRAM.—Section 144(g)(1) of such title is amended to read as follows:

"(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 by section 103 of the Intermodal Surface Transportation Efficiency Act of 1991, all but $57,000,000 in the case of fiscal year 1992, $68,000,000 in the case of fiscal years 1993 and 1994, and $69,000,000 in the case of fiscal years 1995, 1996, and 1997 shall be apportioned as provided in subsection (e) of this section. $49,000,000 in the case of fiscal year 1992, $59,500,000 in the case of fiscal years 1993 and 1994, and $60,500,000 in the case of fiscal years 1995, 1996, and 1997 of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of $49,000,000 in the case of fiscal year 1992, $59,500,000 in the case of fiscal years 1993 and 1994, and $60,500,000 in the case of fiscal years 1995, 1996, and 1997 shall be at the discretion of the Secretary, and $8,500,000 per fiscal year ($8,000,000 in the case of fiscal year 1992) of the amount authorized for each of such fiscal years shall be available in accordance with section 1039 of the Intermodal Surface

Transportation Efficiency Act of 1991, relating to highway timber bridges.".

(e) OFF-SYSTEM BRIDGES.—

23 USC 144.

(1) ALLOCATION OF FUNDS.—Section 144(g)(3) of such title is amended—

(A) by striking "and 1991" and inserting "1991, 1992, 1993, 1994, 1995, 1996, and 1997"; and

(B) by striking "or rehabilitate" and inserting ", rehabilitate, paint or seismic retrofit, or apply calcium magnesium acetate to".

(2) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—Section 144 of such title is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) APPLICABILITY OF STATE STANDARDS FOR PROJECTS.—A project not on a Federal-aid highway under this section shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.".

(f) SET-ASIDE FOR INDIAN RESERVATION BRIDGES.—Section 144(g) of this title is amended by adding at the end the following new paragraph:

"(4) INDIAN RESERVATION BRIDGES.—Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. Upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials and with the concurrence of the Secretary of the Interior, may, with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be provided from funds made available for Indian reservation roads under chapter 2 of this title.".

(g) TRANSFERABILITY OF BRIDGE APPORTIONMENTS.—Section 104(g) of such title is amended by inserting before the last sentence the following new sentence: "A State may transfer not to exceed 40 percent of the State's apportionment under section 144 in any fiscal year to the apportionment of such State under subsection (b)(1) or subsection (b)(3) of this section. Any transfer to subsection (b)(3) shall not be subject to section 133(d).".

SEC. 1029. NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

(a) PERMANENT EXTENSION OF 65 MPH SPEED LIMIT DEMONSTRATION PROGRAM.—Section 154(a) of title 23, United States Code, is amended by striking "Clause (3)" and inserting "Clause (4)" and by striking "or (3)" and inserting the following: "(3) a maximum speed limit in excess of 65 miles per hour on any highway within its jurisdiction located outside an urbanized area of 50,000 population or more (A) which is constructed to interstate standards in accordance with section 109(b) of this title and connected to a highway on

the Interstate System, (B) which is a divided 4-lane fully controlled access highway designed or constructed to connect to a highway on the Interstate System posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour, or (C) which is constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the Secretary as part of the Interstate System in accordance with section 139(c) of this title, or (4)".

(b) COLLECTION OF DATA.—Section 154(e) of such title is amended— 23 USC 154.

(1) by striking "fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour" and inserting "the speed limit on maximum speed limit highways"; and

(2) by adding at the end the following: "Such data shall include, but not be limited to, data on citations, travel speeds, and the posted speed limit and the design characteristics of roads from which such travel speed data are gathered. The Secretary shall issue regulations which ensure (1) that the monitoring programs conducted by the States to collect data for purposes of this subsection are uniform, (2) that devices and equipment under such programs are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk, as determined by the Secretary, of motor vehicle accidents occurring considering the classes of such highways and the speeds at which vehicles are traveling on such classes of highways, and (3) that the data submitted under this subsection will be in such form as the Secretary determines is necessary to carry out this section.".

(c) ENFORCEMENT.—

(1) PROPOSED RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a proposed rule to establish speed limit enforcement requirements which, at a minimum, shall— Federal Register, publication. 23 USC 154 note.

(A) provide for the transfer of apportionments under section 104(b) of title 23, United States Code (other than paragraph (5)), if a State fails to enforce speed limits in accordance with this section and such rule; and

(B) include a formula for determining compliance with the requirements of this section and such rule which—

(i) assigns a greater weight for violations of such speed limits in proportion to the amount by which the speed of the motor vehicle exceeds the speed limit; and

(ii) differentiates between the type of road on which the violations occur.

(2) FACTORS TO CONSIDER.—In developing the compliance formula in accordance with paragraph (1), the Secretary shall consider factors relating to the enforcement efforts made by the States and data concerning fatalities and serious injuries occurring on roads to which subsection (a) applies and any other factors relating to speed limit enforcement and speed-related highway safety trends which the Secretary determines appropriate.

(3) FINAL RULE.—Not later than 60 days after the date of publication of the proposed rule under paragraph (1), the Secretary shall publish in the Federal Register a final rule which meets the requirements of paragraph (1) and which shall take Federal Register, publication.

effect no later than 12 months after the date of its publication in the Federal Register.

23 USC 154 note.

(d) ADMINISTRATION.—The Secretary shall carry out sections 154 and 141(a) of title 23, United States Code, through the National Highway Traffic Safety Administration and the Federal Highway Administration.

(e) ANNUAL REPORT.—Section 154 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(i) ANNUAL REPORT.—The Secretary shall transmit to Congress an annual report on travel speeds of motor vehicles on roads subject to subsection (a), State enforcement efforts with respect to speeding violations on such roads, and speed-related highway safety statistics.".

23 USC 154 note.

(f) ENFORCEMENT MORATORIUM.—No State shall be subject under section 141 or 154 of title 23, United States Code, to withholding of apportionments for failure to comply in fiscal years 1990 and 1991 with section 154 of such title, as in effect on the day before the date of the enactment of this Act, or section 141(a) of such title.

(g) REPEAL OF OBSOLETE ENFORCEMENT PROVISIONS.—On the 730th day following the date of the enactment of this Act, subsections (f), (g), and (h) of section 154 of title 23, United States Code, are repealed.

SEC. 1030. ROAD SEALING ON INDIAN RESERVATION ROADS.

Section 204(c) of title 23, United States Code, is amended by adding at the end the following new sentences: "Notwithstanding any other provision of this title, Indian reservation roads under the jurisdiction of the Bureau of Indian Affairs of the Department of the Interior shall be eligible to expend not more than 15 percent funds apportioned for Indian reservation roads from the Highway Trust Fund for the purpose of road sealing projects. The Bureau of Indian Affairs shall continue to retain responsibility, including annual funding request responsibility, for road maintenance programs on Indian reservations.".

SEC. 1031. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 152 the following new section:

"§ 153. Use of safety belts and motorcycle helmets

"(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year—

"(1) a law which makes unlawful throughout the State the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet; and

"(2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

"(b) USE OF GRANTS.—A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

"(1) EDUCATION.—To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

"(2) TRAINING.—To train law enforcement officers in the enforcement of State laws described in subsection (a).

"(3) MONITORING.—To monitor the rate of compliance with State laws described in subsection (a).

"(4) ENFORCEMENT.—To enforce State laws described in subsection (a).

"(c) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section. Contracts.

"(d) FEDERAL SHARE.—A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

"(2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and

"(3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

"(e) MAXIMUM AGGREGATE AMOUNT OF GRANTS.—The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

"(f) ELIGIBILITY FOR GRANTS.—

"(1) GENERAL RULE.—A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

"(2) SECOND-YEAR GRANTS.—A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

"(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 50 percent.

"(3) THIRD-YEAR GRANTS.—A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 85 percent; and

"(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

"(g) MEASUREMENTS OF RATES OF COMPLIANCE.—For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(h) PENALTY.—

"(1) FISCAL YEAR 1994.—If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(2) THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(3) FEDERAL SHARE.—The Federal share of the cost of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 which is determined by multiplying—

"(A) the amount of funds transferred to the apportionment of section 402 of the State under section 402 for such fiscal year; by

"(B) the ratio of the amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

"(5) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the apportionment of section 402.

"(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) MOTORCYCLE.—The term 'motorcycle' means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154 of this title.

"(3) PASSENGER VEHICLE.—The term 'passenger vehicle' means a motor vehicle which is designed for transporting 10 individ-

uals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

"(4) SAFETY BELT.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1992. From sums made available to carry out section 402 of this title, the Secretary shall make available $17,000,000 for fiscal year 1992 and $24,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

"(k) APPLICABILITY OF CHAPTER 1 PROVISIONS.—All provisions of this chapter that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 152 the following new item:

"153. Use of safety belts and motorcycle helmets.".

(b) STUDY.— 23 USC 153 note.

(1) IN GENERAL.—The Secretary shall conduct a study or studies to determine the benefits of safety belt use and motorcycle helmet use for individuals involved in motor vehicle crashes and motorcycle crashes, collecting and analyzing data from regional trauma systems regarding differences in the following: the severity of injuries; acute, rehabilitative and long-term medical costs, including the sources of reimbursement and the extent to which these sources cover actual costs; government, employer, and other costs; and mortality and morbidity outcomes. The study shall cover a representative period after January 1, 1990.

(2) REPORT.—The Secretary shall make public a proposed report on the results of the study or studies conducted under this subsection, provide a period of 90 days for public comment on such report, consider such comments, and transmit to Congress a report on the results of such study or studies, together with a summary of such comments, not later than 40 months after the funds for such study are made available by the Secretary. Public information.

(3) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1992 or 1993 (or both) to carry out section 153 of title 23, United States Code, the Secretary shall make available $5,000,000 in the aggregate in such fiscal years to carry out this subsection. Such funds shall remain available until expended.

SEC. 1032. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) ALLOCATIONS.—Section 202 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively;

(3) by inserting after "allocate" in subsection (b), as so redesignated, "34 percent of"; and

(4) by striking the period at the end of subsection (b), as so redesignated, and inserting the following: "which are proposed by a State which contains at least 3 percent of the total public lands in the Nation. The Secretary shall allocate 66 percent of the remainder of the authorization for public lands highways for each fiscal year as is provided in section 134 of the Federal-Aid Highway Act of 1987, and with respect to these allocations the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.".

(b) PROJECTS.—Section 204 of such title is amended—

(1) in subsection (a) by striking "forest highways," and by adding at the end of such subsection the following new sentences: "The Secretary, in cooperation with the Secretary of the Interior and the Secretary of Agriculture, shall develop appropriate transportation planning procedures and safety, bridge, and pavement management systems for roads funded under the Federal Lands Highway Program. Notwithstanding any other provision of this title, no public lands highway project may be undertaken in any State pursuant to this section unless the State concurs in the selection and planning of the project.";

(2) in subsection (b)—

(A) by striking "construction and improvements thereof" and inserting "planning, research, engineering and construction thereof";

(B) by striking "forest highways and"; and

(C) by adding at the end the following new sentence: "Funds available for each class of Federal lands highways shall be available for any kind of transportation project eligible for assistance under this title that is within or adjacent to or provides access to the areas served by the particular class of Federal lands highways.";

(3) in subsection (c) by striking "on a Federal-aid system" and inserting "eligible for funds apportioned under section 104 or section 144 of this title"; and

(4) by striking subsection (h) and inserting the following new subsections:

"(h) ELIGIBLE PROJECTS.—Funds available for each class of Federal lands highways may be available for the following:

"(1) Transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.

"(2) Adjacent vehicular parking areas.

"(3) Interpretive signage.

"(4) Acquisition of necessary scenic easements and scenic or historic sites.

"(5) Provision for pedestrians and bicycles.

"(6) Construction and reconstruction of roadside rest areas including sanitary and water facilities.

"(7) Other appropriate public road facilities such as visitor centers as determined by the Secretary.

"(i) TRANSFERS TO SECRETARY OF THE INTERIOR.—The Secretary shall transfer to the Secretary of the Interior from the appropriation for public land highways amounts as may be needed to cover necessary administrative costs of the Bureau of Land Management in connection with public lands highways.

"(j) INDIAN RESERVATION ROADS PLANNING.—Up to 2 percent of funds made available for Indian reservation roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary.".

(c) FOREST DEVELOPMENT ROADS AND TRAILS.—Section 205(c) of such title is amended by striking "$15,000" each place it appears and inserting "$50,000". 23 USC 205.

(d) INDIAN RESERVATION ROADS.—Notwithstanding any other provision of law, funds allocated for Indian reservation roads may be used for the purpose of funding road projects on roads of tribally controlled postsecondary vocational institutions. 23 USC 202 note.

(e) REPORT.—The Secretary shall undertake a study to determine if the method for allocating funds authorized for Federal lands highways is adequate to meet the relative transportation needs of the Federal lands served. The report shall be submitted within 2 years of the date of the enactment of this Act. 23 USC 202 note.

(f) CONFORMING AMENDMENTS.—Section 203 of title 23, United States Code, is amended by striking "forest highways" each place it appears.

SEC. 1033. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended to read as follows:

"§ 217. Bicycle transportation and pedestrian walkways

"(a) USE OF STP AND CONGESTION MITIGATION PROGRAM FUNDS.—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(3) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

"(b) USE OF NATIONAL HIGHWAY SYSTEM FUNDS.—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of bicycle transportation facilities on land adjacent to any highway on the National Highway System (other than the Interstate System).

"(c) USE OF FEDERAL LANDS HIGHWAY FUNDS.—Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

"(d) STATE BICYCLE AND PEDESTRIAN COORDINATORS.—Each State receiving an apportionment under sections 104(b)(2) and 104(b)(3) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

"(e) BRIDGES.—In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

"(f) FEDERAL SHARE.—For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be 80 percent.

"(g) PLANNING.—Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed pursuant to an overall plan to be developed by each metropolitan planning organization and State and incorporated into their comprehensive annual long-range plans in accordance with sections 134 and 135 of this title, respectively. Such plans shall provide due consideration for safety and contiguous routes.

"(h) USE OF MOTORIZED VEHICLES.—No motorized vehicles shall be permitted on trails and pedestrian walkways under this section, except for—

"(1) maintenance purposes;

"(2) when snow conditions and State or local regulations permit, snowmobiles;

"(3) when State and local regulations permit, motorized wheelchairs; and

"(4) such other circumstances as the Secretary deems appropriate.

"(i) TRANSPORTATION PURPOSE.—No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

"(j) BICYCLE TRANSPORTATION FACILITY DEFINED.—For purposes of this section, a 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.".

SEC. 1034. MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 302 the following new section:

"§ 303. Management systems

"(a) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations for State development, establishment, and implementation of a system for managing each of the following:

"(1) Highway pavement of Federal-aid highways.
"(2) Bridges on and off Federal-aid highways.
"(3) Highway safety.
"(4) Traffic congestion.
"(5) Public transportation facilities and equipment.
"(6) Intermodal transportation facilities and systems.

In metropolitan areas, such systems shall be developed and implemented in cooperation with metropolitan planning organizations. Such regulations may include a compliance schedule for development, establishment, and implementation of each such system and minimum standards for each such system.

"(b) TRAFFIC MONITORING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment.

"(c) STATE REQUIREMENTS.—The Secretary may withhold up to 10 percent of the funds apportioned under this title and under the Federal Transit Act for any fiscal year beginning after September 30, 1995, to any State and any recipient of assistance under such Act in the State unless, in the preceding fiscal year, the State was implementing each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the State certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.

"(d) PROCEDURAL REQUIREMENTS.—In developing and implementing a management system under this section, each State shall cooperate with metropolitan planning organizations for urbanized areas of the State and affected agencies receiving assistance under the Federal Transit Act and shall consider the results of the management systems in making project selection decisions under this title and under such Act.

"(e) INTERMODAL REQUIREMENTS.—The management system required under this section for intermodal transportation facilities and systems shall provide for improvement and integration of all of a State's transportation systems and shall include methods of achieving the optimum yield from such systems, methods for increasing productivity in the State, methods for increasing use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

"(f) ANNUAL REPORT.—Not later than January 1 of each calendar year beginning after December 31, 1992, the Secretary shall transmit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.

"(g) FUNDING.—Subject to project approval by the Secretary, a State may obligate funds apportioned after September 30, 1991, under subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title for

developing and establishing management systems required by this section and funds apportioned under section 144 of this title for developing and establishing the bridge management system required by this section.

"(h) REVIEW OF REGULATIONS.—Not later than 10 days after the date of issuance of any regulation under this section, the Secretary shall transmit a copy of such regulation to Congress for review.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 302 the following new item:

"303. Management systems.".

SEC. 1035. LIMITATION ON DISCOVERY OF CERTAIN REPORTS AND SURVEYS.

(a) IN GENERAL.—Section 409 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 409. Discovery and admission as evidence of certain reports and surveys"; and

(2) by striking "admitted into evidence in Federal or State court" and inserting "subject to discovery or admitted into evidence in a Federal or State court proceeding".

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 409 and inserting the following:

"409. Discovery and admission as evidence of certain reports and surveys.".

Science and technology.

SEC. 1036. NATIONAL HIGH-SPEED GROUND TRANSPORTATION PROGRAMS.

(a) DECLARATION OF POLICY.—Section 302 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) It is the policy of the United States to promote the construction and commercialization of high-speed ground transportation systems by—

"(A) conducting economic and technological research;

"(B) demonstrating advancements in high-speed ground transportation technologies;

"(C) establishing a comprehensive policy for the development of such systems and the effective integration of the various high-speed ground transportation technologies; and

"(D) minimizing the long-term risks of investors.

"(2) It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed magnetic levitation transportation technology capable of operating along Federal-aid highway rights-of-way, as part of a national transportation system of the United States.".

49 USC 309 note.

(b) NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM.—

(1) MANAGEMENT OF PROGRAM.—There is hereby established a national magnetic levitation prototype development program to be managed by a program director appointed jointly by the Secretary and the Assistant Secretary of the Army for Civil Works (hereinafter in this subsection referred to as the "Assistant Secretary"). To carry out such program, the Secretary and the Assistant Secretary shall establish a national maglev joint project office (hereinafter in this subsection referred to as the

"Maglev Project Office"), which shall be headed by the program director, and shall enter into such arrangements as may be necessary for funding, staffing, office space, and other requirements that will allow the Maglev Project Office to carry out its functions. In carrying out such program, the program director shall consult with appropriate Federal officials, including the Secretary of Energy and the Administrator of the Environmental Protection Agency.

(2) PHASE ONE CONTRACTS.—

(A) REQUEST FOR PROPOSALS.—Not later than 12 months after the date of the enactment of this Act, the Maglev Project Office shall release a request for proposals for development of conceptual designs for a maglev system and for research to facilitate the development of such conceptual designs.

(B) AWARD OF CONTRACTS.—Not later than 15 months after the date of the enactment of this Act, the Secretary and the Assistant Secretary shall, based on the recommendations of the program director, award 1-year contracts for research and development to no fewer than 5 eligible applicants. If fewer than 5 complete applications have been received, contracts shall be awarded to as many eligible applicants as is practical.

(C) FACTORS AND CONDITIONS TO BE CONSIDERED.—The Secretary and the Assistant Secretary may approve contracts under subparagraph (B) only after consideration of factors relating to the construction and operation of a magnetic levitation system, including the cost-effectiveness, ease of maintenance, safety, limited environmental impact, ability to achieve sustained high speeds, ability to operate along the Interstate highway rights-of-way, the potential for the guideway design to be a national standard, the applicant's resources, capabilities, and history of successfully designing and developing systems of similar complexity, and the desirability of geographic diversity among contractors and only if the applicant agrees to submit a report to the Maglev Project Office detailing the results of the research and development and agrees to provide for matching of the phase one contract at a 90 percent Federal, 10 percent non-Federal, cost share. Reports.

(3) PHASE TWO CONTRACTS.—Within 3 months of receiving the final reports of contract activities under paragraph (2), and based only on such reports and the recommendations of the program director, the Secretary and the Assistant Secretary shall select not more than 3 eligible applicants from among the contract recipients submitting reports under paragraph (2) to receive 18-month contracts for research and development leading to a detailed design for a prototype maglev system. The Secretary and the Assistant Secretary may only award contracts under this paragraph if—

(A) they determine that the applicant has demonstrated technical merit for the conceptual design and the potential for further development of such design into an operational prototype as described in paragraph (4),

(B) the applicant agrees to submit the detailed design within such 18-month period to the Maglev Project Office and the selection committee described in paragraph (4), and

(C) the applicant agrees to provide for matching of the phase two contract at an 80 percent Federal, 20 percent non-Federal, cost share.

(4) PROTOTYPE.—

(A) SELECTION OF DESIGN.—Within 6 months of receiving the detailed designs developed under paragraph (3), the Secretary and the Assistant Secretary shall, based on the recommendations of the selection committee described in this subparagraph, select 1 design for development into a full-scale prototype, unless the Secretary and the Assistant Secretary determine jointly that no design shall be selected, based on an assessment of technical feasibility and projected cost of construction and operation of the prototype. A selection committee of 8 members, consisting of—

(i) 1 member to be appointed by the Secretary,

(ii) 1 member to be appointed by the Assistant Secretary,

(iii) 3 members to be appointed by the Senate majority and minority leaders, and

(iv) 3 members to be appointed by the Speaker of the House and the minority leader of the House,

shall be appointed not later than 1 year following the award of contracts under paragraph (3). The selection committee, within 3 months of receiving the detailed designs developed under paragraph (3), shall make a recommendation to the Secretary and the Assistant Secretary as to the best prototype design or the unsuitability of any design. The program director shall provide technical reviews of the phase two contract reports to the selection committee and otherwise provide any technical assistance that the committee requires to assist it in making a recommendation. In the event that the Secretary and the Assistant Secretary determine jointly not to select a design for development under this subsection, they shall report to Congress on the basis for such determination, together with recommendations for future action, including further research, development, or design, termination of the program, or such other action as may be appropriate.

Reports.

(B) AWARD OF CONSTRUCTION GRANT OR CONTRACT.—Unless the Secretary and the Assistant Secretary determine not to proceed pursuant to subparagraph (A), they shall, not later than 3 months after selection of a design for development into a full-scale prototype, and based on the recommendations of the program director, award 1 construction grant or contract to the applicant whose detailed design was selected under subparagraph (A) for the purpose of constructing a prototype maglev system in accordance with the selected design. Not more than 75 percent of the cost of the project shall be borne by the United States.

(C) FACTORS TO BE CONSIDERED IN SELECTION.—Selection of the detailed design under this paragraph shall be based on consideration of the following factors, among others:

(i) The project shall be capable of utilizing Interstate highway rights-of-way along or above a significant portion of its route, and may also use railroad rights-of-way along or above any portion of the railroad route.

(ii) The total length of guideway shall be at least 19 miles and allow significant full-speed operations between stops.

(iii) The project shall be constructed and ready for operational testing within 3 years after the award of the contract or grant.

(iv) The project shall provide for the conversion of the prototype to commercial operation after testing and technical evaluation is completed.

(v) The project shall be located in an area that provides a potential ridership base for future commercial operation.

(vi) The project shall utilize a technology capable of being applied in commercial service in most parts of the contiguous United States.

(vii) The project shall have at least 1 switch.

(viii) The project shall be intermodal in nature connecting a major metropolitan area with an airport, port, passenger rail station, or other transportation mode.

Business and industry.

(D) ADDITIONAL FACTORS FOR CONSIDERATION.—In awarding a grant or contract under this paragraph, the Secretary shall encourage the development of domestic manufacturing capabilities. In selecting among eligible applicants, the Secretary shall consider existing railroads and equipment manufacturers with excess production capacity, including railroads that have experience in advanced technologies (including self-propelled cars).

(5) LICENSING.—

Confidential information.

(A) PROPRIETARY RIGHTS.—No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained from a United States business, research, or education entity as a result of activities under this subsection shall be disclosed.

(B) COMMERCIAL INFORMATION.—The research, development, and use of any technology developed pursuant to an agreement reached pursuant to this subsection, including the terms under which any technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701-3714). In addition, the Secretary and the Assistant Secretary may require any grant or contract recipient to assure that research and development be performed substantially in the United States and that the products embodying the inventions made under any agreement pursuant to this subsection or produced through the use of such inventions be manufactured substantially in the United States.

(6) REPORTS.—The Secretary and the Assistant Secretary shall provide periodic reports to Congress on progress made under this subsection.

(7) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term "eligible applicant" means a United States private business, United States public or private education and research organization, Federal laboratory, or a consortium of such businesses, organizations, and laboratories.

(c) TECHNOLOGY DEMONSTRATION PROGRAM; RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 309. High-speed ground transportation

"(a) The Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Public Works, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems.

"(b)(1) The Secretary may award contracts and grants for demonstrations to determine the contributions that high-speed ground transportation could make to more efficient, safe, and economical intercity transportation systems. Such demonstrations shall be designed to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service. In connection with grants and contracts for demonstrations under this section, the Secretary shall provide for financial participation by private industry to the maximum extent practicable.

"(2)(A) In connection with the authority provided under paragraph (1), there is established a national high-speed ground transportation technology demonstration program, which shall be separate from the national magnetic levitation prototype development program established under section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991 and shall be managed by the Secretary of Transportation.

"(B)(i) Any eligible applicant may submit to the Secretary a proposal for demonstration of any advancement in a high-speed ground transportation technology or technologies to be incorporated as a component, subsystem, or system in any revenue service high-speed ground transportation project or system under construction or in operation at the time the application is made.

Grants.
Contracts.

"(ii) Grants or contracts shall be awarded only to eligible applicants showing demonstrable benefit to the research and development, design, construction, or ultimate operation of any maglev technology or high-speed steel wheel on rail technology. Criteria to be considered in evaluating the suitability of a proposal under this paragraph shall include—

"(I) feasibility of guideway or track design and construction;

"(II) safety and reliability;

"(III) impact on the environment in comparison to other high-speed ground transportation technologies;

"(IV) minimization of land use;

"(V) effect on human factors related to high-speed ground transportation;

"(VI) energy and power consumption and cost;

"(VII) integration of high-speed ground transportation systems with other modes of transportation;

"(VIII) actual and projected ridership; and

"(IX) design of signaling, communications, and control systems.

"(C) For the purposes of this paragraph, the term 'eligible applicant' means any United States private business, State government, local government, organization of State or local government, or any combination thereof. The term does not include any business owned in whole or in part by the Federal Government.

"(D) The amount and distribution of grants or contracts made under this paragraph shall be determined by the Secretary. No grant or contract may be awarded under this paragraph to demonstrate a technology to be incorporated into a project or system located in a State that prohibits under State law the expenditure of non-Federal public funds or revenues on the construction or operation of such project or system.

"(E) Recipients of grants or contracts made pursuant to this paragraph shall agree to submit a report to the Secretary detailing the results and benefits of the technology demonstration proposed, as required by the Secretary. Reports.

"(c)(1) In carrying out the responsibilities of the Secretary under this section, the Secretary is authorized to enter into 1 or more cooperative research and development agreements (as defined by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and 1 or more funding agreements (as defined by section 201(b) of title 35, United States Code), with United States companies for the purpose of—

"(A) conducting research to overcome technical and other barriers to the development and construction of practicable high-speed ground transportation systems and to help advance the basic generic technologies needed for these systems; and

"(B) transferring the research and basic generic technologies described in subparagraph (A) to industry in order to help create a viable commercial high-speed ground transportation industry within the United States.

"(2) In a cooperative agreement or funding agreement under paragraph (1), the Secretary may agree to provide not more than 80 percent of the cost of any project under the agreement. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

"(3) The research, development, or utilization of any technology pursuant to a cooperative agreement under paragraph (1), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(4) The research, development, or utilization of any technology pursuant to a funding agreement under paragraph (1), including the determination of all licensing and ownership rights, shall be subject to the provisions of chapter 18 of title 35, United States Code.

"(5) At the conclusion of fiscal year 1993 and again at the conclusion of fiscal year 1996, the Secretary shall submit reports to Congress regarding research and technology transfer activities conducted pursuant to the authorization contained in paragraph (1). Reports.

"(d)(1) Not later than June 1, 1995, the Secretary shall complete and submit to Congress a study of the commercial feasibility of constructing 1 or more high-speed ground transportation systems in the United States. Such study shall consist of—

"(A) an economic and financial analysis;

"(B) a technical assessment; and

"(C) recommendations for model legislation for State and local governments to facilitate construction of high-speed ground transportation systems.

"(2) The economic and financial analysis referred to in paragraph (1)(A) shall include—

"(A) an examination of the potential market for a nationwide high-speed ground transportation network, including a national magnetic levitation ground transportation system;

"(B) an examination of the potential markets for short-haul high-speed ground transportation systems and for intercity and long-haul high-speed ground transportation systems, including an assessment of—

"(i) the current transportation practices and trends in each market; and

"(ii) the extent to which high-speed ground transportation systems would relieve the current or anticipated congestion on other modes of transportation;

"(C) projections of the costs of designing, constructing, and operating high-speed ground transportation systems, the extent to which such systems can recover their costs (including capital costs), and the alternative methods available for private and public financing;

"(D) the availability of rights-of-way to serve each market, including the extent to which average and maximum speeds would be limited by the curvature of existing rights-of-way and the prospect of increasing speeds through the acquisition of additional rights-of-way without significant relocation of residential, commercial, or industrial facilities;

"(E) a comparison of the projected costs of the various competing high-speed ground transportation technologies;

"(F) recommendations for funding mechanisms, tax incentives, liability provisions, and changes in statutes and regulations necessary to facilitate the development of individual high-speed ground transportation systems and the completion of a nationwide high-speed ground transportation network;

"(G) an examination of the effect of the construction and operation of high-speed ground transportation systems on regional employment and economic growth;

"(H) recommendations for the roles appropriate for local, regional, and State governments to facilitate construction of high-speed ground transportation systems, including the roles of regional economic development authorities;

"(I) an assessment of the potential for a high-speed ground transportation technology export market;

"(J) recommendations regarding the coordination and centralization of Federal efforts relating to high-speed ground transportation;

"(K) an examination of the role of the National Railroad Passenger Corporation in the development and operation of high-speed ground transportation systems; and

"(L) any other economic or financial analyses the Secretary considers important for carrying out this section.

"(3) The technical assessment referred to in paragraph (1)(B) shall include—

"(A) an examination of the various technologies developed for use in the transportation of passengers by high-speed ground

transportation, including a comparison of the safety (including dangers associated with grade crossings), energy efficiency, operational efficiencies, and environmental impacts of each system;

"(B) an examination of the potential role of a United States designed maglev system, developed as a prototype under section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991, in relation to the implementation of other high-speed ground transportation technologies and the national transportation system;

"(C) an examination of the work being done to establish safety standards for high-speed ground transportation as a result of the enactment of section 7 of the Rail Safety Improvement Act of 1988;

"(D) an examination of the need to establish appropriate technological, quality, and environmental standards for high-speed ground transportation systems;

"(E) an examination of the significant unresolved technical issues surrounding the design, engineering, construction, and operation of high-speed ground transportation systems, including the potential for the use of existing rights-of-way;

"(F) an examination of the effects on air quality, energy consumption, noise, land use, health, and safety as a result of the decreases in traffic volume on other modes of transportation that are expected to result from the full-scale development of high-speed ground transportation systems; and

"(G) any other technical assessments the Secretary considers important for carrying out this section.

"(e)(1) Within 12 months after the submission of the study required by subsection (d), the Secretary shall establish the national high-speed ground transportation policy (hereinafter in this section referred to as the 'Policy').

"(2) The Policy shall include—

"(A) provisions to promote the design, construction, and operation of high-speed ground transportation systems in the United States;

"(B) a determination whether the various competing high-speed ground transportation technologies can be effectively integrated into a national network and, if not, whether 1 or more such technologies should receive preferential encouragement from the Federal Government to enable the development of such a national network;

"(C) a strategy for prioritizing the markets and corridors in which the construction of high-speed ground transportation systems should be encouraged; and

"(D) provisions designed to promote American competitiveness in the market for high-speed ground transportation technologies.

"(3) The Secretary shall solicit comments from the public in the development of the Policy and may consult with other Federal agencies as appropriate in drafting the Policy.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 308 the following:

"309. High-speed ground transportation.".

(d) FUNDING.—

(1) OUT OF HIGHWAY TRUST FUND.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) the following sums:

(A) NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM.—For the national magnetic levitation prototype development program under this section $5,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $125,000,000 for fiscal year 1996, and $125,000,000 for fiscal year 1997.

(B) NATIONAL HIGH-SPEED GROUND TRANSPORTATION TECHNOLOGY DEMONSTRATION PROGRAM.—For the national high-speed ground transportation technology demonstration program under section 309 of title 49, United States Code, $5,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(2) OUT OF GENERAL FUND.—In addition to amounts made available by paragraph (1), there is authorized to be appropriated for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(A) $225,000,000 for the national magnetic levitation prototype development program under this section;

(B) $25,000,000 for the national high-speed ground transportation technology demonstration program under section 309 of title 49, United States Code; and

(C) $25,000,000 for national high-speed ground transportation research and development under section 309 of title 49, United States Code.

(3) PERIOD OF AVAILABILITY.—Funds made available by and under this section shall remain available until expended.

(4) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant or contract with funds made available by paragraph (1) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

(e) GUARANTEE OF OBLIGATIONS.—Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "shall be or have been used";

(B) by striking "or" after "car management systems)," and inserting in lieu thereof "(2)"; and

(C) by inserting ", or (3) to acquire, rehabilitate, improve, develop, or establish high-speed rail facilities or equipment" after "new railroad facilities";

(2) in subsection (g)—

(A) by inserting "or high-speed rail services" after "rail services" both places it appears in paragraph (3);

(B) by inserting "or passengers" after "provide shippers" in paragraph (3);

(C) by striking "or improved" and inserting in lieu thereof "improved, developed, or established" in paragraph (4);

(D) by striking "improved, rehabilitated, or acquired" and inserting in lieu thereof "acquired, rehabilitated, improved, developed, or established" in paragraph (5);

(E) by striking "and" at the end of paragraph (5);

(F) by inserting "or high-speed rail carrier" after "affected railroad" in paragraph (6);

(G) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(H) by adding at the end the following new paragraph:

"(7) in the case of high-speed rail facilities and equipment, at least 85 percent of such facilities and equipment are mined, produced, or manufactured in the United States, unless the Secretary finds in writing that—

"(A) such requirement would be inconsistent with the public interest;

"(B) such facilities and equipment could not be mined, produced, or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality;

"(C) such a requirement would increase the cost of the facilities and equipment by more than 25 percent; or

"(D) such a requirement would result in a violation of obligations of the United States under international trade agreements.";

(3) in subsection (i)(1)—

(A) by amending subparagraph (B) to read as follows:

"(B)(i) will not use any funds or assets from railroad operations for nonrail purposes; and

"(ii) will not use any funds or assets from high-speed rail operations for purposes other than high-speed rail purposes,"; and

(B) by inserting "or high-speed rail services" after "provide rail services"; and

(4) by adding at the end the following new subsection:

"(n) DEFINITIONS.—As used in this section, the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails providing transportation service which is—

"(1) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(2) made available to members of the general public as passengers.

Such term does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation.".

(f) GENERAL ACCOUNTING OFFICE STUDY.—The Comptroller General, within 2 years after the date of the enactment of this Act, and annually thereafter, shall analyze the effectiveness of the application of section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 to high-speed rail facilities and equipment, and report the results of such analysis to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Reports.
45 USC 831 note.

SEC. 1037. RAILROAD RELOCATION DEMONSTRATION PROGRAM.

Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking "and 1991," and inserting "1991, 1992, 1993, and 1994,".

SEC. 1038. USE OF RECYCLED PAVING MATERIAL.

Environmental protection.
23 USC 109 note.

(a) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER DEMONSTRATION PROGRAM.—Notwithstanding any other provision of

title 23, United States Code, or regulation or policy of the Department of Transportation, the Secretary (or a State acting as the Department's agent) may not disapprove a highway project under chapter 1 of title 23, United States Code, on the ground that the project includes the use of asphalt pavement containing recycled rubber. Under this subsection, a patented application process for recycled rubber shall be eligible for approval under the same conditions that an unpatented process is eligible for approval.

(b) STUDIES.—

(1) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency shall coordinate and conduct, in cooperation with the States, a study to determine—

(A) the threat to human health and the environment associated with the production and use of asphalt pavement containing recycled rubber;

(B) the degree to which asphalt pavement containing recycled rubber can be recycled; and

(C) the performance of the asphalt pavement containing recycled rubber under various climate and use conditions.

(2) DIVISION OF RESPONSIBILITIES.—The Administrator shall conduct the part of the study relating to paragraph (1)(A) and the Secretary shall conduct the part of the study relating to paragraph (1)(C). The Administrator and the Secretary shall jointly conduct the study relating to paragraph (1)(B).

(3) ADDITIONAL STUDY.—The Secretary and the Administrator, in cooperation with the States, shall jointly conduct a study to determine the economic savings, technical performance qualities, threats to human health and the environment, and environmental benefits of using recycled materials in highway devices and appurtenances and highway projects, including asphalt containing over 80 percent reclaimed asphalt, asphalt containing recycled glass, and asphalt containing recycled plastic.

(4) ADDITIONAL ELEMENTS.—In conducting the study under paragraph (3), the Secretary and the Administrator shall examine utilization of various technologies by States and shall examine the current practices of all States relating to the reuse and disposal of materials used in federally assisted highway projects.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary and the Administrator shall transmit to Congress a report on the results of the studies conducted under this subsection, including a detailed analysis of the economic savings and technical performance qualities of using such recycled materials in federally assisted highway projects and the environmental benefits of using such recycled materials in such highway projects in terms of reducing air emissions, conserving natural resources, and reducing disposal of the materials in landfills.

(c) DOT GUIDANCE.—

(1) INFORMATION GATHERING AND DISTRIBUTION.—The Secretary shall gather information and recommendations concerning the use of asphalt containing recycled rubber in highway projects from those States that have extensively evaluated and experimented with the use of such asphalt and implemented such projects and shall make available such information and

recommendations on the use of such asphalt to those States which indicate an interest in the use of such asphalt.

(2) ENCOURAGEMENT OF USE.—The Secretary should encourage the use of recycled materials determined to be appropriate by the studies pursuant to subsection (b) in federally assisted highway projects. Procuring agencies shall comply with all applicable guidelines or regulations issued by the Administrator of the Environmental Protection Agency.

(d) USE OF ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

(1) STATE CERTIFICATION.—Beginning on January 1, 1995, and annually thereafter, each State shall certify to the Secretary that such State has satisfied the minimum utilization requirement for asphalt pavement containing recycled rubber established by this section. The minimum utilization requirement for asphalt pavement containing recycled rubber as a percentage of the total tons of asphalt laid in such State and financed in whole or part by any assistance pursuant to title 23, United States Code, shall be—

(A) 5 percent for the year 1994;

(B) 10 percent for the year 1995;

(C) 15 percent for the year 1996; and

(D) 20 percent for the year 1997 and each year thereafter.

(2) OTHER MATERIALS.—Any recycled material or materials determined to be appropriate by the studies under subsection (b) may be substituted for recycled rubber under the minimum utilization requirement of paragraph (1) up to 5 percent.

(3) INCREASE.—The Secretary may increase the minimum utilization requirement of paragraph (1) for asphalt pavement containing recycled rubber to be used in federally assisted highway projects to the extent it is technologically and economically feasible to do so and if an increase is appropriate to assure markets for the reuse and recycling of scrap tires. The minimum utilization requirement for asphalt pavement containing recycled rubber may not be met by any use or technique found to be unsuitable for use in highway projects by the studies under subsection (b).

(4) PENALTY.—The Secretary shall withhold from any State that fails to make a certification under paragraph (1) for any fiscal year, a percentage of the apportionments under section 104 (other than subsection (b)(5)(A)) of title 23, United States Code, that would otherwise be apportioned to such State for such fiscal year under such section equal to the percentage utilization requirement established by paragraph (1) for such fiscal year.

(5) SECRETARIAL WAIVER.—The Secretary may set aside the provisions of this subsection for any 3-year period on a determination, made in concurrence with the Administrator of the Environmental Protection Agency with respect to subparagraphs (A) and (B) of this paragraph, that there is reliable evidence indicating—

(A) that manufacture, application, or use of asphalt pavement containing recycled rubber substantially increases the threat to human health or the environment as compared to the threats associated with conventional pavement;

(B) that asphalt pavement containing recycled rubber cannot be recycled to substantially the same degree as conventional pavement; or

(C) that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads.

The Secretary shall consider the results of the study under subsection (b)(1) in determining whether a 3-year set-aside is appropriate.

(6) RENEWAL OF WAIVER.—Any determination made to set aside the requirements of this section may be renewed for an additional 3-year period by the Secretary, with the concurrence of the Administrator with respect to the determinations made under paragraphs (5)(A) and (5)(B). Any determination made with respect to paragraph (5)(C) may be made for specific States or regions considering climate, geography, and other factors that may be unique to the State or region and that would prevent the adequate performance of asphalt pavement containing recycled rubber.

(7) INDIVIDUAL STATE REDUCTION.—The Secretary shall establish a minimum utilization requirement for asphalt pavement containing recycled rubber less than the minimum utilization requirement otherwise required by paragraph (1) in a particular State, upon the request of such State and if the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, determines that there is not a sufficient quantity of scrap tires available in the State prior to disposal to meet the minimum utilization requirement established under paragraph (1) as the result of recycling and processing uses (in that State or another State), including retreading or energy recovery.

(e) DEFINITIONS.—For purpose of this section—

(1) the term "asphalt pavement containing recycled rubber" means any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement base, surface course or interlayer, or other road and highway related uses and—

(A) is a mixture of not less than 20 pounds of recycled rubber per ton of hot mix or 300 pounds of recycled rubber per ton of spray applied binder; or

(B) is any mixture of asphalt pavement and recycled rubber that is certified by a State and is approved by the Secretary, provided that the total amount of recycled rubber from whole scrap tires utilized in any year in such State shall be not less than the amount that would be utilized if all asphalt pavement containing recycled rubber laid in such State met the specifications of subparagraph (A) and subsection (d)(1); and

(2) the term "recycled rubber" is any crumb rubber derived from processing whole scrap tires or shredded tire material taken from automobiles, trucks, or other equipment owned and operated in the United States.

23 USC 144 note.

SEC. 1039. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM.

(a) RESEARCH GRANTS.—The Secretary may make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and any research or engineering entity to carry out research on 1 or more of the following:

(1) Development of new, economical highway timber bridge systems.

(2) Development of engineering design criteria for structural wood products for use in highway bridges in order to improve methods for characterizing lumber design properties.

(3) Preservative systems for use in highway timber bridges which demonstrate new alternatives and current treatment processes and procedures and which are environmentally sound with respect to application, use, and disposal of treated wood.

(4) Alternative transportation system timber structures which demonstrate the development of applications for railing, sign, and lighting supports, sound barriers, culverts, and retaining walls in highway applications.

(5) Rehabilitation measures which demonstrate effective, safe, and reliable methods for rehabilitating existing highway timber structures.

(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as may be necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interested persons.

(c) CONSTRUCTION GRANTS.—

(1) AUTHORITY.—The Secretary shall make grants to States for construction of highway timber bridges on rural Federal-aid highways.

(2) APPLICATIONS.—A State interested in receiving a grant under this subsection must submit an application therefor to the Secretary. Such application shall be in such form and contain such information as the Secretary may require by regulation.

(3) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this subsection based on the following criteria:

(A) Bridge designs which have both initial and long-term structural and environmental integrity.

(B) Bridge designs which utilize timber species native to the State or region.

(C) Innovative bridge designs which have the possibility of increasing knowledge, cost effectiveness, and future use of such designs.

(D) Environmental practices for preservative treated timber, and construction techniques which comply with all environmental regulations, will be utilized.

(d) FEDERAL SHARE.—The Federal share of the costs of research and construction projects carried out under this section shall be 80 percent.

(e) FUNDING.—From the funds reserved from apportionment under section 144(g)(1) of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

(1) $1,000,000 shall be available to the Secretary for carrying out subsections (a) and (b); and

(2) $7,500,000 ($7,000,000 in the case of fiscal year 1992) shall be available to the Secretary for carrying out subsection (c).

Such sums shall remain available until expended.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

23 USC 101 note.

SEC. 1040. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—The Secretary shall use funds made available by subsection (e) to carry out highway use tax evasion projects in accordance with this section. Such funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary. The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this section.

(b) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only to expand efforts to enhance motor fuel tax enforcement, fund additional Internal Revenue Service staff but only to carry out functions described in this subsection, supplement motor fuel tax examinations and criminal investigations, develop automated data processing tools to monitor motor fuel production and sales, evaluate and implement registration and reporting requirements for motor fuel taxpayers, reimburse State expenses that supplement existing fuel tax compliance efforts, and analyze and implement programs to reduce tax evasion associated with other highway use taxes.

(c) MAINTENANCE OF EFFORT.—The Secretary may not make a grant to a State under this section in a fiscal year unless the State certifies that aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level which does not fall below the average level of such expenditure for its last 2 fiscal years.

(d) REPORTS.—

(1) IN GENERAL.—On September 30 and March 31 of each year, the Secretary shall transmit to the Committee on Environment and Public Works and the Committee on Finance of the Senate and the Committee on Public Works and Transportation and the Committee on Ways and Means of the House of Representatives a report on motor fuel tax enforcement activities under this section and the expenditure of funds made available to carry out this section, including expenses for the hiring of additional staff by any Federal agency.

(2) USE OF REVENUES FOR ENFORCEMENT OF HIGHWAY TRUST FUND TAXES.—The Secretary of the Treasury shall, at least 60 days before the beginning of each fiscal year (after fiscal year 1992) for which funds are to be allocated to the Internal Revenue Service under this section, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 9503(b)(1) of the Internal Revenue Code of 1986.

(e) USE OF DYE AND MARKERS.—

(1) STUDY.—The Secretary, in consultation with the Internal Revenue Service, shall conduct a study to determine the feasibility and the desirability of using dye and markers to aid in motor fuel tax enforcement activities and other purposes.

(2) REPORT.—Not later than 1 year after the effective date of this section, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(f) FUNDING.—

(1) HIGHWAY TRUST FUND.—There shall be available to the Secretary for carrying out this section, out of the Highway

Trust Fund (other than the Mass Transit Account), $5,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997. Such sums shall be available for obligation in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code; except that the Federal share for projects carried out under this section shall be 100 percent and the sums shall remain available until expended.

(2) GENERAL FUND.—There are authorized to be appropriated to carry out this section $2,500,000 per fiscal year for each of fiscal years 1992 through 1997. Such sums shall remain available until expended.

(g) STATE DEFINED.—For purposes of this section, the term "State" means the 50 States and the District of Columbia.

SEC. 1041. REGULATORY INTERPRETATIONS.

(a) INCLUSION OF COATING OF STEEL IN BUY AMERICA PROGRAM.—Section 635.410 of title 23 of the Code of Federal Regulations and any similar regulation, ruling, or decision shall be applied as if to include coating.

(b) FUNDING OF FUSEES AND FLARES.—Section 393.95 of title 49 of the Code of Federal Regulations shall be applied so that fusees and flares are given equal priority with regard to use as reflecting signs.

SEC. 1042. INDIAN RESERVATION ROADS STUDY. 23 USC 202 note.

(a) STUDY.—The Secretary shall conduct a study on the funding needs for Indian reservation roads taking into account funding and other quality inequities between Indian reservation roads and other highway systems.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section, together with any legislative and administrative recommendations of the Secretary for correcting inequities identified under such study.

SEC. 1043. REPORT TO CONGRESS ON QUALITY IMPROVEMENT. 23 USC 307 note.

(a) REPORT TO CONGRESS ON QUALITY IMPROVEMENT.—The Comptroller General shall submit within 24 months following the date of the enactment of this title a report to Congress addressing means for improving the quality of highways constructed with Federal assistance. This report shall address Federal design standards, engineering and design services, and construction of Federal-aid highway projects.

(b) SCOPE OF THE REPORT TO CONGRESS.—In preparing such report, the Comptroller shall address, at a minimum, the following:

(1) Alternative modifications to current Federal and State minimum design standards, including but not limited to, the anticipated impacts these alternatives would have on the serviceability, maintenance, expected life, and costs (including engineering and design, construction maintenance, operation and replacement costs).

(2) Inclusion of guarantee and warranty clauses in contracts with designers, contractors, and State highway departments to address, at a minimum, potential costs and benefits of such clauses; any liability or insurance constraints or concerns; implications for small, minority, or disadvantaged businesses; currently existing options for States to require these clauses or other means with similar effect without additional Federal

legislation, and the effect these or similar clauses may have on the availability of insurance and bonds for design professionals and contractors and the implication to the public of any change in such availability.

(3) Means of enhancing the maintenance of the Federal-aid Highway System to ensure the public investment in such system is protected.

23 USC 120 note.

SEC. 1044. CREDIT FOR NON-FEDERAL SHARE.

(a) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for all programs under this Act and title 23, United States Code, toll revenues that are generated and used by public, quasi-public and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public or private agencies shall have built, improved, or maintained such facilities without Federal funds.

(b) MAINTENANCE OF EFFORT.—The credit for any non-Federal share shall not reduce nor replace State monies required to match Federal funds for any program pursuant to this Act or title 23, United States Code. In receiving a credit for non-Federal capital expenditures under this section, a State shall enter into such agreements as the Secretary may require to ensure that such State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding three fiscal years.

Contracts.

(c) TREATMENT.—Use of such credit for a non-Federal share shall not expose such agencies from which the credit is received to additional liability, additional regulation or additional administrative oversight. When credit is applied from chartered multi-State agencies, such credit shall be applied equally to all charter States. The public, quasi-public, and private agencies from which the credit for which the non-Federal share is calculated shall not be subject to any additional Federal design standards, laws or regulations as a result of providing non-Federal match other than those to which such agency is already subject.

Wisconsin.

SEC. 1045. SUBSTITUTE PROJECT.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Governor of the State of Wisconsin, submitted after consultation with appropriate local government officials, the Secretary may approve substitute highway, bus transit, and light rail transit projects, in lieu of construction of the I-94 East-West Transitway project in Milwaukee and Waukesha Counties, as identified in the 1991 Interstate Cost Estimate.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute highway or transit project or projects under subsection (a), the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate submitted to Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project or projects.

(c) LIMITATION ON ELIGIBILITY.—If, by October 1, 1993, or two years after the date of the enactment of this Act, whichever is later, the

Governor of the State of Wisconsin has not submitted a request for a substitute project or projects in lieu of the I-94 East-West Transitway, the Secretary shall not approve such substitution. If, by October 1, 1995, or four years after the date of the enactment of this Act, whichever is later, such substitute project or projects are not under construction, or under contract for construction, no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project or projects. For the purposes of this subsection, the term "construction" has the same meaning as given to it in section 101, title 23, United States Code, and shall include activities such as preliminary engineering and right-of-way acquisition.

(d) ADMINISTRATIVE PROVISIONS.—

(1) STATUS OF SUBSTITUTE PROJECT OR PROJECTS.—Any substitute project approved under subsection (a) shall be deemed to be a substitute project for the purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENT.—Unobligated apportionments for the Interstate System in the State of Wisconsin shall, on the date of approval of any substitute project or projects under subsection (a), be applied toward the Federal share of the costs of such substitute project or projects.

(3) ADMINISTRATION THROUGH FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

(4) FISCAL YEARS 1993 AND 1994 APPORTIONMENTS.—For the purpose of apportioning funds for fiscal years 1993 and 1994 under section 104(b)(5)(A), the Secretary shall consider Wisconsin as having no remaining eligible costs. For the purpose of apportioning funds under section 104(b)(5)(A) of title 23, United States Code, for fiscal year 1995 and subsequent fiscal years, Wisconsin's actual remaining eligible costs shall be used.

(e) TRANSFER OF APPORTIONMENTS.—Wisconsin may transfer Interstate construction apportionments to its National Highway System in amounts equal to or less than the costs for additional work on sections of the Interstate System that have been built with Interstate construction funds and that are open to traffic as shown in the 1991 Interstate Cost Estimate.

SEC. 1046. CONTROL OF OUTDOOR ADVERTISING.

(a) FUNDING.—Section 131(m) of title 23, United States Code, is amended by adding at the end the following new sentence: "Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.".

(b) REMOVAL OF ILLEGAL SIGNS.—Section 131 of such title is amended by adding at the end the following new subsection:

"(r) REMOVAL OF ILLEGAL SIGNS.—

"(1) BY OWNERS.—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

"(2) BY STATES.—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.".

(c) SCENIC BYWAY PROHIBITION.—Such section is further amended by adding at the end the following new subsections:

"(s) SCENIC BYWAY PROHIBITION.—If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section.

"(t) PRIMARY SYSTEM DEFINED.—For purposes of this section, the terms 'primary system' and 'Federal-aid primary system' mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

23 USC 131 note.

(d) STATE COMPLIANCE LAWS.—The amendments made by this section shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code.

23 USC 101 note.

SEC. 1047. SCENIC BYWAYS PROGRAM.

(a) SCENIC BYWAYS ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish in the Department of Transportation an advisory committee to assist the Secretary with respect to establishment of a national scenic byways program under title 23, United States Code.

(2) MEMBERSHIP.—The advisory committee established under this section shall be composed of 17 members as follows:

(A) The Administrator of the Federal Highway Administration or the designee of the Administrator who shall serve as chairman of the advisory committee.

(B) The Chief of the Forest Service of the Department of Agriculture or the designee of the Chief.

(C) The Director of the National Park Service of the Department of the Interior or the designee of the Director.

(D) The Director of the Bureau of Land Management of the Department of the Interior or the designee of the Director.

(E) The Under Secretary for Travel and Tourism of the Department of Commerce or the designee of the Under Secretary.

(F) The Assistant Secretary for Indian Affairs of the Department of the Interior or the designee of the Assistant Secretary.

(G) 1 individual appointed by the Secretary who is specially qualified to represent the interests of conservationists on the advisory committee.

(H) 1 individual appointed by the Secretary of Transportation who is specially qualified to represent the interests

of recreational users of scenic byways on the advisory committee.

(I) 1 individual appointed by the Secretary who is specially qualified to represent the interests of the tourism industry on the advisory committee.

(J) 1 individual appointed by the Secretary who is specially qualified to represent the interests of historic preservationists on the advisory committee.

(K) 1 individual appointed by the Secretary who is specially qualified to represent the interests of highway users on the advisory committee.

(L) 1 individual appointed by the Secretary to represent State highway and transportation officials.

(M) 1 individual appointed by the Secretary to represent local highway and transportation officials.

(N) 1 individual appointed by the Secretary who is specially qualified to serve on the advisory committee as a planner.

(O) 1 individual appointed by the Secretary who is specially qualified to represent the motoring public.

(P) 1 individual appointed by the Secretary who is specially qualified to represent groups interested in scenic preservation.

(Q) 1 individual appointed by the Secretary who represents the outdoor advertising industry.

Individuals appointed as members of the advisory committee under subparagraphs (G) through (P) may be State and local government officials. Members shall serve without compensation other than for reasonable expenses incident to functions of the advisory committee.

(3) FUNCTIONS.—The advisory committee established under this subsection shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as all-American roads for purposes of a national scenic byways program to be established under title 23, United States Code. Such recommendations shall include recommendations on the following:

(A) Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and all-American roads and the areas surrounding such highways.

(B) Operation and management standards for highways designated as scenic byways and all-American roads, including strategies for maintaining or improving the qualities for which a highway is designated as a scenic byway or all-American road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.

(C)(i) Standards for scenic byway-related signs, including those which identify highways as scenic byways and all-American roads.

(ii) The advisability of uniform signs identifying highways as components of the scenic byway system.

(D) Standards for maintaining highway safety on the scenic byway system.

(E) Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byway system.

(F) Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.

(G) Such other matters as the advisory committee may deem appropriate.

(H) Such other matters for which the Secretary may request recommendations.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, the advisory committee established under this section shall submit to the Secretary and Congress a report containing the recommendations described in paragraph (3).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide technical assistance to the States (as such term is defined under section 101 of title 23, United States Code) and shall make grants to the States for the planning, design, and development of State scenic byway programs.

(c) FEDERAL SHARE.—The Federal share payable for the costs of planning, design, and development of State scenic byway programs under this section shall be 80 percent.

(d) FUNDING.—There shall be available to the Secretary for carrying out this section (other than subsection (f)), out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 for fiscal year 1992, $3,000,000 for fiscal year 1993, $4,000,000 for fiscal year 1994, and $14,000,000 for each of the fiscal years 1995, 1996, and 1997. Such sums shall remain available until expended.

(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of activities for which the grant is being made.

(f) INTERIM SCENIC BYWAYS PROGRAM.—

(1) GRANT PROGRAM.—During fiscal years 1992, 1993, and 1994, the Secretary may make grants to any State which has a scenic highway program for carrying out eligible projects on highways which the State has designated as scenic byways.

(2) PRIORITY PROJECTS.—In making grants under paragraph (1), the Secretary shall give priority to—

(A) those eligible projects which are included in a corridor management plan for maintaining scenic, historic, recreational, cultural, and archeological characteristics of the corridor while providing for accommodation of increased tourism and development of related amenities;

(B) those eligible projects for which a strong local commitment is demonstrated for implementing the management plans and protecting the characteristics for which the highway is likely to be designated as a scenic byway;

(C) those eligible projects which are included in programs which can serve as models for other States to follow when establishing and designing scenic byways on an intrastate or interstate basis; and

(D) those eligible projects in multi-State corridors where the States submit joint applications.

(3) ELIGIBLE PROJECTS.—The following are projects which are eligible for Federal assistance under this subsection:

(A) Planning, design, and development of State scenic byway programs.

(B) Making safety improvements to a highway designated as a scenic byway under this subsection to the extent such improvements are necessary to accommodate increased traffic, and changes in the types of vehicles using the highway, due to such designation.

(C) Construction along the highway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

(D) Improvements to the highway which will enhance access to an area for the purpose of recreation, including water-related recreation.

(E) Protecting historical and cultural resources in areas adjacent to the highway.

(F) Developing and providing tourist information to the public, including interpretive information about the scenic byway.

(4) FEDERAL SHARE.—The Federal share payable for the costs of carrying out projects and developing programs under this subsection with funds made available pursuant to this subsection shall be 80 percent.

(5) FUNDING.—There shall be available to the Secretary for carrying out this subsection, out of the Highway Trust Fund (other than the Mass Transit Account), $10,000,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, and $10,000,000 for fiscal year 1994. Such sums shall remain available until expended.

(g) LIMITATION.—The Secretary shall not make a grant under this section for any project which would not protect the scenic, historic, recreational, cultural, natural, and archeological integrity of the highway and adjacent area. The Secretary may not use more than 10 percent of the funds authorized for each fiscal year under subsection (f)(5) for removal of any outdoor advertising sign, display, or device.

(h) TREATMENT OF SCENIC HIGHWAYS IN OREGON.—For purposes of this section, a highway designated as a scenic highway in the State of Oregon shall be treated as a scenic byway.

SEC. 1048. BUY AMERICA.

(a) INCLUSION OF IRON.—Section 165(a) of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 101 note) is amended by inserting ", iron," after "steel".

(b) WAIVERS; INTENTIONAL VIOLATIONS.—Section 165 of such Act is amended by adding at the end the following new subsections: 23 USC 101 note.

"(e) REPORT ON WAIVERS.—By January 1, 1995, the Secretary shall submit to Congress a report on the purchases from foreign entities waived under subsection (b) in fiscal years 1992 and 1993, indicating the dollar value of items for which waivers were granted under subsection (b).

"(f) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally— Contracts.

"(1) affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

"(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States;

that person shall be ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

"(g) LIMITATION ON APPLICABILITY OF WAIVERS TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—If the Secretary, in consultation with the United States Trade Representative, determines that—

"(1) a foreign country is a party to an agreement with the United States and pursuant to that agreement the head of an agency of the United States has waived the requirements of this section, and

"(2) the foreign country has violated the terms of the agreement by discriminating against products covered by this section that are produced in the United States and are covered by the agreement,

the provisions of subsection (b) shall not apply to products produced in that foreign country.".

23 USC 109 note.

SEC. 1049. DESIGN STANDARDS.

(a) SURVEY.—The Secretary shall conduct a survey to identify current State standards relating to geometric design, traffic control devices, roadside safety, safety appurtenance design, uniform traffic control devices, and sign legibility and directional clarity for all Federal-aid highways. The purpose of the survey is to determine the necessity of upgrading such standards in order to enhance highway safety. In conducting the survey, the Secretary shall take into consideration posted speed limits as they relate to the design of the highway.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the survey conducted under this section, and on the crashworthiness of traffic lights, traffic signs, guardrails, impact attenuators, concrete barrier treatments, and breakaway utility poles for bridges and roadways currently used by States, together with any recommendations of the Secretary relating to the purpose of the survey.

23 USC 138 note.

SEC. 1050. TRANSPORTATION IN PARKLANDS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall conduct and transmit to Congress a study of alternative transportation modes for use in the National Park System. In conducting such study, the Secretary shall consider (1) the economic and technical feasibility, environmental effects, projected costs and benefits as compared to the costs and benefits of existing transportation systems, and general suitability of transportation modes that would provide efficient and environmentally sound ingress to and egress from National Park lands; and (2)

methods to obtain private capital for the construction of such transportation modes and related infrastructure.

(b) FUNDING.—From sums authorized to be appropriated for park roads and parkways for fiscal year 1992, $300,000 shall be available to carry out this section.

SEC. 1051. WORK ZONE SAFETY. 23 USC 401 note.

The Secretary shall develop and implement a work zone safety program which will improve work zone safety at highway construction sites by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.

SEC. 1052. NEW HAMPSHIRE FEDERAL-AID PAYBACK.

(a) EFFECT OF REPAYMENT.—The amount of all Federal-aid highway funds paid on account of those completed sections of the Nashua-Hudson Circumferential in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States before October 1, 1992. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New Hampshire in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall remain available until expended.

(b) USE OF REPAID FUNDS.—Upon repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-Aid Highway Program of the projects on the section in subsection (c) as provided in subsection (a) of this section, such section of this route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) PROJECT DESCRIPTION.—The provisions of this section shall apply to the section of the completed Nashua-Hudson Circumferential between the Daniel Webster Highway in the city of Nashua and New Hampshire Route 3A in the town of Hudson.

SEC. 1053. METRIC SYSTEM SIGNING.

Section 144 of the Federal-Aid Highway Act of 1978 (92 Stat. 2713; 23 U.S.C. 109 note) is repealed.

SEC. 1054. TEMPORARY MATCHING FUND WAIVER. 23 USC 120 note.

(a) WAIVER OF MATCHING SHARE.—Notwithstanding any other provision of law, the Federal share of any qualifying project approved by the Secretary under title 23, United States Code, and of any qualifying project for which the United States becomes obligated to pay under title 23, United States Code, during the period beginning on October 1, 1991, and ending September 30, 1993, shall be the percentage of the construction cost as the State requests, up to and including 100 percent.

(b) REPAYMENT.—The total amount of increases in the Federal share made pursuant to subsection (a) for any State shall be repaid to the United States by the State on or before March 30, 1994. Payments shall be deposited in the Highway Trust Fund and repaid

amounts shall be credited to the appropriate apportionment accounts of the State.

(c) DEDUCTION FROM APPORTIONMENTS.—If a State has not made the repayment as required by subsection (b), the Secretary shall deduct from funds apportioned to the State under title 23, United States Code, in each of the fiscal years 1995 and 1996, a pro rata share of each category of apportioned funds. The amount which shall be deducted in each fiscal year shall be equal to 50 percent of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for fiscal years 1995 and 1996 in accordance with title 23, United States Code, to those States which have not received a higher Federal share under this section and to those States which have made the repayment required by subsection (b).

(d) QUALIFYING PROJECT DEFINED.—For purposes of this section, the term "qualifying project" means a project approved by the Secretary after the effective date of this title, or a project for which the United States becomes obligated to pay after such effective date, and for which the Governor of the State submitting the project has certified, in accordance with regulations established by the Secretary, that sufficient funds are not available to pay the cost of the non-Federal share of the project.

SEC. 1055. RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION.

Section 213(c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(c)) is amended by inserting "and the Rural Electrification Administration" after "Tennessee Valley Authority".

SEC. 1056. USE OF HIGH OCCUPANCY VEHICLE LANES BY MOTORBIKES.

Section 163 of the Surface Transportation Assistance Act of 1982 (23 U.S.C. 146 note) is amended—

(1) by inserting before "and acceptance" the following: ", after notice in the Federal Register and an opportunity for public comment,"; and

Federal Register, publication.

(2) by adding at the end the following: "Any certification made before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.".

23 USC 109 note.

SEC. 1057. EROSION CONTROL GUIDELINES.

(a) DEVELOPMENT.—The Secretary shall develop erosion control guidelines for States to follow in carrying out construction projects funded in whole or in part under this title.

(b) MORE STRINGENT STATE REQUIREMENTS.—Guidelines developed under subsection (a) shall not preempt any requirement made by or under State law if such requirement is more stringent than the guidelines.

(c) CONSISTENCY WITH OTHER PROGRAMS.—Guidelines developed under subsection (a) shall be consistent with nonpoint source management programs under section 319 of the Federal Water Pollution Control Act and coastal nonpoint pollution control guidance under section 6217(g) of the Omnibus Budget Reconciliation Act of 1990.

SEC. 1058. ROADSIDE BARRIER TECHNOLOGY. 23 USC 109 note.

(a) REQUIREMENT FOR INNOVATIVE BARRIERS.—Not less than 2½ percent of the mileage of new or replacement permanent median barriers included in awarded contracts along Federal-aid highways within the boundaries of a State in each calendar year shall be innovative safety barriers.

(b) CERTIFICATION.—Each State shall annually certify to the Secretary its compliance with the requirements of this section.

(c) DEFINITION OF INNOVATIVE SAFETY BARRIER.—For purposes of this section, the term "innovative safety barrier" means a median barrier, other than a guardrail, classified by the Federal Highway Administration as "experimental" or that was classified as "operational" after January 1, 1985.

SEC. 1059. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS. 23 USC 131 note.

(a) IN GENERAL.—The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or "logo" signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

(b) STUDY.—Not later than 1 year after the effective date of this title, the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs. Reports.

SEC. 1060. PRIVATE SECTOR INVOLVEMENT PROGRAM. 23 USC 112 note.

(a) ESTABLISHMENT.—The Secretary shall establish a private sector involvement program to encourage States to contract with private firms for engineering and design services in carrying out Federal-aid highway projects when it would be cost effective.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—In conducting the program under this section, the Secretary may make grants in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to not less than 3 States which the Secretary determines have implemented in the fiscal year preceding the fiscal year of the grant the most effective programs for increasing the percentage of funds expended for contracting with private firms (including small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals) for engineering and design services in carrying out Federal-aid highway projects.

(2) USE OF GRANTS.—A grant received by a State under this subsection may be used by the State only for awarding contracts for engineering and design services to carry out projects and activities for which Federal funds may be obligated under title 23, United States Code.

(3) FUNDING.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1992 through 1997. Such sums shall remain available until expended.

(c) REPORT BY FHWA.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Highway Administration shall submit to the Secretary a report on the amount of funds expended by each State in fiscal years 1980 through 1990 on contracts with private sector engineering and design firms in carrying out Federal-aid highway projects. The Secretary shall use information in the report to evaluate State engineering and

design programs for the purpose of awarding grants under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on implementation of the program established under this section.

(e) ENGINEERING AND DESIGN SERVICES DEFINED.—The term "engineering and design services" means any category of service described in section 112(b) of title 23, United States Code.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

SEC. 1061. UNIFORM TRAFFIC CONTROL DEVICES.

Arkansas.

(a) HIGHWAY PROJECT.—The Secretary shall carry out a highway project in the State of Arkansas to demonstrate the benefits of providing training to county and town traffic officials in the need for and application of uniform traffic control devices and to demonstrate the safety benefits of providing for adequate and safe warning and regulatory signs.

(b) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUNDS.—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for fiscal year 1992 to carry out this section—

(1) $200,000 for providing training; and

(2) $1,000,000 for providing warning and regulatory signs to counties, towns and cities.

Amounts provided under paragraph (2) shall be divided equally between counties with a total county population of 20,000 or less and counties with a total county population of more than 20,000. Such amounts shall be distributed fairly and equitably among counties, cities, and towns within those counties.

(c) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 percent and such funds shall remain available until expended. Funds made available under this section shall not be subject to any obligation limitation.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to Congress on the effectiveness of the project carried out under this section.

SEC. 1062. MOLLY ANN'S BROOK, NEW JERSEY.

The Secretary shall carry out a project to make modifications to bridges necessary for the Secretary of the Army to carry out a project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4119). Any Federal expenditures under this part for such project shall be treated as part of the non-Federal share of the cost of such flood control project.

SEC. 1063. PRESIDENTIAL HIGHWAY, FULTON COUNTY, GEORGIA.

CAUTION, Inc.

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary shall approve the construction of the Department of Transportation project MEACU-9152(2) in Fulton County, Georgia, as described in the legal settlement agreed to for the project by the

Georgia Department of Transportation, the city of Atlanta, and CAUTION, Inc. Execution of the settlement agreement by those parties and approval of the settlement agreement by the DeKalb County, Georgia Superior Court shall be deemed to constitute full compliance with all Federal laws applicable to carrying out the project.

(b) LIMITATIONS ON FEDERAL FUNDING.—With the exception of Federal funds expended for construction of the project described in subsection (a) and with the exception of Federal funds appropriated or authorized for the acquisition, creation, or development of parks or battlefield sites, no further Federal funds, including funds from the Highway Trust Fund and funds appropriated for the Federal-aid highway systems, shall be authorized, appropriated, or expended for expanding the capacity of the project described in subsection (a) or for new construction of a Federal-aid highway in any portion of rights-of-way previously acquired for Department of Transportation project MEACU-9152(2) which is not used for construction of such project as described in subsection (a) and in any portion of the rights-of-way previously acquired for Georgia project I-485-1(46) in Fulton County, Georgia; Georgia project U-061-1(14) in Fulton and DeKalb Counties, Georgia; and Georgia project F-056-1(12) in Fulton County, Georgia.

(c) LIMITATION ON EFFECT.—In the event that the settlement agreement referred to in subsection (a) is not executed by the parties or approved by the DeKalb County, Georgia Superior Court in Case No. 88-6429-3, this section shall have no force or effect.

SEC. 1064. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES. 23 USC 129 note.

(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c) of title 23, United States Code.

(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

(c) FUNDING.—There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for obligation at the discretion of the Secretary $14,000,000 for fiscal year 1992, $17,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996, and $18,000,000 for fiscal year 1997 in carrying out this section. Such sums shall remain available until expended.

(d) APPLICABILITY OF TITLE 23.—All provisions of chapter 1 of title 23, United States Code, that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.

(e) TREATMENT OF CERTAIN ROADS.—For purposes of this section, North Carolina State Routes 12, 45, 306, 615, and 168 and United States Route 421 in the State of North Carolina shall be treated as principal arterials. North Carolina.

SEC. 1065. ORANGE COUNTY TOLL PILOT PROJECTS. California.

(a) EXEMPTION OF CERTAIN LANDS.—For the purposes of any approval by the Secretary of proposed highway improvements authorized by section 129(d)(3) of title 23, United States Code, in Orange County, California, pursuant to section 303 of title 49,

United States Code, and section 138 of title 23, United States Code, those sections (collectively known as "section 4(f)") shall not be applicable to public park, recreation area, wildlife and waterfowl refuge (collectively referred to hereinafter in this section as "parkland")—

(1) that are acquired by a public entity after a governmental agency's approval of a State or Federal environmental document established the location of a highway adjacent to the parklands; or

(2) where the planning or acquisition documents for the parklands specifically referred to or reserved the specific location of the highway.

(b) APPLICABILITY.—Without limiting its prospective application, this section shall apply to any approval of the proposed highway improvements by the Secretary prior to the effective date of this section only if—

(1) the approximately 360 acres comprising the proposed Upper Peters Canyon Regional Park in Orange County, California, is conveyed to a public agency for use as public park and recreation land or a wildlife or waterfowl refuge, or both, within 90 days of such effective date;

(2) the approximately 100 acres of lands described as the Dedication Area in that certain Option Agreement dated April 16, 1991, by and between the city of Laguna Beach and the owner thereof is conveyed to a public agency for use as public park and recreation land for a wildlife or waterfowl refuge, or both, within 90 days of such effective date.

(c) PURPOSE.—This section is adopted in recognition of unique circumstances in Orange County, California, including a comprehensive land use planning process; the joint planning of thousands of acres of parklands with the locations of the proposed highway improvement; the provision of rights-of-way for high occupancy vehicle lanes and fixed rail transit in the 3 transportation corridors; the use of toll financing, which will discourage excessive automobile travel; and the inclusion of a county-wide growth management element and substantial local transit funding commitment in the county's voter-approved supplemental sales tax for transportation.

(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—In no event shall this section be construed to apply to any other highway projects other than the proposed San Joaquin Hills, Foothill, and Eastern Transportation Corridor highways in Orange County, California. Nothing in this section is intended to waive any provision of law (including the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act) other than the specific exemptions to section 303 of title 49 and section 138 of title 23, United States Code. Nothing in this section shall be construed to give effect to or approve regulations issued pursuant to section 4(f) and published in the Federal Register on April 1, 1991 (56 Federal Register 62).

23 USC note prec. 101.

SEC. 1066. RECODIFICATION.

The Secretary shall, by October 1, 1993, prepare a proposed recodification of title 23, United States Code, and related laws and submit the proposed recodification to Congress for consideration.

SEC. 1067. PRIOR DEMONSTRATION PROJECTS.

(a) TAMPA, FLORIDA.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(81) of such section shall be available to the Secretary for carrying out a highway project to widen, modernize, and make safety improvements to interstate route I-4 in Hillsborough County, Florida, from its intersection with I-275 in Tampa, Florida, to the Hillsborough-Polk County line.

(b) SANTA FE, NEW MEXICO.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(107) of such section shall be available to the Secretary for carrying out a highway project to construct a bypass for Santa Fe, New Mexico.

(c) LARKSPUR TO KORBEL, CALIFORNIA.—The unobligated balance of funds provided under section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 for carrying out subsection (a)(41)(B) of such section shall be available to the Secretary for carrying out a highway project to construct a transportation corridor along a right-of-way which is parallel to Route 101 in California and connects Larkspur, California, and Korbel, California.

(d) PASSAIC AND BERGEN COUNTIES, NEW JERSEY.—The highway project authorized by section 149(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181), shall include improvements to New Jersey State Route 21, the Crooks Avenue interchange between United States Route 46 and New Jersey State Route 20, and the United States Route 46 bridge over the Passaic River between Clifton and Elmwood Park, New Jersey. Notwithstanding any other provision of law, the Governor of the State of New Jersey shall carry out with respect to the construction of such highway project all of the responsibilities of the Secretary under title 23, United States Code, and all other provisions of law. To provide for expedited completion of the project, the Governor is authorized to waive any and all Federal requirements relating to the scheduling of activities associated with such highway project, including final design and right-of-way acquisition activities.

SEC. 1068. STORMWATER PERMIT REQUIREMENTS.

33 USC 1342 note.

(a) GENERAL RULE.—Notwithstanding the requirements of sections 402(p)(2) (B), (C), and (D) of the Federal Water Pollution Control Act, permit application deadlines for stormwater discharges associated with industrial activities from facilities that are owned or operated by a municipality shall be established by the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") pursuant to the requirements of this section.

(b) PERMIT APPLICATIONS.—

(1) INDIVIDUAL APPLICATIONS.—The Administrator shall require individual permit applications for discharges described in subsection (a) on or before October 1, 1992; except that any municipality that has participated in a timely part I group application for an industrial activity discharging stormwater that is denied such participation in a group application or for which a group application is denied shall not be required to submit an individual application until the 180th day following the date on which the denial is made.

(2) GROUP APPLICATIONS.—With respect to group applications for permits for discharges described in subsection (a), the Administrator shall require—

(A) part I applications on or before September 30, 1991, except that any municipality with a population of less than 250,000 shall not be required to submit a part I application before May 18, 1992; and

(B) part II applications on or before October 1, 1992, except that any municipality with a population of less than 250,000 shall not be required to submit a part II application before May 17, 1993.

(c) MUNICIPALITIES WITH LESS THAN 100,000 POPULATION.—The Administrator shall not require any municipality with a population of less than 100,000 to apply for or obtain a permit for any stormwater discharge associated with an industrial activity other than an airport, powerplant, or uncontrolled sanitary landfill owned or operated by such municipality before October 1, 1992, unless such permit is required by section 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act.

(d) UNCONTROLLED SANITARY LANDFILL DEFINED.—For the purposes of this section, the term "uncontrolled sanitary landfill" means a landfill or open dump, whether in operation or closed, that does not meet the requirements for run-on and run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect any application or permit requirement, including any deadline, to apply for or obtain a permit for stormwater discharges subject to section 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act.

(f) REGULATIONS.—The Administrator shall issue final regulations with respect to general permits for stormwater discharges associated with industrial activity on or before February 1, 1992.

SEC. 1069. MISCELLANEOUS HIGHWAY PROJECT AUTHORIZATIONS.

(a) BALTIMORE-WASHINGTON PARKWAY.—There is authorized to be appropriated $74,000,000 for renovation and reconstruction of the Baltimore-Washington Parkway in Prince Georges County, Maryland. The Federal share of the cost of such project shall be 100 percent.

(b) EXIT 26 BRIDGE.—There is authorized to be appropriated $22,400,000 for construction of the Exit 26 Bridge in Schenectady County, New York. The Federal share of the cost of such project shall be 80 percent.

(c) CUMBERLAND GAP TUNNEL.—There are authorized to be appropriated such sums as may be necessary to complete construction of the Cumberland Gap Tunnel, Kentucky, including associated approaches and other necessary road work. The Federal share of the cost of such project shall be 100 percent.

(d) RIVERSIDE EXPRESSWAY.—There is authorized to be appropriated $53,400,000 for construction of the Riverside Expressway, including bridges crossing the Monongahela River and Buffalo Creek, in the vicinity of Fairmont, West Virginia. The Federal share of the cost of such project shall be 80 percent.

(e) BUSWAY.—There is authorized to be appropriated $39,500,000 for design and construction of an exclusive busway linking Pittsburgh and Pittsburgh Airport. The Federal share of such project shall be 80 percent.

(f) EXTON BYPASS.—There is authorized to be appropriated $11,004,000 for construction of the Exton Bypass, in Exton, Pennsylvania. The Federal share of such project shall be 80 percent.

(g) PENNSYLVANIA ROUTE 33 EXTENSION.—There is authorized to be appropriated $5,400,000 for extension of Route 33 in Northampton County, Pennsylvania. The Federal share of such project shall be 80 percent.

(h) U.S. ROUTE 202.—There is authorized to be appropriated $4,500,000 for construction of U.S. Route 202. The Federal share of such project shall be 80 percent.

(i) WOODROW WILSON BRIDGE.—There is authorized to be appropriated $15,000,000 for rehabilitation of the Woodrow Wilson Bridge. The Federal share of such project shall be 100 percent.

(j) WARREN OUTERBELT IMPROVEMENT, WARREN, OHIO.—There is authorized to be appropriated $1,000,000 for design and construction of Warren Outerbelt improvements, Warren, Ohio. The Federal share of such project shall be 80 percent.

(k) OHIO STATE ROUTE 46 IMPROVEMENTS.—There is authorized to be appropriated $2,000,000 for design and construction of Ohio State Route 46 improvements. The Federal share of such project shall be 80 percent.

(l) OHIO STATE ROUTE 5 IMPROVEMENTS.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 5 improvements. The Federal share of such project shall be 80 percent.

(m) U.S. ROUTE 62 IMPROVEMENTS, OHIO.—There is authorized to be appropriated $1,000,000 for design and construction of U.S. Route 62 improvements, Ohio. The Federal share of such project shall be 80 percent.

(n) OHIO STATE ROUTE 534 IMPROVEMENTS.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 534 improvements. The Federal share of such project shall be 80 percent.

(o) OHIO STATE ROUTE 45 IMPROVEMENTS.—There is authorized to be appropriated $1,000,000 for design and construction of Ohio State Route 45 improvements. The Federal share of such project shall be 80 percent.

(p) ROUTE 120, LOCK HAVEN, PENNSYLVANIA.—There is authorized to be appropriated $4,000,000 for the widening of Route 120 and the removal of unstable rockfill area, Lock Haven, Pennsylvania. The Federal share of such project shall be 80 percent.

(q) TRUSS BRIDGE, TIOGA RIVER, LAWRENCEVILLE, PENNSYLVANIA.—There is authorized to be appropriated $3,200,000 to replace the existing Truss Bridge across the Tioga River, in Lawrenceville, Pennsylvania. The Federal share of such project shall be 80 percent.

(r) U.S. ROUTE 6, BRADFORD COUNTY, PENNSYLVANIA.—There is authorized to be appropriated $3,000,000 for the widening of U.S. Route 6 (Wysox Narrows Road), in Bradford County, Pennsylvania. The Federal share of such project shall be 80 percent.

(s) SEBRING/MANSFIELD BYPASS, PENNSYLVANIA.—There is authorized to be appropriated $4,800,000 for design and construction of the Sebring/Mansfield Bypass on U.S. 15, Pennsylvania. The Federal share of such project shall be 80 percent.

(t) I-5 IMPROVEMENTS.—The States of Oregon and Washington should give priority consideration to improvements on the I-5 Corridor. The Secretary shall give priority consideration to funding I-5 improvements in Oregon and Washington from section 118(c)(2) of

title 23, United States Code, as amended by this Act. The Secretary shall give the highest priority to those Oregon projects identified in the State's transportation improvement plan.

(u) ROUTE 219.—The Secretary shall designate Route 219 from the Maryland line to Buffalo, New York, as part of the National Highway System.

(v) COALFIELDS EXPRESSWAY.—There is authorized to be appropriated such sums as may be necessary for design and construction of the project known as "Coalfields Expressway" from Beckley, West Virginia, to the West Virginia-Virginia State line, generally following the corridor defined by, but not necessarily limited to, Routes 54, 97, 10, 16, and 93. The Federal share of such project shall be 80 percent.

(w) UNITED STATES ROUTE 119.—There is authorized to be appropriated $70,000,000 for upgrading United States Route 119 to 4 lanes beginning west of Huddy, Kentucky. The Federal share of such project shall be 80 percent.

(x) CHAMBERSBURG, PENNSYLVANIA.—Not later than 30 days after the date of the enactment of this Act, in Chambersburg, Pennsylvania, at both the intersection of Lincoln Way and Sixth Street and the intersection of Lincoln Way and Coldbrook Avenue, the Pennsylvania Department of Transportation shall include an exclusive pedestrian phase in the existing lighting sequence between the hours of 8:00 and 8:30 a.m. and between the hours of 2:45 and 3:45 p.m. on weekdays.

(y) CONSTRUCTION OF AND IMPROVEMENTS TO THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—There is authorized to be appropriated such sums as may be necessary for projects involving construction of, and improvements to, corridors of the Appalachian Development Highway System.

(z) UNITED STATES ROUTE 52 IN WEST VIRGINIA.—(1) There is authorized to be appropriated such sums as may be necessary for projects for the construction, renovation, and reconstruction of United States Route 52 in West Virginia.

(2) The Federal share payable on account of any such project shall be 80 percent of the cost thereof.

(aa) ROUTE 219, NEW YORK.—(1) For the purpose of projects to improve and upgrade Route 219 in New York, from Springeville to the Pennsylvania border Route 219 shall be considered as eligible for funding under the Appalachian Development Highway System.

(2) For purposes of paragraph (1) there is authorized to be appropriated such sums as may be necessary. The Federal share payable on account of such project shall be 80 percent of the cost thereof.

(bb) ROUTES 5 AND 92 CONGESTION MANAGEMENT PROJECT.—There is authorized to be appropriated $20,000,000 to carry out a project to relieve congestion in the vicinity of the intersection of routes 5 and 92 in the Towns of Manlius, New York, and Dewitt, New York.

(cc) ROCHESTER ADVANCED TRAFFIC MANAGEMENT SYSTEM.—There is authorized to be appropriated $15,000,000 to implement an integrated advanced traffic management/advanced driver information system in the city of Rochester, New York.

(dd) RENSSELAER ACCESS PROJECT.—There is authorized to be appropriated $35,000,000 to construct a new interchange (Exit 8) on Interstate Route 90, which includes an access-controlled roadway, in Rensselaer County, New York.

(ee) GOWANUS EXPRESSWAY CORRIDOR IMPROVEMENTS.—There is authorized to be appropriated $200,000,000 to carry out improvements to the Gowanus Expressway Corridor in Brooklyn, New York.

(ff) I-287 CROSS WESTCHESTER EXPRESSWAY HIGH OCCUPANCY VEHICLE LANE PROJECT.—There is authorized to be appropriated $200,000,000 to construct High Occupancy Vehicle Lanes on the Cross Westchester Expressway in Westchester County, New York.

(gg) OAK POINT LINK FREIGHT ACCESS PROJECT.—There is authorized to be appropriated $150,000,000 to complete the construction of the Oak Point Link in the Harlem River in New York City, New York.

(hh) OPERATIONAL IMPROVEMENTS, FRANKLIN DELANO ROOSEVELT DRIVE.—There is authorized to be appropriated $50,000,000 to carry out operational and safety improvements to the Franklin Delano Roosevelt Drive in New York City, New York.

SEC. 1070. MODIFICATIONS OF NIAGARA FALLS BRIDGE COMMISSION CHARTER.

(a) PAYMENT OF COSTS.—

(1) IN GENERAL.—Section 4 of the joint resolution entitled "Joint resolution creating the Niagara Falls Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, New York", approved June 16, 1938, as amended (hereinafter in this section referred to as the "Joint Resolution"), is amended to read as follows: 52 Stat. 768.

"SEC. 4. The Commission is authorized to issue its obligations to provide funds for the acquisition or construction of bridges (provided the same is authorized by Act or Joint Resolution of Congress of the United States), and the repair, renovation and expansion of the same, working capital and other expenditures and deposits convenient to carrying out the Commission's purposes. The terms of the obligations shall be determined by resolution of the Commission (subject to such agreements with bondholders as may then exist), including provisions regarding rates of interest (either fixed or variable), contracts for credit support, risk management, liquidity or other financial arrangements, security or provision for payment of the obligations and such contracts (including the general obligation of the Commission and the pledge of all or any particular revenues or proceeds of obligations of the Commission). The obligations shall be sold at public or private sale at such prices above or below par as the Commission shall determine. As used herein 'bridges' includes approaches thereto, land, easements and functionally related appurtenances.".

(2) EXISTING CONTRACTUAL RIGHTS.—The amendments made by paragraph (1) shall be subject to the contractual rights of the holders of any of the bonds of the Niagara Falls Bridge Commission which are outstanding as of the date of the enactment of this section.

(b) REPAYMENTS.—Section 5 of the Joint Resolution is amended— 52 Stat. 769.

(1) in the first sentence—

(A) by striking "a fund" and "a sinking fund" each place such terms appear and inserting "funds",

(B) by striking "herein provided" and inserting "provided by resolution",

(C) by striking "bonds" and inserting "obligations,", and

(D) by striking "bridge" and inserting "bridges" each place such term appears, and

(2) by striking the second and third sentences and inserting: "After payment or provision for payment of the foregoing uses, the remainder of the tolls shall be applied, as and when the Commission determines, for purposes convenient to the accomplishment of its purposes.".

52 Stat. 769.

(c) TREATMENT OF COMMISSION.—The last sentence of section 6 of the Joint Resolution is amended to read as follows: "The Commission shall be deemed for purposes of all Federal law to be a public agency or public authority of the State of New York, notwithstanding any other provision of law.".

52 Stat. 770.

(d) ADMINISTRATIVE PROVISIONS.—Section 8 of the Joint Resolution is amended in the second sentence thereof by striking out "shall not be entitled to any compensation for their services but" and inserting "shall be entitled to reimbursement for actual expenses incurred in the performance of official duties and to a per diem allowance per member of $150 when rendering services as such member (but not exceeding $10,000 for any member in any fiscal year).".

Contracts.

SEC. 1071. PEACE BRIDGE TRUCK INSPECTION FACILIITIES.

Notwithstanding any other provision of law, the Administrator of General Services shall lease truck inspection facilities for the Peace Bridge. Such facilities must be immediately adjacent to the intersection of Porter Avenue and the New York State Thruway in Buffalo, New York. Before leasing such facilities, the Administrator must be assured that the facilities will be offered at a fair market price and that the facilities chosen will be connected to the bridge by a secure access road. Provided that these conditions are met, the Administrator shall enter into the lease on or before April 30, 1992.

23 USC 130 note.

SEC. 1072. VEHICLE PROXIMITY ALERT SYSTEM.

The Secretary shall coordinate the field testing of the vehicle proximity alert system and comparable systems to determine their feasibility for use by priority vehicles as an effective railroad-highway grade crossing safety device. In the event the vehicle proximity alert or a comparable system proves to be technologically and economically feasible, the Secretary shall develop and implement appropriate programs under section 130 of title 23, United States Code, to provide for installation of such devices where appropriate.

23 USC 109 note.

SEC. 1073. ROADSIDE BARRIERS AND SAFETY APPURTENANCES.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to revise the guidelines and establish standards for installation of roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such rulemaking shall reflect state-of-the-art designs, testing, and evaluation criteria contained in the National Cooperative Highway Research Program Report 230, relating to approval standards which provide an enhanced level of crashworthy performance to accommodate vans, mini-vans, pickup trucks, and 4-wheel drive vehicles.

(b) FINAL RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the rulemaking proceeding initiated under subsection (a), and issue a final rule

regarding the implementation of revised guidelines and standards for acceptable roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions. Such revised guidelines and standards shall accommodate vans, mini-vans, pickup trucks, and 4-wheel drive vehicles and shall be applicable to the refurbishment and replacement of existing roadside barriers and safety appurtenances as well as to the installation of new roadside barriers and safety appurtenances.

SEC. 1074. DESIGNATION OF UNITED STATES ROUTE 69.

Notwithstanding any other provision of law, upon the request of the Oklahoma State highway agency, the Secretary shall designate the portion of United States Route 69 from the Oklahoma-Texas State line to Checotah in the State of Oklahoma as a part of the Interstate System pursuant to section 139 of title 23, United States Code.

SEC. 1075. SPECIAL PROVISIONS REGARDING CERTAIN HYDROELECTRIC PROJECTS.

(a) BRASFIELD DAM PROJECT IN VIRGINIA.—(1) Notwithstanding section 13 of the Federal Power Act providing for the termination of a license issued by the Federal Energy Regulatory Commission (hereinafter in this subsection referred to as the "Commission") to the Appomattox River Water Authority (hereinafter in this subsection referred to as the "Authority") for the Brasfield Dam Hydroelectric Project (FERC Project No. 9840-001) on the Appomattox River in Chesterfield and Dinwiddie Counties, Virginia, and notwithstanding the prior surrender of such license by the Authority, the Commission shall reissue such license to the Authority, together with any amendments necessary and appropriate to carry out this subsection, and extend the period referred to in section 13 of that Act for a period ending 3 years after the enactment of this Act, subject to the requirements of this section and the provisions of Federal Power Act.

(2) During the 3-year period referred to in paragraph (1), the Commission shall issue an order, at the request of the Authority, permitting the Authority to transfer the license for such project to another person designated by the Authority for the purpose of protecting the Authority from challenge in connection with its agreement of trust with the Crestar Bank or under any provision of law of the State of Virginia. Any such transfer shall occur at a time specified in the order which shall not be after the expiration of the 3-year period referred to in paragraph (1).

(3) Any license transfer under this subsection shall require that the licensee shall be subject to, and comply with, the license and the provisions of the Federal Power Act, including the provisions of section 10 thereof (related to fish and wildlife) with respect to such project to the same extent and in the same manner as the Authority would be subject to such license and such Act in the absence of such transfer. Nothing in the transfer of such license shall affect the authority or power of the Commission under the license or under the Federal Power Act. Nothing in the Federal Power Act shall be construed as precluding a transfer of such license for the purposes specified in this section.

(4) Any license transfer under this subsection shall be subject to revocation, at the request of the Authority, to permit the Authority

to surrender the license. No surrender of such license by the Authority (or by any other person) shall be effective until after—

(A) reasonable prior notice (as determined by the Commission),

(B) completion of project construction, including the installation of any facilities for the protection, mitigation, and enhancement of fish and wildlife required under the license (including facilities required by the State fish and wildlife agency); and

(C) delivery to the Commission of a statement certified by the Board of the Authority that the terms of any actual or proposed Commission order with respect to the Brasfield Dam Hydroelectric Project would cause the Authority to act in violation of its Charter or be inconsistent with its bond indentures.

The Commission shall accept the surrender of such license and establish conditions applicable to such license surrender which require the removal of hydroelectric power generation facilities, require that the licensee provide assurances satisfactory to the Commission that, following surrender of the license, the Brasfield Dam will be subject to State laws regarding fish and wildlife and dam safety and require that such surrender will not impose any duty, liability or obligation on the part of any department, agency, or instrumentality of the United States. Nothing in this section shall affect the application of the River and Harbor Act of 1894 (33 U.S.C. Sec. 1).

(b) PROJECTS NOS. 3033, 3034, AND 3246.—(1) Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensees for Federal Energy Regulatory Commission Projects Nos. 3033, 3034, and 3246 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section and the Commission's procedures under such section, to extend—

(A) until August 10, 1994, the time required for the licensee to acquire the required real property and commence the construction of Project No. 3033, and until August 10, 1999, the time required for completion of construction of the project;

(B) until August 10, 1996, the time required for the licensee to acquire the required real property and commence the construction of Project No. 3034, and until August 10, 2001, the time required for completion of construction of the project; and

(C) until October 15, 1995, the time required for the licensee to acquire the required real property and commence the construction of Project No. 3246, and until October 15, 1999, the time required for completion of construction of the project.

Termination date.

(2) The authorization for issuing extensions under this subsection shall terminate 3 years after the date of enactment of this section.

(3) To facilitate requests under this subsection, the Commission may consolidate the requests.

(c) UNION CITY, MICHIGAN.—Notwithstanding section 23(b) or section 4(e) of the Federal Power Act, it shall not be unlawful for the municipality of Union City, Michigan, to operate, maintain, repair, reconstruct, replace, or modify—

(1) any dam which, as of the date of the enactment of this Act, is owned and operated by Union City, Michigan, and located across a segment of the St. Joseph River, in Branch County,

Michigan, approximately 5 miles downstream from such municipality, or

(2) any water conduit, reservoir, power house, and other works incidental to such dam.

No license shall be required under part 1 of the Federal Power Act for the dam, water conduit, reservoir, power house, or other project works referred to in the preceding sentence and, subject to compliance with State laws, permission is hereby granted for such facilities to the same extent as in the case of facilities for which permission is granted under the last sentence of section 23(b) of that Act.

SEC. 1076. SHORELINE PROTECTION. New York.

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct the project at a total first cost of $69,200,000, based on the New York District Engineer's draft General Design Memorandum dated April 1991, with an estimated first Federal cost of $39,800,000 and an estimated non-Federal cost of $29,400,000, and an average annual cost of $580,000 for periodic nourishment over the life of the project, with an estimated annual Federal cost of $377,000 and an estimated annual non-Federal cost of $203,000. The Secretary shall proceed with the storm damage reduction measures as the first construction feature. The project is further modified to authorize the Secretary to relocate existing comfort and lifeguard stations at full Federal expense, provided such relocations are desired by the non-Federal sponsor. Operation and maintenance of the facilities after relocation will be a non-Federal responsibility. The cost of these relocations shall not be treated as a project cost for purposes of either economic evaluation or project cost-sharing of the project.

SEC. 1077. REVISION OF MANUAL. Regulations.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise the Manual of Uniform Traffic Control Devices and such other regulations and agreements of the Federal Highway Administration as may be necessary to authorize States and local governments, at their discretion, to install stop or yield signs at any rail-highway grade crossing without automatic traffic control devices with 2 or more trains operating across the rail-highway grade crossing per day.

SEC. 1078. DECLARATION OF NONNAVIGABILITY OF PORTION OF HUDSON RIVER, NEW YORK. 33 USC 59cc.

(a) DECLARATION OF NONNAVIGABILITY.—Subject to subsections (c), (d), and (e), the area described in subsection (b) is declared to be nonnavigable waters of the United States.

(b) AREA SUBJECT TO DECLARATION.—The area described in this subsection is the portion of the Hudson River, New York, described as follows (according to coordinates and bearings in the system used on the Borough Survey, Borough President's Office, New York, New York):

Beginning at a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, having a coordinate of north 1918.003 west 9806.753;

Running thence easterly, on the arc of a circle curving to the left, whose radial line bears north 3°-44'-20" east, having a

radius of 390.00 feet and a central angle of 22°-05′-50″, 150.41 feet to a point of tangency;

Thence north 71°-38′-30″ east, 42.70 feet;

Thence south 11°-05′-40″ east, 33.46 feet;

Thence south 78°-54′-20″ west, 0.50 feet;

Thence south 11°-05′-40″ east, 2.50 feet;

Thence north 78°-54′-20″ east, 0.50 feet;

Thence south 11°-05′-40″ east, 42.40 feet to a point of curvature;

Thence southerly, on the arc of a circle curving to the right, having a radius of 220.00 feet and a central angle of 16°-37′-40″, 63.85 feet to a point of compound curvature;

Thence still southerly, on the arc of a circle curving to the right, having a radius of 150.00 feet and a central angle of 38°-39′-00″, 101.19 feet to another point of compound curvature;

Thence westerly, on the arc of a circle curving to the right, having a radius of 172.05 feet and a central angle of 32°-32′-03″, 97.69 feet to a point of curve intersection;

Thence south 13°-16′-57″ east, 50.86 feet to a point of curve intersection;

Thence westerly, on the arc of a circle curving to the left, whose radial bears north 13°-16′-57″ west, having a radius of 6.00 feet and a central angle of 180°-32′-31″, 18.91 feet to a point of curve intersection;

Thence southerly, on the arc of a circle curving to the left, whose radial line bears north 75°-37′-11″ east, having a radius of 313.40 feet and a central angle of 4°-55′-26″, 26.93 feet to a point of curve intersection;

Thence south 70°-41′-45″ west, 36.60 feet;

Thence north 13°-45′-00″ west, 42.87 feet;

Thence south 76°-15′-00″ west, 15.00 feet;

Thence south 13°-45′-00″ east, 44.33 feet;

Thence south 70°-41′-45″ west, 128.09 feet to a point in the United States Pierhead Line approved by the Secretary of War, 1936;

Thence north 63°-08′-48″ west, along the United States Pierhead Line approved by the Secretary of War, 1936, 114.45 feet to an angle point therein;

Thence north 61°-08′-00″ west, still along the United States Pierhead Line approved by the Secretary of War, 1936, 202.53 feet;

The following three courses being along the lines of George Soilan Park as shown on map prepared by The City of New York, adopted by the Board of Estimate, November 13, 1981, Acc. N° 30071 and lines of property leased to Battery Park City Authority and B. P. C. Development Corp;

Thence north 77°-35′-20″ east, 231.35 feet;

Thence north 12°-24′-40″ west, 33.92 feet;

Thence north 54°-49′-00″ east, 171.52 feet to a point in the United States Bulkhead Line approved by the Secretary of War, July 31, 1941;

Thence north 12°-24′-40″ west, along the United States Bulkhead Line approved by the Secretary of War, July 31, 1941, 62.26 feet to the point or place of beginning;

(c) DETERMINATION OF PUBLIC INTEREST.—The declaration made in subsection (a) shall not take effect if the Secretary of the Army

(acting through the Chief of Engineers), using reasonable discretion, finds that the proposed project is not in the public interest—

(1) before the date which is 120 days after the date of the submission to the Secretary of appropriate plans for the proposed project; and

(2) after consultation with local and regional public officials (including local and regional public planning organizations).

(d) LIMITATION ON APPLICABILITY OF DECLARATION.—

(1) AFFECTED AREA.—The declaration made in subsection (a) shall apply only to those portions of the area described in subsection (b) which are or will be occupied by permanent structures (including docking facilities) comprising the proposed project.

(2) APPLICATION OF OTHER LAWS.—Notwithstanding subsection (a), all activities conducted in the area described in subsection (b) are subject to all Federal laws which apply to such activities, including—

(A) sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), commonly known as the River and Harbors Appropriation Act of 1899;

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1254); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) EXPIRATION DATE.—The declaration made in subsection (a) shall expire—

(1) on the date which is 6 years after the date of the enactment of this Act if work on the proposed project to be performed in the area described in subsection (b) is not commenced before such date; or

(2) on the date which is 20 years after the date of the enactment of this Act for any portion of the area described in subsection (b) which on such date is not bulkheaded, filled, or occupied by a permanent structure (including docking facilities).

(f) PROPOSED PROJECT DEFINED.—For the purposes of this section, the term "proposed project" means any project for the rehabilitation and development of—

(1) the structure located in the area described in subsection (b), commonly referred to as Pier A; and

(2) the area surrounding such structure.

SEC. 1079. CLEVELAND HARBOR, OHIO.

(a) DEAUTHORIZATION OF PORTION OF PROJECT FOR HARBOR MODIFICATION.—That portion described in subsection (b) of the project for harbor modification, Cleveland Harbor, Ohio, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is not authorized after the date of the enactment of this Act.

(b) AREA SUBJECT TO DEAUTHORIZATION.—The portion of the project for harbor modification, Cleveland Harbor, Ohio, described in this subsection is that portion situated in the City of Cleveland, Cuyahoga County, and State of Ohio, T7N, R13W and being more fully described as follows:

Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of relocated Erieside Avenue N.E. (70 ft. wide);

Thence south 50°-06′-52″ west on the centerline of relocated Erieside Avenue N.E. a distance of 112.89 feet to a point;

Thence southwesterly continuing on the centerline of relocated Erieside Avenue N.E. along the arc of a curve to the left, with a radius of 300.00 feet and whose chord bears south 42°-36'-52" west 140.07 feet, an arc distance of 141.37 feet to a point;

Thence north 60°-53'-08" west a distance of 35.00 feet to a point on the northwesterly right-of-way line of relocated Erieside Avenue N.E;

Thence south 29°-06'-52" west on the northwesterly right-of-way line of relocated Erieside Avenue N.E. a distance of 44.36 feet to a point;

Thence north 33°-53'-08" west a distance of 158.35 feet to a point;

Thence south 56°-06'-52" west a distance of 76.00 feet to a point;

Thence north 78°-53'-08" west a distance of 18.39 feet to a point;

Thence north 33°-53'-08" west a distance of 33.50 feet to a point, said point being the true place of beginning of the parcel herein described;

Thence south 56°-06'-52" west a distance of 84.85 feet to a point;

Thence north 33°-53'-08" west a distance of 137.28 feet to a point;

Thence north 11°-06'-52" east a distance of 225.00 feet to a point;

Thence south 78°-53'-08" east a distance of 160.00 feet to a point;

Thence south 11°-06'-52" west a distance of 46.16 feet to a point;

Thence south 56°-06'-52" west a distance of 28.28 feet to a point;

Thence south 11°-06'-52" west a distance of 89.70 feet to a point;

Thence south 33°-53'-08" east a distance of 28.28 feet to a point;

Thence south 11°-06'-52" west a distance of 83.29 feet to a point;

Thence south 56°-06'-52" west a distance of 4.14 feet to a true place of beginning containing 42,646 square feet more or less;

(c) REIMBURSEMENT NOT REQUIRED.—The Ohio Department of Natural Resources shall not be required to reimburse the Federal Government any portion of the credit received by the non-Federal project sponsor as provided for in Public Law 100-202 (101 Stat. 1329-108).

33 USC 59dd.

(d) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary of the Army finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of Cleveland Harbor, Ohio, described below, are not in the public interest then, subject to subsections (e) and (f) of this section, those portions of such Harbor, bounded and described as follows, are declared to be nonnavigable waters of the United States:

Situated in the City of Cleveland, Cuyahoga County and State of Ohio, T7N, R13W and being more fully described as follows:

Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the

centerline of relocated Erieside Avenue, N.E., (70 feet wide) at Cleveland Regional Geodetic Survey Grid System, (CRGS) coordinates N92,679.734, E86,085.955;

Thence south 56°-06'-52" west on the centerline of relocated Erieside Avenue, N.E., a distance of 89.50 feet to a drill hole set;

Thence north 33°-53'-08" west a distance of 35.00 feet to a drill hole set on the north-westerly right-of-way line of relocated Erieside Avenue, N.E., said point being the true place of beginning of the parcel herein described;

Thence south 56°-06'-52" west on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., a distance of 23.39 feet to a ⅝ inch re-bar set;

Thence southwesterly on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., along the arc of a curve to the left with a radius of 335.00 feet, and whose chord bears south 42°-36'-52" west 156.41 feet, an arc distance of 157.87 feet to a ⅝ inch re-bar set;

Thence south 29°-06'-52" west on the northwesterly right-of-way line of relocated Erieside Avenue, N.E., a distance of 119.39 feet to a ⅝ inch re-bar set;

Thence southwesterly on the northwesterly right-of-way of relocated Erieside Avenue, N.E., along the arc of a curve to the right with a radius of 665.00 feet, and whose chord bears south 32°-22'-08" west 75.50 feet, an arc distance of 75.54 feet to a ⅝ inch re-bar set;

Thence north 33°-53'-08" west a distance of 279.31 feet to a drill hole set;

Thence south 56°-06'-52" west a distance of 37.89 feet to a drill hole set;

Thence north 33°-53'-08" west a distance of 127.28 feet to a point;

Thence north 11°-06'-52" east a distance of 225.00 feet to a point;

Thence south 78°-53'-08" east a distance of 150.00 feet to a drill hole set;

Thence north 11°-06'-52" east a distance of 32.99 feet to a drill hole set;

Thence north 33°-53'-08" east a distance of 46.96 feet to a drill hole set;

Thence north 56°-06'-52" east a distance of 140.36 feet to a drill hole set on the southwesterly right-of-way line of East 9th Street;

Thence south 33°-53'-08" east on the southwesterly right-of-way line of East 9th Street a distance of 368.79 feet to a drill hole set;

Thence southwesterly along the arc of a curve to the right with a radius of 40.00 feet, and whose chord bears south 11°-06'-52" west 56.57 feet, an arc distance of 62.83 feet to the true place of beginning containing 174,764 square feet (4.012 acres) more or less.

(e) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (d) shall apply only to those parts of the areas described in subsection (d) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of

March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(f) EXPIRATION DATE.—If, 20 years from the date of the enactment of this Act, any area or part thereof described in subsection (d) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (e) of this section, or if work in connection with any activity permitted in subsection (e) is not commenced within 5 years after issuance of such permit, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 1080. DEAUTHORIZATION OF A PORTION OF THE CANAVERAL HARBOR, FLORIDA, PROJECT.

The following portion of the project for navigation, Canaveral Harbor, Florida, authorized by the River and Harbor Act of 1945, as modified by the River and Harbor Act of 1962 (Public Law 87-874), shall not be authorized after the date of the enactment of this Act:

Begin at the northwesterly corner of the west turning basin, Federal navigation project, Canaveral Harbor, Brevard County, Florida, having a northing of 1,483,798.695 and an easting of 619,159.191 (Florida east zone, State plane transverse mercator standard conical projections) and being depicted on the Department of the Army, Jacksonville District, Corps of Engineers 'Construction Dredging 31 Foot Project', D.O. File No. 11-34, 465 sheet 35, dated October 1984; thence south 0°-18'-51" east, along said westerly boundary, a distance of 1320.00 feet; thence north 89°-41'-09" east, a distance of 1095.00 feet; thence north 62°-35'-15" west, a distance of 551.30 feet; thence north 56°-56'-18" east, a distance of 552.87 feet; thence south 89°-41'-09" west, a distance of 1072.00 feet to the point of beginning (containing 21.43 acres, more or less).

SEC. 1081. INFRASTRUCTURE INVESTMENT COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "Commission to Promote Investment in America's Infrastructure" (hereinafter in this section referred to as the "Commission").

(b) FUNCTION OF COMMISSION.—It shall be the function of the Commission to conduct a study on the feasibility and desirability of creating a type of infrastructure security to permit the investment of pension funds in funds used to design, plan, and construct infrastructure facilities in the United States. Such study may also include an examination of other methods of encouraging public and private investment in infrastructure facilities.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members appointed as follows:

(A) 2 members appointed by the majority leader of the Senate.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 1 member appointed by the President.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission shall have appropriate backgrounds in finance, construction lending, actuarial disciplines, pensions, and infrastructure policy disciplines.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.

(d) PAY AND TRAVEL EXPENSES.—Members shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code.

(e) STAFF.—Subject to such rules as may be prescribed by the Commission, the Chairperson may—

(1) appoint and fix the pay of an executive director, a general counsel, and such additional staff as the Chairperson considers necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for such staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall transmit to the President and Congress a report containing its findings and recommendations.

(g) TERMINATION.—The Commission shall terminate on the 180th day following the date of the submission of its report under subsection (f).

SEC. 1082. DEAUTHORIZATION OF ACADEMY CREEK FEATURE OF THE BRUNSWICK HARBOR, GEORGIA, PROJECT.

The Academy Creek feature of the Brunswick Harbor, Georgia, project, authorized for construction by the River and Harbor Act of 1907 in accordance with House Document 407, 59th Congress, shall not be authorized after the date of the enactment of this Act.

SEC. 1083. NAMINGS.

(a) WILLIAM H. HARSHA BRIDGE.—The United States Route 68 bridge across the Ohio River between Aberdeen, Ohio, and Maysville, Kentucky, shall be known and designated as the "William H. Harsha Bridge".

(b) J. CLIFFORD NAUGLE BYPASS.—The highway bypass being constructed around the Borough of Ligonier in Westmoreland County, Pennsylvania, shall be known and designated as the "J. Clifford Naugle Bypass".

(c) LINDY CLAIBORNE BOGGS LOCK AND DAM.—

(1) DESIGNATION.—The lock and dam numbered 1 on the Red River Waterway in Louisiana shall be known and designated as the "Lindy Claiborne Boggs Lock and Dam".

(2) REFERENCE.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Lindy Boggs Lock and Dam".

(d) JOSEPH RALPH SASSER BOAT RAMP.—

(1) DESIGNATION.—The boat ramp constructed on the left bank of the Mississippi River at River Mile 752.5 at Shelby Forest in Shelby County, Tennessee, shall be known and designated as the "Joseph Ralph Sasser Boat Ramp".

(2) LEGAL REFERENCE.—A reference to any law, map, regulation, document, record, or other paper of the United States to such boat ramp shall be deemed to be a reference to the "Joseph Ralph Sasser Boat Ramp".

Arkansas.

SEC. 1084. SIGNING OF UNITED STATES HIGHWAY 71.

The Arkansas State Highway and Transportation Department shall erect the signs along United States Highway 71 from the I-40 intersection to the Missouri-Arkansas State line which are required to be erected by the Arkansas State law designated as Act 6 of 1989.

SEC. 1085. CONTINUATION OF AUTHORIZATION FOR RHODE ISLAND NAVIGATION PROJECT.

(a) CONTINUATION OF AUTHORIZATION.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986, the project for navigation, Providence, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986, shall remain authorized to be carried out by the Secretary.

(b) TERMINATION DATE.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during this period, funds have been obligated for construction, including planning and design, of the project.

SEC. 1086. PENSACOLA, FLORIDA.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of constructing, in accordance with standards applicable to Interstate System highways, a 4-lane highway connecting Interstate Route 65 and Interstate Route 10 in the vicinity of Pensacola, Florida.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations for the location of a corridor in which to construct the highway described in subsection (a).

SEC. 1087. INCLUSION OF CALHOUN COUNTY, MISSISSIPPI, IN APPALACHIA.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 403) is amended in the fifth undesignated paragraph of such section by inserting "Calhoun," after "Benton,".

23 USC 402 note.

SEC. 1088. HANDICAPPED PARKING SYSTEM.

(a) STUDY.—The Secretary shall conduct a study of the progress being made by the States in adopting and implementing the uniform

system for handicapped parking established in regulations issued by the Secretary pursuant to Public Law 100-641 (102 Stat. 3335).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section.

SEC. 1089. FEASIBILITY OF INTERNATIONAL BORDER HIGHWAY INFRASTRUCTURE DISCRETIONARY PROGRAM. 23 USC 144 note.

(a) STUDY.—The Secretary shall conduct a study of the advisability and feasibility of establishing an international border highway infrastructure discretionary program. The purpose of such a program would be to enable States and Federal agencies to construct, replace, and rehabilitate highway infrastructure facilities at international borders when such States, agencies, and the Secretary find that an international bridge or a reasonable segment of a major highway providing access to such a bridge (1) is important; (2) is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; (3) poses a safety hazard to highway users; (4) by its construction, replacement, or rehabilitation, would minimize disruptions, delays, and costs to users; or (5) by its construction, replacement, or rehabilitation, would provide more efficient routes for international trade and commerce.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any recommendations to the Secretary.

SEC. 1090. METHODS TO REDUCE TRAFFIC CONGESTION DURING CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that many highway projects are carried out in a way which unnecessarily disrupts traffic flow during construction and that methods need to be adopted to eliminate or reduce these disruptions.

(b) STUDY.—The Secretary shall conduct a study on methods of enhancing traffic flow and minimizing traffic congestion during construction of Federal-aid highway projects and on costs associated with implementing such methods.

(c) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the feasibility of carrying out construction of Federal-aid highway projects during off-peak periods and limiting closure of highway lanes on Federal-aid highways to portions of highways for which actual construction is in progress and for which safety concerns require closure; and

(2) the need for establishment and operation by each State of a toll-free telephone number to receive complaints and provide information regarding the status of construction on Federal-aid highways in the State.

(d) REPORT.—Not later than September 30, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate.

23 USC 106 note.

SEC. 1091. STUDY OF VALUE ENGINEERING.

(a) STUDY.—The Secretary shall study the effectiveness and benefits of value engineering review programs applied to Federal-aid highway projects. Such study shall include an analysis of and the results of specialized techniques utilized in all facets of highway construction for the purpose of reduction of costs and improvement of the overall quality of Federal-aid highway projects.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the study under subsection (a), including recommendations on how value engineering could be utilized and improved in Federal-aid highway projects.

23 USC 112 note.

SEC. 1092. PILOT PROGRAM FOR UNIFORM AUDIT PROCEDURES.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program under which any contract or subcontract awarded in accordance with section 112(b)(2)(A) of title 23, United States Code, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations. The pilot program under this section shall include participation of not more than 10 States.

(b) INDIRECT COST RATES.—In lieu of performing their own audits, the States participating in the pilot program shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or audited by an independent certified public accountant, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, all the recipients of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or defacto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subsection shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subsection, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(c) REPORT.—Each State participating in the pilot program shall report to the Secretary not later than 3 years after the date of the enactment of this Act on the results of the program.

SEC. 1093. RENTAL RATES.

Within 1 year after the date of the enactment of this Act, the Comptroller General shall complete a study on equipment rental rates for use in reimbursing contractors for extra work on Federal-aid projects. Such study shall include an analysis of the reasonableness of currently accepted equipment rental costs, adequacy of adjustments for regional or climactic differences, adequacy of consideration of mobilization costs, loss of time and productivity attendant to short-term usage of equipment, and approvals of rental rate costs by the Federal Highway Administration.

SEC. 1094. STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS' LICENSES. 23 USC 159 note.

(a) STUDY.—The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriations Acts, 1991 and 1992, relating to revocation and suspension of drivers' licenses.

(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 1095. BROOKLYN COURTHOUSE.

The Administrator of the General Services Administration is authorized to enter into a lease with the United States Postal Service for space to house the Federal Courts and related Federal agencies in Brooklyn, New York. The Administrator is further authorized—

(1) to advance the amount provided in the fiscal year 1992 Treasury, Postal Service, and General Government Appropriation Act to the Postal Service to expedite the start of construction; and

(2) to transfer the present Emanuel Celler Federal Building and Courthouse in Brooklyn to the Postal Service.

SEC. 1096. BORDER STATION INTERNATIONAL FALLS, MINNESOTA.

The Administrator of the General Services Administration is authorized to provide for the construction of a 9,000 occupiable square foot border station at International Falls, Minnesota, at a total estimated cost of $2,480,000, in accordance with an amended prospectus submitted by the General Services Administration to the Senate Committee on Environment and Public Works on June 19, 1991.

SEC. 1097. MILLER HIGHWAY.

The Secretary shall deem the independent proposals to construct a new highway facility in the Route 9A corridor between the Battery and 59th Street, and to relocate the existing Miller Highway facility, between 59th Street and 72nd Street, on the west side of Manhattan, New York, New York, to be separate and distinct projects for the purposes of compliance with any applicable Federal laws.

SEC. 1098. ALLOCATION FORMULA STUDY. 23 USC 104 note.

(a) The General Accounting Office in conjunction with the Bureau of Transportation Statistics created pursuant to title VI of this Act, shall conduct a thorough study and recommend to the Congress within 2 years after the date of the enactment of this Act a fair and equitable apportionment formula for the allocation of Federal-aid highway funds that best directs highway funds to the places of greatest need for highway maintenance and enhancement based on the extent of these highway systems, their present use, and increases in their use.

(b) The results of this study shall be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994, and shall be considered by these committees as they reauthorize the surface transportation program in 1996.

SEC. 1099. ESTABLISHMENT OF INTERSTATE STUDY COMMISSION.

For the National Capital Region, comprised of the Washington, D.C., Metropolitan Statistical Area, a commission is established to recommend new mechanisms, authority, and/or agreements to fund, develop, and manage the transportation system of the National Capital Region, and primarily focusing on interstate highway and bridge systems. The commission shall develop its recommendations consistent with the transportation planning requirements for metropolitan areas as contained elsewhere in this bill. The study commission shall report to the Congress, the Department of Transportation, the Governors of Maryland and Virginia, the Mayor of the District of Columbia, and the National Capital Region Transportation Planning Board, the designated Metropolitan Planning Organization (MPO) for the Washington metropolitan area, no later than 12 months from the date of passage of this legislation. Representatives on the commission shall include a Member of Congress from each of Maryland, Virginia, and the District of Columbia; the Governors of Maryland and Virginia and the Mayor of the District of Columbia; 1 local elected official from each State and the District of Columbia appointed by the National Capital Region Transportation Planning Board; 3 private sector representatives appointed by the Governors and the Mayor; and the commission chairman to be appointed by the Secretary of Transportation. There is authorized to be appropriated for the purposes of carrying out this section such sums as may be necessary for the commission to carry out its functions.

Appropriation authorization. 23 USC 104 note.

SEC. 1100. EFFECTIVE DATE; APPLICABILITY; CERTAIN UNOBLIGATED BALANCES.

(a) GENERAL RULE.—This title, including the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY.—The amendments made by this title shall apply to funds authorized to be appropriated or made available after September 30, 1991, and, except as otherwise provided in subsection (c), shall not apply to funds appropriated or made available on or before September 30, 1991.

(c) UNOBLIGATED BALANCES.—

(1) IN GENERAL.—Unobligated balances of funds apportioned to a State under sections 104(b)(1), 104(b)(2), 104(b)(5)(B), and 104(b)(6) of title 23, United States Code, before October 1, 1991, shall be available for obligation in that State under the law, regulations, policies and procedures relating to the obligation and expenditure of those funds in effect on September 30, 1991.

(2) TRANSFERABILITY.—

(A) PRIMARY SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid primary system before October 1, 1991, to the apportionment to such State under section 104(b)(1) or 104(b)(3) of title 23, United States Code, or both.

(B) SECONDARY AND URBAN SYSTEM.—A State may transfer unobligated balances of funds apportioned to the State for the Federal-aid secondary system or the Federal-aid urban system before October 1, 1991, to the apportionment to such State under section 104(b)(3) of such title.

(C) APPLICABILITY OF CERTAIN LAWS, REGULATIONS, POLICIES, AND PROCEDURES.—Funds transferred under this paragraph shall be subject to the laws, regulations, policies, and

procedures relating to the apportionment to which they are transferred.

SEC. 1101-1102. STUDY ON IMPACT OF CLIMATIC CONDITIONS. 23 USC 104 note.

(a) STUDY.—The Secretary shall conduct a study of the effects of climatic conditions on the costs of highway construction and maintenance. The study shall take into account such climatic conditions as freezing, thawing, and precipitation and the impact of climatic conditions on increased highway design costs and decreased highway service life in the various regions of the United States.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with such recommendations as the Secretary considers appropriate. The report shall include a description of the implications of the differing costs on the allocation of highway funds to the States.

SEC. 1103. HIGH COST BRIDGE PROJECTS.

(a) PURPOSE.—The purpose of this section is to provide funds to accelerate construction of high cost bridge projects.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the high cost of bridge projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	CITY/STATE	HIGH COST BRIDGES	AMOUNT in millions
1.	Delaware, Oklahoma	Construction of a replacement bridge on U.S. Rt. 59 over Grand Lake in Delaware, Oklahoma	9.7
2.	Eugene, Oregon	Construction of the Ferry Street Bridge	23.7
3.	Beaver County, Pennsylvania	Construction of Aliquippa Ambridge Bridge of Beaver County, Pennsylvania	25.0
4.	Arkansas	For an expanded study of environmental impact and geo technical information for Arkansas-Mississippi Great River Bridge	0.8
5.	Gloucester Point, Virginia	Provide for additional crossing capacity of the York River	11.8
6.	San Francisco, California	For preliminary work associated with the seismic upgrading of the Golden Gate Bridge in San Francisco, California	5.9
7.	Cape May & Atlantic Counties, New Jersey	Replace critically important bridge between Ocean City and Longport, New Jersey	18.4
8.	Ohio	Conduct environmental and feasibility studies for the construction of a bridge or tunnel across the Maumee River in the vicinity of an existing left span bridge	1.0
9.	Maine	Donald B. Carter Memorial Bridge	32.1
10.	Shakopee, Minnesota	Bloomington Ferry Bridge replacement, Shakopee, Minnesota	22.0

	CITY/STATE	HIGH COST BRIDGES	AMOUNT in millions
11.	Charleston, South Carolina	Highway 17 Bridge replacement projects: Cooper River, Charleston, South Carolina	14.2
12.	Ft. Lauderdale, Florida	17th Street Causeway Tunnel/ Bridge replacement, Ft. Lauderdale, Florida	13.6
13.	Maryland	Woodrow Wilson Bridge rehabilitation	29.6
14.	New York	Macomb Dam Bridge, Manhattan Bridge Rehabilitation Project, Queensboro Bridge—Rehabilitation of Main Span, Williamsburg Bridge Rehabilitation Project, Brooklyn Bridge Rehabilitation	74.0
15.	Miami, Florida	Complete construction of Dodge Island Bridge	3.4

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 1104. CONGESTION RELIEF PROJECTS.

(a) PURPOSE.—The purpose of this section is to improve methods of congestion relief.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the congestion relief projects described in this subsection.

Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	CITY/STATE	CONGESTION RELIEF	AMOUNT in millions
1.	Long Beach, California	Construction of HOV Lanes on I-710	7.4
2.	Philadelphia, Pennsylvania	Project to Construct Bridge-Pratt Terminal as part of an I-95 reconstruction mitigation project	34.5
3.	Davidson-Williamson County, Tennessee	Study and construction of the Davidson-Williamson Bike Path	1.0
4.	East St. Louis, Illinois to St. Louis, Missouri	To conduct a study to determine the feasibility of a bridge between East St. Louis, Illinois and St. Louis, Missouri	1.4
5.	St. Louis, Missouri	Relocation of Lindbergh Boulevard and Interstate 70 at St. Louis Lambert Airport	14.8
6.	District of Columbia	Primary Intermodal System, Washington, D.C.	6.8
7.	Buffalo, New York	Construction of Peace Bridge truck inspection facility	19.5
8.	Nashua, New Hampshire	Nashua River Bridge, Nashua, New Hampshire—Construction of second bridge	1.2
9.	Las Vegas, Nevada	Reconstruct and upgrade I-15/U.S. 95 (Spaghetti Bowl)	45.0
10.	San Diego, California	Construct 1 block of Cut and Cover Tunnel on Rt. 15 in downtown San Diego, California	5.0
11.	Los Angeles, California	To extend I-110 North from its current terminus at I-10 into downtown Los Angeles via Central City West Area in Los Angeles, California	10.1
12.	North Dakota	Design and construct 7.5 mile bypass around Lincoln State Park	1.1
13.	Babylon, New York	Construct turning lanes, sign upgrades, traffic signal interconnections and road repair and resurfacing	2.1
14.	Dixon, California	To improve 3 grade crossings in Dixon, California	1.8
15.	Fairfield, California	To construct 2 park & ride facilities, an information center and transfer hub for I-80 express and local bus service	7.7
16.	St. Louis, Missouri	Feasibility study for interchange improvements for I-255 at Rt. 231, St. Louis, Missouri	0.1
17.	Murfreesbro, Tennessee	Conduct a feasibility study of constructing a bicycle system as an alternative form of commuter transportation, air pollution reduction, and enhance recreation	0.4
18.	Long Island, New York	To make improvements on the Van Wyck Expressway to improve traffic flow, Long Island, New York	3.6

	CITY/STATE	CONGESTION RELIEF	AMOUNT in millions
19.	Fox River Valley, Illinois	Study, plan and construct up to 8 bridges across the Fox River	8.3
20.	Prince George's County, Maryland	To rehabilitate the Baltimore-Washington Parkway in Prince George's County, Maryland	16.3
21.	Toledo, Ohio	Conduct study of possible safety and traffic delay improvement benefits in 6 corridors	0.24
22.	Boston, Massachusetts	To plan and construct a bicycle and pedestrian path connecting Arlington, Cambridge and Boston, Massachusetts	1.2
23.	Tucson, Arizona	To make interchange improvements at Oracle and Orange Grove Roads in Tucson, Arizona	3.9
24.	Victorville, California	Construct interchange 1 mile north of Palmdale Road on I-15	2.7
25.	Palm Beach, Florida	Acquire right-of-way and construct and widen to 4 lanes 19 mile segment of U.S. 27	5.5
26.	Pennsylvania	Improve River Street, Towanda Borough and North Towanda Township to form highway bypass	8.8
27.	Maine	Topsham-Brunswick Bypass	10.5
28.	Rankin County, Mississippi	East-Metro Center Access Road	4.6
29.	Kansas	West Leavenworth Trafficway Project, Leavenworth, Kansas	8.6
30.	Broward County, Florida	Hallandale Bridge Project, Broward County, Florida	8.5
31.	Idaho	Any of the Federal-aid projects eligible for funding under title 23, United States Code, located in Bannock or Caribou County, shall be eligible for funding	10.1
32.	Michigan	I-75/M57 Interchange improvement in the vicinity of Vienna Township, Michigan	8.9
33.	Prince William County, Virginia	I-95 HOV lane extension	13.5
34.	St. Thomas, Virgin Islands	Construction of Raphune Hill Bypass, St. Thomas, Virgin Islands	18.4
35.	Merrillville, Indiana	Construction of four lane road and overpass	1.8
36.	Milwaukee and Waukesha Counties, Wisconsin	I-794 Bicycle Transportation Project in Milwaukee and Waukesha Counties, Wisconsin	1.5
37.	Richmond, California	I-80 Richmond Parkway Interchange	1.8
38.	New York, New York	Construction of Williamsburg to Holland Tunnel Bypass	3.6
39.	Louisville, Kentucky	Waterfront Development Roadway Improvements	4.7
40.	Sunnyvale, California	HOV lane improvements on Lawrence Expressway	10.1
41.	Ohio	Construction of a bicycle/pedestrian facility from Greene County, Ohio, to Dayton, Ohio	3.0

	CITY/STATE	CONGESTION RELIEF	AMOUNT in millions
42.	Jefferson County and Berkeley County, West Virginia	Improvements of State Highway 9 from Martinsburg, West Virginia to Virginia State line	110.0
43.	West Virginia	Construction of the Coal Fields Expressway from Beckley, West Virginia to Virginia State line	50.0
44.	Maine	Improvements to the Carlton Bridge in Bath-Woolwich	10.0

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 1105. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) the construction of the Interstate Highway System connected the major population centers of the Nation and greatly enhanced economic growth in the United States;

(2) many regions of the Nation are not now adequately served by the Interstate System or comparable highways and require further highway development in order to serve the travel and economic development needs of the region; and

(3) the development of transportation corridors is the most efficient and effective way of integrating regions and improving efficiency and safety of commerce and travel and further promoting economic development.

(b) PURPOSE.—It is the purpose of this section to identify highway corridors of national significance; to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the States to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

(c) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—The following are high priority corridors on the National Highway System:

(1) North-South Corridor from Kansas City, Missouri, to Shreveport, Louisiana.

(2) Avenue of the Saints Corridor from St. Louis, Missouri, to St. Paul, Minnesota.

(3) East-West Transamerica Corridor.

(4) Hoosier Heartland Industrial Corridor from Lafayette, Indiana, to Toledo, Ohio.

(5) I-73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, and Detroit, Michigan.

(6) United States Route 80 Corridor from Meridian, Mississippi, to Savannah, Georgia.

(7) East-West Corridor from Memphis, Tennessee, through Huntsville, Alabama, to Atlanta, Georgia, and Chattanooga, Tennessee.

(8) Highway 412 East-West Corridor from Tulsa, Oklahoma, through Arkansas along United States Route 62/63/65 to Nashville, Tennessee.

(9) United States Route 220 and the Appalachian Thruway Corridor from Business 220 in Bedford, Pennsylvania, to the vicinity of Corning, New York.

(10) Appalachian Regional Corridor X.

(11) Appalachian Regional Corridor V.

(12) United States Route 25E Corridor from Corbin, Kentucky, to Morristown, Tennessee, via Cumberland Gap, to include that portion of Route 58 in Virginia which lies within the Cumberland Gap Historical Park.

(13) Raleigh-Norfolk Corridor, Raleigh, North Carolina, to Norfolk, Virginia.

(14) Heartland Expressway from Denver, Colorado, through Scottsbluff, Nebraska, to Rapid City, South Dakota.

(15) Urban Highway Corridor along M-59 in Michigan.

(16) Economic Lifeline Corridor along I-15 and I-40 in California, Arizona, and Nevada.

(17) Route 29 Corridor from Greensboro, North Carolina, to the District of Columbia.

(18) Corridor from Indianapolis, Indiana, to Memphis, Tennessee, via Evansville, Indiana.

(19) United States Route 395 Corridor from the United States-Canadian border to Reno, Nevada.

(20) United States Route 59 Corridor from Laredo, Texas, through Houston, Texas, to the vicinity of Texarkana, Texas.

(21) United States Route 219 Corridor from Buffalo, New York, to the intersection of United States Route 17 in the vicinity of Salamanca, New York.

(d) INCLUSION ON NHS.—The Secretary shall include all corridors identified in subsection (c) on the proposed National Highway System submitted to Congress under section 103(b)(3) of title 23, United States Code.

(e) PROVISIONS APPLICABLE TO CORRIDORS.—

(1) LONG-RANGE PLAN.—The Secretary, in cooperation with the affected State or States, may prepare a long-range plan for the upgrading of each corridor to the appropriate standard for highways on the National Highway System. Each such plan may include a plan for developing the corridor and a plan for financing the development.

(2) FEASIBILITY STUDIES.—The Secretary, in cooperation with the affected State or States, may prepare feasibility and design studies, as necessary, for those corridors for which such studies have not been prepared. A feasibility study may be conducted under this subsection with respect to the corridor described in subsection (c)(2), relating to Avenue of the Saints, to determine the feasibility of an adjunct to the Avenue of the Saints serving the southern St. Louis metropolitan area and connecting with I-55 in the vicinity of Route A in Jefferson County, Missouri.

(3) CERTIFICATION ACCEPTANCE.—The Secretary may discharge any of his responsibilities under title 23, United States Code, relative to projects on a corridor identified under subsection (c), upon the request of a State, by accepting a certification by the State in accordance with section 117 of such title.

(4) ACCELERATION OF PROJECTS.—To the maximum extent feasible, the Secretary may use procedures for acceleration of projects in carrying out projects on corridors identified in subsection (c).

(f) HIGH PRIORITY SEGMENTS.—Highway segments of the corridors referred to in subsection (c) which are described in this subsection are high priority segments eligible for assistance under this section. Subject to subsection (g)(2), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out a project on each such segment the amount listed for each such segment:

Appropriation authorization.

	CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
1.	Pennsylvania	For upgrading U.S. 220 High Priority and the Appalachian Thruway Corridor between State College and I-80	50.7
2.	Alabama, Georgia, Mississippi, Tennessee	Upgrading of the East-West Corridor along Rt. 72	25.4
3.	Missouri	Improvement of North-South Corridor along Highway 71, Southwestern, MO	3.6
4.	Arkansas	For construction of Highway 412 from Siloam Springs to Springdale, Arkansas as part of Highway 412 East-West Corridor	34.0

	CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
5.	Arkansas	For construction of Highway 412 from Harrison to Springdale, Arkansas as part of the Highway 412 East-West Corridor	56.0
6.	Pennsylvania	To improve U.S. 220 to a 4-lane limited access highway from Bald Eagle northward to the intersection of U.S. 220 and U.S. 322	148.0
7.	S. Dakota/Nebraska	Conduct a feasibility study of expressway from Rapid City, S. Dakota to Scotts Bluff, Nebraska	0.64
8.	Alabama	Construction of Appalachian Highway Corridor X from Corridor V near Fulton, Mississippi to U.S. 31 at Birmingham, Alabama as part of Appalachian Highway X Corridor Project	59.2
9.	Alabama	For construction of a portion of Appalachian Development Corridor V from Mississippi State Line near Red Bay, Alabama to the Tennessee State Line north of Bridgeport, Alabama	25.4
10.	West Virginia	Construction of Shawnee Project from 3-Corner Junction to I-77 as part of I-73/74 Corridor project	4.5
11.	West Virginia	Widening U.S. Rt. 52 from Huntington to Williamson, W. Virginia as part of the I-73/74 Corridor project	100.0
12.	West Virginia	Replacement of U.S. Rt. 52 from Williamson, W. Virginia to I-77 as part of the I-73/74 Corridor project	14.0
13.	North Carolina/Virginia	For Upgrading I-64 and Route 17 Virginia and constructing a new highway from Rocky Mount to Elizabeth City, North Carolina as part of the Raleigh-Norfolk High Priority Corridor Improvements	17.8
14.	Arkansas	Construction of Highway 71 between Fayetteville and Alma, Arkansas as part of the North-South High Priority Corridor	100.0
15.	Arkansas/Texas	For construction of Highway 71 from Alma, Arkansas to Louisiana border	70.0
16.	Michigan	To widen a 60 mile portion of highway M-59 from MacComb County to I-96 in Howell County, Michigan	29.6
17.	South Dakota, Colorado, Nebraska	To improve the Heartland Expressway from Rapid City, South Dakota to Scotts Bluff, Nebraska	29.6
18.	Indiana	To construct a 4-lane highway from Lafayette to Ft. Wayne, Indiana, following existing Indiana 25 and U.S. 24	9.5

	CITY/STATE	HIGH PRIORITY CORRIDORS	AMOUNT in millions
19.	Ohio/Indiana	Conduct feasibility and economic study to widen Rt. 24 from Ft. Wayne, Indiana to Toledo, Ohio as part of the Lafayette to Toledo Corridor	0.32
20.	California, Nevada, Arizona	For improvements on I-15 and I-40 in California, Nevada and Arizona ($10,500,000 of which shall be expended on the Nevada portion of the corridor, including the I-15/U.S. 95 interchange)	59.2
21.	Louisiana	To improve the North-South Corridor from Louisiana border to Shreveport, Louisiana	29.6
22.	Missouri, Iowa, Minnesota	For improvements for Avenue of the Saints from St. Paul, Minnesota to St. Louis, Missouri	118.0
24.	Various States	I-66 Transamerica Highway Feasibility study	1.0
25.	Kentucky, Tennessee, Virginia	To improve Cumberland Gap Tunnel and for various associated improvements as part of U.S. 25E Corridor, except that the allocation percentages under section 1105(g)(2) of this section shall not apply to this project after fiscal year 1992	72.4
26.	Indiana, Kentucky, Tennessee	To improve the Bloomington, Indiana, to Newberry, Indiana, segment of the Indianapolis, Indiana, to Memphis, Tennessee, high priority corridor	23.7
27.	Washington	For improvements on the Washington State portion of the U.S. 395 corridor from the U.S.-Canadian border to Reno, Nevada	54.5
28.	Virginia	Construction of a bypass of Danville, Virginia, on Route 29 Corridor	17.0
29.	Arkansas	Highway 412 from Harrison to Mt. Home	20.0
30.	New York	Improvements on Route 219 between Springville to Ellicottville in New York State	9.5

(g) PROVISIONS RELATING TO HIGH PRIORITY SEGMENTS.—

(1) DETAILED PLANS.—Each State in which a priority segment identified under subsection (f) is located may prepare a detailed plan for completion of construction of such segment and for financing such construction.

(2) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (f) for each high priority segment authorized by subsection (f) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(3) FEDERAL SHARE.—The Federal share payable on account of any project under subsection (f) shall be 80 percent of the cost thereof.

(4) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary may delegate responsibility for construction of a project or projects under subsection (f) to the State in which such project or projects are located upon request of such State.

(5) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(6) APPLICABILITY OF TITLE 23.—Funds authorized by subsection (f) and subsection (h) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under subsection (f) shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by subsection (f) shall not be subject to any obligation limitation.

(7) STATE PRIORITY FOR HIGH PRIORITY SEGMENTS.—Section 105 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

"(k) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a program of projects under this section, the State may give priority to high priority segments of corridors identified under section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991. In approving programs of projects under this section, the Secretary may give priority of approval to, and expedite construction of, projects to complete construction of such segments.".

California.

(8) SPECIAL RULE.—Amounts allocated by subsection (f) to the State of California for improvements on I-15 and I-40 shall not be subject to any State or local law relating to apportionment of funds available for the construction or improvement of highways.

(h) AUTHORIZATION FOR FEASIBILITY STUDIES.—There is authorized to be appropriated to the Secretary out of the Highway Trust Fund (other than the Mass Transit Account) $8,000,000 per fiscal year for each of the fiscal years 1992 through 1997 to carry out feasibility and design studies under subsection (e)(2).

(i) REVOLVING LOAN FUND.—

(1) ESTABLISHMENT.—The Secretary may establish a Priority Corridor Revolving Loan Fund.

(2) ADVANCES.—The Secretary shall make available as repayable advances amounts from the Revolving Loan Fund to States for planning and construction of corridors listed in subsection

(c). In making such amounts available, the Secretary shall give priority to segments identified in subsection (f).

(3) REPAYMENT OF ADVANCES.—The amount of an advance to a State in a fiscal year under paragraph (2) may not exceed the amount of a State's estimated apportionments for the National Highway System for the 2 succeeding fiscal years. Advances shall be repaid (A) by reducing the State's National Highway System apportionment in each of the succeeding 3 fiscal years by ⅓ of the amount of the advance, or (B) by direct repayment. Repayments shall be credited to the Priority Corridor Revolving Loan Fund.

(4) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, out of the Highway Trust Fund (other than the Mass Transit Account), $40,000,000 per fiscal year for each of fiscal years 1993 through 1997 to carry out this subsection.

SEC. 1106. RURAL AND URBAN ACCESS PROJECTS.

(a) RURAL ACCESS PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that ensure better rural access and that promote economic development in rural areas.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out rural access projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	CITY/STATE	RURAL ACCESS	AMOUNT in millions
1.	Cadiz, Ohio	Improvements of Short Creek Highway from Cadiz, Ohio to Rayland, Ohio	2.5
2.	Boger City, North Carolina	Construction of 4-lane divided highway along Highway 321 to Boger City, NC to NC 127 South	14.2
3.	Utica, New York	Improvement of the Utica North/South Arterial	9.9
4.	Oneida County, New York	Upgrade a highway to 4 lanes in Oneida County, New York	8.0
5.	Southern, Oklahoma	Widening of U.S. 70	0.24
6.	Southern, Oklahoma	Construction of a bridge and approaches at Pennington Creek, OK	1.0
7.	Johnsonburg, Pennsylvania	Relocation of a 2-lane highway from Center Street to PA Rt. 255 along U.S. 219, Johnsonburg Bypass	14.0
8.	Pennsylvania	Construction of truck driving lanes and safety improvements on U.S. 219 between I-80 and the NY State Line	26.0
9.	East St. Louis, Illinois	Feasibility study for 4-lane Access Road to Jefferson Memorial Park	0.24

	CITY/STATE	RURAL ACCESS	AMOUNT in millions
10.	Illinois	To conduct an Environmental Impact Study & Design Study on a 58-mile stretch of U.S. 67 corridor from Alton, IL to Jacksonville, IL	2.5
11.	Venice, Illinois	For rehabilitation of McKinley Bridge near Venice, IL	5.9
12.	Decatur, Alabama	Project for replacement of Keller Memorial Bridge, Decatur, AL	12.7
13.	Lenoir City, Tennessee	Feasibility Study on Fort Loudon Dam Bridge on U.S. Highway 231 in Lenoir City, TN	0.5
14.	Blount City, Tennessee	Improvement of U.S. Highway #411 in Monroe and Blount Counties, TN	15.7
15.	Missouri	For improvements of Highway 60 in New Madrid, Stoddard, Carter and Butler Counties, MO	21.7
16.	Southern, Missouri	Improvement of Rt. 65 through Greene, Christian and Taney Counties, MO	14.1
17.	Lake Charles, Louisiana	Construction of roads and bridge to provide access to Rose Bluff Industrial Area, Lake Charles, LA	4.1
18.	Louisiana	For improvement and extension of Ambassador Caffery Parkway in Louisiana	14.9
19.	Ohio	Construction of U.S. Rt. 68 Bypass in Clark, Champaign and Logan Counties	15.8
20.	Aliquippa, Pennsylvania	For various 3-R Projects in Aliquippa, PA	12.8
21.	Riverton, Kansas	Construction of a new highway from Riverton, KS to Interstate 44 in Missouri	13.1
22.	North Minnesota	Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, MN	9.5
23.	Richfield, Minnesota	77th Street Reconstruction Project, Richfield, MN	11.6
24.	Mississippi	Improvements on Highway 84 in Franklin and Lincoln Counties, MS	9.5
25.	Mississippi	Upgrading of U.S. Highway 98 from County line of Pike and Waltham Counties, MS to Lamar County, MS	0.4
26.	Mississippi	Upgrading Highway 61 from Natchez, MS to Louisiana State line	0.35
27.	Mississippi	Upgrading Highway 84 from Brookhaven, MS to U.S. 49 in Collins, MS	2.1
28.	Chattahoochee, Florida	Construction of Mosquito Creek Bridge	2.4
29.	Florida	To upgrade State Rt. 71 from State Rt. 10 to State Rt. 8	2.9
30.	Florida	To upgrade Florida State Rt. 267 from State Rt. 8 to State Rt. 10	4.7
31.	Illinois	Tollway feasibility study (East St. Louis to Carbondale, IL)	0.32
32.	Mt. Vernon, Illinois	Extension of 34th Street from IL Rt. 15 to County Road 10	0.96

	CITY/STATE	RURAL ACCESS	AMOUNT in millions
33.	Illinois	Reconstruction of Feather Trail Road from Ullin Road Interchange to Rt. 37, Pulaski County, IL	1.1
34.	Illinois	Resurfacing IL Rt. 1 from Cave-In-Rock to north of Omaha	1.8
35.	Williamson County, Illinois	Upgrading IL Rt. 13 in Williamson County, IL	7.8
36.	Saline County, Illinois	For improvements to Rt. 13 from Williamson-Saline County line to Harrisburg, IL	4.0
37.	Winchester, New Hampshire	Replacement of Winchester Bridge, Winchester, NH	0.8
38.	Hanover, New Hampshire	Ledyard Bridge reconstruction	7.8
39.	Asheville, North Carolina	U.S. 19-23 improvement project, Asheville, NC	11.1
40.	Niles, Ohio	Belmont Street Bridge Replacement, Niles, OH	1.2
41.	Struthers, Ohio	Bridge Street Bridge replacement, Struthers, OH	1.2
42.	Niles, Ohio	South Main Street Bridge replacement, Niles, OH	2.5
43.	St. Joseph County, Michigan	U.S. 131, St. Joseph County, MI	0.5
44.	Berrien County, Michigan	U.S. 31 relocation, Berrien County, MI	17.4
45.	Holland, Michigan	U.S. 31 upgrade, Holland, Ottawa County, MI	1.3
46.	North Carolina	I-85 Interchange improvement at State Route 1103 Granville County, NC	1.7
47.	Manchester, New Hampshire	Manchester Airport Road improvements	4.0
48.	New Hampshire	Wetlands mitigation package for New Hampshire Rt. 101/51	10.0
49.	Arkansas	To improve U.S. 65 from Harrison, Arkansas to Missouri Line	38.0
50.	Arkansas	To improve Phoenix Avenue in the vicinity of the Ft. Smith Airport, Ft. Smith, Arkansas	7.9
51.	Arkansas	To study bypass alternatives for U.S. 71 in the vicinity of Bella Vista, Arkansas	3.0
52.	Bedford Springs, Pennsylvania	To construct an access road along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith	19.7
53.	DeValls Bluff, Arkansas	Construction of a replacement bridge across the White River	2.5
54.	Jonesboro, Arkansas	Complete construction of 3 interchanges on the Highway 63 Bypass at Jonesboro	5.7
55.	Brevard County, Florida	Design and engineer improvements for State Rd. 3 between State Rd. 520 and State Rd. 528	0.16
56.	Louisiana	For construction of a new road from an area in the vicinity of I-55 to Alexandria, Louisiana	1.7

	CITY/STATE	RURAL ACCESS	AMOUNT in millions
57.	Beaumont, Texas	Widen Highway FM-364 from a 2-lane to a 4-lane road	10.4
58.	Farmington Hills, Michigan	To widen 12-mile road corridor in the vicinity of Farmington Hills, Michigan	2.5
59.	Laredo, Texas	Expand capacity of 2-lane highway, construct interchanges and connector highway	7.4
60.	Montewma, Colorado	Upgrade farm to market road serving Ute Indian Reservation	2.9
61.	Lubbock, Texas	Initiate feasibility and route studies and preliminary engineering and design for highway to connect Lubbock with Interstate 20	2.9
62.	Rosenberg, Texas	To purchase right-of-way for Highway 36 Bypass West of Rosenberg, Texas	0.9
63.	Angleton, Texas	For various activities associated with relocation of Highway 288 in vicinity of Angleton, Texas	0.9
64.	Mentor, Ohio	For construction of an interchange on State Rt. 615 at I-90 in Mentor, Ohio	4.7
65.	W. Central, Illinois	For widening of U.S. 34 between Burlington, Iowa and Monmouth, Illinois	1.9
66.	Illinois	To make improvements including construction of a bridge on U.S. 67 in NW Illinois	2.4
67.	Monongahela Valley, Pennsylvania	For construction of southernmost extension of the Monongahela Expressway	14.0
68.	Dauphin County, Pennsylvania	Design, acquire right-of-way and reconstruct 5.1 miles of 4-lane divided highway from Dauphin Borough to Speeceville, Pennsylvania	12.0
69.	Rutherford County, Tennessee	Replace existing bridge over the west fork of the Stone's River including a 5-foot elevated walkway	0.8
70.	Wayne County, New York	To improve Rt. 104 from Furnace Road to Pound Road in the Wayne County Area of New York	6.4
71.	Chautauqua County, New York	Construct 2 additional expressway lanes from Chautauqua Lake Bridge to Pennsylvania Border	17.0
72.	North Carolina	To reimburse the State of North Carolina for construction and repair of the Bonner Bridge, North Carolina	3.0
73.	North Carolina	Construct interstate link between I-95 and I-40 in vicinity of Wilson and Goldsboro, North Carolina	8.9
74.	Bossier City, Louisiana	To study grade separations along 10 miles of KC Railroad along U.S. 71	0.16

	CITY/STATE	RURAL ACCESS	AMOUNT in millions
75.	Pennsylvania	Widen 14-mile segment of U.S. 15 from 2 to 4 lanes	13.8
76.	Overland Park, Kansas	I-435 Interchange Project	4.1
77.	Fairmont, West Virginia	Riverside Expressway improvements	5.3
78.	Washington	State Rt. 14 Improvement Projects, Columbia River Gorge, Washington	8.6
79.	Pennsylvania	Pennsylvania Industrial Park access, Washington County, Pennsylvania	6.3
80.	Pennsylvania	Chadville Improvement Project, Southern Fayette County, Pennsylvania	2.4
81.	Pennsylvania	U.S. Rt. 219 Meyersdale Bypass	48.0
82.	Pennsylvania	U.S. Rt. 22 Improvements: Monroeville to Ebansburg	30.3
83.	Pennsylvania	Laurel Valley Expressway, Blairsville, Pennsylvania	5.0
84.	Brownsville, Texas	Brownsville Railroad Relocation Project	6.7
85.	South Carolina	Southern Connector Highway, Greenville County, South Carolina	3.6
86.	Ohio	Rt. 18 Bypass Study, Medina, Ohio	0.4
87.	Ohio	U.S. Rt. 250 Bypass Study, Norwalk, Ohio	0.4
88.	Mankato, Minnesota	Mankato South Rt. Improvements, Mankato, Minnesota	10.0
89.	Kentucky	U.S. 119 Upgrading, Pike County, KY	7.6
90.	Michigan	U.S. Rt. 127 Upgrading, Jackson County, Michigan	0.8
91.	Eden Prairie & Cologne, Minnesota	U.S. Trunk Highway 212 improvement project, Eden Prairie/Cologne, MN	8.7
92.	Ohio	Rt. 30 extension: East Canton/Minerva, Ohio	5.3
93.	New Mexico	Raton-Clayton Rd., Clayton, New Mexico	9.3
94.	New Mexico	Jicarilla Apache State Road, New Mexico	1.5
95.	Arizona	Turquoise Trail Highway, Navajo County, Arizona	5.9
96.	Pennsylvania	U.S. Rt. 222 Relocation, Lehigh County, Pennsylvania	1.5
97.	Pennsylvania	Pennsylvania Rt. 33 Extension, Northhampton County, Pennsylvania	16.8
98.	Kentucky	Highway 92 Relocation Study, South Central Kentucky	0.1
99.	Kentucky	U.S. 27 Improvements, Jessamine County, Kentucky	9.2
100.	North Carolina	U-2519/X-2 Highways, Cumberland, North Carolina	15.9
101.	Missouri	Adams Dairy Parkway Project, Blue Springs, Missouri	1.5
102.	Lawrence, Kansas	Lawrence Circumferential Roadway, Douglas County, Kansas	3.3
103.	Kansas	Oakland Expressway, Eastern Shawnee, Kansas	5.9
104.	Missouri	Highway 63 improvements, Columbia, Missouri/Iowa border	5.9

	CITY/STATE	RURAL ACCESS	AMOUNT in millions
105.	West Virginia	Highway Improvements: Mason County/Kanawha, West Virginia	19.5
106.	Pennsylvania	Warren Street Extension/U.S. 222 Reconstruction, Berks County, Pennsylvania	6.6
107.	Illinois	For construction of the Alton Bypass from the vicinity of Alton and Godfrey, Illinois	4.4
108.	Iowa	Construct Mason City Bypass, Gerro Gordo County, Iowa	14.8
109.	Prince Edward County, Virginia	A highway improvement project one mile south of Farmville in Prince Edward County, Virginia, to increase from two lanes to four lanes approximately two miles of Route 460. Such project shall connect the existing four lanes of Route 460 approaching the segment from the east and the west. The Secretary of the Army, acting through the Chief of Engineers, is directed, upon request of officials representing Prince Edward County, Virginia, to allow the immediate filling of the Sandy River Reservoir in accordance with the terms and conditions of the permit, without further amendment or modification in any respect, issued by the Department of the Army relating to the reservoir, except that no contingency in such permit pertaining to water demand or use shall become effective or shall be enforced prior to seven years from date of completion of such highway project	4.4
110.	Port Lavaca to Cuero, Texas	Construct upgraded, improved four-lane divided highway	43.9
111.	Parker County, Texas (SH199)	Upgrade existing highway to four-lane divided highway	33.5
112.	Howell County, Missouri	Improve Highway 63	3.6
113.	Louisa, Louisiana	Louisa Bridge replacement, Louisa, LA	9.5
114.	Travis County, Texas	Highway 620 bridge improvement	11.4
115.	Latrobe, Pennsylvania	Ligonier Street Reconstruction	0.8
116.	Carroltown/DuBois, Pennsylvania	U.S. 219 Improvements	4.0
117.	Robinson Township, Pennsylvania	Design Work in Town Center	5.0
118.	West Virginia	Chelyan Bridge Replacement	8.5

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

(b) URBAN ACCESS AND URBAN MOBILITY PROJECTS.—

(1) PURPOSE.—The purpose of this subsection is to provide funds for projects that enhance urban access and urban mobility.

(2) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out urban access and urban mobility projects described in this paragraph. Subject to paragraph (3), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
1.	Santa Ana, California	Bristol Street Project	4.1
2.	Illinois/Missouri	Metro East/St. Louis, Missouri Bridge Feasibility Study	1.0
3.	Beaver/Butler Counties, Pennsylvania	Construction of Crow's Run Expressway from I-79 to PA Rt. 60, Beaver/Butler Counties, PA	3.5
4.	Atlanta, Georgia	Improvement of Martin Luther King Drive	0.8
5.	Chicago, Illinois	Handicapped Accessibility Projects on various Chicago Streets	2.4

	CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
6.	Chicago, Illinois	Feasibility study for a road between existing Lake Shore Drive and Indiana Road	0.16
7.	San Jose, California	Improvement of Interchange at Highway 85/Highway 17	35.0
8.	Gilroy, California	For safety improvements on Highway 152 in vicinity of Gilroy, CA	5.9
9.	New York, New York	Improvements on Miller Highway in New York City, NY	15.6
10.	District of Columbia	Construction of missing segments of Eastern and Southern Avenues (Boundary Street Safety Initiative)	6.8
11.	Buffalo, New York	Scajaquada Expressway Classification study	0.24
12.	Buffalo, New York	NY State Thruway relocation study, Buffalo (Niagara), NY	0.24
13.	Joliet, Illinois	For rehabilitation of Houbolt Road from Jefferson Street to Joliet Jr. College and construction and interchange at Houbolt Road and I-80	1.0
14.	Chicago, Illinois	WPA street improvements bounded on the north by 103rd, the east by Stoney Island, the west by Ashland, and the south by the city limits	3.7
15.	Burnham, Illinois	To improve Dolton Avenue between Torrence Avenue and Indiana State Line, Burnham, IL	1.9
16.	Calumet Park, Illinois	Ashland Avenue Bridge replacement	2.1
17.	Harvey, Illinois	Illinois 1 Interchange improvement from U.S. 6 to I-80	2.5
18.	Markham, Illinois	Sibley Boulevard traffic flow improvement from Dixie Highway	3.5
19.	Chicago, Illinois	Illinois 1 intersection improvement, Harvey, IL (intersection at 155th Street)	1.4
20.	Youngstown, Ohio	Center Street Bridge replacement, Youngstown, OH, including Poland Avenue—Shirley Road connector and ramps at I-680	12.2
21.	Lake Porter and LaPort Counties, Indiana and Illinois	Study linkage roads to connect Lake Shore Drive and surrounding facilities	1.0
22.	Indiana	Acquisition of West Lake Corridor Right-of-Way between Munster, IN and Hammond , IN	1.0
23.	Portage, Indiana	Widen Willow Creek Road to 4 lanes	1.5
24.	Hobart, Lake Station and New Chicago, Indiana	Various improvements to Ridge Road to relieve congestion	4.3
25.	Passaic County, New Jersey	To complete construction of Rt. 21 in Passaic County, New Jersey	98.8
26.	Northeastern, New Jersey	To raise 14 bridges over Molly Ann's Brook Northeastern, New Jersey	9.5

	CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
27.	Chambersburg, Pennsylvania	To improve the Wayne Avenue—I-81 Interchange and to widen Wayne Avenue to 5 lanes from Kriner Road to Coldbrook Avenue in the vicinity of Chambersburg, Pennsylvania	1.84
28.	Newark, New Jersey	To construct ramps to provide access to I-78	7.2
29.	Newark, New Jersey	To construct a parking facility as part of a multi-modal transportation facility in the vicinity of United Hospitals Medical Center, Newark, New Jersey	4.9
30.	Lawrence, Massachusetts	Study, design, and construct new road service; road and ramps and widen I-495	4.7
31.	Baltimore, Maryland	To improve various roads as part of project "Project Vision" in Baltimore, Maryland	5.0
32.	Bellevue, Washington	Conduct Phase I design study for I-405 interchange at Northeast 8th Street	5.0
33.	Springfield, Illinois	To extend 11th Street from Stevenson Drive to Toronto Road in the vicinity of Springfield, Illinois	8.3
34.	Middlesex, New Jersey	Route 1 widening in Middlesex County, New Jersey from Raritan River to Rahway River	7.4
35.	Perth Amboy & Woodbridge Township, New Jersey	Study whether additional river crossings may be necessary based on condition of 3 existing crossings	2.5
36.	Compton, California	For a grade separation project at W. Alameda Street and the Mealy St. Corridor	6.6
37.	Parsippany, Troy Hills, New Jersey	Construct interchange and ramp improvements for east and west bound traffic on I-280	3.1
38.	Queens, New York	To rehabilitate 39th Street Bridge over rail tracks at the Sunnyside Rail Yard in Queens, New York	10.4
39.	Omaha, Nebraska	For improvements to US Highway 6 (W. Dodge Road) from 86th Street to 118th including the intersection with I-680 in Omaha, Nebraska	5.2
40.	Suffolk County/Long Island, New York	Construct various roadway improvements on 7.1 miles of New York Rt. 112, including, resurfacing, widening, adding turning and parking lanes and improving traffic signals	3.4
41.	San Diego, California	To conduct environmental study on feasibility of constructing 4-lane highway from State Rt. 805 to International border near Otay Mesa	1.0

	CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
42.	Sarasota, Florida	To construct a bridge interchange at US 301 and University Parkway in the vicinity of Sarasota, Florida	2.4
43.	Hartford, Connecticut	To rehabilitate Connecticut Rt. 99 South of Hartford, Connecticut	5.0
44.	Hartford, Connecticut	For improved access to the Connecticut River as in I-91 Mitigation Project, Hartford, Connecticut	2.3
45.	Chattanooga, Tennessee	Construct an urban diamond interchange to improve capacity and a connector road	3.1
46.	Commerce, California	To relocate a portion of Atlantic Blvd. in the vicinity of Telegraph Rd. as part of a grade separation project	4.7
47.	Scranton, Pennsylvania	Realign 3,000 feet of N. Scranton Expressway to connect with Mulberry Street	7.2
48.	Long Island, New York	Southern State Parkway Improvement	4.6
49.	New York	Exit 26 Ridge Project Schenectady, New York	5.7
50.	Capital Beltway, Springfield, Virginia	Upgrade interchanges on I-495, including Virginia Mixing Bowl Improvements	7.5
51.	Utah	Expansion of State Rd. 5600 West	3.3
52.	Chicago, Illinois	Right-of-way preservation projects (Eisenhower & Stevenson Connector)	4.8
53.	Chicago, Illinois	Museum of Science & Industry: Various intermodal facilities, Chicago, Illinois	35.0
54.	Chicago, Illinois	Chicago Skyway Bridge, Chicago, Illinois	14.2
55.	Chicago, Illinois	Cermak Road Bridge reconstruction, Chicago, Illinois	9.2
56.	Chicago, Illinois	Roosevelt Rd. and Bridge Improvements, Chicago, Illinois	11.8
56A.	Chicago, Illinois	State Street Mall Improvements, Chicago, Illinois	14.2
57.	Chicago, Illinois	Cicero Avenue Improvements, vicinity of Chicago, Illinois	1.1
58.	Chicago, Illinois	183rd Street Reconstruction, Chicago, Illinois	1.5
59.	Chicago, Illinois	111th Street Reconstruction, Chicago, Illinois	2.5
60.	Chicago, Illinois	111th Street Upgrade: Cicero Avenue to Pulaski Road, Chicago, Illinois	2.5
61.	Chicago, Illinois	111th Street Widening; Central Avenue to Cicero Avenue, Chicago, Illinois	4.7
62.	Muncie, Indiana	State Rd. 67 Widening	10.0
63.	Columbus, Indiana	Columbus Entranceway project, Columbus, Indiana	3.3
64.	New Jersey	Rt. 17/4 Interchange Project, Paramus, New Jersey	5.7
65.	New Jersey	Hackensack Avenue/Kinderkamack Road Bridges over Rt. 4, Hackensack, New Jersey	5.7
66.	Los Angeles	Grade separation projects (3), Los Angeles County, California	7.1

	CITY/STATE	URBAN ACCESS & MOBILITY	AMOUNT in millions
67.	New York	Preservation of Rail Corridor (North Shore Rail Line), Staten Island	10.7
68.	Maryland	Improvement of U.S. Route 1 in Baltimore County, Maryland	11.8
69.	Camden, New Jersey	Renovation of South Jersey Port Corporation's Beckett Street Terminal	8.3
70.	Washington, D.C.	Design and construction of noise barriers along Southeast/Southwest Freeway and Anacostia Freeway in D.C.	4.7
71.	Anaheim, California	Construction of public HOV facilities to provide public access to I-5 in the vicinity of the Anaheim Regional Transportation Intermodal Complex	14.8
72.	Atlanta, Georgia	Construction of I-20 interchange at Lithonia Industrial Boulevard	11.2
73.	Buffalo, New York	The Southtowns Connector Buffalo, New York	8.5
74.	Tucson, Arizona	Veterans Memorial Interchange/Palo Verde Overpass Bridge Replacement	2.4
75.	Providence, Rhode Island	Memorial Boulevard Pedestrian/Traffic Improvements	5.0
76.	Renton, Washington	Houser Way Relocation Expansion	3.0

(3) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by paragraph (2) for each project authorized by paragraph (2) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(4) FEDERAL SHARE.—The Federal share payable on account of any project under this subsection shall be 80 percent of the cost thereof.

(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this subsection to the State in which such project or projects are located upon request of such State.

(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this subsection—

(A) has obligated all funds allocated under this subsection for construction of such project; and

(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be determined in accordance with this subsection and such funds shall remain available until expended. Funds authorized by this subsection shall not be subject to any obligation limitation.

SEC. 1107. INNOVATIVE PROJECTS.

(a) IN GENERAL.—The purpose of this section is to provide assistance for highway projects demonstrating innovative techniques of highway construction and finance. Each State in which 1 of the projects authorized by subsection (b) is located shall select and use, in carrying out such project, innovative techniques in highway construction or finance. Such techniques may include state-of-the-art technology for pavement, safety, or other aspects of highway construction; innovative financing techniques; or accelerated procedures for construction.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the innovative projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
1.	Cadiz, Ohio	Construction of 4-lane Limited Access Highway from Cadiz, OH to Interstate 70 Interchange at St. Clairsville, OH along U.S. Rt. 250	20.0
2.	Maryland	Construction of Durham Road Bridge #75 in Harford County, MD	0.5
3.	Maryland	Construction of a replacement bridge at Furnace Road Bridge #74, Harford County, MD	0.6
4.	Maryland	Construction of a replacement bridge at South Hampton Road Bridge #47, Harford County, MD	1.0
5.	Maryland	Construction of a replacement bridge at Wheel Road Bridge #9, Harford County, MD	1.0
6.	Maryland	Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD	1.1
7.	Baltimore County, Maryland	Replacement Papermill Road Bridge #123 in Cockeysville Area of Baltimore, MD	5.3
8.	Southern, Oklahoma	Testing of effectiveness of recyclable materials on a resurfacing project on U.S. 70 in Southern, OK	2.1
9.	Tulsa, Oklahoma	Upgrade U.S. 75 to Expressway standards, Tulsa, OK	14.0

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
10.	Atlanta, Georgia	For various transportation improvements in connection with the 1996 Olympics, including the city of Atlanta advanced traffic management system (IVHS)	58.1
11.	Chicago, Illinois	Computerized infrastructure management systems, Chicago, IL	4.3
12.	Oceanside, California	Construction of A, B, and C segments of State Route 76	14.4
13.	Carlsbad, California	Improvements to the interchange at Palomar Airport Road and Interstate 5	3.4
14.	Danville, Virginia	To replace bridges on Main and Worsham Streets in Danville, VA	10.0
15.	Mokena, Illinois	For construction of Wolf Road to an area between LaPort Road and U.S. Rt. 30 in Mokena, IL	1.4
16.	Frankfort, Illinois	Village of Frankfort Roadway improvement projects	1.3
17.	Plainfield, Illinois	Replacement of E J & E Viaduct over IL Rt. 59 and Dupage River Tributary	1.0
18.	Romeoville, Illinois	Replacement of 135th Street Bridge, Romeoville, IL	5.9
19.	Water Street, Pennsylvania	Construction of a 2 lane bypass around the Borough of Water Street on U.S. 22 of Pennsylvania	8.0
20.	Holidaysburg, Pennsylvania	To relocate U.S. 22 around the Borough of Holidaysburg, Pennsylvania	52.0
21.	Lewistown, Pennsylvania	For safety improvements on the Narrows to eliminate potential problems brought on by rock slides	1.6
22.	Pennsylvania	To relocate U.S. Rt. 22 North of Lewistown, Pennsylvania	58.3
23.	Reedsville, Pennsylvania	For construction of a 4 lane highway between Reedsville and Seven Mountains, Pennsylvania	35.1
24.	Pennsylvania	To relocate section of railroad tracks between Hagerstown, Maryland and Shippensburg, Pennsylvania to eliminate 23 at-grade crossings and to make connection to an existing railroad line	14.4
25.	Roaring Spring, Pennsylvania	To upgrade to 3 lanes by adding a center turning lane a section of Pennsylvania 36 from New U.S. 220 to the intersection at Roaring Spring, Pennsylvania	8.8
26.	Altoona, Pennsylvania	To widen and extend Chestnut Avenue from Altoona to Juniata, Pennsylvania	7.12
27.	Bedford County, Pennsylvania	To widen Rt. 30 from the Narrows in Bedford to Mt. Dallas, Pennsylvania	48.0

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
28.	Brevard County, Florida	Design, acquire right-of-way and construct a widened bridge on State Road 3 over the Barge Canal	6.9
29.	Blacksburg, Montgomery County, Virginia	Construction of 6 mile 4 lane highway to demonstrate intelligent/vehicle highway systems	5.9
30.	Mobile, Alabama	For reconstruction of the West Tunnel Plaza Interchange on I-10 from Virginia Street to Mobile River Tunnel, Mobile, Alabama	15.0
31.	Pennsylvania	To widen U.S. Rt. 202 from King of Prussia to Montgomeryville, Pennsylvania	8.9
32.	Galina, Illinois	To conduct environmental, preliminary engineering and design studies to widen a 47 mile stretch of U.S. 20 to 4 lanes	2.0
33.	Areneck County, Michigan	To improve a 12-mile stretch of U.S. 23 between Rt. 13 and Rt. 65, Michigan	4.7
34.	Brooks, Jim Wells, and Live Oak Counties, Texas	To improve, upgrade and widen U.S. 281 to the Mexican Border	27.6
35.	Alabama	To construct a 4-lane access controlled highway to bypass Montgomery, Alabama and connect I-65 and I-85	11.8
36.	North Dakota	To design computerized system to inventory and manage off system bridge repairs or replacement statewide; begin repair activities	8.9
37.	Los Angeles, California	For preliminary work on a project to enhance the capacity of I-5 in Los Angeles and Orange County from the downtown area to the State Rt. 91 interchange in Buena Park	6.7
38.	Mendon, Illinois	To construct 14.8 miles of Highway 336 from Illinois Rt. 61 near Mendon, Illinois to West Point Road	5.0
39.	Bryden, Washington	Construct 3 miles of new and improved highways connecting Clarkston, Washington with Lewiston, Idaho	3.9
40.	Missouri	To widen I-55 between Rt. M and Rt. 67 in Jefferson County, Missouri	5.1
41.	Jefferson County, Missouri	To upgrade 7.9 miles of Missouri Highway 21 in Jefferson County, Missouri	5.1
42.	St. Louis, Missouri	To construct a 4-lane outer beltway connecting I-55 and I-44 in St. Louis and Jefferson County, Missouri	7.6
43.	Hillsborough, Florida	Widen and enhance safety and drainage features of I-4 from Tampa to the Hillsborough County Line	24.5

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
44.	Wichita, Kansas	To construct a 6 lane access controlled highway and interchange at Oliver Street	6.6
45.	Brigham City, Utah	To construct an interchange on I-15 at Forest St. in Brigham City, Utah	3.6
46.	Utah	For the upgrading of U.S. 89 in Davis and Weber Counties, Utah	3.0
47.	Grand Rapids, Michigan	For construction of a bypass around Grand Rapids, Michigan connecting I-96 and I-196	6.9
48.	Suffolk County/Long Island, New York	Avoid erecting costly areas through selective black topping through high noise road segments	2.0
49.	Suffolk County, New York	Evaluate suitability of composting and recycling for use on Federal-aid highway medians and perimeters	0.4
50.	Springfield, South Dakota	Plan, engineer and construct a bridge across the Missouri River to connect South Dakota Rt. 37 to Nebraska Highway 12	4.7
51.	Vermillion, South Dakota	Engineer and construct bridge across the Missouri River in the vicinity of Vermillion, South Dakota	3.6
52.	Pennsylvania	Design, engineer and construct 2 exits off Interstate 81 at Wilkes-Barre and Mountaintop, Pennsylvania	16.7
53.	Genesse, Michigan	Widen and improve pavement in Mundy Township, from Baldwin Rd. to Cook Rd.	0.16
54.	Flint, Michigan	Engineer, design and construct improved and widened 5-lane road	0.5
55.	Flint, Michigan	Engineer, design and construct 1.02 miles of 5-lane roadway	0.9
56.	Flint, Michigan	Right-of-way acquisition, relocation and construction of Bristol Road	3.1
57.	Salem, Oregon	To construct the Salem Bypass around Salem, Oregon	6.0
58.	Montgomeryville, Pennsylvania	To improve U.S. 202 from Montgomeryville to Doylestown, Pennsylvania	10.8
59.	Amherst/Erie County, New York	Widen 2 miles of Rt. 263 from 2 lanes to 4 lanes and rehabilitate a 4 mile stretch of Rt. 78	7.6
60.	Idaho	To improve the Bryden Canyon Rd. in Lewiston, Idaho	5.3
61.	Mojave, California	Widen and reconstruct bridge to CALTRANS height standards	1.8
62.	Freemont, Iowa	For construction of Iowa highway #2 from Sidney, Iowa to I-29 in Freemont County, Iowa	8.7
63.	Council Bluffs, Iowa	For a variety of improvements to the Valley View Corridor in Council Bluffs, Iowa	1.0
64.	Indiana	Construct extension of Interstate 69 to link Evansville and Indianapolis, Indiana	3.8

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
65.	Aberdeen, Ohio	U.S. 62 Ohio River Bridge	15.5
66.	Jacksonville, Illinois	U.S. 67 Jacksonville Bypass	15.8
67.	Snohomish, Washington	Snohomish County, Washington HOV Lanes	6.5
68.	Portland/S. Portland, Maine	Portland-S. Portland Bridge	134.5
69.	Iowa	Highway 63 Improvements, Waterloo to New Hampton, Iowa	15.1
70.	Brook Park, Ohio	Aerospace Technology Park Access Rd., Brook Park, Ohio	14.2
71.	California	Rt. 156 Hollister Bypass, San Benito, California	0.9
72.	Monterey, California	Rt. 101, Prunedale, California	4.2
73.	New Jersey	Rt. 21 Viaduct, Newark, New Jersey, City of Newark's Project	14.8
74.	New Jersey	Rt. 21 widening, Newark, New Jersey, City of Newark's Project	13.9
75.	North Carolina	U.S. 64 widening in Chatham and Wake Counties, North Carolina	5.3
76.	Tennessee	I-81/Industrial Park South Interchange, Sullivan County, Tennessee	5.8
77.	Tennessee	Foothills Parkway: Pittman Center to Cosby, Tennessee	11.2
78.	Ohio	Kelly Avenue extension, Akron, Ohio	9.5
79.	Exton, Pennsylvania	Exton Bypass, Exton, Pennsylvania	26.8
80.	Alabama	Black Warrier River Bridge, Tuscaloosa County, Alabama	6.4
81.	Brooklyn Park, Minnesota	Highway 610 crosstown project, Brooklyn Park, Minnesota	36.0
82.	California	I-880/Alvarado-Niles Road Interchange, Union City, California	9.5
83.	Merrysville, Washington	Interstate 5 Interchange improvement: 88th Street, Merrysville, Washington	1.9
84.	Myrtle Beach, South Carolina	Carolina Bays Parkway, Myrtle Beach, South Carolina	5.9
85.	Mississippi	U.S. 90 improvements including 6 lane bridge and approaches, Pascagoula, Mississippi	4.3
86.	Bakersfield, California	Rt. 58 Improvements, Bakersfield, California	4.7
87.	Santa Fe Springs, California	Norwalk Blvd. grade separation, Santa Fe Springs	4.7
88.	Hoquiam, Washington	Gray's Harbor Industrial Corridor Bridge, Hoquiam, Washington	4.7
89.	Traverse City, Michigan	Traverse City Bypass, Traverse City, Michigan	4.5
90.	Nevada	Lamoille Highway widening, Elko County, Nevada	2.4
91.	Reno, Nevada	U.S. 395 Extension, in vicinity of Reno, Nevada	14.8
92.	Carson City, Nevada	Carson City Bypass, Carson City, Nevada	7.6
93.	Columbus, Ohio	I-270 North outerbelt widening, Franklin County, Ohio	10.2
94.	St. Thomas, Virgin Islands	Feasibility study of constructing a second road to the west end of the island	1.7
95.	Illinois	DeQuoin Highway Bridge	2.6
96.	Illinois	Tamarack Street Extension	0.6

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
97.	Indiana	East Chicago Marina Access Road	8.5
98.	District of Columbia	Hybrid Fuel Cell	3.6
99.	Ohio	Rehabilitation of Bridge on U.S. 224 near State Route 616	1.0
100.	Arkansas	North Belt Freeway Project, Thornton, Arkansas	8.9
101.	Ft. Worth, Texas	I-35 Basswood Interchange, Ft. Worth, Texas	17.8
102.	Illinois	Illinois 17 road replacement, .2 miles west of Splear Road to Illinois 1: 5.3 miles	1.8
103.	Leroy, Illinois	U.S. 150 road replacement, North of Hemlock Street to South of Gilmore Street in Leroy: 1.6 miles	1.0
104.	Ford County, Illinois	U.S. 24 replacement, 1.1 miles east of Forrest to Ford County Line: 8.0 miles	1.8
105.	Illinois	U.S. 24 road replacement: Crescent City to Illinois 1 in Watseka: 6.3 miles	2.5
106.	Emington, Illinois	Emington Spur road replacement Illinois 47 to Emington: 2.9 miles Emington, Illinois	0.65
107.	Illinois	New Lenox Road Improvement	2.5
108.	Illinois	Shorewood Roadway Improvements	1.3
109.	Illinois	Bridge painting of various moveable bridges to prevent rusting, Chicago, Illinois	2.8
110.	Huntington County, Pennsylvania	Jacobs Timber Bridge over Greater Trough Creek	0.35
111.	Chicago, Illinois	Landscaping, resurfacing, repair and replacement of curbs and gutters, bridge cleaning and repair of lights and redesigning and installation of new signs historic 28 mile Boulevard, Chicago, Illinois	5.4
112.	Cadillac, Michigan	Improvements to highway U.S. 131, north of Cadillac	4.2
113.	Durham County, North Carolina	Accelerated construction of a four-lane divided freeway on Route 147	38.3
114.	Corpus Christi to Angleton, Texas	Construct new multi-lane freeway	41.7
115.	Fort Worth, Texas	Construction of an overpass and frontage road at the Fort Worth Hillwood/I-35 interchange	12.7
116.	West Sacramento, California	Construction of Industrial Boulevard Bridge over Sacramento River Barge Canal in West Sacramento, California	8.3
117.	Baltimore County, Maryland	I-695 Improvements in Baltimore County, Maryland	23.9
118.	Hampton Roads, Virginia	I-64 Crossing of Hampton Roads	5.9
119.	Calumet City, Illinois	Reconstruction of 156th Street and 156th Place from Burkham Avenue to State line	1.3

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
120.	Frankfort Township, Illinois	Improvements of streets in Frankfort Township	1.0
121.	Matteson, Illinois	I-57 Bridge Improvements	3.6
122.	Illinois	Road Improvement, U.S. 150/Ill. 1 from Belguim to South of Westville	3.8
123.	Illinois	Road Improvement, U.S. 45 from Savoy to Tolono	5.6
124.	Alabama	Patton Island Bridge Project	4.7
125.	Borough of Paulsboro, New Jersey	Construction of a new bridge to improve safety	2.7
126.	Minnesota	Completion of Cross-Range Expressway (Trunk Highway 169)	13.0
127.	Hinckley, Minnesota	Safety and capacity improvements to Trunk Highway 48 and relocation of County Road 134	2.0
128.	Minnesota	Trunk Highway 53, Twig to Trunk Highway 37	9.5
129.	Minnesota	Trunk Highway 169, Grand Rapids to High City	9.0
130.	Minnesota	Trunk Highway 61, Schroeder to Grand Marais	18.0
131.	Wisconsin	Improvements to Highway 41, Oshkosh to Green Bay	41.7
132.	Wisconsin	Improvements to Highway 29, Chippewa Falls to State Trunk Hwy. 73	28.3
133.	Minnesota	Trunk Highway 37 and Hughes Rd.	0.5
134.	Pennsylvania	Route 120 widening in vicinity of Lock Haven	4.0
135.	Pennsylvania	Replace U.S. 15 bridge across Tioga River	3.2
136.	Pennsylvania	Wysox Narrows Rd. (U.S. 6)	3.0
137.	Chicago, Illinois	Improvements on Kennedy Expressway, except that the allocation percentages under this section shall not apply to this project and, in lieu thereof, 1/3 of the funds for such projects shall be available for obligation in each of fiscal years 1992, 1993, and 1994	175.0
138.	South Carolina	Southern Connector Highway improvements in Greenville County; Highway 17 Bridge Replacement Projects over Cooper River, Charleston; Carolina Bays Parkway improvements, Myrtle Beach (funds to be equitably divided among these facilities)	11.0
139.	South Carolina	Rail Corridor Revitalization in Columbia, South Carolina	4.0
140.	Rhode Island	For design and construction of a stormdrain retrofit on I-95 and other highway runoff programs to protect Narragansett Bay	13.0
141.	South Kingstown, Rhode Island	For historic renovation and development of an intermodal center at the Kingston Railroad Station	2.0

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
142.	Lincoln and Cumberland, Rhode Island	For historic rehabilitation of the Albion Bridge and Albion Trench Bridge	2.0
143.	Newport, Rhode Island	To develop the marine mode of the intermodal Gateway Transportation Center	6.0
144.	Bristol, Rhode Island	For road improvements in Bristol, Rhode Island	2.0
145.	Pennsylvania	An applied technology demonstration in advanced technology demonstrations in advanced driver information systems, with a special emphasis on display instrumentation and information communications technology, to be carried out in cooperation with the Center for Advanced Design and Communication Arts Technology at the University of the Arts	2.0
146.	Vermont	Construction of a highway from U.S. 7, North of Bennington, Vermont southwest to NY 7 in Hoosick, NY	20.0
147.	Woonsocket, Rhode Island	For construction of Route 99 Extension	1.96
148.	Woonsocket, Rhode Island	For repaving streets in Woonsocket	1.40
149.	Woonsocket, Rhode Island	For improvements to 3 bridges crossing the Blackstone River	0.35
150.	Cranston, Rhode Island	For reconstruction and repaving of Park Avenue, Sockanossett Crossroads, Olney Arnold Road, South Comstock Parkway, Wildflower Drive, Aqueduct Road and Mapleton Street	5.7
151.	Rhode Island	For operating expenses of the Rhode Island Public Transit Authority	18.0
152.	New Hampshire	To study corridor protection for New Hampshire Route 16	2.0
153.	North Conway, New Hampshire	To provide congestion relief on U.S. 302 and New Hampshire Route 16	6.3
154.	Kansas	To widen U.S. 81 7-15 miles Belleville to Concordia	7.0
155.	Kansas	To construct Hutchinson Bypass between U.S. 50 and K-96 Hutchinson, Kansas	24.4
156.	Wyoming	For reconstruction of county roads not on the State Highway System by the Wyoming State Department of Transportation	20.0
157.	Virginia	For the rehabilitation, renovation, reconstruction, resurfacing, safety improvements and modernization on the existing 1,069 mile Interstate system in Virginia to be distributed by the Commonwealth Transportation Board, to the maximum extent possible, on an equitable regional basis	63.5

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
158.	Minnesota	Hennepin County, Minnesota Bloomington Ferry Bridge/ C.S.A.H. 18 Replacement Project Bloomington, MN	18.0
159.	Minnesota	Nicollet County, Minnesota C.S.A.H. 41 for roadway stabilization and rockfall control North Mankato, MN	3.0
160.	Minnesota	St. Cloud, Minnesota T.H. 15 bridge across Mississippi River and Interchange with T.H. 10	3.24
161.	Minnesota	Minnesota Safety Initiative Program ($2 million to demonstrate the safety benefits of retoreflective pavement markings and signs, especially for nighttime and older drivers; $1 million to demonstrate the safety and environmental benefits of elastomer modified asphalt in cold weather climates)	3.0
162.	New York, New York	Hell Gate Viaduct: upgrade, repair & paint	55.0
163.	New York, New York	Ferry Landing, Battery Park: Reconstruction of ferry landing within Battery Park	2.0
164.	New York, New York	Foley Square Plaza: Transportation improvements & construction activities for Foley Square Plaza development	5.25
165.	New York, NY	Franklin Delano Roosevelt Drive: To reconstruct & improve several sections of Franklin Delano Roosevelt Drive	10.0
166.	Corning, NY	Corning Bypass Improvements	11.0
167.	Nelson County, North Dakota	Grading & surfacing: from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille; and of FAS 3220 from ND 1 to ND 32	8.5
168.	Stutsman County, North Dakota	Surfacing from I-94 north & east through Spiritwood, then north to ND Highway 9	4.0
169.	Stelle/Griggs County, North Dakota	Grading & surfacing of FAS 4612 & FAS 2012 from ND 32 to ND 45	2.9
170.	Grand Forks County, North Dakota	Surfacing of FAS 1822 from FAS 1833 to I-29, & FAS 1812 from FAS 1833 to I-29, & FAS 1833 from FAS 1824 to ND 15	2.6
171.	Richland County, North Dakota	Grading & surfacing from Wahpeton to the Froedtert Malting Plant	0.6
172.	Ward/McHenry County, North Dakota	Grading & surfacing FAS 5158 & FAS 2546 from U.S. 83 to ND 41	4.5
173.	Bottineau County, North Dakota	Grading & surfacing from Bottineau to ND Highway 43	2.4

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
174.	McKenzie County, North Dakota	Grading & surfacing of FAS 2750 from U.S. 85 west 12 miles	2.3
175.	Wells County, North Dakota	Grading & surfacing of FAS 5215 from FAS 5208 north to the county line, & from U.S. 52, one mile west of Manfred, north to FAS 5208	2.5
176.	Traill County, North Dakota	Grading & surfacing of FAS 4916 from ND 200 east to the Red River	2.8
177.	Eddy County, North Dakota	Grading & surfacing of: FAS 1404 from U.S. 281 east 10.5 miles & from ND 20 west 5.5 miles; & of FAS 1427 from ND 20 south about 8 miles	2.5
178.	Renville/Ward County, North Dakota	Grading & surfacing, starting at FAS 3809 on the Ward County line south 4 miles & then east 2 miles	0.9
179.	Morton County, North Dakota	Grading & surfacing of FAS 3020 from ND 49 southeasterly to FAS 3033	3.1
180.	Walsh County, North Dakota	Surfacing of FAS 5017 from Lankin south to the Nelson County line & FAS 5022 from Fordville east to ND 18	2.5
181.	Dickey County, North Dakota	Grading & surfacing of FAS 1112 from U.S. 281 east to FAS 1127, FAS 1111 from ND 11 south to FAS 1124, & FAS 1137 from ND 11 north to Guelph	4.0
182.	Burke County, North Dakota	Grading & surfacing of FAS 0717 from Lignite south to ND 50	4.4
183.	Morton County, North Dakota	For a bypass from ND 1806 around the westside of Fort Lincoln State Park	3.2
184.	Rolette County, North Dakota	Grading & surfacing from U.S. 281 around the access loop road in the Int'l. Peace Gardens	1.9
185.	Oliver County, North Dakota	Grading & surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25, & FAS 3304 from FAS 3331 east to FAS 3339	2.9
186.	Williams County, North Dakota	Grading & surfacing at County Rd. 5 from U.S. 2 southerly to ND 1804	2.5

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
187.	Plummer, Idaho	Reconstruct a total of 2.9 miles of SH-5 (FAP-14) beginning at M.P. 0.5 in the City of Plummer in Benewah County to M.P. 1.1, and two additional segments located on Peedee Hill from approximately M.P. 3.6 to M.P. 4.9 and M.P. 5.7 to M.P. 6.7	3.6
188.	Lemhi County, Idaho	Reconstruct an 8.3 mile section of U.S. 93 (FAP-35) in Lemhi County at the Idaho/Montana border. 23 U.S.C. 120(a) shall be applicable to the Federal share payable of the cost of such project	25.6
189.	St. Maries, Idaho	Rehabilitate existing pavement structure for a total of 14.2 miles of Idaho Forest Highway 50, the St. Joe River Road between St. Maries and the Benewah/Shoshone County Line	3.4
190.	Lewiston, Idaho	Construct a new road for a total of 2.4 miles along FAU Route 7344, M.P. 0.0-2.4, in Bryden Canyon, Lewiston	3.9
191.	Bear Lake County, Idaho	Reconstruct a 13.0 mile segment of U.S.-89 (FAP-53) between the communities of Montpelier and Geneva	18.5
192.	Alabama	Improvements to Anniston Eastern Bypass, in the vicinity of U.S. 431 and Alabama State Hwy. 21 north of Anniston to the Golden Springs interchange on I-20	11.0
193.	Corning, New York	Additional funding for Corning Bypass (Route 1), except any excess funds from the $13.4 million in total funding for this project shall be available for construction of two additional expressway lanes from Chautauqua Lake Bridge to Pennsylvania border on Route 17	2.4
194.	Billings, Montana	Construction of the Shilo I-90 Interchange	11.0
195.	Missoula, Montana	Construction of the Missoula Airport I-90 Interchange	7.0
196.	Orlando, Florida	Land & right-of-way acquisition & guideway construction for magnetic limitation project	97.5
197.	Toledo, Ohio	Design & initial construction of a new I-280 Maumee River crossing to replace the Craig Memorial Bridge	37.0
198.	New London-Groton/ Bridgeport/New Haven, Connecticut	Rehabilitate or replace: The Gold Star Bridge over the Thames River I-95 between New London & Groton; the Bridge over the Yellow Mill Channel (Bridgeport); & the Tomlinson Bridge on Rte. 1 over the Quinnipiac River (New Haven)	62.0

	CITY/STATE	INNOVATIVE PROJECTS	AMOUNT in millions
199.	Raleigh/Rocky Mount/ Elizabeth City, North Carolina	Design & Construction of interstate standard highway from Rocky Mount, NC to Elizabeth City, NC, & for the upgrading of I-64 from Raleigh, NC to Rocky Mount, NC, & Rte. 17 from Elizabeth City to Norfolk. A substantial portion of the funding should be used for the Rocky Mount to Elizabeth segment	30.0
200.	Binghamton, New York	A study of the feasibility of rehabilitation of the South Washington Street Bridge in Binghamton, NY, to identify plans & specifications for repair if feasible	0.5
201.	District of Columbia	Advanced composite bridge deck demonstration at Catholic University	0.2
202.	Georgia	For any highway improvement projects eligibile for funding under title 23, United States Code	27.0
203.	Hawaii	For any highway improvement projects eligibile for funding under title 23, United States Code	6.0
204.	Oklahoma	For any highway improvement projects eligibile for funding under title 23, United States Code	59.0

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) REPORTS.—Not later than 1 year after completion of a project under this section, the State in which such project is located shall submit to the Secretary a report on the innovative techniques used in carrying out such project and on the results obtained through the use of such techniques.

(h) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 1108. PRIORITY INTERMODAL PROJECTS.

(a) PURPOSE.—The purpose of this section is to provide for the construction of innovative intermodal transportation projects.

(b) AUTHORIZATION OF PRIORITY PROJECTS.—The Secretary is authorized to carry out the priority intermodal transportation projects described in this subsection. Subject to subsection (c), there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 1992 through 1997 to carry out each such project the amount listed for each such project:

	CITY/STATE	INTERMODAL PROJECTS	AMOUNT in millions
1.	Long Beach, California	Interchange at Terminal Island Freeway and Ocean Boulevard	11.8
2.	Wilmington/Los Angeles, California	Widening of Anaheim Street Viaduct	11.8
3.	Wilmington/Los Angeles, California	Grade Separation Project of Pacific Coast Highway near Alameda Suite	11.8
4.	Compton City/Los Angeles County, California	Widening of Alameda Street and grade separation between Rt. 91 and Del Amo Boulevard	11.8
5.	Pennsylvania	Upgrading U.S. Highway 30 from Ohio Border to Pittsburgh International Airport	3.2
6.	Philadelphia, Pennsylvania	Reconstruction of the Old Delaware Avenue Service Road	2.4
7.	Ardmore, Oklahoma	Study of upgraded State Route 53 off U.S. 35 leading to improved Ardmore Airport	2.5
8.	Detroit, Michigan	To relocate Van Dyke Street and construct a road depression under the runway at McNichols Road at the Detroit City Airport ($1,000,000 of the Federal funds shall be for the relocation of Van Dyke Street)	4.3
9.	E. Haven/Wallingford, Connecticut	Improvement of highway and transit projects in East Haven/Wallingford, Connecticut ($8.8 million for East Haven Route 80, $2.4 million for Wallingford I-91, and $0.7 million for Wallingford Oakdale)	10.1

	CITY/STATE	INTERMODAL PROJECTS	AMOUNT in millions
10.	St. Louis, Missouri	Rehabilitation of Eads Bridge, St. Louis, Missouri	8.9
11.	Atlanta, Georgia	Study of 5-Points Intermodal Terminal-Atlanta, Georgia	2.4
12.	Buffalo, New York	Construction of Buffalo River/ Gateway Tunnel Project	20.2
13.	Northern California	Purchase right-of-way and develop a transportation corridor in existing rail right-of-way from Larkspur to Korbel, and Novato to Lombard	15.1
14.	Portland, Oregon	To widen 2.7 miles of U.S. 26 from the Zoo interchange to the Sylvan Interchange to accommodate highway lanes and light rail alignment	14.2
15.	Los Angeles, California	For construction of a multi-modal transit parkway that includes both highway and transit improvements on Santa Monica Blvd. from the San Diego Freeway to Hollywood Freeway, Los Angeles, California	8.9
16.	Jacksonville, Florida	Construct new I-295 Interchange and arterial access road to link Jacksonville's seaport, airport terminals and the interstate	7.1
17.	Las Vegas, Nevada	Conduct environmental studies and preliminary engineering for the western and northern portions of the project linking McCarran International Airport with I-15	3.8
18.	Ontario, California	To complete construction of access roads to Ontario International Airport, Ontario, California	4.7
19.	Allegheny County, Pennsylvania	For an expansion of the existing Martin Luther King, Jr. Busway in the vicinity of Allegheny County, Pennsylvania to serve the Greater Pittsburgh International Airport and adjoining communities	21.7
20.	Pierce County, Washington	Conduct feasibility study and analyze expanding Tacoma Narrows Bridge and other transportation alternatives between State Rd. 16 and I-5	0.7
21.	San Jose, California	Upgrade Rt. 87 from 4 to 6 lanes including 2 HOV Lanes, a new freeway interchange and local circulation system for San Jose International Airport	14.8
22.	American Samoa	Rehabilitate 8 miles of Tau Road from Falessao to Fatuita American Samoa	1.1
23.	Manu'a Island, American Samoa	Rehabilitate and otherwise improve 8 miles of roadway from Ofu to Olosfaga and Slie	1.2
24.	Spokane, Washington	Conduct feasibility study of future transportation needs of Southeastern, Washington	0.8

	CITY/STATE	INTERMODAL PROJECTS	AMOUNT in millions
25.	Detroit, Michigan	To provide for construction of an access road to Detroit Metropolitan Airport including access on the southern end of the airport in order to provide a link to I-275	33.8
26.	Pittsburgh, Pennsylvania	For design and construction of an exclusive busway linking Pittsburgh and the Pittsburgh Airport	9.8
27.	St. Louis, Missouri	To construct a multi-modal transportation facility in St. Louis, Missouri	5.9
28.	Orange & Rockland, New York	To construct park and ride facilities and establish innovative traffic management system measures to promote efficient transportation usage	4.7
29.	Philadelphia, Pennsylvania	To improve mobility for a variety of traffic flow projects in the vicinity of the Pennsylvania Convention Center, Philadelphia, Pennsylvania	9.5
30.	Oxnard, California	To extend Rice Rd., widen Hueneme Rd. and construct Rt. 1/Rice Rd. interchange in order to improve access to Port Hueneme, Oxnard, California	8.9
31.	Los Angeles, California	To improve ground access from Sepulveda Blvd. to Los Angeles, California	8.95
32.	Mt. Vernon, New York	To construct an intermodal facility at the Mt. Vernon Rail Station, Mt. Vernon, New York	7.1
33.	Orange County, New York	I-87/I-84 Stuart Airport Interchange Project	15.7
34.	Mississippi	I-20 Interchange at Pirate	3.4
35.	Jackson, Mississippi	Jackson Airport Connectors	3.1
36.	Palmdale, California	Avenue P8 Improvements	3.6
37.	Lafayette, Indiana	Lafayette Railroad Relocation Project	24.3
38.	Provo, Utah	South Access Rd. to Provo Municipal Airport	1.0
39.	Pennsylvania	Eastside Connector Project/Port of Erie Access, Erie County, Pennsylvania	7.5
40.	Minneapolis, Minnesota	Intermodal Urban connection project, Minneapolis, Minnesota	19.9
41.	Kansas City, Missouri	Bruce Watkins Roadway Improvements	1.4
42.	Missouri	Smith Riverfront Expressway, Jackson/Kansas City, Missouri	12.7
43.	Portland, Oregon	Columbia Slough Intermodal Expansion Bridge, Portland, Oregon	2.1
44.	Ft. Worth, Texas	Ft. Worth Intermodal Center	13.4
45.	Gary, Indiana	Extension of U.S. Highway 12/20 to Lake Michigan	2.2
46.	Carson/Los Angeles Counties, California	Grade Separation Project at Sepulveda Boulevard and Alameda Street	9.5

	CITY/STATE	INTERMODAL PROJECTS	AMOUNT in millions
47.	Williamson, Travis, Caldwell, and Guadalupe, Texas	Feasibility studies (including the effect of closing Bergstrom AFB on traffic corridor), Route studies, preliminary engineering, and right-of-way acquisition for Alternate Route to relieve I-H35 traffic congestion	5.2
48.	Augusta, Georgia	Railroad relocation demonstration project, overpass at 15th Street and Greene Street	5.9
49.	Louisiana	Saint Bernard Intermodal Facility Engineering, Design, and Construction	10.2
50.	Illinois	Interstate 255 Interchange	3.4
51.	Long Beach, California	Long Beach Airport Access	8.5

(c) ALLOCATION PERCENTAGES.—8 percent of the amount allocated by subsection (b) for each project authorized by subsection (b) shall be available for obligation in fiscal year 1992. 18.4 percent of such amount shall be available for obligation in each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(h) HIGHWAY AND MASS TRANSIT PROJECTS.—Each project authorized by this section or by any other section of this Act is a highway or an urban mass transportation project.

SEC. 1109. INFRASTRUCTURE AWARENESS PROGRAM.

(a) IN GENERAL.—For the purpose of creating an awareness by the public and State and local governments of the state of the Nation's infrastructure and to encourage and stimulate efforts by the public and such governments to undertake studies and projects to improve the infrastructure, the Secretary is authorized to fund the production of a documentary in cooperation with a not-for-profit national public television station.

(b) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for fiscal years beginning after September 30, 1991, out of the Highway Trust Fund (other than the Mass Transit Account), which shall remain available until expended. All of the provisions of chapter 1 of title 23, United States Code, shall apply to the funds provided under this section. This section shall not be subject to any obligation limitation.

Symms National Recreational Trails Act of 1991.

PART B—NATIONAL RECREATIONAL TRAILS FUND ACT

16 USC 1261 note.

SEC. 1301. SHORT TITLE.

This part may be cited as the "Symms National Recreational Trails Act of 1991".

16 USC 1261.

SEC. 1302. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing and maintaining recreational trails.

(b) STATEMENT OF INTENT.—Moneys made available under this part are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a Statewide Comprehensive Outdoor Recreation Plan required by the Land and Water Conservation Fund Act.

(c) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this part, a State shall be eligible to receive moneys under this Act only if such State's application proposes to use the moneys as provided in subsection (e).

(2) PERMANENT PROVISION.—On and after the date that is three years after the date of the enactment of this Act, a State shall be eligible to receive moneys under this part only if—

(A) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists within the State;

(B) in the case of a State that imposes a tax on nonhighway recreational fuel, the State by law reserves a reasonable estimation of the revenues from that tax for use in providing and maintaining recreational trails;

(C) the Governor of the State has designated the State official or officials who will be responsible for administering moneys received under this Act; and

(D) the State's application proposes to use moneys received under this part as provided in subsection (e).

(d) ALLOCATION OF MONEYS IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for moneys under this part;

(B) paying expenses of the National Recreational Trails Advisory Committee;

(C) conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this part; and

(D) if any such funds remain unexpended, research on methods to accommodate multiple trail uses and increase the compatibility of those uses, information dissemination, technical assistance, and preparation of a national trail plan as required by the National Trails System Act (16 U.S.C. 1241 et al).

(2) ALLOCATION TO STATES.—

(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use during the preceding year in each such State, respectively.

(B) USE OF DATA.—In determining amounts of nonhighway recreational fuel use for the purpose of subparagraph (A)(ii), the Secretary may consider data on off-highway vehicle registrations in each State.

(3) LIMITATION ON OBLIGATIONS.—The provisions of paragraphs (1) and (2) notwithstanding, the total of all obligations for recreational trails under this section shall not exceed—

(A) $30,000,000 for fiscal year 1992;
(B) $30,000,000 for fiscal year 1993;
(C) $30,000,000 for fiscal year 1994;
(D) $30,000,000 for fiscal year 1995;
(E) $30,000,000 for fiscal year 1996; and
(F) $30,000,000 for fiscal year 1997.

(e) USE OF ALLOCATED MONEYS.—

(1) PERMISSIBLE USES.—A State may use moneys received under this part for—

(A) in an amount not exceeding 7 percent of the amount of moneys received by the State, administrative costs of the State;

(B) in an amount not exceeding 5 percent of the amount of moneys received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

(C) development of urban trail linkages near homes and workplaces;

(D) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

(E) restoration of areas damaged by usage of recreational trails and back country terrain;

(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) provision of features which facilitate the access and use of trails by persons with disabilities;

(H) acquisition of easements for trails, or for trail corridors identified in a State trail plan;

(I) acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(J) construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

(K) only as otherwise permissible, and where necessary and required by a State Comprehensive Outdoor Recreation plan, construction of new trails crossing Federal lands, where such construction is approved by the administering agency of the State, and the Federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(2) USE NOT PERMITTED.—A State may not use moneys received under this part for—

(A) condemnation of any kind of interest in property;

(B)(i) construction of any recreational trail on National Forest System lands for motorized uses unless such lands—

(I) have been allocated for uses other than wilderness by an approved Forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

(ii) construction of any recreational trail on Bureau of Land Management lands for motorized uses unless such lands—

(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved management plans; or

(C) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

(3) GRANTS.—

(A) IN GENERAL.—A State may provide moneys received under this part to make grants to private individuals,

organizations, city and county governments, and other government entities as approved by the State after considering guidance from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), for uses consistent with this section.

(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraphs (6) and (8)(B), not less than 30 percent of the moneys received annually by a State under this part shall be reserved for uses relating to motorized recreation, and not less than 30 percent of those moneys shall be reserved for uses relating to non-motorized recreation.

(5) DIVERSIFIED TRAIL USE.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this part in a manner that gives preference to project proposals which—

(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); or

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than 40 percent of moneys received under this part in the aforementioned manner.

(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).

(6) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

(7) CONTINUING RECREATIONAL USE.—At the option of each State, moneys made available pursuant to this part may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

(8) RETURN OF MONEYS NOT EXPENDED.—

(A) Except as provided in subparagraph (B), moneys paid to a State that are not expended or dedicated to a specific project within 4 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(B) If approved by the State recreational trail advisory board satisfying the requirements of subsection (c)(2)(A), may be exempted from the requirements of paragraph (4) and expended or committed to projects for purposes other-

wise stated in this subsection for a period not to extend beyond 4 years after receipt, after which any remaining moneys not expended or dedicated shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d).

(f) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreation trail pursuant to this part is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this part diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable laws.

(2) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.—As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.—Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

(g) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements stated in subsection (c).

(2) FUND.—The term "Fund" means the National Recreational Trails Trust Fund established by section 9511 of the Internal Revenue Code of 1986.

(3) NONHIGHWAY RECREATIONAL FUEL.—The term "nonhighway recreational fuel" has the meaning stated in section 9503(c)(6) of the Internal Revenue Code of 1986.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

(6) MOTORIZED RECREATION.—The term "motorized recreation" may not include motorized conveyances used by persons with disabilities, such as self-propelled wheelchairs, at the discretion of each State.

16 USC 1262.

SEC. 1303. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the National Recreational Trails Advisory Committee.

(b) MEMBERS.—There shall be 11 members of the advisory committee, consisting of—

(1) 8 members appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

(A) hiking,
(B) cross-country skiing,
(C) off-highway motorcycling,
(D) snowmobiling,
(E) horseback riding,
(F) all-terrain vehicle riding,
(G) bicycling, and
(H) four-wheel driving;

(2) an appropriate official of government with a background in science or natural resources management, including any official of State or local government, designated by the Secretary;

(3) 1 member appointed by the Secretary from nominations submitted by water trail user organizations; and

(4) 1 member appointed by the Secretary from nominations submitted by hunting and fishing enthusiast organizations.

(c) CHAIRMAN.—The Chair of the advisory committee shall be the government official referenced in subsection (b)(2), who shall serve as a non-voting member.

(d) SUPPORT FOR COMMITTEE ACTION.—Any action, recommendation, or policy of the advisory committee must be supported by at least five of the members appointed under subsection (b)(1).

(e) TERMS.—Members of the advisory committee appointed by the Secretary shall be appointed for terms of three years, except that the members filling five of the eleven positions shall be initially appointed for terms of two years, with subsequent appointments to those positions extending for terms of three years.

(f) DUTIES.—The advisory committee shall meet at least twice annually to—

(1) review utilization of allocated moneys by States;

(2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this part; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this part.

(g) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(h) REIMBURSEMENT FOR EXPENSES.—Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 1302(d)(1)(B), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(i) REPORT TO CONGRESS.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives, a study which summarizes the annual reports of the National Recreational Trails Advisory Committee, describes the allocation and utilization of moneys under this part, and contains recommendations for changes in Federal policy to advance the purposes of this part.

TITLE II—HIGHWAY SAFETY

Highway Safety Act of 1991.

PART A—HIGHWAY SAFETY GRANT PROGRAMS

23 USC 401 note.

SEC. 2001. SHORT TITLE.

This part may be cited as the "Highway Safety Act of 1991".

SEC. 2002. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by inserting after the third sentence the following: "In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, and (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. If the Secretary does not designate as priority programs those programs described in the preceding sentence, the Secretary shall submit to Congress a report describing the reasons for not prioritizing such programs. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.".

Reports.

Reports.

Reports.

(b) ADMINISTRATIVE REQUIREMENTS AND USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—Section 402(b) of such title is amended by adding at the end the following new paragraphs:

"(3) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not approve a State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate

powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

"(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

"(C) except as provided in paragraph (5), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

"(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

"(4) WAIVER.—The Secretary may waive the requirement of paragraph (3)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

"(5) USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photo-radar) by law enforcement officers.".

(c) CONFORMING AMENDMENT.—Section 402(d) of such title is amended by striking "Federal-aid primary" and inserting "National Highway System".

SEC. 2003. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) GENERAL AUTHORITY; DRUGS, AND DRIVER BEHAVIOR.—Section 403 of title 23, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

"(2) ADDITIONAL AUTHORITY.—In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for—

"(A) training or education of highway safety personnel,

"(B) research fellowships in highway safety,

"(C) development of improved accident investigation procedures,

"(D) emergency service plans,

"(E) demonstration projects, and

"(F) related research and development activities which the Secretary deems will promote the purposes of this section.

"(3) SAFETY DEFINED.—As used in this section, the term 'safety' includes highway safety and highway safety-related research and development, including research and development relating to highway and driver characteristics, crash investigations, communications, emergency medical care, and transportation of the injured.

"(b) DRUGS AND DRIVER BEHAVIOR.—In addition to the research authorized by subsection (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.".

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—Section 403 of such title is amended by striking subsection (f) and inserting the following new subsection:

"(f) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

"(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

"(3) PROJECT SELECTION.—In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

"(4) APPLICABILITY OF STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.—The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.".

(c) CONFORMING AMENDMENT.—Section 403(c) of such title is amended by striking "subsection (b)" and inserting "subsections (a) and (b)".

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§ 410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs. Grants.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991.

"(c) BASIC GRANT ELIGIBILITY.—A State is eligible for a basic grant under this section in a fiscal year only if such State provides for 4 or more of the following:

"(1) Establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

"(A) when a law enforcement officer has probable cause under State law to believe a person has committed an alcohol-related traffic offense and such person is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer shall serve such person with a written notice of suspension or revocation of the driver's license of such person and take possession of such driver's license;

"(B) the notice of suspension or revocation referred to in subparagraph (A) shall provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of a person for operating a motor vehicle while under the influence of alcohol and shall specify any rights of the operator under such procedures;

"(C) the State shall provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation within the time period specified in subparagraph (F);

"(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately shall report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this clause;

"(E) in the case of a person who, in any 5-year period beginning after the date of enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or

is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(i) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(ii) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

"(F) the suspension and revocation referred to under subparagraph (D) shall take effect not later than 30 days after the day on which the person first received notice of the suspension or revocation in accordance with subparagraph (B).

"(2)(A) For each of the first three fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

"(B) For each of the last two fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(3) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol.

"(4) A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(5) An effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

"(d) AMOUNT OF BASIC GRANTS.—The amount of a basic grant to be made in a fiscal year under this section to a State eligible to receive such grant shall be 65 percent of the amount of funds apportioned to such State in such fiscal year under this section.

"(e) SUPPLEMENTAL GRANTS.—

"(1) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(2) OPEN CONTAINER LAWS.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this

section if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

"(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

"(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

"(3) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATES.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides for the suspension of the registration of, and the return to such State of the license plates for an individual who—

"(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991; or

"(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates on an individual basis to avoid undue hardship to any individual (including any family member of the convicted individual and any co-owner of the motor vehicle) who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration of the motor vehicle, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

"(4) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(5) DRUGGED DRIVING PREVENTION.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and—

"(A) provides for laws concerning drugged driving under which—

"(i) a person shall not drive or be in actual physical control of a motor vehicle while under the influence of alcohol, a controlled substance, a combination of con-

trolled substances, or any combination of alcohol and controlled substances;

"(ii) any person who operates a motor vehicle upon the highways of the State shall be deemed to have given consent to a test or tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in his or her body; and

"(iii) the driver's license of a person shall be suspended promptly, for a period of not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, when a law enforcement officer has probable cause under State law to believe such person has committed a traffic offense relating to controlled substances use, and such person (I) is determined, on the basis of 1 or more chemical tests, to have been under the influence of controlled substances while operating a motor vehicle, or (II) refuses to submit to such a test as proposed by the officer;

"(B) has in effect a law which provides that—

"(i) any person convicted of a first violation of driving under the influence of controlled substances or alcohol, or both, shall receive—

"(I) a mandatory license suspension for a period of not less than 90 days; and

"(II) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

"(ii) any person convicted of a second violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of imprisonment for 10 days and license revocation for not less than 1 year;

"(iii) any person convicted of a third or subsequent violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a prior conviction for the same offense shall—

"(I) receive a mandatory minimum sentence of imprisonment for 120 days; and

"(II) have his or her license revoked for not less than 3 years; and

"(iv) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence of controlled substances or alcohol, or both, shall receive a mandatory sentence of imprisonment for at least 30 days, and shall upon release from imprisonment receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license;

"(C) provides for an effective system, as determined by the Secretary, for—

"(i) the detection of driving under the influence of controlled substances;

"(ii) the administration of a chemical test or tests to any driver who a law enforcement officer has probable cause under State law to believe has committed a traffic offense relating to controlled substances use; and

"(iii) in instances where such probable cause exists, the prosecution of (I) those persons who are determined, on the basis of 1 or more chemical tests, to have been operating a motor vehicle while under the influence of controlled substances and (II) those persons who refuse to submit to such a test as proposed by a law enforcement officer; and

"(D) has in effect 2 of the following programs:

"(i) An effective educational program, as determined by the Secretary, for the prevention of driving under the influence of controlled substances.

"(ii) An effective program, as determined by the Secretary, for training law enforcement officers to detect driving under the influence of controlled substances.

"(iii) An effective program, as determined by the Secretary, for the rehabilitation and treatment of those convicted of driving under the influence of controlled substances.

"(6) BLOOD ALCOHOL CONCENTRATION LEVEL PERCENTAGE.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and requires that any person with a blood alcohol concentration of .08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated in each of the first three fiscal years in which a basic grant is received. Grants.

"(7) VIDEO EQUIPMENT FOR DETECTION OF DRUNK AND DRUGGED DRIVERS.—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol or a controlled substance and in effectively prosecuting those persons, and to train personnel in the use of that equipment. Grants.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.

"(g) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—After the deduction under subsection (f), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) DETERMINATION OF PUBLIC ROAD MILEAGE.—For the purposes of this subsection, the term 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(3) MINIMUM PERCENTAGE.—The annual apportionment under this paragraph to each State shall not be less than one-half of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 percent of the total apportionment.

"(4) REAPPORTIONMENT OF NONELIGIBLE STATE FUNDS.—If a State is not eligible for a basic grant or for a supplemental grant under this section in a fiscal year, the amount of funds apportioned to the State in the fiscal year to make such grant shall be reapportioned to the other States eligible to receive such a grant in the fiscal year in accordance with the formula specified in this subsection. The reapportionment shall be made on the first day of the succeeding fiscal year.

"(h) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154(b) of this title.

"(4) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptacle—

"(A) which contains any amount of an alcoholic beverage; and

"(B)(i) which is open or has a broken seal, or

"(ii) the contents of which are partially removed.

"(j) FUNDING FOR FISCAL YEARS 1993–1997.—From sums made available to carry out section 402 of this title, the Secretary shall make available $25,000,000 for each of fiscal years 1993 through 1997 to carry out this section.".

(b) STATES ELIGIBLE FOR GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State which, before the date of the enactment of this Act, was eligible to receive a grant under section 410 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section 410, as so in effect, in lieu of receiving in such fiscal year grants under such section 410, as amended by this Act. 23 USC 410 note.

(c) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by striking the item relating to section 410 and inserting the following:

"410. Alcohol-impaired driving countermeasures.".

SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $126,000,000 for fiscal year 1992 and $171,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

(2) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 by the National Highway Traffic Safety Administration $44,000,000 for each of the fiscal years 1992 through 1997.

(3) ALCOHOL TRAFFIC SAFETY INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $25,000,000 for fiscal year 1992.

SEC. 2006. DRUG RECOGNITION EXPERT TRAINING PROGRAM. 23 USC 403 note.

(a) ESTABLISHMENT.—The Secretary, acting through the National Highway Traffic Safety Administration, shall establish a regional program for implementation of drug recognition programs and for training law enforcement officers (including enforcement officials under the motor carrier safety assistance program) to recognize and identify individuals who are operating a motor vehicle while under

the influence of alcohol or one or more controlled substances or other drugs.

Reports.

(b) ADVISORY COMMITTEE.—The Secretary shall establish a citizens advisory committee that shall report to Congress annually on the progress of the implementation of subsection (a). Members of the committee shall include 1 member of each of the following: Mothers Against Drunk Driving; a narcotics control organization; American Medical Association; American Bar Association; and such other organizations as the Secretary deems appropriate. The committee shall be subject to the provisions of the Advisory Committee Act and shall terminate 2 years after the date of the enactment of this Act.

Termination date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for each of fiscal years 1992 through 1997.

(d) DEFINITION.—For purposes of this section, the term "controlled substance" means any controlled substance, as defined under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), whose use the Secretary has determined poses a risk to transportation safety.

SEC. 2007. NATIONAL DRIVER REGISTER ACT AUTHORIZATIONS.

Section 211(b) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended—

(1) by striking "and" the second place it appears; and

(2) by inserting before the period at the end the following: ", and not to exceed $4,000,000 for fiscal year 1992. From sums made available to carry out section 402 of title 23, United States Code, the Secretary shall make available $4,000,000 for each of fiscal years 1993 and 1994 to carry out this section.".

23 USC 402 note.

SEC. 2008. EFFECTIVE DATE; APPLICABILITY.

Except as otherwise provided, this title, including the amendments made by this title, shall take effect on the date of the enactment of this Act, shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before such date of enactment.

SEC. 2009. OBLIGATION CEILINGS.

(a) IN GENERAL.—Sums authorized for fiscal year 1992 by sections 2005(1), 2005(3), and 2006(c) of this Act and section 211(b) of the National Driver Register Act of 1982 shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992.

23 USC 402 note.

(b) OBLIGATION LIMITATION.—If an obligation limitation is placed on sums authorized to be appropriated to carry out section 402 of title 23, United States Code, for fiscal year 1993 or subsequent fiscal years, any amounts made available out of such funds to carry out sections 2004 and 2006 of this Act and section 211(b) of the National Driver Register Act of 1982 shall be reduced proportionally.

PART B—NHTSA AUTHORIZATIONS AND GENERAL PROVISIONS

National Highway Traffic Safety Administration Authorization Act of 1991. 15 USC 1392 note.

SEC. 2500. SHORT TITLE.

This part may be cited as the "National Highway Traffic Safety Administration Authorization Act of 1991".

SEC. 2501. AUTHORIZATION OF APPROPRIATIONS.

(a) TRAFFIC AND MOTOR VEHICLE SAFETY PROGRAM.—For the National Highway Traffic Safety Administration to carry out the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), there are authorized to be appropriated $68,722,000 for fiscal year 1992, $71,333,436 for fiscal year 1993, $74,044,106 for fiscal year 1994, and $76,857,782 for fiscal year 1995.

(b) MOTOR VEHICLE INFORMATION AND COST SAVINGS PROGRAMS.—For the National Highway Traffic Safety Administration to carry out the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), there are authorized to be appropriated $6,485,000 for fiscal year 1992, $6,731,430 for fiscal year 1993, $6,987,224 for fiscal year 1994, and $7,252,739 for fiscal year 1995.

SEC. 2502. GENERAL PROVISIONS.

(a) DEFINITIONS.—As used in this part—

(1) the term "bus" means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons;

(2) the term "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry 10 persons or fewer, which is constructed either on a truck chassis or with special features for occasional off-road operation;

(3) the term "passenger car" means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer), designed for carrying 10 persons or fewer;

(4) the term "truck" means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment; and

(5) the term "Secretary" means the Secretary of Transportation.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any action taken under section 2503 shall be taken in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

(2) SPECIFIC PROCEDURE.—

(A) INITIATION.—To initiate an action under section 2503, the Secretary shall, not later than May 31, 1992, publish in the Federal Register an advance notice of proposed rulemaking or a notice of proposed rulemaking, except that if the Secretary is unable to publish such a notice by such date, the Secretary shall by such date publish in the Federal Register a notice that the Secretary will begin such action by a certain date which may not be later than January 31, 1993 and include in such notice the reasons for the delay. A notice of delayed action shall not be considered agency action subject to judicial review. If the Secretary publishes an advance notice of proposed rulemaking, the Secretary is not required to follow such notice with a notice

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of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act (15 U.S.C. 1392), and if the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

(B) COMPLETION.—

(i) PERIOD.—Action under paragraphs (1) through (4) of section 2503 which was begun under subparagraph (A) shall be completed within 26 months of the date of publication of an advance notice of proposed rulemaking or 18 months of the date of publication of a notice of proposed rulemaking. The Secretary may extend for any reason the period for completion of a rulemaking initiated by the issuance of a notice of proposed rulemaking for not more than 6 months if the Secretary publishes the reasons for such extension. The extension of such period shall not be considered agency action subject to judicial review.

(ii) ACTION.—A rulemaking under paragraphs (1) through (4) of section 2503 shall be considered completed when the Secretary promulgates a final rule or when the Secretary decides not to promulgate a rule (which decision may include deferral of the action or reinitiation of the action). The Secretary may not decide against promulgation of a final rule because of lack of time to complete rulemaking. Any such rulemaking actions shall be published in the Federal Register, together with the reasons for such decisions, consistent with chapter 5 of title 5, United States Code, and the National Traffic and Motor Vehicle Safety Act of 1966.

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(iii) SPECIAL RULE.—

(I) PERIOD.—Action under paragraph (5) of section 2503 which was begun under subparagraph (A) shall be completed within 24 months of the date of publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking. If the Secretary determines that there is a need for delay and if the public comment period is closed, the Secretary may extend the date for completion for not more than 6 months and shall publish in the Federal Register a notice stating the reasons for the extension and setting a date certain for completion of the action. The extension of the completion date shall not be considered agency action subject to judicial review.

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(II) ACTION.—A rulemaking under paragraph (5) of section 2503 shall be considered completed when the Secretary promulgates a final rule with standards on improved head injury protection.

(C) STANDARD.—The Secretary may, as part of any action taken under section 2503, amend any motor vehicle safety standard or establish a new standard under the National

Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

SEC. 2503. MATTERS BEFORE THE SECRETARY.

The Secretary shall address the following matters in accordance with section 2502:

(1) Protection against unreasonable risk of rollovers of passenger cars, multipurpose passenger vehicles, and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

(2) Extension of passenger car side impact protection to multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

(3) Safety of child booster seats used in passenger cars and other appropriate motor vehicles.

(4) Improved design for safety belts.

(5) Improved head impact protection from interior components of passenger cars (i.e. roof rails, pillars, and front headers).

SEC. 2504. RECALL OF CERTAIN MOTOR VEHICLES.

(a) NOTIFICATION OF DEFECT OR FAILURE TO COMPLY.—Section 153 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413) is amended by adding at the end the following new subsections:

"(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.

"(e)(1) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice to the lessee in such manner as the Secretary may by regulation prescribe.

"(2) For purposes of this subsection, the term 'leased motor vehicle' means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.".

(b) LIMITATION ON SALE OR LEASE OF CERTAIN VEHICLES.—Section 154 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1414) is amended by adding at the end the following:

"(d) If notification is required under section 151 or by an order under section 152(b) and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, such dealer may sell or lease such motor vehicle or item of replacement equipment only if—

"(1) the defect or failure to comply has been remedied in accordance with this section before delivery under such sale or lease; or

"(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in

an action to which section 155(a) applies or such order has been set aside in such an action.

Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment.".

SEC. 2505. STANDARDS OF COMPLIANCE TEST PROGRAM.

Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end the following:

"(j) The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing Federal Motor Vehicle Safety Standards that are capable, in the Secretary's judgment, of being tested. In developing the plan and establishing testing priorities, the Secretary shall take into consideration such factors as the Secretary deems appropriate, consistent with the purposes of this Act and the Secretary's other responsibilities under this Act. The Secretary may at any time adjust such priorities to address matters the Secretary deems of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on the date of enactment of this subsection.".

SEC. 2506. REAR SEATBELTS.

The Secretary shall expend such portion of the funds authorized to be appropriated under the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), for fiscal year 1993, as the Secretary deems necessary for the purpose of disseminating information to consumers regarding the manner in which passenger cars may be retrofitted with lap and shoulder rear seatbelts.

SEC. 2507. BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS.

Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966, shall publish an advance notice of proposed rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The Secretary shall complete such rulemaking (in accordance with section 2502(b)(2)(B)(ii)) not later than 36 months from the date of initiation of such advance notice of proposed rulemaking. In order to facilitate and encourage innovation and early application of economical and effective antilock brake systems for all such vehicles, the Secretary shall, as part of the rulemaking, consider any such brake system adopted by a manufacturer.

SEC. 2508. AUTOMATIC CRASH PROTECTION AND SAFETY BELT USE.

(a) AMENDMENT OF STANDARD.—

(1) SPECIFICATIONS.—Notwithstanding any other provision of law or rule, the Secretary shall by September 1, 1993, promulgate, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 (to the extent such Act is not in conflict with the provisions of this section), an amendment to Federal Motor Vehicle Safety Standard 208 issued under such Act to provide that the automatic occupant crash protection system for the front outboard designated seating positions of each—

(A) new truck, bus, and multipurpose passenger vehicle (other than walk-in van-type trucks and vehicles designed to be exclusively sold to the United States Postal Service)

with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less, and

(B) new passenger car,

manufactured on or after the dates specified in the applicable schedule established by subsection (b), shall be an inflatable restraint complying with the occupant protection requirements under section 4.1.2.1 of such Standard. This section supplements and revises, but does not replace, Federal Motor Vehicle Safety Standard 208, including the amendment to such Standard 208 of March 26, 1991 (56 F.R. 12472), extending the requirements for automatic crash protection, together with incentives for more innovative automatic crash protection, to trucks, buses, and multipurpose passenger vehicles.

(2) REQUIREMENT.—The amendment to such Standard 208 shall also require, to be effective as soon as possible after the promulgation of such amendment, that the owner manuals for passenger cars and trucks, buses, and multipurpose passenger vehicles equipped with an inflatable restraint include a statement in an easily understandable format—

(A) that the vehicle is equipped with an inflatable restraint referred to as an "airbag" and a lap and shoulder belt in either or both the front outboard seating positions;

(B) that the airbag is a supplemental restraint;

(C) that it does not substitute for lap and shoulder belts which must also be correctly used by an occupant in such seating position to provide restraint or protection not only from frontal crashes but from other types of crashes or accidents; and

(D) that all occupants, including the driver, should always wear their lap and shoulder belts, where available, or other safety belts, whether or not there is an inflatable restraint.

(3) FINDING.—The Congress finds that it is in the public interest for all States to adopt and enforce mandatory seat belt use laws and for the Federal Government to adopt and enforce mandatory seat belt use rules.

(b) SCHEDULE.—The amendment promulgated under subsection (a) shall establish the following schedule: Effective dates.

(1) NEW PASSENGER CARS.—The amendment shall take effect for 95 percent of each manufacturer's annual production of passenger cars manufactured on and after September 1, 1996, and before September 1, 1997, and for 100 percent of each manufacturer's production of passenger cars manufactured on and after September 1, 1997. Subject to the provisions of subsection (c), the percentage prescribed for passenger cars manufactured on and after September 1, 1997, shall be met entirely by inflatable restraints (accompanied by lap and shoulder belts) for both front outboard seating positions.

(2) NEW TRUCKS, BUSES, AND MULTIPURPOSE PASSENGER VEHICLES.—The amendment shall take effect for 80 percent of each manufacturer's annual production of trucks, buses, and multipurpose passenger vehicles described in subsection (a)(1)(A) and manufactured on and after September 1, 1997, and before September 1, 1998, and for 100 percent of each manufacturer's production of such trucks, buses, and multipurpose passenger vehicles manufactured on and after September 1, 1998. Subject to the provisions of subsection (c), the percentage prescribed for such trucks, buses, and multipurpose passenger vehicles manu-

factured on and after September 1, 1998, shall be met entirely by inflatable restraints (accompanied by lap and shoulder belts) for both front outboard seating positions. The incentives or credits available under Standard 208 (as amended by this section) prior to September 1, 1998, shall not be available to the manufacturers to comply with the 100 percent requirement of this paragraph on and after such date.

(c) TEMPORARY EXEMPTION FROM REQUIREMENTS.—Upon application by a manufacturer, in such manner and containing such information as the Secretary shall prescribe in the amendment under this section to such Standard 208, the Secretary may at any time, under such terms and conditions and to such extent as the Secretary deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from the requirements of subsection (a) or (b), or both, if the Secretary finds that there has been a disruption in the supply of any inflatable restraint component, or a disruption in the use and installation by the manufacturer of such component due to unavoidable events not under the control of the manufacturer, that will prevent a manufacturer from meeting its anticipated production volume of vehicles with such restraints. Each application for such exemption must be filed by the manufacturer affected, and must specify the models, lines, and types of vehicles actually affected, although the Secretary may consolidate applications of a similar nature of 1 or more manufacturers. Any exemption or renewal shall be conditioned upon the manufacturer's commitment to recall the exempted vehicles for installation of omitted inflatable restraints within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements. Notice of each application shall be published in the Federal Register and notice of each decision to grant or deny a temporary exemption, and the reasons for granting or denying it, shall be published in the Federal Register. The Secretary shall require labeling for each exempted motor vehicle which can only be removed after recall and installation of the required inflatable restraint. If a vehicle is delivered without an inflatable restraint, the Secretary shall require that written notification of the exemption be delivered to the dealer and first purchasers for purposes other than resale of such exempted motor vehicle in such a manner, and containing such information, as the Secretary deems appropriate.

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(d) CONSTRUCTION.—Nothing in this section shall be construed by the Secretary or any other person, including any court, as altering or affecting any other provision of law administered by the Secretary and applicable to such passenger cars or trucks, buses, or multipurpose passenger vehicles or as establishing any precedent regarding the development and promulgation of any Federal Motor Vehicle Safety Standard. Nothing in this section or in the amendments made under this section to Federal Motor Vehicle Safety Standard 208 shall be construed by any person or court as indicating an intention by Congress to affect, change, or modify in any way the liability, if any, of a motor vehicle manufacturer under applicable law relative to vehicles with or without inflatable restraints.

(e) REPORT.—The Secretary shall biannually report, beginning October 1, 1992 and continuing to October 1, 2000, on the actual effectiveness of an occupant restraint system defined as the percentage reduction in fatalities or injuries of restrained occupants as

compared to unrestrained occupants for the combination of inflated restraints and lap and shoulder belts, for inflated restraints alone, and for lap and shoulder belts alone. The Secretary, in consultation with the Secretary of Labor and the Secretary of Defense, shall also provide data and analysis on lap and shoulder belt use, nationally and in each State, by Federal, State, and local law enforcement officers, by military personnel, by Federal and State employees other than law enforcement officers, and by the public.

(f) AIRBAGS FOR CARS ACQUIRED FOR FEDERAL USE.—The Secretary, in cooperation with the Administrator of General Services and the heads of other appropriate Federal agencies and consistent with applicable provisions of Federal procurement law and available appropriations, shall establish a program requiring that all passenger cars acquired after September 30, 1994, for use by the Federal Government be equipped, to the maximum extent practicable, with driver-side inflatable restraints and that all passenger cars acquired after September 30, 1996, for use by the Federal Government be equipped, to the maximum extent practicable, with inflatable restraints for both the driver and front seat outboard seating positions.

SEC. 2509. HEAD INJURY IMPACT STUDY.

Reports.

The Secretary, in the case of any head injury protection matters not subject to section 2503(5) for which the Secretary is on the date of enactment of this Act examining the need for rulemaking and is conducting research, shall provide a report to Congress by the end of fiscal year 1993 identifying those matters and their status. The report shall include a statement of any actions planned toward initiating such rulemaking no later than fiscal year 1994 or 1995 through use of either an advance notice of proposed rulemaking or a notice of proposed rulemaking and completing such rulemaking as soon as possible thereafter.

TITLE III—FEDERAL TRANSIT ACT AMENDMENTS OF 1991

Federal Transit Act Amendments of 1991.

SEC. 3001. SHORT TITLE.

49 USC app. 1601 note.

This title may be cited as the "Federal Transit Act Amendments of 1991".

SEC. 3002. AMENDMENTS TO URBAN MASS TRANSPORTATION ACT OF 1964.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601–1621).

SEC. 3003. AMENDMENT TO SHORT TITLE OF URBAN MASS TRANSPORTATION ACT OF 1964.

(a) IN GENERAL.—The Act is amended by striking "That this Act may be cited as the 'Urban Mass Transportation Act of 1964'." and inserting the following:

49 USC app. 1601 note.

"SECTION 1. SHORT TITLE.

Federal Transit Act.

"This Act may be cited as the 'Federal Transit Act'.".

49 USC app. 1601 note.

(b) OTHER REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Act of 1964 shall be deemed to be a reference to the "Federal Transit Act".

SEC. 3004. FEDERAL TRANSIT ADMINISTRATION.

(a) REDESIGNATION OF UMTA.—The Urban Mass Transportation Administration of the Department of Transportation shall be known and designated as the "Federal Transit Administration".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration shall be deemed to be a reference to the "Federal Transit Administration".

(c) AMENDMENTS TO TITLE 49.—

(1) AMENDMENT TO TEXT.—Section 107(a) of title 49, United States Code, is amended by striking "Urban Mass Transportation Administration" and inserting "Federal Transit Administration".

(2) AMENDMENT TO SECTION HEADING.—The heading for section 107 of such title is amended to read as follows:

"§ 107. Federal Transit Administration".

(3) AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 107 and inserting the following:

"107. Federal Transit Administration.".

(d) AMENDMENTS TO TITLE 5.—Title 5, United States Code, is amended—

(1) in section 5314 by striking "Urban Mass Transportation Administrator" and inserting "Federal Transit Administrator"; and

(2) in section 5316 by striking "Deputy Administrator, Urban Mass Transportation Administration" and inserting "Deputy Administrator, Federal Transit Administration".

SEC. 3005. FINDINGS AND PURPOSES.

49 USC app. 1601.

(a) FINDINGS.—Section 2(a) is amended—

(1) in paragraph (2) by striking "; and" and inserting a semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) that significant transit improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.".

(b) PURPOSES.—Section 2(b) is amended—

(1) in paragraph (2) by striking "; and" and inserting a semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to provide financial assistance to State and local governments and their instrumentalities to help implement national

goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.".

SEC. 3006. MAJOR CAPITAL INVESTMENT PROGRAM.

(a) ELDERLY PERSONS AND PERSONS WITH DISABILITIES.—Section 3(a)(1) is amended by striking subparagraph (E) and inserting the following new subparagraph: 49 USC app. 1602.

"(E) transit projects which are planned, designed, and carried out to meet the special needs of elderly persons and persons with disabilities; and".

(b) CORRIDOR DEVELOPMENT.—Section 3(a)(1) is further amended by adding at the end the following new subparagraph:

"(F) the development of corridors to support fixed guideway systems, including protection of rights-of-way through acquisition, construction of dedicated bus and high occupancy vehicle lanes, construction of park and ride lots, and any other nonvehicular capital improvements that the Secretary may determine would result in increased transit usage in the corridor.".

(c) GRANDFATHERED LETTERS OF INTENT.—This Act shall not be construed to affect the validity of any existing letter of intent, full funding grant agreement, or letter of commitment issued under section 3(a)(4) of the Federal Transit Act before the date of the enactment of the Federal Transit Act Amendments of 1991. 49 USC app. 1602 note.

(d) ALLOCATIONS.—Section 3(k) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (3), of the amounts available for grants and loans under this section for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997—

"(A) 40 percent shall be available for fixed guideway modernization;

"(B) 40 percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(C) 20 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities."; and

(2) by adding at the end the following new paragraph:

"(3) AREAS OTHER THAN URBANIZED AREAS.—At least 5.5 percent of the amounts available for grants and loans under subsection (k)(1)(C) for fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be available for areas other than urbanized areas.".

(e) BOND INTEREST ON ADVANCE CONSTRUCTION.—Section 3(l)(2)(B) is amended by striking "the excess of—" and all that follows through the period and inserting "the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financial terms.".

(f) FEDERAL SHARE.—Section 4(a) is amended— 49 USC app. 1603.

(1) by striking "75 per centum" and inserting "80 percent"; and

(2) by inserting before the period at the end of the second sentence the following: ", unless the recipient of the grant requests a lower Federal grant percentage".

(g) LOCAL SHARE FOR CERTAIN PLANNED EXTENSIONS OF FIXED GUIDEWAY SYSTEMS.—Section 4(a) is amended by adding at the end

the following new sentence: "The remainder of the net project cost of a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant demonstrates to the satisfaction of the Secretary that—

"(1) such purchase was made solely with non-Federal funds; and

"(2) such purchase was made for use on the extension.".

49 USC app. 1603.

(h) FISCAL CAPACITY CONSIDERATIONS.—Section 4 is amended—

(1) by striking subsections (b), (c), (d), (e), (f), and (g) and redesignating subsections (h) and (i) as subsections (b) and (c), respectively; and

(2) by adding at the end the following new subsection:

"(d) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to the funding of projects which include more than the non-Federal share required by subsection (a), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.".

SEC. 3007. CAPITAL GRANTS; TECHNICAL AMENDMENT TO PROVIDE FOR EARLY SYSTEMS WORK CONTRACTS AND FULL FUNDING GRANT AGREEMENTS.

49 USC app. 1602.

Section 3(a)(4) is amended—

(1) by inserting "(A)" after "(4)";

(2) in the fifth sentence by inserting "not less than" after "complete";

(3) by adding after the sixth sentence the following:

"(B) The Secretary is authorized to enter into a full funding grant agreement with an applicant, which agreement shall—

"(i) establish the terms and conditions of Federal financial participation in a project under this section;

"(ii) establish the maximum amounts of Federal financial assistance for such project;

"(iii) cover the period of time to completion of the project, including any period that may extend beyond the period of any authorization; and

"(iv) facilitate timely and efficient management of such project in accordance with Federal law.

"(C) An agreement under subparagraph (B) shall obligate an amount of available budget authority specified in law and may include a commitment, contingent upon the future availability of budget authority, to obligate an additional amount or additional amounts from future available budget authority specified in law. The agreement shall specify that the contingent commitment does not constitute an obligation of the United States. The future availability of budget authority referred to in the first sentence of this subparagraph shall be amounts to be specified in law in advance for commitments entered into under subparagraph (B). Any interest and other financing costs of efficiently carrying out the project or a portion thereof within a reasonable period of time shall be considered as a cost of carrying out the project under a full funding grant agreement; except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financing terms. The total of amounts stipulated in a full funding grant agreement for a fixed

guideway project shall be sufficient to complete not less than an operable segment.

"(D) The Secretary is authorized to enter into an early systems work agreement with an applicant if a record of decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary determines that there is reason to believe—

"(i) a full funding grant agreement will be entered into for the project; and

"(ii) the terms of the early systems work agreement will promote ultimate completion of the project more rapidly and at less cost.

The early systems work agreement shall obligate an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of project implementation, including land acquisition, timely procurement of system elements for which specifications are determined, and other activities that the Secretary determines to be appropriate to facilitate efficient, long-term project management. An early systems work agreement shall cover such period of time as the Secretary deems appropriate, which period may extend beyond the period of current authorization. The interest and other financing costs of carrying out the early systems work agreement efficiently and within a reasonable period of time shall be considered as a cost of carrying out the agreement; except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a form satisfactory to the Secretary, that the applicant has shown due diligence in seeking the most favorable financing terms. If an applicant fails to implement the project for reasons within the applicant's control, the applicant shall repay all Federal payments made under the early systems work agreement plus such reasonable interest and penalty charges as the Secretary may establish in the agreement.";

(4) by inserting "(E)" before "The total estimated" and aligning subparagraph (E) with subparagraph (D);

(5) in the sentence that begins "The total estimated"—

(A) by inserting ", and contingent commitments to incur obligations," after "Federal obligations";

(B) by inserting ", early systems work agreements, and full funding grant agreements," after "all outstanding letters of intent,"; and

(C) by inserting "or 50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund, including amounts received from taxes and interest earned in excess of amounts that have been previously obligated, whichever is greater" after "section 3 of this Act"; and

(6) in the sentence that begins "The total amount covered", by inserting "and contingent commitments included in early systems work agreements and full funding grant agreements" after "by new letters issued,".

SEC. 3008. FIXED GUIDEWAY MODERNIZATION.

Section 3 is amended by striking subsection (h) and inserting the following new subsection: 49 USC app. 1602.

"(h) FIXED GUIDEWAY MODERNIZATION APPORTIONMENTS.—The Secretary shall apportion the sums made available for fixed guide-

way modernization under this section for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 as follows:

"(1) The first $455,000,000 made available shall be apportioned for expenditure in the following urbanized areas according to the following percentages:

"(A) Baltimore, 1.84 percent.

"(B) Boston, 8.56 percent.

"(C) Chicago/Northwestern Indiana, 17.18 percent.

"(D) Cleveland, 2.09 percent.

"(E) New York, 35.57 percent.

"(F) Northeastern New Jersey, 9.04 percent.

"(G) Philadelphia/Southern New Jersey, 12.41 percent.

"(H) San Francisco, 7.21 percent.

"(I) Southwestern Connecticut, 6.10 percent.

"(2) The next $42,700,000 made available shall be apportioned for expenditure in the following urbanized areas according to the following percentages:

"(A) New York, 33.2341 percent.

"(B) Northeastern New Jersey, 22.1842 percent.

"(C) Philadelphia and Southern New Jersey, 5.7594 percent.

"(D) San Francisco, 2.7730 percent.

"(E) Pittsburgh, 31.9964 percent.

"(F) New Orleans, 4.0529 percent.

"(3) The next $70,000,000 made available shall be apportioned for expenditure—

"(A) 50 percent in the urbanized areas listed in paragraphs (1) and (2) according to the apportionment formula contained in section 9(b)(2); and

"(B) 50 percent in other urbanized areas eligible for assistance under section 9(b)(2) of this Act which contain a fixed guideway system placed in revenue service not less than 7 years prior to the fiscal year in which funds are made available and in other urbanized areas which before the first day of the fiscal year demonstrate to the satisfaction of the Secretary that the urbanized area has modernization needs which cannot be adequately met with amounts received under section 9(b)(2) according to the apportionment formula contained in such section.

"(4) Any remaining amounts made available in a fiscal year shall be apportioned for expenditure in each urbanized area eligible for assistance under paragraphs (1), (2), and (3) in accordance with the apportionment formula contained in section 9(b)(2).

"(5) In any fiscal year in which the full amounts authorized under paragraphs (1) and (2) are not made available, the Secretary shall reduce on a pro rata basis the apportionments of all urbanized areas eligible under either paragraph to adjust for the shortfall.

"(6) Notwithstanding any other provision of law, rail modernization funds allocated to the New Jersey Transit Corporation under this paragraph may be spent in any urbanized area in which the New Jersey Transit Corporation operates rail service regardless of the urbanized area which generates the funding.".

SEC. 3009. BUS TESTING.

Section 3 is amended by adding at the end the following new subsection: 49 USC app. 1602.

"(m) BUS TESTING.—Of the amounts made available for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus related facilities by subsection (k)(1)(C), the Secretary shall make available $1,500,000 in fiscal year 1992, $2,000,000 in fiscal year 1993, the lesser of $2,000,000 or an amount the Secretary determines to be necessary per fiscal year in each of fiscal years 1994, 1995, and 1996, and the lesser of $3,000,000 or an amount the Secretary determines to be necessary in fiscal year 1997. Such amounts shall be available to the Secretary to pay 80 percent of the cost of testing a vehicle at the facility established under section 317 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608). The Secretary shall make such payments by contract with the operator of the facility. The remaining 20 percent of the cost of testing a vehicle shall be paid to the operator of the facility by the entity having the vehicle tested.".

SEC. 3010. CRITERIA FOR NEW STARTS.

Section 3(i) is amended to read as follows:

"(i) NEW START CRITERIA.—

"(1) DETERMINATIONS.—A grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may not be made under this section unless the Secretary determines that the proposed project—

"(A) is based on the results of an alternatives analysis and preliminary engineering;

"(B) is justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

"(2) CONSIDERATIONS.—In making determinations under this subsection, the Secretary—

"(A) shall consider the direct and indirect costs of relevant alternatives;

"(B) shall account for costs related to such factors as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to implement each alternative analyzed; and

"(C) shall identify and consider transit supportive existing land use policies and future patterns, and consider other factors including the degree to which the project increases the mobility of the transit dependent population or promotes economic development, and other factors that the Secretary deems appropriate to carry out the purposes of this Act.

"(3) GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall issue guidelines that set forth the means by which the Secretary shall evaluate results of alternatives analysis, project justifica-

tion, and degree of local financial commitment for the purposes of paragraph (1).

"(B) PROJECT JUSTIFICATION.—Project justification criteria shall be adjusted to reflect differences in local land costs, construction costs, and operating costs.

"(C) FINANCIAL COMMITMENT.—The degree of local financial commitment shall be considered acceptable only if—

"(i) the proposed project plan provides for the availability of contingency funds that the Secretary determines to be reasonable to cover unanticipated cost overruns;

"(ii) each proposed local source of capital and operating funding is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed transit system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing transit services in order to operate the proposed project.

"(D) STABILITY ASSESSMENT.—In assessing the stability, reliability, and availability of proposed sources of local funding, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which funding sources are dedicated to the purposes proposed; and

"(iii) any debt obligations which exist or are proposed by the recipient for the proposed project or other transit purposes.

"(4) PROJECT ADVANCEMENT.—No project shall be advanced from alternatives analysis to preliminary engineering unless the Secretary finds that the proposed project meets the requirements of this section and there is a reasonable chance that the project will continue to meet these requirements at the conclusion of preliminary engineering.

"(5) EXCEPTIONS.—

"(A) IN GENERAL.—A new fixed guideway system or extension shall not be subject to the requirements of this subsection and the simultaneous evaluation of such projects in more than one corridor in a metropolitan area shall not be limited if (i) the project is located within an extreme or severe nonattainment area and is a transportation control measure, as defined by the Clean Air Act, that is required to carry out an approved State Implementation Plan, or (ii) assistance provided under this section accounts for less than $25,000,000 or less than ⅓ of the total cost of the project or an appropriate program of projects as determined by the Secretary.

"(B) EXPEDITED PROCEDURES.—In the case of a project that is (i) located within a nonattainment area that is not an extreme or severe nonattainment area, (ii) a transportation control measure, as defined in the Clean Air Act, and (iii) required to carry out an approved State Implementation Plan, the simultaneous evaluation of projects in more than one corridor in a metropolitan area shall not be limited and the Secretary shall make determinations under this subsec-

tion with expedited procedures that will promote timely implementation of the State Implementation Plan.

"(C) EXCLUSION FOR CERTAIN PROJECTS.—That portion of a project (including any commuter rail service project on an existing right-of-way) financed entirely with highway funds made available under the Federal-Aid Highway Act of 1991 shall not be subject to the requirements of this subsection.

"(6) PROJECT IMPLEMENTATION.—A project funded pursuant to this subsection shall be implemented by means of a full funding grant agreement.".

SEC. 3011. ASSURED TIMETABLE FOR PROJECT REVIEW.

(a) IN GENERAL.—Section 3(a) is amended by striking paragraph (6) and inserting the following new paragraphs: 49 USC app. 1602.

"(6) ASSURED TIMETABLE FOR PROJECTS IN ALTERNATIVES ANALYSIS, PRELIMINARY ENGINEERING, OR FINAL DESIGN STAGES.—

"(A) ALTERNATIVES ANALYSIS STAGE.—For any new fixed guideway project that the Secretary permits to advance into the alternatives analysis stage of project review, the Secretary shall cooperate with the applicant in alternatives analysis and in preparation of a draft environmental impact statement, and shall approve the draft environmental impact statement for circulation not later than 45 days after the date on which such draft is submitted to the Secretary by the applicant.

"(B) PRELIMINARY ENGINEERING STAGE.—Following circulation of the draft environmental impact statement and not later than 30 days after selection by the applicant of a locally preferred alternative, the Secretary shall permit the project to advance to the preliminary engineering phase if the Secretary finds the project is consistent with the criteria set forth in subsection (i).

"(C) FINAL DESIGN STAGE.—The Secretary shall issue a record of decision and permit a project to advance to the final design stage of construction not later than 120 days after the date of completion of the final environmental impact statement for such project.

"(D) FULL FUNDING GRANT AGREEMENT.—The Secretary shall negotiate and enter into a full funding grant agreement for a project not later than 120 days after the date on which such project has entered the final design stage of construction. Such full funding grant agreement shall provide for a Federal share of the cost of construction that is not less than the Federal share estimated in the Secretary's most recent report required under section 3(j) or an update thereof unless otherwise requested by an applicant.

"(7) PERMITTED DELAYS IN PROJECT REVIEW.—

"(A) IN GENERAL.—Advancement of a project under the timetables specified under paragraph (6) shall be delayed only—

"(i) for such period of time as the applicant, solely at the applicant's discretion, may request; or

"(ii) during such period of time as the Secretary finds, after reasonable notice and opportunity for comment, that the applicant has failed, for reasons solely attributable to the applicant, to comply substantially

with requirements of this Act with respect to the project.

"(B) EXPLANATION OF DELAY.—Not more than 10 days after imposing any delay under subparagraph (A)(ii), the Secretary shall provide the applicant with a written statement that (i) explains the reasons for such delay, and (ii) describes all steps which the applicant must take to end the period of delay.

"(C) REPORTS.—The Secretary shall report, not less frequently than once every 6 months, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate in any case in which the Secretary—

"(i) fails to meet a deadline established by paragraph (6); or

"(ii) delays the application of a deadline under subparagraph (A)(ii).

Such report shall explain the reasons for the delay and include a plan for achieving timely completion of the Secretary's review of the project.

"(8) TREATMENT OF PROGRAMS OF INTERRELATED PROJECTS.—

"(A) FULL FUNDING GRANT AGREEMENT.—In accordance with the timetables established by paragraph (6) or as otherwise provided by law, the Secretary shall enter into 1 or more full funding grant agreements for each program of interrelated projects described in subparagraph (C). Such full funding grant agreements shall include commitments to advance each of the applicant's program elements (in the program of interrelated projects) through the appropriate stages of project review in accordance with the timetables established by paragraph (6) or as otherwise provided for a project by law, and to provide Federal funding for each such program element. Such full funding grant agreements may also be amended, if appropriate, to include design and construction of particular program elements. Inclusion of a nonfederally funded program element in a program of interrelated projects shall not be construed as imposing Federal requirements which would not otherwise apply to such program element.

"(B) CONSIDERATIONS.—When reviewing any project in a program of interrelated projects, the Secretary shall consider the local financial commitment, transportation effectiveness, and other assessment factors of all program elements to the extent that such consideration expedites project implementation.

"(C) PROGRAMS OF INTERRELATED PROJECTS.—For the purposes of this paragraph, programs of interrelated projects shall include the following:

"(i) The New Jersey Urban Core Project as defined by the Federal Transit Act Amendments of 1991.

"(ii) The San Francisco Bay Area Rail Extension Program, which consists of not less than the following elements: an extension of the San Francisco Bay Area Rapid Transit District to the San Francisco International Airport (Phase 1a to Colma and Phase 1b to San Francisco Airport), the Santa Clara County Transit

District Tasman Corridor Project, and any other program element designated by any modification to Metropolitan Transportation Commission Resolution No. 1876, as well as program elements financed entirely with non-Federal funds, including the BART Warm Springs Extension, Dublin Extension, and West Pittsburg Extension.

"(iii) The Los Angeles Metro Rail Minimum Operable Segment-3 Program, which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

"(I) 1 line running west and northwest from the Hollywood/Vine station to the North Hollywood station, with 2 intermediate stations;

"(II) 1 line running west from the Wilshire/Western station to the Pico/San Vicente station, with 1 intermediate station; and

"(III) the East Side Extension, consisting of an initial line of approximately 3 miles in length, with at least 2 stations, beginning at Union Station and running generally east.

"(iv) The Baltimore-Washington Transportation Improvements Program, which consists of the following elements: 3 extensions of the Baltimore Light Rail to Hunt Valley, Penn Station and Baltimore-Washington Airport; MARC extensions to Frederick and Waldorf, Maryland; and an extension of the Washington Subway system to Largo, Maryland.

"(v) The Tri-County Metropolitan Transportation District of Oregon Westside Light Rail Program, which consists of the following elements: the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101-516 and as defined in House Report 101-584; and the Hillsboro extension to the Westside Light Rail Project as set forth in Public Law 101-516.

"(vi) The Queens Local/Express Connector Program which consists of the following elements: the locally preferred alternative for the connection of the 63rd Street tunnel extension to the Queens Boulevard lines; the bell-mouth portion of the connector which would allow for future access by both commuter rail trains and other subway lines to the 63rd Street tunnel extension; planning elements for connecting both upper and lower level to commuter and subway lines in Long Island City; and planning elements for providing a connector for commuter rail service to the East side of Manhattan and subway lines to the proposed Second Avenue subway.

"(vii) The Dallas Area Rapid Transit Authority light rail elements of the New System Plan, which consists of the following elements: the locally preferred alternative for the South Oak Cliff corridor; the South Oak Cliff corridor extension-Camp Wisdom; the West Oak Cliff corridor-Westmoreland; the North Central corridor-Park Lane; the North Central corridor-Richardson, Plano and Garland extensions; the Pleasant Grove

corridor-Buckner; and the Carrollton corridor-Farmers Branch and Las Colinas terminal.

"(viii) Such other programs as may be designated in law or by the Secretary.".

Effective date. 49 USC app. 1602 note.

(b) TRANSITIONAL PROVISION.—In the case of a project (including programs of interrelated projects) that, as of the date of enactment of this Act, has reached a particular stage of project review under section 3(a)(6) of the Federal Transit Act, the timetables applicable to subsequent stages of project review contained in such section shall take effect on the date of enactment of this Act.

SEC. 3012. METROPOLITAN PLANNING.

The Act is amended by striking section 8 and inserting the following new section:

49 USC app. 1607.

"SEC. 8. METROPOLITAN PLANNING.

"(a) GENERAL REQUIREMENTS.—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

"(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

"(2) MEMBERSHIP OF CERTAIN MPO'S.—In a metropolitan area designated as a transportation management area, the metropolitan planning organization designated for such area shall include local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization on June 1, 1991) and appropriate State officials. This paragraph shall only apply to a metropolitan planning organization which is redesignated after the date of the enactment of this section.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on the date of the enactment

of this section, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; and

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

"(4) CONTINUING DESIGNATION.—Designations of metropolitan planning organizations, whether made under this section or other provisions of law, shall remain in effect until redesignated under paragraph (5) or revoked by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population or as otherwise provided under State or local procedures.

"(5) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area (i) whose population is more than 5,000,000 but less than 10,000,000, or (ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act. Such redesignation shall be accomplished using procedures established by subparagraph (A).

"(6) TREATMENT OF LARGE URBAN AREAS.—More than 1 metropolitan planning organization may be designated within an urbanized area as defined by the Bureau of the Census only if the Governor determines that the size and complexity of the urbanized area make designation of more than 1 metropolitan planning organization for such area appropriate.

"(c) METROPOLITAN AREA BOUNDARIES.—For the purposes of this section, the boundaries of a metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as defined by the Bureau of the Census. For areas designated as nonattainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the nonattainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor.

"(d) COORDINATION IN MULTI-STATE AREAS.—

"(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary considers appropriate to encourage Governors and metropolitan planning organizations with responsibility for a portion of a multi-State metropolitan area to

provide coordinated transportation planning for the entire metropolitan area.

"(2) COMPACTS.—The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas and localities within such States and to establish such agencies, joint or otherwise, as such States may deem desirable for making such agreements and compacts effective.

"(e) COORDINATION OF MPO'S.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and programs required by this section.

"(f) FACTORS TO BE CONSIDERED.—In developing transportation plans and programs pursuant to this section, each metropolitan planning organization shall, at a minimum, consider the following:

"(1) Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

"(2) The consistency of transportation planning with applicable Federal, State, and local energy conservation programs, goals, and objectives.

"(3) The need to relieve congestion and prevent congestion from occurring where it does not yet occur.

"(4) The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans.

"(5) The programming of expenditure on transportation enhancement activities as required in section 133.

"(6) The effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded.

"(7) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

"(8) The need for connectivity of roads within the metropolitan area with roads outside the metropolitan area.

"(9) The transportation needs identified through use of the management systems required by section 303 of this title.

"(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

"(11) Methods to enhance the efficient movement of freight.

"(12) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.

"(13) The overall social, economic, energy, and environmental effects of transportation decisions.

"(14) Methods to expand and enhance transit services and to increase the use of such services.

"(15) Capital investments that would result in increased security in transit systems.

"(g) DEVELOPMENT OF LONG RANGE PLAN.—

"(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long range plan for its metropolitan area in accordance with the requirements of this subsection.

"(2) LONG RANGE PLAN.—A long range plan under this section shall be in a form that the Secretary determines to be appropriate and shall, at a minimum:

"(A) Identify transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long range plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

"(B) Include a financial plan that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.

"(C) Assess capital investment and other measures necessary to—

"(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and

"(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

"(D) Indicate as appropriate proposed transportation enhancement activities.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a long range plan with the process for development of the transportation control measures of the State Implementation Plan required by the Clean Air Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a long range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long range plan, in a manner that the Secretary deems appropriate.

"(5) PUBLICATION OF LONG RANGE PLAN.—Each long range plan prepared by a metropolitan planning organization shall be—

"(i) published or otherwise made readily available for public review; and

"(ii) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—The metropolitan planning organization designated for a metropolitan area, in cooperation with the State and affected transit operators, shall develop a transportation improvement program for the area for which such organization is designated. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) PRIORITY OF PROJECTS.—The transportation improvement program shall include the following:

"(A) A priority list of projects and project segments to be carried out within each 3-year period after the initial adoption of the transportation improvement program.

"(B) A financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including value capture, tolls, and congestion pricing.

"(3) SELECTION OF PROJECTS.—Except as otherwise provided in subsection (i)(4), project selection in metropolitan areas for projects involving Federal participation shall be carried out by the State in cooperation with the metropolitan planning organization and shall be in conformance with the transportation improvement program for the area.

"(4) MAJOR CAPITAL INVESTMENTS.—Not later than 6 months after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects. Nothing in this section shall be construed to affect the applicability of such Act to transit or highway projects.

"(5) INCLUDED PROJECTS.—A transportation improvement program for a metropolitan area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Federal Transit Act and which are consistent with the long range plan developed under subsection (g) for the area. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(6) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—The Secretary shall designate as transportation management areas all urbanized areas over 200,000 population. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for such area or the affected local officials. Such additional areas shall include upon such a request the Lake Tahoe Basin as defined by Public Law 96-551.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and transit operators.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and the Federal Transit Act through the use of travel demand reduction and operational management strategies. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section.

"(4) SELECTION OF PROJECTS.—All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title (excluding projects undertaken on the National Highway System and pursuant to the Bridge and Interstate Maintenance programs) or pursuant to the Federal Transit Act shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and priorities established therein. Projects undertaken within the boundaries of a transportation management area on the National Highway System or pursuant to the Bridge and Interstate Maintenance programs shall be selected by the State in cooperation with the metropolitan planning organization designated for such area and shall be in conformance with the transportation improvement program for such area.

"(5) CERTIFICATION.—The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least once every 3 years. The Secretary may make such certification only if (1) a metropolitan planning organization is complying with the requirements of section 134 and other applicable requirements of Federal law, and (2) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If

after September 30, 1993, a metropolitan planning organization is not certified by the Secretary, the Secretary may withhold, in whole or in part, the apportionment under section 104(b)(3) attributed to the relevant metropolitan area pursuant to section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act. If a metropolitan planning organization remains uncertified for more than 2 consecutive years after September 30, 1994, 20 percent of the apportionment attributed to that metropolitan area under section 133(d)(3) and capital funds apportioned under the formula program under section 9 of the Federal Transit Act shall be withheld. The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary. The Secretary shall not withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 8(o) of the Federal Transit Act.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—For metropolitan areas not designated as transportation management areas under this section, the Secretary may provide for the development of abbreviated metropolitan transportation plans and programs that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems, including transportation related air quality problems, in such areas. In no event shall the Secretary provide abbreviated plans or programs for metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act.

"(k) TRANSFER OF FUNDS.—Funds made available for a transit project under title 23, United States Code, shall be transferred to and administered by the Secretary in accordance with the requirements of this Act. Funds made available for a highway project under this Act shall be transferred to and administered by the Secretary in accordance with the requirements of title 23, United States Code.

"(l) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Notwithstanding any other provisions of this Act or title 23, United States Code, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed in such area for any transit project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project is part of an approved congestion management system.

"(m) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or the Federal Transit Act; or

"(2) to intervene in the management of a transportation agency.

"(n) GRANTS.—

"(1) ELIGIBILITY.—The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof, or enter into agreements with other Federal departments and agencies, for the planning, engineering, design, and

evaluation of public transportation projects, and for other technical studies. Activities assisted under this section may include—

"(A) studies relating to management, operations, capital requirements, and economic feasibility;

"(B) evaluation of previously funded projects; and

"(C) other similar or related activities preliminary to and in preparation for the construction, acquisition, or improved operation of facilities and equipment.

"(2) CRITERIA.—A grant, contract, or working agreement under this section shall be made in accordance with criteria established by the Secretary.

"(o) PRIVATE ENTERPRISE.—The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in service in the urban areas, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.

"(p) USE FOR COMPREHENSIVE PLANNING.—

"(1) IN GENERAL.—The Secretary shall ensure, to the extent practicable, that amounts made available under section 21(c)(1) for the purposes of this section are used to support balanced and comprehensive transportation planning that takes into account the relationships among land use and all transportation modes, without regard to the programmatic source of the planning funds.

"(2) FORMULA ALLOCATION TO ALL METROPOLITAN AREAS.—The Secretary shall apportion 80 percent of the amount made available under section 21(c)(1) to States in the ratio that the population in urbanized areas, in each State, bears to the total population in urbanized areas, in all the States as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this paragraph. Such funds shall be allocated to metropolitan planning organizations designated under section 8 by a formula, developed by the State in cooperation with metropolitan planning organizations and approved by the Secretary, that considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in section 8 of this Act. The State shall make such funds available promptly to eligible metropolitan planning organizations according to procedures approved by the Secretary.

"(3) SUPPLEMENTAL ALLOCATION.—The Secretary shall apportion 20 percent of the amounts made available under section 21(c)(1) to States to supplement allocations under subparagraph (B) for metropolitan planning organizations. Such funds shall be allocated according to a formula that reflects the additional costs of carrying out planning, programming, and project selection responsibilities under this section in such areas.

"(4) HOLD HARMLESS.—The Secretary shall ensure, to the maximum extent practicable, that no metropolitan planning organization is allocated less than the amount it received by administrative formula under section 8 in fiscal year 1991. To comply with the previous sentence, the Secretary is authorized

to make a pro rata reduction in other amounts made available to carry out section 21(c).

"(5) FEDERAL SHARE PAYABLE.—The Federal share payable for activities under this paragraph shall be 80 percent except where the Secretary determines that it is in the Federal interest not to require a State or local match.".

SEC. 3013. BLOCK GRANT PROGRAM.

49 USC app. 1607a.

(a) ALLOCATIONS.—Section 9(a) is amended—

(1) in paragraph (1), by striking "Of the amount" and all that follows through the period and inserting the following: "Of the amounts made available or appropriated under section 21(g), 9.32 percent shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of less than 200,000."; and

(2) in paragraph (2), by striking "Of the amount" and all that follows through the period and inserting the following: "Of the amounts made available or appropriated under section 21(g), 90.68 percent shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of 200,000 or more.".

(b) ENERGY AND OPERATING EFFICIENCIES.—Section 9(b) is amended by adding at the end the following new paragraph:

"(4) ENERGY AND OPERATING EFFICIENCIES.—If a recipient under this section demonstrates to the satisfaction of the Secretary that energy or operating efficiencies would be achieved by actions that reduce revenue vehicle miles but provide the same frequency of revenue service to the same number of riders, the recipient's apportionment under paragraph (2)(A) shall not be reduced as a result of such actions.".

(c) EXTENSION OF SAFETY AUTHORITY TO BLOCK GRANT PROGRAM.—Section 9(e)(1) is amended by striking "and 19" and inserting "19, and 22".

(d) ANNUAL SUBMISSIONS.—Section 9(e)(2) is amended by inserting after the first sentence the following new sentences: "Such certifications and any additional certifications required by law to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of the grant application under this section. The Secretary shall annually publish in conjunction with the publication required under subsection (q) a list of all certifications required under this Act.".

(e) STREAMLINED PROCEDURES.—Section 9(e) is amended by adding at the end the following new paragraph:

"(6) STREAMLINED ADMINISTRATIVE PROCEDURES.—The Secretary shall establish streamlined administrative procedures to govern compliance with the certification requirement under paragraph (3)(B) with respect to track and signal equipment used in ongoing operations.".

(f) TRANSIT SECURITY SYSTEMS.—Section 9(e)(3) is amended—

(1) in subparagraph (G) by striking "; and" and inserting a semicolon;

(2) in subparagraph (H) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(I)(i) will expend for each fiscal year not less than 1 percent of the funds received by the recipient for each fiscal year under this section for transit security projects; or

"(ii) that such expenditures for such security systems are not necessary.

For the purposes of subparagraph (I), transit security projects may include increasing lighting within or adjacent to transit systems, including bus stops, subway stations, parking lots, and garages; increasing camera surveillance of areas within and adjacent to such systems; providing emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to such systems; and any other project intended to increase the security and safety of existing or planned transit systems.".

(g) PROGRAM OF PROJECTS.—Section 9(f) is amended— 49 USC app. 1607a.

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by inserting after paragraph (4) the following:

"(5) assure that the proposed program of projects provides for the coordination of transit services assisted under this section with transportation services assisted from other Federal sources.".

(h) DISCRETIONARY TRANSFER OF APPORTIONMENT.—Section 9 is amended—

(1) in subsection (j)(1), by inserting after the first sentence the following: "In a transportation management area designated pursuant to section 8, funds which cannot be used for payment of operating expenses under this section also shall be available for highway projects if—

"(A) such use is approved by the metropolitan planning organization in accordance with section 8 after appropriate notice and opportunity for comment and appeal is provided to affected transit providers; and

"(B) in the determination of the Secretary, such funds are not needed for investments required by the Americans with Disabilities Act of 1990."; and

(2) by adding at the end of subsection (j) the following new paragraph:

"(3) Funds under this section may be available for highway projects under title 23, United States Code, only if funds used for the State or local share of such highway projects are eligible to fund either highway or transit projects.".

(i) INFLATION ADJUSTMENT FOR OPERATING ASSISTANCE.—Section 9(k)(2)(B) is amended—

(1) by striking "1988," and inserting "1991,";

(2) by striking "of less than 200,000 population" the first place it appears; and

(3) by inserting after "calendar year" the following: "; except that such increase may not exceed the percentage increase of the funds made available under section 21(g) in the current fiscal year and the funds made available under section 21(g) in the previous fiscal year".

(j) FERRY ROUTES.—Section 9 is amended by adding at the end the following new subsections:

"(r) FERRY SERVICES.—A vessel used in ferryboat operations funded under this section that is part of a State-operated ferry system may occasionally be operated outside of the urbanized area in which service is provided to accommodate periodic maintenance if existing ferry service is not thereby significantly reduced.

"(s) GRANDFATHER OF CERTAIN URBANIZED AREAS.—Any area designated as an urbanized area under the 1980 census which is not so designated under the 1990 census—

"(1) for fiscal year 1992, shall be treated as an urbanized area for purposes of section 12(c)(11) of the Federal Transit Act; and

"(2) for fiscal year 1993, shall be eligible to receive 50 percent of the funds which the area would have received if the area were treated as an urbanized area for purposes of such section 12(c)(11) and an amount equal to 50 percent of the funds which the State in which the area is located would have received if the area were treated as an area other than an urbanized area.".

49 USC app. 1607a.

(k) ADJUSTMENTS OF APPORTIONMENTS.—Section 9 is amended by adding at the end the following new subsection:

"(t) ADJUSTMENTS OF APPORTIONMENTS.—Provided that sufficient funds are available, in each fiscal year beginning after September 30, 1991, the Secretary shall adjust apportionments under this section between the Mass Transit Account of the Highway Trust Fund and the general fund of the Treasury to assure that each recipient receives from the general fund of the Treasury not less than the amount of operating assistance made available each fiscal year under this section that such recipient is eligible to receive.".

SEC. 3014. CONTINUED ASSISTANCE FOR COMMUTER RAIL IN SOUTHERN FLORIDA UNDER SECTION 9 PROGRAM.

Section 329 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. 1607a) is amended—

(1) in the first sentence by striking "in which major onsite" and all that follows before the period; and

(2) in the second sentence by striking "provided as" and all that follows before the period.

SEC. 3015. REPEAL OF EXPIRED PROVISION.

Section 9A, relating to Mass Transit Account distribution for fiscal year 1983, is repealed.

49 USC app. 1607a-1.

SEC. 3016. TRANSIT DEFINITION.

49 USC app. 1608.

Section 12(c)(7) is amended—

(1) by striking "term" and inserting "terms"; and

(2) by striking "means" and inserting "and 'transit' mean".

SEC. 3017. RULEMAKING.

Section 12(i) is amended by adding at the end the following:

"(3) LIMITATION.—The Secretary shall propose or implement rules governing activities under this Act only in accordance with this section except for routine matters and matters with no significant impact.".

SEC. 3018. TRANSFER OF FACILITIES AND EQUIPMENT.

Section 12 is amended by adding at the end the following new subsection:

"(k) TRANSFER OF CAPITAL ASSET.—

"(1) AUTHORIZATION.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary may authorize the transfer of such assets to any public body to be used for any public purpose with no further obligation to the Federal Government.

"(2) DETERMINATIONS.—The Secretary may authorize a transfer under paragraph (1) for any public purpose other than transit only if the Secretary first determines—

"(A) that the asset being transferred will remain in public use for not less than 5 years after the date of the transfer;

"(B) that there are no purposes eligible for assistance under this Act for which the asset should be used;

"(C) the overall benefit of allowing the transfer outweighs the Federal Government interest in liquidation and return of the Federal financial interest in the asset, after consideration of fair market value and other factors; and

"(D) that, in any case in which the asset is a facility or land, there is no interest in acquiring the asset for Federal use.

The determination under subparagraph (D) shall be made through an appropriate screening or survey process.

"(3) DOCUMENTATION.—Determinations required by paragraph (2) shall be made, in writing, and shall include the rationale for such determinations.

"(4) RELATION TO OTHER PROVISIONS.—The provisions of this section shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 3019. SPECIAL PROCUREMENT.

Section 12 is further amended by adding at the end the following:

"(l) SPECIAL PROCUREMENT INITIATIVES.—

"(1) TURNKEY SYSTEM PROCUREMENTS.—

"(A) IN GENERAL.—In order to advance new technologies and lower the cost of constructing new transit systems, the Secretary shall allow the solicitation for a turnkey system project to be funded under this Act to be conditionally awarded before Federal requirements have been met on the project so long as the award is made without prejudice to the implementation of those Federal requirements. Federal financial assistance under this Act may be made available for such a project when the recipient has complied with relevant Federal requirements.

"(B) INITIAL DEMONSTRATION PHASE.—In order to develop regulations applying generally to turnkey system projects, the Secretary is authorized to approve not less than 2 projects for an initial demonstration phase. The results of such demonstration projects (and any other projects currently using this procurement method) shall be taken into consideration in the development of the regulations implementing this subsection. Regulations.

"(C) TURNKEY SYSTEM PROJECT DEFINED.—As used in this subsection, the term 'turnkey system project' means a project under which a recipient contracts with a consortium of firms, individual firms, or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time.

"(2) MULTIYEAR ROLLING STOCK PROCUREMENTS.—

"(A) IN GENERAL.—A recipient procuring rolling stock with Federal financial assistance under this Act may enter into a multiyear agreement for the purchase of such rolling

stock and replacement parts pursuant to which the recipient may exercise an option to purchase additional rolling stock or replacement parts for a period not to exceed 5 years from the date of the original contract.

"(B) CONSORTIA.—The Secretary shall permit 2 or more recipients to form a consortium (or otherwise act on a cooperative basis) for purposes of procuring rolling stock in accordance with this paragraph and other Federal procurement requirements.

"(3) EFFICIENT PROCUREMENT.—A recipient may award to other than the lowest bidder in connection with a procurement under this Act when such award furthers objectives which are consistent with purposes of this Act, such as improved long-term operating efficiency and lower long-term costs. Not later than 90 days after the date of the enactment of this Act, the Secretary shall (A) make such modifications to current procedures as are appropriate to make the policy set forth in this paragraph readily practicable for all transit agencies, including smaller and medium sized agencies, and (B) issue guidance clarifying and implementing such policy.".

SEC. 3020. FEDERAL SHARE FOR ADA AND CLEAN AIR ACT COMPLIANCE.

Section 12 is further amended by inserting at the end the following new subsection:

"(m) FEDERAL SHARE FOR CERTAIN PROJECTS.—A Federal grant for a project to be assisted under this Act that involves the acquisition of vehicle-related equipment required by the Clean Air Act or the Americans with Disabilities Act of 1990 shall be 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs attributable to equipment specified in the preceding sentence.".

SEC. 3021. TRANSIT SERVICES FOR ELDERLY AND DISABLED INDIVIDUALS.

49 USC app. 1612.

Section 16 is amended—

(1) by striking "elderly and handicapped persons" each place it appears and inserting "elderly persons and persons with disabilities";

(2) in subsection (b)(2) by inserting "to the Governor of each State for allocation" before "to private";

(3) in subsection (b)(2) by inserting "or to public bodies approved by the State to coordinate services for elderly persons and persons with disabilities or to public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service under this subsection" after "inappropriate";

(4) by striking "and" at the end of subsection (b)(1), by striking the period at the end of subsection (b)(2) and inserting "; and", and by inserting after subsection (b)(2) the following:

"(3) eligible capital expenses under this section may include, at the option of the recipient, the acquisition of transportation services under a contract, lease, or other arrangement.";

(5) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(6) by inserting after subsection (b) the following:

"(c) APPORTIONMENT AND USE OF FUNDS.—

"(1) STATE PROGRAM OF PROJECTS.—Funds made available for purposes of subsection (b) may be used for transportation projects to assist in the provision of transportation services for elderly persons and persons with disabilities which are included in a State program of projects. Such programs shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Federal sources.

"(2) APPORTIONMENT.—Sums made available for expenditure for purposes of subsection (b) shall be apportioned to the States on the basis of a formula administered by the Secretary which shall take into consideration the number of elderly persons and persons with disabilities in each State.

"(3) TRANSFER OF AMOUNTS.—Any amounts of a State's apportionment under this subsection that remain available for obligation at the beginning of the 90-day period before the expiration of the period of availability of such amounts shall be available to the Governor for transfer to supplement funds apportioned to the State under section 18(a) or section 9(d).

"(4) LEASING OF VEHICLES.—The Secretary shall, not later than 60 days following the enactment of the Federal Transit Act, issue regulations to allow vehicles purchased under this section to be leased to local public bodies and agencies for the purpose of improving transportation services designed to meet the special needs of elderly persons and persons with disabilities."; and Regulations.

(7) by striking subsection (f), as redesignated by this section, and inserting the following:

"(f) MEAL DELIVERY SERVICE TO HOMEBOUND PERSONS.—Transit service providers receiving assistance under this section or section 18(a) may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers.".

SEC. 3022. TRANSFER OF FACILITIES AND EQUIPMENT.

Section 18 is amended by striking subsection (g) and inserting the following: 49 USC app. 1614.

"(g) TRANSFER OF FACILITIES AND EQUIPMENT.—A State may transfer facilities and equipment acquired with assistance under this section or section 16(b) to any recipient eligible to receive assistance under this Act with the consent of the recipient currently in possession of such facilities or equipment, if the facility or equipment will continue to be used in accordance with the requirements of this section or section 16(b), as the case may be.".

SEC. 3023. INTERCITY BUS TRANSPORTATION.

Section 18 is further amended by adding at the end the following new subsection:

"(i) INTERCITY BUS TRANSPORTATION.—

"(1) FUNDING OF PROGRAM.—Subject to paragraph (2), a State shall expend not less than 5 percent of the amounts made available to such State under this section in fiscal year 1992, 10 percent of such amounts in fiscal year 1993, and 15 percent of such amounts in fiscal year 1994 and each fiscal year beginning

thereafter to carry out a program for the development and support of intercity bus transportation. Eligible activities under such a program include planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small transit operations and intercity bus carriers.

"(2) CERTIFICATION.—A State shall not be required to comply with paragraph (1) in any fiscal year in which the Governor certifies to the Secretary that the intercity bus service needs of the State are being adequately met.

"(3) SPECIAL RULE.—For fiscal year 1992, a State may meet the requirement of paragraph (1) by expending to carry out the program described in paragraph (1) at least 50 percent of the increase in the amount allocated to the State under this section between fiscal year 1991 and fiscal year 1992.".

SEC. 3024. USE OF POPULATION ESTIMATES.

49 USC app. 1614.

Section 18(a) is amended in the second sentence by inserting after "the latest available Federal census" the following: ", the population estimate prepared by the Secretary of Commerce following the 4th year after the date of publication of such Federal census, or the population estimate prepared by the Secretary of Commerce following the 8th year after such date of publication, whichever is the most recent.".

SEC. 3025. AUTHORIZATIONS.

49 USC app. 1617.

Section 21 is amended to read as follows:

"SEC. 21. AUTHORIZATIONS.

"(a) FORMULA GRANT PROGRAMS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 9B, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, $1,150,000,000 for fiscal year 1993, $1,190,000,000 for fiscal year 1994, $1,150,000,000 for fiscal year 1995, $1,110,000,000 for fiscal year 1996, and $1,920,000,000 for fiscal year 1997, to remain available until expended.

"(2) FROM GENERAL FUNDS.—In addition to the amounts specified in paragraph (1), there are authorized to be appropriated to carry out sections 9, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, and substitute transit projects under section 103(e)(4) of title 23, United States Code, $2,055,000,000 for fiscal year 1993, $1,885,000,000 for fiscal year 1994, $1,925,000,000 for fiscal year 1995, $1,965,000,000 for fiscal year 1996, and $2,430,000,000 for fiscal year 1997, to remain available until expended.

"(3) FISCAL YEAR 1992.—There shall be available from the Mass Transit Account of the Highway Trust Fund for fiscal year 1992, $409,710,000 to carry out section 9B of this Act, to remain available until expended.

"(b) SECTION 3 DISCRETIONARY AND FORMULA GRANTS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out section 3 of this Act, $1,725,000,000 for fiscal year 1993, $1,785,000,000 for fiscal year 1994, $1,725,000,000 for fiscal year

1995, $1,665,000,000 for fiscal year 1996, and $2,880,000,000 for fiscal year 1997, to remain available until expended.

"(2) FROM GENERAL FUNDS.—In addition to the amounts specified in paragraph (1), there are authorized to be appropriated to carry out section 3 of this Act, $305,000,000 for fiscal year 1993, $265,000,000 for fiscal year 1994, $325,000,000 for fiscal year 1995, $385,000,000 for fiscal year 1996, and $20,000,000 for fiscal year 1997, to remain available until expended.

"(3) FISCAL YEAR 1992.—There shall be available from the Mass Transit Account of the Highway Trust Fund for fiscal year 1992—

"(A) $1,345,000,000 to carry out section 3 of this Act;

"(B) $43,780,000 to carry out section 8 of this Act;

"(C) $55,000,000 to carry out section 16 of this Act;

"(D) $19,460,000 to carry out section 26(a) of this Act;

"(E) $20,050,000 to carry out section 26(b) of this Act, of which $12,000,000 shall be available only for part C of title VI of the Intermodal Surface Transportation Efficiency Act of 1991; and

"(F) $7,000,000 to carry out section 11(b) of this Act.

Such sums shall remain available until expended.

"(4) CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant or contract with funds made available under subsection (a)(1), (a)(3), (b)(1), or (b)(3) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project. Approval by the Secretary of a grant or contract with funds made available under subsection (a)(2) or (b)(2) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project only to the extent that amounts are provided in advance in appropriations Acts.

"(c) SET-ASIDE FOR PLANNING, PROGRAMMING, AND RESEARCH.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection 8(p), an amount equivalent to 3.0 percent of funds made available or appropriated under subsections (a) and (b) shall be made available until expended as follows:

"(1) 45 percent of such funds shall be made available for metropolitan planning activities under section 8(f);

"(2) 5 percent of such funds shall be made available to carry out section 18(h);

"(3) 20 percent of such funds shall be made available to carry out the State program under section 26(a); and

"(4) 30 percent of such funds shall be made available to carry out the national program under section 26(b).

"(d) OTHER SET-ASIDES.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection (a), of the funds made available or appropriated under subsections (a) and (b)—

"(1) not to exceed an amount equivalent to .96 percent shall be available for administrative expenses to carry out section 12(a) of this Act and shall be available until expended;

"(2) not to exceed an amount equivalent to 1.34 percent shall be available for transportation services to elderly persons and persons with disabilities pursuant to the formula under section 16(b) of this Act and shall be available until expended; and

"(3) $7,000,000 shall be available for the purposes of section 11(b) relating to university transportation centers for each of fiscal years 1993 through 1996.

"(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Of the amounts remaining available each year under subsections (a) and (b), after allocation pursuant to subsections (c) and (d), for substitute transit projects under section 103(e)(4) of title 23, United States Code, there shall be available $160,000,000 for fiscal year 1992 and $164,843,000 for fiscal year 1993.

"(f) SET-ASIDE FOR RURAL TRANSPORTATION.—An amount equivalent to 5.5 percent of the amounts remaining available each year under subsection (a), after allocation pursuant to subsections (c), (d), and (e), shall be available pursuant to the formula under section 18. Such sums shall remain available until expended.

"(g) SECTION 9 FUNDING.—The funds remaining available each year under subsection (a), after allocation pursuant to subsections (c), (d), (e) and (f), shall be available under section 9.".

SEC. 3026. REPORT ON SAFETY CONDITIONS IN MASS TRANSIT.

49 USC app. 1618.

Section 22 is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 22."; and

(2) by adding at the end a new subsection as follows:

"(b) REPORT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report containing—

"(1) actions taken to identify and investigate conditions in any facility, equipment, or manner of operation as part of the findings and determinations required of the Secretary in providing grants and loans under this Act;

"(2) actions taken by the Secretary to correct or eliminate any conditions found to create a serious hazard of death or injury as a condition for making funds available through grants and loans under this Act;

"(3) a summary of all passenger-related deaths and injuries resulting from unsafe conditions in any facility, equipment, or manner of operation of such facilities and equipment financed in whole or in part under this Act;

"(4) a summary of all employee-related deaths and injuries resulting from unsafe conditions in any facility, equipment, or manner of operation of such facilities and equipment financed in whole or in part under this Act;

"(5) a summary of all actions taken by the Secretary to correct or eliminate the unsafe conditions to which such deaths and injuries were attributed;

"(6) a summary of those actions taken by the Secretary to alert transit operators of the nature of the unsafe conditions which were found to create a serious hazard of death or injury; and

"(7) recommendations to the Congress by the Secretary of any legislative or administrative actions necessary to ensure that all recipients of funds under this Act will institute the best means available to correct or eliminate hazards of death or injury, including—

"(A) a timetable for instituting actions,

"(B) an estimate of the capital and operating cost to take such actions, and

"(C) minimum standards for establishing and implementing safety plans by recipients of funds under this Act.".

SEC. 3027. PROJECT MANAGEMENT OVERSIGHT.

49 USC app. 1619.

Section 23(a) is amended—

(1) by striking paragraphs (1) through (5);

(2) by striking "½ of 1 percent of—" and inserting the following:

"½ of 1 percent of the funds made available for any fiscal year to carry out sections 3, 9, or 18 of this Act, or interstate transfer transit projects under section 103(e)(4) of title 23, United States Code, as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under any such section. In addition to such amounts, the Secretary may as necessary use not more than ¼ of 1 percent of the funds made available in any fiscal year to carry out a major project under section 3 to contract with any person to oversee the construction of such major project.".

SEC. 3028. NEEDS SURVEY.

The Act is amended by inserting after section 26 the following new section:

"SEC. 27. NEEDS SURVEY AND TRANSFERABILITY STUDY.

Reports. 49 USC app. 1623.

"(a) NEEDS SURVEY.—In January 1993 and in January of every second year thereafter, the Comptroller General shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing an evaluation of the extent to which current transit needs are adequately addressed and an estimate of the future transit needs of the Nation, including transit needs in rural areas (particularly access to health care facilities). Such report shall include the following:

"(1) An assessment of needs related to rail modernization, guideway modernization, replacement, rehabilitation, and purchase of buses and related equipment, construction of bus related facilities, and construction of new fixed guideway systems and extensions to fixed guideway systems.

"(2) A 5-year projection of the maintenance and modernization needs that will result from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed guideway systems.

"(3) A 5-year projection of the need to invest in the expansion of existing transit systems to meet changing economic, commuter, and residential patterns.

"(4) An estimate of the level of expenditure needed to satisfy the needs identified above.

"(5) An examination of existing Federal, State, and local resources as well as private resources that are or can reasonably be expected to be made available to support public transit.

"(6) The gap between the level of expenditure estimated under paragraph (4) and the level of resources available to meet such needs identified under paragraph (5).

"(b) TRANSFERABILITY STUDY.—

"(1) IN GENERAL.—In January 1993 and in January of every second year thereafter, the Comptroller General shall transmit

to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on implementation of the transferability provisions of section 9(j)(3) of this Act.

"(2) CONTENTS.—The report shall identify, by State, the amount of transit funds transferred for nontransit purposes under such sections during the previous fiscal year and shall include an assessment of the impact of such transfers on the transit needs of individuals and communities within the State. Specifically, the report shall assess the impact of such transfers (A) on the State's ability to meet the transit needs of elderly individuals and individuals with disabilities, (B) on efforts to meet the objectives of the Americans With Disabilities Act of 1990 and the Clean Air Act, and (C) on the State's efforts to extend public transit services to unserved rural areas. The report shall also include an examination of the relative levels of Federal transit assistance and services in urban and rural areas in fiscal year 1991 and the extent to which such assistance and service has increased or decreased in subsequent fiscal years as a result of transit resources made available under this Act and the Intermodal Surface Transportation Efficiency Act of 1991.".

SEC. 3029. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY.

The Act is amended by inserting after section 27 the following new section:

49 USC app. 1624.

"SEC. 28. STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY.

"(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—The Secretary may withhold up to 5 percent of the amount required to be apportioned for use in any State or urbanized area in such State under section 9 for any fiscal year beginning after September 30, 1994, if the State in the previous fiscal year has not met the requirements of subsection (b) and the Secretary determines that the State is not making adequate efforts to comply with such subsection.

"(b) STATE REQUIREMENTS.—A State meets the requirements of this section if—

"(1) the State establishes and is implementing a safety program plan for each fixed guideway transit system in the State which establishes, at a minimum, safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for such system;

"(2) the State designates an agency of the State with responsibility to—

"(A) require, review and approve, and monitor implementation of such plans; and

"(B) investigate hazardous conditions and accidents on such systems and require corrective actions to correct or eliminate such conditions; and

"(3) in any case in which more than 1 State would be subject to this section in connection with a single transit agency, the affected States may designate an entity other than the transit agency to ensure uniform safety standards and enforcement and to meet the requirements of this subsection.

"(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under subsection (a) from apportionment for use in any State in a fiscal year, shall remain available for apportionment for use in such State until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment for use in a State under paragraph (1), the State meets the requirements of subsection (b), the Secretary shall, on the first day on which the State meets the requirements of subsection (b), apportion to the State the funds withheld under subsection (a) that remain available for apportionment for use in the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned pursuant to paragraph (2). Sums not obligated at the end of such period shall be apportioned for use in other States under section 9 of this Act.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment for use in a State under paragraph (1), the State does not meet the requirements of subsection (b), such funds shall be apportioned for use in other States under section 9 of this Act.

"(d) LIMITATION ON APPLICABILITY.—This section only applies to States that have rail fixed guideway mass transportation systems which are not subject to regulation by the Federal Railroad Administration.

"(e) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations which set forth the requirements for complying with subsection (b).".

SEC. 3030. PLANNING AND RESEARCH.

The Act is amended by inserting after section 25 the following:

"SEC. 26. PLANNING AND RESEARCH PROGRAM.

49 USC app. 1622.

"(a) STATE PROGRAM.—The funds made available under section 21(c)(3) shall be available for State programs as follows:

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—50 percent of that amount shall be available for the transit cooperative research program to be administered as follows:

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend mass transportation research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of that amount shall be apportioned to the States for

grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act.

"(A) APPORTIONMENT FORMULA.—Amounts shall be apportioned to the States in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas, in all the States as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this section.

"(B) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under this subsection to be used to supplement funds available under subsection (a)(1), as the State deems appropriate.

"(b) NATIONAL PROGRAM.—

"(1) IN GENERAL.—The funds made available under section 21(c)(4), shall be available to the Secretary for grants or contracts for the purposes of section 6, 8, 10, 11, or 20 of this Act, as the Secretary deems appropriate.

"(2) COMPLIANCE WITH ADA.—Of the amounts available under paragraph (1), the Secretary shall make available not less than $2,000,000 to provide transit-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contract with a national nonprofit organization serving persons with disabilities with demonstrated capacity to carry out these activities.

Contracts.

"(3) SPECIAL INITIATIVES.—Of the amounts available under paragraph (1), an amount not to exceed 25 percent shall be available to the Secretary for special demonstration initiatives subject to such terms, conditions, requirements, and provisions as the Secretary deems consistent with the requirements of this Act, except that the provisions of section 3(e)(4) shall apply to operational grants funded for purposes of section 6. For nonrenewable grants that do not exceed $100,000, the Secretary shall provide expedited procedures governing compliance with requirements of this Act.

"(4) TECHNOLOGY DEVELOPMENT.—

"(A) PROGRAM.—The Secretary is authorized to undertake a program of transit technology development in coordination with affected entities.

"(B) INDUSTRY TECHNICAL PANEL.—The Secretary shall establish an Industry Technical Panel consisting of representatives of transportation suppliers and operators and others involved in technology development. A majority of the Panel members shall represent the supply industry. The Panel shall assist the Secretary in the identification of priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.

"(C) GUIDELINES.—The Secretary shall develop guidelines for cost sharing in technology development projects funded under this section. Such guidelines shall be flexible in nature and reflect the extent of technical risk, market risk, and anticipated supplier benefits and pay back periods.

"(5) ADVANCED FARE COLLECTION TECHNOLOGY PILOT PROJECT.—From amounts authorized under section 21(c)(4), the Secretary shall make available $1,000,000 in fiscal year 1992 for the purpose of conducting a pilot project to evaluate, develop, and test advanced fare technology systems. Such project shall be carried out by the Washington Metropolitan Transit Authority.

"(6) INERTIAL NAVIGATION TECHNOLOGY TRANSFER.—

"(A) PROJECT.—There is authorized to be appropriated from amounts made available under section 21(c), $1,000,000 for fiscal year 1992 to support an inertial navigation system demonstration project for the purpose of determining the safety, economic, and environmental benefits of deploying inertial navigation tracking and control systems in urban and rural environments.

"(B) PUBLIC-PRIVATE SECTOR PARTICIPANTS.—The project described in subparagraph (A) shall be conducted by the Transit Safety Research Alliance, a nonprofit public-private sector consortium based in Pittsburgh, Pennsylvania.

"(7) SUPPLEMENTARY FUNDS.—The Secretary may use funds appropriated under this subsection to supplement funds available under subsection (a)(1), as the Secretary deems appropriate.

"(8) FEDERAL SHARE.—Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection or subsection (a)(1), the Secretary shall establish a Federal share consistent with that benefit.

"(c) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—

"(1) FULL FUNDING GRANT AGREEMENT.—Not later than 60 days after the fulfillment of the requirements under paragraph (5), the Secretary shall negotiate and enter into a full funding grant agreement under section 3 with a public entity selected under paragraph (4) for construction of a suspended light rail system technology pilot project.

"(2) PROJECT PURPOSE.—The purpose of the project under this subsection shall be to assess the state of new technology for a suspended light rail system and to determine the feasibility and costs and benefits of using such a system for transporting passengers.

"(3) PROJECT DESCRIPTION.—The project under this subsection shall—

"(A) utilize new rail technology with individual vehicles on a prefabricated, elevated steel guideway;

"(B) be stability seeking with a center of gravity for the detachable passenger vehicles located below the point of wheel-rail contact; and

"(C) utilize vehicles which are driven by overhead bogies with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from vertical for both the wheels and the running rails, to further increase stability, acceleration, and braking performance.

"(4) COMPETITION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall conduct a national competition to select a public entity with which to enter into a full funding grant agreement under paragraph (1) for construction of the project under this subsection. Grants. Contracts.

"(B) PUBLICATION OF NOTICE.—Not later than 30 days after the date of the enactment of this Act, the Secretary Federal Register, publication.

shall publish in the Federal Register notice of the competition to be conducted under this paragraph, together with procedures for public entities to participate in the competition.

"(C) SELECTION OF FINALISTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall select 3 public entities to be finalists in the competition under this paragraph.

"(D) AWARD OF GRANTS.—The Secretary shall award grants to each of the finalists selected under subparagraph (C). Such grants shall be used by the finalists to participate in the final phase of the competition under this paragraph in accordance with procedures to be established by the Secretary. The amount of such grants shall not exceed 80 percent of the costs of such participation. No finalists may receive more than 1/3 of the amount made available under paragraph (9)(C).

Grants. Contracts.

"(E) SELECTION OF WINNER.—Not later than 210 days after the date of the enactment of this Act, the Secretary shall select from among the finalists selected under subparagraph (C) the public entity with which to enter into a full funding grant agreement under paragraph (1).

"(F) CONSIDERATIONS.—In conducting the competition and selecting public entities under this paragraph, the Secretary shall consider the following:

"(i) The public entity's demonstrated understanding and knowledge of the project under this section.

"(ii) The public entity's technical, managerial, and financial capacity to undertake construction, management, and operation of the project.

"(iii) Maximization of potential contributions to the cost of the project by State, local, and private sector entities, including the donation of in-kind services and materials.

Federal Register, publication.

"(5) EXPEDITED PROCEDURES.—Not later than 270 days after the date of selection of a public entity under paragraph (4), the Secretary shall approve and publish in the Federal Register a notice announcing either (A) a finding of no significant impact, or (B) a draft environmental impact statement for the project under this subsection. The alternative analysis for the project shall include a determination as to whether or not to actually construct such project. If a draft environmental impact statement is published, the Secretary shall, not later than 180 days after the date of such publication, approve and publish in the Federal Register a notice of completion of a final environmental impact statement. The project shall not be subject to the major capital investment policy of the Federal Transit Administration.

"(6) NOTICE TO PROCEED WITH CONSTRUCTION.—Not later than 30 days following the execution of the full funding grant agreement under paragraph (1), the Secretary shall issue a notice to proceed with construction.

"(7) OPTION NOT TO CONSTRUCT.—Not later than the 30th day following the completion of preliminary engineering and design for the project, the public entity selected under paragraph (1) will make a determination on whether or not to proceed to

actual construction of the project. If such public entity makes a determination not to proceed to such actual construction—

"(A) the Secretary shall not enter into the grant agreement under paragraph (1);

"(B) any remaining sums received shall be returned to the Secretary and credited to the Mass Transit Account of the Highway Trust Fund; and

"(C) the Secretary shall use the amount so credited and all other amounts to be provided under this section to award to entities selected under paragraph (4)(E) grants under section 3 for construction of the project described in paragraph (1).

Any grants under subparagraph (C) shall be awarded after completion of a competitive process for selection of a grant recipient. Such process shall be completed not later than the 60th day following the date of the determination under this subsection.

"(8) OPERATING COST DEFICITS.—The full funding grant agreement under paragraph (1) shall provide that—

"(A) the system vendor for the project under this section shall fund 100 percent of any deficit incurred in operating the project in the first two years of revenue operations of the project; and

"(B) the system vendor for the project under this section shall fund 50 percent of any deficit incurred in operating the project in the third year of revenue operations of the project.

"(9) FUNDING.—

"(A) PRECONSTRUCTION.—If the systems planning, alternatives analysis, preliminary engineering, and design and environmental impact statement are required by law for the project under this subsection, the Secretary shall pay by grant the Federal share of such costs (as determined under section 3) from amounts provided under such section as follows: not less than $4,000,000 for fiscal year 1993. Such funds shall remain available until expended.

"(B) CONSTRUCTION.—The grant agreement under paragraph (1) shall provide that the Federal share of the construction costs of the project under this section shall be paid by the Secretary from amounts provided under section 3 as follows: not less than $30,000,000 for fiscal year 1994. Such funds shall remain available until expended.

"(C) GRANTS.—Grants under paragraph (4) shall be paid by the Secretary from amounts provided under section 3 as follows: not less than $1,000,000 for fiscal year 1992. Any amounts not expended for such grants shall be available for the Federal share of costs described in subparagraphs (A) and (B).

"(D) OPERATION.—Notwithstanding any other provision of law, the grant agreement under paragraph (1) shall provide with respect to the third year of revenue operations of the project under this subsection that the Federal share of operating costs of the project shall be paid by the Secretary from amounts provided under this section in a sum equal to 50 percent of any deficit incurred in operating the project in such year of revenue operations or $300,000, whichever is less.

"(10) FEDERAL SHARE.—The Federal share of the cost of construction of the project under this subsection shall be 80 percent of the net cost of the project.

"(11) REPORT.—Not later than January 30, 1993, and annually thereafter, the Secretary shall transmit to Congress a report on the progress and results of the project under this subsection.".

SEC. 3031. NEW JERSEY URBAN CORE PROJECT.

(a) CONTRACTUAL COMMITMENTS.—

(1) FULL FUNDING GRANT AGREEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Federal Transit Act for those elements of the New Jersey Urban Core Project which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(2) PAYMENT.—The grant agreement under paragraph (1) shall provide that the Federal share of the cost of the New Jersey Urban Core Project shall be paid by the Secretary from amounts provided under section 3 of the Federal Transit Act as follows:

(A) Not less than $95,900,000 for fiscal year 1992.
(B) Not less than $71,700,000 for fiscal year 1993.
(C) Not less than $64,800,000 for fiscal year 1994.
(D) Not less than $146,000,000 for fiscal year 1995.
(E) Not less than a total of $256,000,000 for fiscal years 1996 and 1997.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

(b) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, for the purpose of calculating non-Federal contributions to the net cost of the New Jersey Urban Core Project, the Secretary shall include all non-Federal contributions made on or after January 1, 1987, for construction of any element of the project. Non-Federal funds committed to one element of the project may be used to meet the non-Federal share requirement for any other element of the project.

(c) EXEMPTION FROM CERTAIN REQUIREMENTS.—The requirements contained in section 3(i) of the Federal Transit Act (relating to criteria for new starts) shall not apply with respect to the New Jersey Urban Core Project; except that an alternative analysis and draft environmental impact statement shall be completed with respect to the Hudson River Waterfront element of the project and the Secretary shall approve the recommended locally preferred alternative for such element. No element of the project shall be subject to the major capital investment policy of the Federal Transit Administration.

New York.

(d) ELEMENTS OF URBAN CORE PROJECT.—For the purposes of this section, the New Jersey Urban Core Project consists of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project. The

project includes elements advanced with 100 percent non-Federal funds.

SEC. 3032. MULTIYEAR FUNDING FOR SAN FRANCISCO BAY AREA RAIL EXTENSION PROGRAM.

(a) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—

(1) COMPLETION DEADLINE.—Not later than 60 days after the date of the enactment of this Act and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete a draft environmental impact statement for an extension of the San Francisco Bay Area Rapid Transit District (hereinafter in this section referred to as "BART") to the San Francisco International Airport.

(2) NOTICE OF AVAILABILITY AND REPORTING.—The Secretary shall publish a notice of availability of the draft environmental impact statement for public review. If the Secretary has not published such notice on or before the 60th day following the date of the enactment of this Act, the Secretary shall report to Congress on the status of the completion of such draft environmental impact statement. The Secretary shall continue to report to such committees every 30 days on the status of the completion of the draft environmental impact statement, including any proposed revisions to the statement or to the work plan, until a notice of availability of such document is published in the Federal Register.

Federal Register, publication.

(b) PRELIMINARY ENGINEERING GRANT.—

(1) TO BART.—Not later than 30 days after the date of submittal of a locally preferred alternatives report and notwithstanding any other provision of law, the Secretary shall make a grant to BART to conduct preliminary engineering and to complete an environmental impact statement on the locally preferred alternative for the extension of BART to the San Francisco International Airport. The amount of such grant shall be 75 percent of preliminary engineering costs, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(2) TO SANTA CLARA COUNTY.—Not later than 30 days after the date of the enactment of this Act and notwithstanding any other provision of the law, the Secretary shall make a grant to the Santa Clara County Transit District (hereinafter in this section referred to as "SCCTD") to conduct preliminary engineering and to complete an environmental impact statement in accordance with the National Environmental Policy Act of 1969 on the locally preferred alternative for the Tasman Corridor Project. The amount of such grant shall be $12,750,000; except that the Federal share for all project costs may not exceed 50 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent. Local funds expended on the Tasman Corridor Project after the locally preferred alternative was approved by the Metropolitan Transportation Commission on July 31, 1991, shall be considered eligible project costs under the Federal Transit Act.

(c) CONTRACTUAL COMMITMENTS.—

(1) APPROVAL OF CONSTRUCTION.—Notwithstanding any other provision of law, the Secretary shall approve the construction of the locally preferred alternative for the BART San Francisco International Airport Extension (Phase 1a to Colma and Phase 1b to San Francisco Airport) and the Tasman Corridor Project according to the following schedule; provided that the Secretary does not grant approval under subparagraphs (A), (B), and (C) before the 30th day after completion of the environmental impact statement:

(A) Not later than 90 days after the date of the enactment of this Act, the Secretary shall approve such construction for BART Phase 1a to Colma.

(B) Not later than 90 days after the date of the completion of preliminary engineering, the Secretary shall approve such construction for BART Phase 1b to San Francisco International Airport.

(C) Not later than 90 days after the date of the completion by SCCTD of preliminary engineering, the Secretary shall approve such construction for the Tasman Corridor Project.

Grants.

(2) EXECUTION OF CONTRACT.—Upon approving construction under paragraph (1), the Secretary shall execute a multiyear grant agreement with BART to permit the expenditure of funds for the construction of the BART San Francisco International Airport Extension (Phase 1a and Phase 1b) and with SCCTD for the construction of the Tasman Corridor Project.

(d) FEDERAL SHARE.—

(1) BART EXTENSION.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the project cost for the locally preferred alternative for the BART San Francisco International Airport Extension (Phase 1a and Phase 1b) shall be 75 percent, unless the matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(2) TASMAN CORRIDOR PROJECT.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the project cost for the locally preferred alternative for the Tasman Corridor Project, including costs for preliminary engineering, shall be 50 percent, unless that matching percentage is increased by a modification to Metropolitan Transportation Commission Resolution No. 1876 in a manner that would allow such Federal share to be increased to 80 percent.

(e) PAYMENT.—The grant agreement under subsection (c)(2) shall provide that the Federal share of the cost of the projects shall be paid by the Secretary from amounts provided under section 3 of the Federal Transit Act for construction of new fixed guideway systems and extensions to fixed guideway systems, as follows:

(1) Not less than $28,500,000 for fiscal year 1990.

(2) Not less than $40,000,000 for fiscal year 1991.

(3) Not less than $100,000,000 for each of fiscal years 1992 through 1995.

(4) Not less than $100,000,000 for fiscal years 1996 and 1997.

Apportionment of payments between BART and SCCTD shall be consistent with the Metropolitan Transportation Commission Resolution No. 1876.

(f) ADVANCE CONSTRUCTION.—The grant agreements under subsection (c)(2) shall provide that the Secretary shall reimburse BART

and SCCTD from any amounts provided under section 3 of the Federal Transit Act for fiscal years 1992 through 1997 for the Federal share of the net project costs incurred by BART and SCCTD under subsections (c)(1) and (c)(2), including the amount of any interest earned and payable on bonds as provided in section 3(l)(2) of the Federal Transit Act, as follows:

(1) Not later than September 30, 1994, the Secretary shall reimburse BART and SCCTD a total of $368,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1994.

(2) Not later than September 30, 1997, the Secretary shall reimburse BART and SCCTD a total of $568,500,000 (plus such interest), less amounts provided under subsection (e) for fiscal years 1992 through 1997.

(g) FULL FUNDING GRANT AGREEMENTS.—

(1) SCHEDULE.—Notwithstanding any other provision of law, the Secretary shall negotiate and execute full funding grant agreements that are consistent with Metropolitan Transportation Commission Resolution No. 1876 with BART for Phase 1a to Colma and Phase 1b to the San Francisco International Airport, and with SCCTD for the Tasman Corridor Project according to the following schedule:

(A) Not later than 90 days after the date of completion by SCCTD of preliminary engineering, the Secretary shall execute such agreement for the Tasman Corridor Project.

(B) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreement for Phase 1a to Colma.

(C) Upon completion by BART of 85 percent of final design, the Secretary shall execute such agreement for Phase 1b to the San Francisco International Airport.

(2) ADDITIONAL AMOUNTS.—In addition to the $568,500,000 provided under this section, the Secretary shall, subject to annual appropriations, issue full funding grant agreements to complete the projects utilizing the full amount of the unobligated balance in the Mass Transit Account of the Highway Trust Fund.

(h) ALTERNATIVES ANALYSIS.—The Secretary shall permit the Santa Clara County Transit District, in cooperation with the Metropolitan Transportation Commission, to conduct an Alternatives Analysis to examine transit alternatives including a possible BART extension from southern Alameda County through downtown San Jose to Santa Clara, California.

SEC. 3033. QUEENS LOCAL/EXPRESS CONNECTION.

(a) FULL FUNDING GRANT AGREEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall negotiate and enter into a full funding grant agreement under section 3 of the Federal Transit Act for those elements of the Queens Local/Express Connection which can be fully funded in fiscal years 1992 through 1997. Such grant agreement shall not preclude the allocation of Federal funds for those elements of the project not covered under such grant agreement.

(b) PAYMENT.—The grant agreement under subsection (a) shall provide that the Federal share of the cost of the Queens Local/Express Connection shall be paid by the Secretary from amounts

provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(1) Not less than $11,000,000 for fiscal year 1992.
(2) Not less than $18,700,000 for fiscal year 1993.
(3) Not less than $77,800,000 for fiscal year 1994.
(4) Not less than $76,800,000 for fiscal year 1995.
(5) Not less than $121,800,000 for fiscal year 1996.

Nothing in this section shall be construed as precluding other Federal funds from being committed to the project.

SEC. 3034. MULTIYEAR CONTRACT FOR METRO RAIL PROJECT.

Federal Register, publication.

(a) SUPPLEMENTAL EIS.—Not later than April 1, 1992, and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete preparation of a final supplemental environmental impact statement for Minimum Operable Segment-3 (other than the East Side Extension) and publish a notice of the completion of such statement in the Federal Register. Such statement shall reflect any alignment changes in the Los Angeles Metro Rail Project and any determination of an amended locally preferred alternative for the project. In preparing such statement, the Secretary shall rely, to the maximum extent feasible, upon existing environmental studies and analyses conducted with respect to the project, including the Draft Supplemental Environmental Impact Statement (dated November 1987) and the Final Supplemental Environmental Impact Statement (dated July 1989).

(b) AMENDMENT TO CONTRACT TO INCLUDE CONSTRUCTION OF MOS-3.—

(1) NEGOTIATION.—Not later than April 1, 1992, the Secretary shall begin negotiations with the Commission on an amendment to the full funding contract under section 3 of the Federal Transit Act (dated April 1990) for construction of Minimum Operable Segment-2 of the Los Angeles Metro Rail Project in order to include construction of Minimum Operable Segment-3 (including the commitment described in paragraph (4) to provide Federal funding for the East Side Extension) in such contract.

(2) EXECUTION.—Not later than October 15, 1992, the Secretary shall—

(A) complete negotiations and execute the amended contract under paragraph (1); and

(B) issue a record of decision approving the construction of Minimum Operable Segment-3 (other than the East Side Extension).

(3) PAYMENT OF FEDERAL SHARE.—

(A) FEDERAL SHARE.—The amended contract under paragraph (1) shall provide that the Federal share of the cost of construction of Minimum Operable Segment-3 for fiscal years 1993 through 1997 shall be $695,000,000.

(B) PAYMENT.—The amended contract under paragraph (1) shall provide that the Federal share of the cost of construction of Minimum Operable Segment-3 shall be paid by the Secretary from amounts available under section 3 of the Federal Transit Act in accordance with a schedule for annual payments set forth in such contract.

(4) EAST SIDE EXTENSION.—The amended contract under paragraph (1) shall include a commitment to provide Federal funding for the East Side Extension, subject to completion of

alternatives analysis and satisfaction of Federal environmental requirements.

(5) ADVANCE CONSTRUCTION.—

(A) IN GENERAL.—The amended contract under paragraph (1) shall provide that the Commission may construct any portion of Minimum Operable Segment-3 in accordance with section 3(l) of the Federal Transit Act.

(B) AMOUNT.—The Commission may use advance construction authority in an amount not to exceed the sum of $535,000,000 plus the difference (if any) between the Federal share specified in paragraph (3) for fiscal years 1993 through 1997 and the amount of Federal funds actually provided in those fiscal years.

(C) CONVERSION TO GRANTS.—In the event the Commission uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Commission, from funds available under section 3 of the Federal Transit Act, for the Federal share of the amounts expended. Such conversion and reimbursement shall be made by the Secretary in fiscal years 1998, 1999, and 2000 and shall be equal to the Federal share of the amounts expended by the Commission pursuant to this paragraph (plus any eligible bond interest under section 3(l)(2) of the Federal Transit Act).

(c) FURTHER AMENDMENT TO CONTRACT.—Not later than October 15, 1996, the Secretary shall negotiate and enter into a further amendment to the contract described in subsection (b)(1) in order to provide Federal funding for Minimum Operable Segment-3 for fiscal years 1998 through 2000. The amended contract shall include provisions for the use and reimbursement of advance construction in the manner set forth in subsection (b)(5).

(d) CONTINUING PRELIMINARY ENGINEERING.—Before the date on which an amended contract is executed under subsection (b), the Secretary shall, upon receipt of an application from the Commission, make a grant to the Commission from amounts available under section 3 of the Federal Transit Act for continuing preliminary engineering and environmental analysis work for Minimum Operable Segment-3. Grants.

(e) ADDITION OF EAST SIDE EXTENSION.—

(1) ALTERNATIVES ANALYSIS AND ENVIRONMENTAL REVIEW.—The Secretary shall cooperate with the Commission in alternatives analysis and environmental review, including preparation of a draft environmental impact statement, for the East Side Extension. Upon receipt of an application from the Commission, the Secretary shall make a grant to the Commission, from amounts available under section 3 of the Federal Transit Act, for preliminary engineering, design, and related expenses for the East Side Extension, in an amount equal to 50 percent of the cost of such activities. Such funds shall be provided from the amounts made available by the Secretary under subsection (b)(3). Grants.

(2) SUPPLEMENTAL EIS.—Not later than December 1, 1993, and in accordance with the National Environmental Policy Act of 1969, the Secretary shall complete preparation of a final supplemental environmental impact statement for the East Side Extension and shall publish a notice of completion of such statement in the Federal Register. Federal Register, publication.

(3) AMENDMENT TO CONTRACT TO INCLUDE EAST SIDE EXTENSION.—

(A) NEGOTIATION.—Immediately upon the completion of alternatives analysis and preliminary engineering for the East Side Extension, the Secretary shall begin negotiations with the Commission on a further amendment to the contract referred to in subsection (b)(1) in order to include construction of the East Side Extension.

(B) EXECUTION.—Not later than June 1, 1994, the Secretary shall—

(i) complete negotiations and execute the amended contract under subparagraph (A); and

(ii) issue a record of decision approving the construction of the East Side Extension.

(C) CONTENTS.—The amended contract under subparagraph (A) shall be consistent with the commitment made under subsection (b)(4) and shall include appropriate changes to the existing scope of work to include the East Side.

(f) APPLICABILITY OF FEDERAL REQUIREMENTS.—The amended contracts under this section shall provide that any activity under Minimum Operable Segment-3 that is financed entirely with non-Federal funds shall not be subject to any Federal statute, regulation, or program guidance, unless the Federal statute or regulation in question, by its terms, otherwise applies to and covers such activity.

(g) CRITERIA FOR NEW STARTS.—Minimum Operable Segment-3 shall be deemed to be a project described in and covered by section 303(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Reports.

(h) NOTIFICATION OF NONCOMPLIANCE.—If the Secretary is unable to comply with a deadline established by this section, the Secretary shall report to Congress on the reasons for the noncompliance and shall provide such Committees a firm schedule for taking the action required.

(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the Los Angeles County Transportation Commission (or any successor thereto).

(2) EAST SIDE EXTENSION.—The term "East Side Extension" means that portion of Minimum Operable Segment-3 described in paragraph (3)(C).

(3) MINIMUM OPERABLE SEGMENT-3.—The term "Minimum Operable Segment-3" means that portion of the Los Angeles Metro Rail Project which consists of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

(A) One line running west and northwest from the Hollywood/Vine station to the North Hollywood station, with 2 intermediate stations.

(B) One line running west from the Wilshire/Western station to the Pico/San Vicente station, with one intermediate station.

(C) One line consisting of an initial line of approximately 3 miles in length, with at least 2 stations, beginning at Union Station and running generally east.

SEC. 3035. MISCELLANEOUS MULTIYEAR CONTRACTS. Grants.

(a) HAWTHORNE, NEW JERSEY-WARWICK, NEW YORK, SERVICE.—No later than 120 days after the date of the enactment of this Act, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation which includes not less than $35,710,000 in fiscal year 1992 and not less than $11,156,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of a project to provide commuter rail service from Hawthorne, New Jersey, to Warwick, New York (including a connection with the New Jersey Transit Main Line in Hawthorne, New Jersey, and improvements to the New Jersey Transit Main Line station in Paterson, New Jersey). Such agreement shall provide that amounts provided under the agreement may be used for purchasing equipment and for rehabilitating and constructing stations, parking facilities, and other facilities necessary for the restoration of such commuter rail service.

(b) WESTSIDE LIGHT RAIL PROJECT.—No later than April 30, 1992, Oregon.
the Secretary shall negotiate and sign a multiyear grant agreement with the Tri-County Metropolitan Transportation District of Oregon which includes $515,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act at the Federal share contained in House Report 101-584 to carry out the construction of the locally preferred alternative for the Westside Light Rail Project, including system related costs, set forth in Public Law 101-516 and as defined in House Report 101-584. Such agreement shall also provide for the completion of alternatives analysis, the final Environmental Impact Analysis, and preliminary engineering for the Hillsboro extension to the Westside Project as set forth in Public Law 101-516.

(c) NORTH BAY FERRY SERVICE.—No later than April 30, 1992, the California.
Secretary shall negotiate and sign a multiyear grant agreement with the City of Vallejo, California, which includes $8,000,000 in fiscal year 1992 and $9,000,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out capital improvements under the North Bay Ferry Service Demonstration Program.

(d) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—No New York.
later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New York City Department of Transportation in New York, New York, which includes $1,000,000 in fiscal year 1992 and $11,000,000 in fiscal year 1993 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out capital improvements under the Staten Island-Midtown Ferry Service Demonstration Program.

(e) CENTRAL AREA CIRCULATOR PROJECT.—No later than April 30, Illinois.
1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Chicago, Illinois, which includes $260,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for the Central Area Circulator Project. Such grant agreement shall provide that the Federal share of the cost of such project shall be paid by the Secretary from amounts provided under such section 3(k)(1)(B) as follows:

(1) Not less than $21,000,000 for fiscal year 1992.
(2) Not less than $55,000,000 for fiscal year 1993.
(3) Not less than $70,000,000 for fiscal year 1994.

(4) Not less than $62,000,000 for fiscal year 1995.

(5) Not less than a total of $52,000,000 for fiscal years 1996 and 1997.

Utah.

(f) SALT LAKE CITY LIGHT RAIL PROJECT.—No later than August 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Utah Transit Authority, which includes $131,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the initial segment of the locally preferred alternative for the Salt Lake City Light Rail Project, including feeder bus and other system related costs.

California.

(g) LOS ANGELES-SAN DIEGO (LOSSAN) RAIL CORRIDOR IMPROVEMENT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles-San Diego Rail Corridor Agency which includes not less than $10,000,000 for fiscal year 1992 and not less than $5,000,000 in each of fiscal years 1993 and 1994 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to provide for capital improvements to the rail corridor between Los Angeles and San Diego, California.

California.

(h) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the responsible operating entity for the San Francisco Peninsula Commute Service which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $13,000,000 for capital improvements and trackage rights related to the extension of commuter rail service from San Jose, through Gilroy, to Hollister, California. The Secretary shall allocate to the Santa Clara County Transit District in fiscal year 1992, from funds made available under such section 3(k)(1)(B), $8,000,000 for the purpose of a one-time purchase of perpetual trackage rights between the existing terminus in San Jose and Gilroy, California, to run passenger rail service.

(i) DALLAS LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with Dallas Area Rapid Transit which includes $160,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for the initial 6.4 miles and 10 stations of the South Oak Cliff light rail line. Non-Federal funds used to acquire rights-of-way and to plan, design, and construct any of the elements of such light rail line on or after August 13, 1983, may be used to meet the non-Federal share funding requirement for financing construction of any of such elements.

Massachusetts.

(j) SOUTH BOSTON PIERS TRANSITWAY/LIGHT RAIL PROJECT.—No later than June 1, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Massachusetts Bay Transportation Authority which includes $278,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the South Station to World Trade Center segment of the locally preferred alternative for the South Boston Piers Transitway/Light Rail Project. Not later than February 28, 1992, the Secretary shall allocate from such $278,000,000 such sums as may be necessary to carry out preliminary engineering and design for the entirety of such preferred alternative. Section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by striking "—", by striking "(a)", by

striking "; and" at the end of paragraph (a) and all that follows through the period at the end of such section and inserting a period, and by running in the remaining matter of paragraph (a) following "Administration".

(k) KANSAS CITY LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Kansas City Area Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993 to provide for the completion of alternatives analysis and preliminary engineering for the Kansas City Light Rail Project.

(l) ORLANDO STREETCAR (OSCAR) DOWNTOWN TROLLEY PROJECT.— Florida.
No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Orlando, Florida, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $5,000,000 to provide for the completion of alternatives analysis and preliminary engineering for the Orlando Streetcar (OSCAR) Downtown Trolley Project.

(m) DETROIT LIGHT RAIL PROJECT.—No later than April 30, 1992, Michigan.
the Secretary shall negotiate and enter into a multiyear grant agreement with the city of Detroit, Michigan, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, not less than $10,000,000 for fiscal year 1992, and not less than $10,000,000 for fiscal year 1993, to provide for the completion of alternatives analysis and preliminary engineering for the Detroit Light Rail Project.

(n) BUS AND BUS RELATED EQUIPMENT PURCHASES IN ALTOONA, PENNSYLVANIA.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Altoona Metro Transit for $2,000,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of 10 buses, a fuel storage tank, a bus washer and 2 service vehicles.

(o) LONG BEACH METRO LINK FIXED RAIL PROJECT.—No later than California.
April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Los Angeles County Transportation Commission which includes $4,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to provide for the completion of alternatives analysis and preliminary engineering for the Metro Link Project in Long Beach, California.

(p) LAKEWOOD-FREEHOLD-MATAWAN OR JAMESBURG RAIL New Jersey.
PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the New Jersey Transit Corporation, which includes, from funds made available to the Northeastern New Jersey urbanized area under section 3(k)(1)(B) of the Federal Transit Act, $1,800,000 in fiscal year 1992 and $3,000,000 in each of fiscal years 1993 and 1994 to provide for the completion of alternatives analysis, preliminary engineering, and environmental impact statement for the Lakewood-Freehold-Matawan or Jamesburg Rail Project.

(q) SAN FRANCISCO, CALIFORNIA.—No later than April 30, 1992, the Secretary shall enter into a grant agreement for $2,500,000 from funds made available under section 3(k)(1)(C) for fiscal year 1992 to construct a parking facility as part of a multimodal transportation facility in the vicinity of California Pacific Medical Center, San Francisco, California.

North Carolina.

(r) CHARLOTTE LIGHT RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City of Charlotte, North Carolina, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $125,000 in fiscal year 1992 and $375,000 in fiscal year 1993 to provide for the completion of systems planning and alternatives analysis for a priority light rail corridor in the Charlotte metropolitan area.

Georgia.

(s) BUCKHEAD PEOPLE MOVER CONCEPTUAL ENGINEERING STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Atlanta Regional Commission which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $200,000 in fiscal year 1992, to provide for the completion of a conceptual engineering study for a people mover system in Atlanta, Georgia.

(t) CLEVELAND DUAL HUB RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,000,000 in fiscal year 1992, $2,000,000 in fiscal year 1993, and $1,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis on the Cleveland Dual Hub Rail Project.

Tennessee.

(u) SAN DIEGO MID COAST LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the San Diego Metropolitan Transit Development Board which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,000,000 in fiscal year 1992, $5,000,000 in fiscal year 1993, and $20,000,000 in fiscal year 1994, to provide for the completion of alternatives analysis and the final environmental impact statement, and to purchase right-of-way, for the San Diego Mid Coast Light Rail Project.

(v) CHATTANOOGA DOWNTOWN TROLLEY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Chattanooga Area Regional Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $1,000,000 in fiscal year 1992 and $1,000,000 in fiscal year 1993 to provide for the completion of alternatives analysis on a proposed trolley circulator in downtown Chattanooga, Tennessee.

(w) NORTHEAST OHIO COMMUTER RAIL FEASIBILITY STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Northeast Ohio Areawide Coordinating Agency which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $800,000 in fiscal year 1992 and $800,000 in fiscal year 1993 to study the feasibility of providing commuter rail service connecting urban and suburban areas in northeast Ohio.

Texas.

(x) RAILTRAN COMMUTER RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Cities of Dallas and Fort Worth, Texas, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,480,000, in fiscal year 1992, and $3,200,000 in fiscal year 1993 to provide for preliminary engineering and construction of improvements to the Dallas/Fort Worth RAILTRAN System.

(y) BUS AND BUS RELATED EQUIPMENT PURCHASES IN JOHNSTOWN, PENNSYLVANIA.—No later than April 30, 1992, the Secretary shall

enter into a grant agreement with the Cambria County Transit Authority for $1,600,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of 6 midsize buses; spare engines, transmissions, wheels, tires; wheelchair lifts for urban buses; 20 2-way radios; 29 electronic fareboxes and related equipment; computer hardware and software; and shop tools, equipment and parts for the Cambria County Transit System; and a new 400 HP electric motor and related components; cable replacement; hillside erosion control; park-and-ride facilities; and a handicapped pedestrian crosswalk for the Johnstown Inclined Plane.

(z) BUS PURCHASE FOR EUREKA SPRINGS, ARKANSAS.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with Eureka Springs Transit for $63,600 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the purchase of an electrically powered bus which is accessible to and usable by individuals with disabilities.

Arizona.

(aa) TUCSON DIAL-A-RIDE PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Tucson, Arizona, which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $8,000,000 in fiscal year 1992 to make capital improvements related to the Tucson Dial-a-Ride Project.

(bb) LONG BEACH BUS FACILITY PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Long Beach Transportation Company to include, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $13,875,000 in fiscal year 1992, to provide for the construction of a bus maintenance facility in the service area of such company.

Pennsylvania.

(cc) PARK-AND-RIDE LOT.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $4,000,000 in fiscal year 1992 to construct a park-and-ride lot in suburban Philadelphia, Pennsylvania.

Tennessee.

(dd) NASHVILLE INTERMODAL TERMINAL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Nashville, Tennessee, which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $3,700,000 in fiscal year 1992 to provide for the construction of an intermodal passenger terminal in Nashville, Tennessee.

Ohio.

(ee) MAIN STREET TRANSIT MALL.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the City of Akron, Ohio, which includes, from funds made available to that State under section 3(k)(1)(C) of the Federal Transit Act, $1,450,000 in fiscal year 1992 to provide for preliminary engineering and construction of an extension to the Main Street Transit Mall.

(ff) PEOPLE MOBILIZER.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with PACE which includes, from funds made available to the suburban Chicago urbanized area under section 3(k)(1)(C), $2,300,000 in fiscal year 1992 to make capital purchases necessary for implementing the people mobilizer project in such area. The limitation on operating assistance which but for this section would apply to the people mobilizer project for fiscal year 1992 under section 9(k)(2)(A) of the Federal Transit Act shall be increased by $700,000.

Pennsylvania.

(gg) CENTRE AREA TRANSPORTATION AUTHORITY REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary shall reimburse the Centre Area Transportation Authority in State College, Pennsylvania, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $1,000,000 in fiscal year 1992 for costs incurred by the Centre Area Transportation Authority between August 1989 and October 1991 in connection with the construction of an administrative maintenance and bus storage facility.

(hh) KEY WEST, FLORIDA.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a grant agreement with the city of Key West, Florida, which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $239,666 in fiscal year 1992 for the cost of purchasing 3 buses.

(ii) BOSTON, MASSACHUSETTS.—The Secretary shall conduct at a cost of $250,000 in fiscal year 1992 from funds made available under section 3(k)(1)(B) of the Federal Transit Act a feasibility study of a proposed rail link between North Station and South Station in Boston, Massachusetts.

(jj) BUFFALO, NEW YORK.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with the Niagara Frontier Transportation Authority for $2,000,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act to provide for the construction of metro bus transit centers in the service area of such transportation authority.

(kk) STATE OF MICHIGAN.—No later than June 30, 1992, the Secretary shall enter into a multiyear grant agreement with the State of Michigan for $10,500,000 for fiscal year 1992, and not less than $10,000,000 for each of fiscal years 1993 through 1997 from funds made available under section 3(k)(1)(C) of the Federal Transit Act for the purchase of buses and bus-related equipment to be distributed among local transit operators. Of the grant amount for fiscal year 1992, $500,000 shall be made available for a study of the feasibility of consolidation of transit services.

(ll) ANN ARBOR, MICHIGAN.—No later than April 30, 1992, the Secretary shall enter into a grant agreement with the Ann Arbor Transportation Authority for $1,500,000 for fiscal year 1992 from funds made available under section 3(k)(1)(C) of the Federal Transit Act for the purchase of equipment and software for advanced fare collection technology.

(mm) BAY AREA RAPID TRANSIT DISTRICT PARKING.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the San Francisco Bay Area Rapid Transit District which includes, from funds made available under section 3(k)(1)(C) of the Federal Transit Act, $12,600,000 for construction of a parking area for the planned East Dublin/Pleasanton BART station.

Maryland.

(nn) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—The Secretary shall carry out the Baltimore-Washington Transportation Improvements Program as follows:

(1) BALTIMORE-CENTRAL LIGHT RAIL EXTENSION.—By entering into a full funding grant agreement with the Mass Transit Administration of the Maryland Department of Transportation to carry out construction of locally preferred alternatives for the Hunt Valley, Baltimore-Washington International Airport and Penn Station extensions to the light rail line in Baltimore, Maryland. The grant agreement under this paragraph shall

provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(A) Not less than $30,000,000 for fiscal year 1993.

(B) Not less than $30,000,000 for fiscal year 1994.

(2) MARC EXTENSIONS.—By entering into a full funding grant agreement with the Mass Transit Administration of the Maryland Department of Transportation for service extensions and other improvements, including extensions of the MARC commuter rail system to Frederick and Waldorf, planning and engineering, purchase of rolling stock and station improvements and expansions. The grant agreement under this paragraph shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act as follows:

(A) Not less than $60,000,000 for fiscal year 1993.

(B) Not less than $50,000,000 for fiscal year 1994.

(C) Not less than $50,000,000 for fiscal year 1995.

(3) LARGO EXTENSION.—By entering into a full funding grant agreement with the State of Maryland or its designee to provide alternative analysis, the preparation of an environmental impact statement and preliminary engineering for a proposed rail transit project to be located in the corridor between the Washington Metropolitan Area Transit Authority Addison Road rail station and Largo, Maryland. The grant agreement under this paragraph shall provide that the Federal share shall be paid from amounts provided under section 3(k)(1)(B) of the Federal Transit Act in an amount not less than $5,000,000 for fiscal year 1993.

(oo) MILWAUKEE EAST-WEST CORRIDOR PROJECT.—The Secretary shall negotiate and sign a multiyear grant agreement with the State of Wisconsin which includes $200,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the initial segment of the locally preferred alternative as identified in the alternatives analysis of the Milwaukee East-West Corridor Project. Wisconsin.

(pp) BOSTON TO PORTLAND TRANSPORTATION CORRIDOR.—If the State of Maine or an agency thereof decides to initiate commuter rail service in the Boston to Portland transportation corridor, $30,000,000 under section 3(k)(1)(B) is authorized to be appropriated for capital improvements to allow such service.

(qq) NORTHEAST PHILADELPHIA COMMUTER RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority, which includes $400,000 from funds made available to the Philadelphia urbanized area under section 3(k)(1)(B) of the Federal Transit Act to provide for a study of the feasibility of instituting commuter rail service as an alternative to automobile travel to Center City Philadelphia on I-95. Pennsylvania.

(rr) ATLANTA COMMUTER RAIL STUDY.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Atlanta Regional Commission which includes, from funds made available to the Atlanta urbanized area under section 3(k)(1)(B) of the Federal Transit Act, $100,000 to study the feasibility of instituting commuter rail service in the Greensboro corridor.

(ss) PITTSBURGH LIGHT RAIL REHABILITATION PROJECT.—No later than 90 days after the date of the enactment of this Act, the Pennsylvania.

Secretary shall negotiate and sign a multiyear grant agreement with the Port Authority of Allegheny County which includes $5,000,000 from funds made available to the Pittsburgh urbanized area under section 3(k)(1)(B) of the Federal Transit Act to complete preliminary engineering for Stage II LRT rehabilitation in Allegheny County, Pennsylvania.

Georgia.

(tt) ATLANTA NORTH LINE EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Atlanta Rapid Transit Authority which includes $329,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for a 3.1 mile extension of the North Line of the heavy rail rapid transit system in Atlanta, Georgia.

(uu) HOUSTON PRIORITY CORRIDOR FIXED GUIDEWAY PROJECT.—Provided that a locally preferred alternative for the Priority Corridor fixed guideway project has been selected by March 1, 1992, no later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Metropolitan Transit Authority of Harris County which includes $500,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of such locally preferred alternative.

(vv) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Jacksonville Transportation Authority which includes $71.2 million from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative for a 1.8 mile extension to the Automated Skyway Express starter line.

(ww) HONOLULU RAPID TRANSIT PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the City and County of Honolulu which includes $618,000,000 from funds made available under section 3(k)(1)(B) of the Federal Transit Act to carry out the construction of the locally preferred alternative of a 17.3 mile fixed guideway system.

California.

(xx) SACRAMENTO LIGHT RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Sacramento Regional Transit District which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $26,000,000 to provide for the completion of alternatives analysis, preliminary engineering, and final design on proposed extensions to the light rail system in Sacramento, California.

Pennsylvania.

(yy) PHILADELPHIA CROSS-COUNTY METRO RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Southeastern Pennsylvania Transportation Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $2,400,000 to provide for the completion of alternatives analysis and preliminary engineering for the Philadelphia Cross-County Metro Rail Project.

Ohio.

(zz) CLEVELAND BLUE LINE LIGHT RAIL EXTENSION.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the Greater Cleveland Regional Transit Authority which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $1,200,000 to provide for the completion of alternatives analysis and preliminary engineering for an extension of the Blue Line to Highland Hills, Ohio.

(aaa) DULLES CORRIDOR RAIL PROJECT.—No later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the State of Virginia, or its assignee, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $6,000,000 to provide for the completion of alternatives analysis and preliminary engineering for a rail corridor from the West Falls Church Washington Metropolitan Area Transit Authority rail station to Dulles International Airport. Virginia.

(bbb) PUGET SOUND CORE RAPID TRANSIT PROJECT.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $300,000,000 for the Puget Sound Core Rapid Transit Project. Washington.

(ccc) SEATTLE-TACOMA COMMUTER RAIL.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the municipality of metropolitan Seattle, Washington, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $25,000,000 for the Seattle-Tacoma Commuter Rail Project. Washington.

(ddd) ALTOONA PEDESTRIAN CROSSOVER.—Not later than April 30, 1992, the Secretary shall negotiate and sign a multiyear grant agreement with the city of Altoona, Pennsylvania, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $3,200,000 for construction of the 14th Street Pedestrian Crossover in Altoona, Pennsylvania. Pennsylvania.

(eee) MULTI-MODAL TRANSIT PARKWAY.—Not later than April 30, 1992, the Secretary shall negotiate and enter into a multiyear grant agreement with the State of California which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $15,000,000 for construction of a multi-modal transit parkway in western Los Angeles, California. California.

(fff) CANAL STREET CORRIDOR LIGHT RAIL, NEW ORLEANS, LOUISIANA.—No later than April 30, 1992, the Secretary shall negotiate and sign a grant agreement with the city of New Orleans, Louisiana, which includes, from funds made available under section 3(k)(1)(B) of the Federal Transit Act, $4,800,000 to provide for the completion of alternatives analysis, preliminary engineering, and an environmental impact statement for the Canal Street Corridor Light Rail System in New Orleans, Louisiana.

SEC. 3036. UNOBLIGATED M ACCOUNT BALANCES.

Notwithstanding any other provision of law, any obligated M account balances remaining available for expenditure as of August 1, 1991, under "Urban Discretionary Grants" and "Interstate Transfer Grants-Transit" of the Federal Transit Administration program shall be exempt from the application of the provisions of section 1405 (b)(4) and (b)(6) of Public Law 101-510 and section 1552 of title 31, United States Code, and shall be available until expended.

SEC. 3037. TECHNICAL ACCOUNTING PROVISIONS.

Notwithstanding any other provision of law, any funds appropriated before October 1, 1983, under section 6, 10, 11, or 18 of the Act, or section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, that remain available for expenditure after

October 1, 1991, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 3038. REDUCTION IN AUTHORIZATIONS FOR BUDGET COMPLIANCE.

If the total amount authorized by this Act (including amendments made by this Act) out of the Mass Transit Account of the Highway Trust Fund exceeds $1,900,000,000 for fiscal year 1992, or exceeds $13,800,000,000 for fiscal years 1992 through 1996, then each amount so authorized shall be reduced proportionately so that the total equals $1,900,000,000 for fiscal year 1992, or equals $13,800,000,000 for fiscal years 1992 through 1996, as the case may be.

New Jersey.

SEC. 3039. PETROLEUM VIOLATION ESCROW ACCOUNT FUNDS.

Notwithstanding any other provision of law, the Federal Transit Administration shall allow petroleum violation escrow account funds spent by the New Jersey Transit Corporation on transit improvements to be applied as credit towards the non-Federal match for any transit project funded under the Federal Transit Act. The New Jersey Transit Corporation shall demonstrate that the use of such a credit does not result in the reduction in non-Federal funding for transit projects within the fiscal year in which the credit is applied.

49 USC app. 1602 note. Regulations.

SEC. 3040. CHARTER SERVICES DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—Notwithstanding any provision of law, the Secretary shall implement regulations, not later than 9 months after the date of the enactment of this Act, in not more than 4 States to permit transit operators to provide charter services for the purposes of meeting the transit needs of government, civic, charitable, and other community activities which otherwise would not be served in a cost effective and efficient manner.

(b) CONSULTATION.—In developing such regulations, the Secretary shall consult with a board that is equally represented by public transit operators and privately owned charter services.

(c) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing an evaluation of the effectiveness of the demonstration program regulations established under this section and make recommendations to improve current charter service regulations.

49 USC app. 1602 note.

SEC. 3041. GAO REPORT ON CHARTER SERVICE REGULATIONS.

The Comptroller General shall submit to the Congress, not later than 12 months after the date of the enactment of this Act, a report evaluating the impact of existing charter service regulations. The report shall—

(1) assess the extent to which the regulations promote or impede the ability of communities to meet the transportation needs of government, civic, and charitable organizations in a cost-effective and efficient manner;

(2) assess the extent to which the regulations promote or impede the ability of communities to carry out economic development activities in a cost-effective and efficient manner;

(3) analyze the extent to which public transit operators and private charter carriers have entered into charter service agreements pursuant to the regulations; and

(4) analyze the extent to which such agreements enable private carriers to profit from the provision of charter service by public transit operators using federally subsidized vehicles.

The report shall also include an assessment of the factors specified in the preceding sentence within the context of not less than 3 communities selected by the Comptroller General.

SEC. 3042. 1993 WORLD UNIVERSITY GAMES.

Notwithstanding any other provision of law, before apportionment under section 9 of the Federal Transit Act of funds provided under section 21(a)(1) of such Act for fiscal year 1993, $4,000,000 of such funds shall be made available to the State of New York or to any public body to which the State further delegates authority, as the designated recipient for the purposes of this section, to carry out projects by contracts with private or public service providers to meet the transportation needs associated with the staging of the 1993 World University Games in the State of New York. Such funds shall be available for any purpose eligible under section 9 of such Act without limitation. The matching requirement for operating assistance under section 9(k)(1) of such Act shall not apply to funds made available under this section.

SEC. 3043. OPERATING ASSISTANCE LIMITATION FOR STATEN ISLAND FERRY.

The limitation of operating assistance which, but for this section, would apply to the Staten Island Ferry for fiscal year 1993 under section 9(k)(2)(A) of the Federal Transit Act shall be increased by $2,700,000.

SEC. 3044. FORGIVENESS OF CERTAIN OUTSTANDING OBLIGATIONS. North Carolina.

Notwithstanding the fifth sentence of section 4(a) of the Federal Transit Act, the outstanding balance on grant agreement number NC-05-0021 made to the Fayetteville Transit Authority, North Carolina is forgiven.

SEC. 3045. FORGIVENESS OF LOAN REPAYMENT.

Notwithstanding any other provision of law (including any regulation), the outstanding balances on the following loan agreements do not have to be repaid:

(1) Loan agreement number PA-03-9002 made to the Southeastern Pennsylvania Transit Authority.

(2) Loan agreement number PA-03-9003 made to the Southeastern Pennsylvania Transit Authority.

SEC. 3046. MODIFIED BUS SERVICE TO ACCOMMODATE THE NEEDS OF STUDENTS. New York.

Nothing in the Federal Transit Act, including the regulations issued to carry out such Act, shall be construed to prohibit the use of buses acquired or operated with Federal assistance under such Act to provide tripper bus service in New York City, New York, to accommodate the needs of students, if such buses carry normal designations and clear markings that such buses are open to the general public. For the purposes of this section, the term "tripper bus service" shall have the meaning such term has on the date of the enactment of this Act in regulations issued pursuant to the Federal Transit Act and shall include the service provided by express buses operating along regular routes and as indicated in published route schedules.

49 USC app. 1604 note.

SEC. 3047. ELIGIBILITY DETERMINATIONS FOR DISABILITY.

(a) STUDY.—The Secretary shall conduct a study of procedures for determining disability for the purpose of obtaining off peak reduced fares under section 5(m) of the Federal Transit Act. The study should review different requirements, degree of uniformity, and degree of reciprocity between transit systems.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the study conducted under this section.

SEC. 3048. MILWAUKEE ALTERNATIVES ANALYSIS APPROVAL.

No later than January 15, 1992, the Secretary shall enter into an agreement with the Wisconsin Department of Transportation giving approval to undertake an alternatives analysis for the East-West Central Milwaukee Corridor. The alternatives analysis shall be funded entirely from non-Federal sources.

Motor Carrier Act of 1991. Intergovernmental relations. 49 USC app. 2301 note.

TITLE IV—MOTOR CARRIER ACT OF 1991

SEC. 4001. SHORT TITLE.

This title may be cited as the "Motor Carrier Act of 1991".

SEC. 4002. MOTOR CARRIER SAFETY GRANT PROGRAM AMENDMENTS.

(a) CONTENTS OF STATE PLANS.—Section 402(b)(1) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302(b)(1)) is amended—

(1) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) provides a right of entry and inspection to carry out the plan and provides that the State will grant maximum reciprocity for inspections conducted pursuant to the North American Inspection Standard, through the use of a nationally accepted system allowing ready identification of previously inspected commercial motor vehicles;";

(2) by striking "and" at the end of subparagraph (F);

(3) by striking the period of subparagraph (G) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(H) ensures that activities described in paragraphs (1), (2), and (3) of subsection (e) if funded with grants under this section will not diminish the effectiveness of development and implementation of commercial motor vehicle safety programs described in subsection (a);

"(I) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and provides that, to the maximum extent practicable, the State will seek to implement into law and practice the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

"(J) ensures that such State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23, United States Code;

"(K) ensures participation by the 48 contiguous States in SAFETYNET by January 1, 1994;

"(L) gives satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations pertaining to commercial motor vehicle safety;

"(M) gives satisfactory assurances that the State will promote activities—

"(i) to remove impaired commercial motor vehicle drivers from our Nation's highways through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

"(ii) to provide an appropriate level of training to its motor carrier safety assistance program officers and employees on the recognition of drivers impaired by alcohol or controlled substances;

"(iii) to promote enforcement of the requirements relating to the licensing of commercial motor vehicle drivers, especially including the checking of the status of commercial drivers' licenses; and

"(iv) to improve enforcement of hazardous materials transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspections of the loads of commercial motor vehicles transporting hazardous materials; and

"(N) give satisfactory assurance that the State will promote—

"(i) effective interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out such interdiction activities; and

"(ii) effective use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous materials transportation safety.".

(b) MAINTENANCE OF EFFORT.—Section 402(d) of such Act is amended— 49 USC app. 2302.

(1) by inserting "and for enforcement of commercial motor vehicle size and weight limitations, for drug interdiction, and for enforcement of State traffic safety laws and regulations described in subsection (e)" after "programs";

(2) by striking "two" and inserting "3";

(3) by striking "this section" the second place it appears and inserting "the Intermodal Surface Transportation Efficiency Act of 1991"; and

(4) by adding at the end the following new sentence: "In estimating such average level, the Secretary may allow the State to exclude State expenditures for federally sponsored demonstration or pilot programs and shall require the State to exclude Federal funds and State matching funds used to receive Federal funding under this section.".

(c) USE OF GRANT FUNDS FOR ENFORCEMENT OF CERTAIN OTHER LAWS.—Section 402 of such Act is amended by adding at the end the following new subsection:

"(e) USE OF GRANT FUNDS FOR ENFORCEMENT OF CERTAIN OTHER LAWS.—A State may use funds received under a grant under this section—

"(1) for enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific geographical locations (such as steep grades or mountainous terrains) where the weight of a commercial motor vehicle can significantly affect the safe operation of such vehicle, or at seaports where intermodal shipping containers enter and exit the United States;

"(2) for detecting the unlawful presence of a controlled substance (as defined under section 102 of the Controlled Substances Act (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of such a vehicle; and

"(3) for enforcement of State traffic laws and regulations designed to promote safe operation of commercial motor vehicles;

if such activities are carried out in conjunction with an appropriate type of inspection of the commercial motor vehicle for enforcement of Federal or State commercial motor vehicle safety regulations.".

(d) FEDERAL SHARE.—Section 403 of such Act (49 U.S.C. App. 2303) is amended by inserting after the first sentence the following new sentence: "In determining such costs incurred by the State, the Secretary shall include in-kind contributions by the State.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 404 of such Act (49 U.S.C. App. 2304) is amended—

(1) in subsection (a)(2) by striking "and" before "$60,000,000" and inserting a comma; and

(2) by striking the period at the end of subsection (a)(2) and inserting ", $65,000,000 for fiscal year 1992, $76,000,000 for fiscal year 1993, $80,000,000 for fiscal year 1994, $83,000,000 for fiscal year 1995, $85,000,000 for fiscal year 1996, and $90,000,000 for fiscal year 1997.".

(f) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 404(c) of such Act is amended to read as follows:

"(c) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Funds made available by this section shall remain available for obligation by the Secretary until expended. Allocations to a State shall remain available for expenditure in that State for the fiscal year in which they are allocated and 1 succeeding fiscal year. Funds not expended by a State during those 2 fiscal years shall be released to the Secretary for reallocation. Funds made available under this part which, as of October 1, 1992, were not obligated shall be available for reallocation and obligation under this subsection.".

(g) ALLOCATIONS.—Section 404(f) of such Act is amended to read as follows:

"(f) ADMINISTRATIVE EXPENSES; ALLOCATION CRITERIA.—

"(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary may deduct, for administration of this section for that fiscal year, not to exceed 1.25 percent of the funds made available for that fiscal year by subsection (a)(2). At least 75 percent of the funds so deducted for administration shall be used for the training of non-Federal employees, and the development of related training materials, to carry out the purposes of section 402.

"(2) ALLOCATION CRITERIA.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction authorized by paragraph (1), shall allocate, among the States with plans approved under section 402, the available funds for that fiscal year, pursuant to criteria established by the Secretary; except that the Secretary, in allocating funds available for research, development, and demonstration under subsection (g)(5) and for public education under subsection (g)(6), may designate specific eligible States among which to allocate such funds.".

(h) FUNDING FOR SPECIFIED PROGRAMS.—Section 404 of such Act is further amended by adding at the end of such section the following new subsection:

"(g) FUNDING FOR SPECIFIED PROGRAMS.—

"(1) TRAINING OF HAZMAT INSPECTORS.—The Secretary shall obligate from funds made available by subsection (a)(2) for each fiscal year beginning after September 30, 1992, not less than $1,500,000 to make grants to States for training inspectors for enforcement of regulations which are issued by the Secretary and pertain to transportation by commercial motor vehicle of hazardous materials.

"(2) COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM REVIEW.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 not to exceed $2,000,000 to carry out section 407 of this title, relating to the commercial motor vehicle information system.

"(3) TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1993, 1994, 1995, 1996, and 1997 not to exceed $2,000,000 to carry out section 408 of this title, relating to the truck and bus accident data grant program.

"(4) ENFORCEMENT.—

"(A) TRAFFIC ENFORCEMENT ACTIVITIES.—The Secretary shall obligate from funds made available by subsection (a)(2) for each of fiscal years 1993, 1994, and 1995 not less than $4,250,000 and for each of fiscal years 1996 and 1997 not less than $5,000,000 for traffic enforcement activities with respect to commercial motor vehicle drivers which are carried out in conjunction with an appropriate inspection of a commercial motor vehicle for compliance with Federal or State commercial motor vehicle safety regulations.

"(B) LICENSING REQUIREMENTS.—The Secretary shall obligate from the funds made available by subsection (a)(2) not less than $1,000,000 for each of fiscal years 1993, 1994, and 1995 to increase enforcement of the licensing requirements of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2701 App. et seq.) by motor carrier safety assistance program officers and employees, including the cost of purchasing equipment for and conducting inspections to check the current status of licenses issued pursuant to such Act.

"(5) RESEARCH AND DEVELOPMENT.—The Secretary shall obligate from funds made available by subsection (a)(2) not less than $500,000 for any fiscal year for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to promote the purposes of sec-

tion 402 and which are beneficial to all jurisdictions. Such funds shall be announced publicly and awarded competitively, whenever practicable, to any of the eligible States for up to 100 percent of the State costs, or to other persons as determined by the Secretary.

"(6) PUBLIC EDUCATION.—The Secretary shall obligate from funds made available by subsection (a)(2) for any fiscal year not less than $350,000 to educate the motoring public on how to share the road safely with commercial motor vehicles. In carrying out such education activities, the States shall consult with appropriate industry representatives.".

(i) PAYMENTS TO STATES.—Section 404 of such Act is further amended by adding at the end the following new subsection:

"(h) PAYMENTS TO STATES.—The Secretary shall make payments to a State of costs incurred by it under this section and section 402, as reflected by vouchers submitted by the State. Payments shall not exceed the Federal share of costs incurred as of the date of the vouchers.".

(j) MOTOR CARRIER SAFETY FUNCTIONS.—There is authorized to be appropriated for the motor carrier safety functions of the Federal Highway Administration $49,317,000 for fiscal year 1992.

Regulations. 49 USC app. 2304 note.

(k) NEW FORMULA FOR ALLOCATION OF FUNDS.—Not later than 6 months after the date of the enactment of this Act, the Secretary, by regulation, shall develop an improved formula and processes for the allocation among eligible States of the funds made available under the motor carrier safety assistance program. In conducting such a revision, the Secretary shall take into account ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous materials transportation safety. In particular, the Secretary shall place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections. In improving the formula, the Secretary shall also take into account ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous materials transportation regulations with the Federal safety regulations and promote other factors intended to promote effectiveness and efficiency that the Secretary determines appropriate.

Regulations. 49 USC app. 2302 note.

(l) INTRASTATE COMPATIBILITY.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall issue final regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety law and regulations with the Federal motor carrier safety regulations under the motor carrier safety assistance program. Such guidelines and standards shall, to the extent practicable, allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In the review of State plans and the allocation or granting of funds under section 153 of title 23, United States Code, as added by this Act, the Secretary shall ensure that such guidelines and standards are applied uniformly.

SEC. 4003. COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is amended by adding at the end the following new section:

"SEC. 407. COMMERCIAL VEHICLE INFORMATION SYSTEM PROGRAM. 49 USC app. 2306.

"(a) INFORMATION SYSTEM.—

"(1) REGISTRATION SYSTEMS REVIEW.—Not later than 1 year after the effective date of this section, the Secretary, in cooperation with the States, shall conduct a review of State motor vehicle registration systems pertaining to license tags for commercial motor vehicles in order to determine whether or not such systems could be utilized in carrying out this section.

"(2) ESTABLISHMENT.—The Secretary, in cooperation with the States, may establish, as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system which will serve as a clearinghouse and depository of information pertaining to State registration and licensing of commercial motor vehicles and the safety fitness of the registrants of such vehicles.

"(3) OPERATION.—Operation of the information system established under paragraph (2) shall be paid for by a system of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with a State or States, or by designating, after consultation with the States, a third party which represents the interests of the States.

"(4) DATA COLLECTION AND REPORTING STANDARDS.—The Secretary shall establish standards to ensure uniform data collection and reporting by all States necessary to carry out this section and to ensure the availability and reliability of the information to the States and the Secretary from the information system established under paragraph (2).

"(5) TYPE OF INFORMATION.—As part of the information system established under paragraph (2), the Secretary shall include information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary considers appropriate, including data on vehicle inspections and out-of-service orders.

"(b) DEMONSTRATION PROJECT.—The Secretary shall make grants to States to carry out a project to demonstrate methods of establishing an information system which will link the motor carrier safety information network system of the Department of Transportation and similar State systems with the motor vehicle registration and licensing systems of the States. The purposes of the project shall be— Grants.

"(1) to allow a State when issuing license plates for a commercial motor vehicle to determine through use of the information system the safety fitness of the person seeking to register the vehicle; and

"(2) to determine the types of sanctions which may be imposed on the registrant, or the types of conditions or limitations which may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

"(c) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

"(d) REPORT.—Not later than January 1, 1995, the Secretary shall prepare and submit to Congress a report assessing the cost and benefits and feasibility of the information system established under this section and, if the Secretary determines that such system would

be beneficial on a nationwide basis, including recommendations on legislation for the nationwide implementation of such system.

"(e) FUNDING.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(2) of this title.

"(f) COMMERCIAL MOTOR VEHICLE DEFINED.—For purposes of this section, the term 'commercial motor vehicle' means any self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property—

"(1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

"(2) if such vehicle is designed to transport more than 15 passengers, including the driver; or

"(3) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act.".

SEC. 4004. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

Part A of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2301-2305) is further amended by adding at the end the following new section:

49 USC app. 2307.

"SEC. 408. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary shall make grants to States which agree to adopt or have adopted the recommendations of the National Governors' Association with respect to police accident reports for truck and bus accidents.

"(b) GRANT PURPOSES.—Grants may only be made under this section for assisting States in the implementation of the recommendations referred to in subsection (a), including—

"(1) assisting States in designing appropriate forms;

"(2) drafting instruction manuals;

"(3) training appropriate State and local officers, including training on accident investigation techniques to determine the probable cause of accidents;

"(4) analyzing and evaluating safety data so as to develop, if necessary, recommended changes to existing safety programs that more effectively would address the causes of truck and bus accidents; and

"(5) such other activities as the Secretary determines are appropriate to carry out the objectives of this section.

"(c) COORDINATION.—The Secretary shall coordinate grants made under this section with the highway safety programs being carried out under section 402 of title 23, United States Code, and may require that the data from the reports described in subsection (a) be included in the reports made to the Secretary under the uniform data collection and reporting program carried out under such section.

"(d) FUNDING.—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(3) of this title.".

SEC. 4005. SINGLE STATE REGISTRATION SYSTEM.

Section 11506 of title 49, United States Code, is amended to read as follows:

"§ 11506. Registration of motor carriers by a State

"(a) DEFINITIONS.—In this section, the terms 'standards' and 'amendments to standards' mean the specification of forms and procedures required by regulations of the Interstate Commerce Commission to prove the lawfulness of transportation by motor carrier referred to in section 10521(a) (1) and (2) of this title.

"(b) GENERAL RULE.—The requirement of a State that a motor carrier, providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and providing transportation in that State, register the certificate or permit issued to the carrier under section 10922 or 10923 of this title is not an unreasonable burden on transportation referred to in section 10521(a) (1) and (2) of this title when the registration is completed under standards of the Commission under subsection (c) of this section. When a State registration requirement imposes obligations in excess of the standards, the part in excess is an unreasonable burden.

"(c) SINGLE STATE REGISTRATION SYSTEM.—

"(1) IN GENERAL.—Not later than 18 months after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, the Commission shall prescribe amendments to the standards existing as of such date of enactment. Such amendments shall implement a system under which—

"(A) a motor carrier is required to register annually with only one State;

"(B) the State of registration shall fully comply with standards prescribed under this section; and

"(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

"(2) SPECIFIC REQUIREMENTS.—

"(A) EVIDENCE OF CERTIFICATE; PROOF OF INSURANCE; PAYMENT OF FEES.—Under the amended standards implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier holding a certificate or permit issued under this subtitle—

"(i) to file and maintain evidence of such certificate or permit;

"(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

"(iii) to pay directly to such State fee amounts in accordance with the fee system established under subparagraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

"(iv) to file the name of a local agent for service of process.

"(B) RECEIPTS; FEE SYSTEM.—Such amended standards—

"(i) shall require that the registration State issue a receipt, in a form prescribed under the amended standards, reflecting that the carrier has filed proof of insurance as provided under subparagraph (A)(ii) of this paragraph and has paid fee amounts in accordance

with the fee system established under clause (iv) of this subparagraph;

"(ii) shall require that copies of the receipt issued under clause (i) of this subparagraph be kept in each of the carrier's commercial motor vehicles;

"(iii) shall not require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by the carrier;

"(iv) shall establish a fee system for the filing of proof of insurance as provided under subparagraph (A)(ii) of this paragraph that (I) will be based on the number of commercial motor vehicles the carrier operates in a State and on the number of States in which the carrier operates, (II) will minimize the costs of complying with the registration system, and (III) will result in a fee for each participating State that is equal to the fee, not to exceed $10 per vehicle, that such State collected or charged as of November 15, 1991; and

"(v) shall not authorize the charging or collection of any fee for filing and maintaining a certificate or permit under subparagraph (A)(i) of this paragraph.

"(C) PROHIBITED FEES.—The charging or collection of any fee under this section that is not in accordance with the fee system established under subparagraph (B)(iv) of this paragraph shall be deemed to be a burden on interstate commerce.

"(D) LIMITATION ON PARTICIPATION BY STATES.—Only a State which, as of January 1, 1991, charged or collected a fee for a vehicle identification stamp or number under part 1023 of title 49, Code of Federal Regulations, shall be eligible to participate as a registration State under this subsection or to receive any fee revenue under this subsection.

"(3) EFFECTIVE DATE OF AMENDMENTS.—Amendments prescribed under this subsection shall take effect by January 1, 1994.

"(d) INTERPRETATION AUTHORITY OF COMMISSION.—This section does not affect the authority of the Commission to interpret its regulations and certificates and permits issued under section 10922 or 10923 of this title.".

SEC. 4006. VEHICLE LENGTH RESTRICTION.

(a) CARGO CARRYING UNIT LIMITATION.—Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311) is amended by adding at the end the following new subsection:

"(j) CARGO CARRYING UNIT LIMITATION.—

"(1) IN GENERAL.—No State shall allow by statute, regulation, permit, or any other means the operation on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary pursuant to subsection (e) of this section, of any commercial motor vehicle combination (except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws) with 2 or more cargo carrying units (not including the truck tractor) whose cargo carrying units exceed—

"(A) the maximum combination trailer, semitrailer, or other type of length limitation authorized by statute or regulation of that State on or before June 1, 1991; or

"(B) the length of the cargo carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991.

"(2) WYOMING, OHIO, AND ALASKA.—

"(A) WYOMING.—In addition to those vehicles allowed under paragraphs (1)(A) and (1)(B), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if such vehicle configurations comply with the single axle, tandem axle, and bridge formula limits set forth in section 127(a) of title 23, United States Code, and do not exceed 117,000 pounds gross vehicle weight.

"(B) OHIO.—In addition to vehicles which the State of Ohio may continue to allow to be operated under paragraphs (1)(A) and (1)(B), such State may allow commercial motor vehicle combinations with 3 cargo carrying units of 28½ feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at and is south of exit 16 of the Ohio Turnpike.

"(C) ALASKA.—In addition to vehicles which the State of Alaska may continue to allow to be operated under paragraphs (1)(A) and (1)(B), such State may allow operation of commercial motor vehicle combinations which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

"(3) MEASUREMENT OF LENGTH.—For purposes of this subsection, the length of the cargo carrying units of a commercial motor vehicle combination is the length measured from the front of the first cargo carrying unit to the rear of the last cargo carrying unit.

"(4) LIMITATIONS.—Commercial motor vehicle combinations whose operations in a State are not prohibited under paragraphs (1) and (2) of this subsection may continue to operate in such State on the highways described in paragraph (1) only if in compliance with, at the minimum, all State statutes, regulations, limitations, and conditions, including but not limited to routing-specific and configuration-specific designations and all other restrictions in force in such State on June 1, 1991; except that subject to such regulations as may be issued by the Secretary, pursuant to paragraph (8) of this subsection, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction. Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of any commercial motor vehicle combination subject to this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of this section and of section 412 and section 416 (a) and (b) of this Act. Any State further restricting or prohibiting the operations of commercial

Federal Register, publication.

motor vehicle combinations or making such minor adjustments of a temporary and emergency nature as may be allowed pursuant to regulations issued by the Secretary pursuant to paragraph (8) of this subsection shall advise the Secretary within 30 days after such action and the Secretary shall publish a notice of such action in the Federal Register.

"(5) LIST OF STATE LENGTH LIMITATIONS.—

"(A) SUBMISSION TO SECRETARY.—Within 60 days after the date of the enactment of this subsection, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in each State on the highways described in paragraph (1). The list shall indicate the applicable State statutes and regulations associated with such length limitations. If a State does not submit information as required, the Secretary shall complete and file such information for such State.

Federal Register, publication.

"(B) INTERIM LIST.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall publish an interim list in the Federal Register, consisting of all information submitted pursuant to subparagraph (A). The Secretary shall review for accuracy all information submitted by the States pursuant to subparagraph (A) and shall solicit and consider public comment on the accuracy of all such information.

"(C) LIMITATION.—No statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

Federal Register, publication.

"(D) FINAL LIST.—Except as modified pursuant to subparagraph (B) or (E) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the date of the enactment of this subsection. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, commercial motor vehicle combinations prohibited under paragraph (1) may not operate on the National System of Interstate and Defense Highways and other Federal-aid primary system highways as designated by the Secretary except as published on the list. The list may be combined by the Secretary with the list required under section 127(d) of title 23, United States Code.

"(E) REVIEW AND CORRECTION PROCEDURE.—The Secretary, on his or her own motion or upon a request by any person (including a State), shall review the list issued by the Secretary pursuant to subparagraph (D). If the Secretary determines there is cause to believe that a mistake was made in the accuracy of the final list, the Secretary shall commence a proceeding to determine whether the list published pursuant to subparagraph (D) should be corrected. If the Secretary determines that there is a mistake in the accuracy of the list, the Secretary shall correct the

publication under subparagraph (D) to reflect the determination of the Secretary.

"(6) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) allow the operation on any segment of the National System of Interstate and Defense Highways of any longer combination vehicle prohibited under section 127(d) of title 23, United States Code;

"(B) affect in any way the operation of commercial motor vehicles having only 1 cargo carrying unit; or

"(C) affect in any way the operation in a State of commercial motor vehicles with 2 or more cargo carrying units if such vehicles were in actual operation on a regular or periodic basis (including seasonal operation) in that State on or before June 1, 1991, authorized under State statute, regulation, or lawful State permit.

"(7) CARGO CARRYING UNIT DEFINED.—As used in this subsection, 'cargo carrying unit' means any portion of a commercial motor vehicle combination (other than the truck tractor) used for the carrying of cargo, including a trailer, semitrailer, or the cargo carrying section of a single unit truck.

"(8) REGULATIONS REGARDING MINOR ADJUSTMENTS.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the States to follow in making minor adjustments under paragraph (4).

"(9) REGULATIONS FOR DEFINING NONEASILY DISMANTLED OR DIVIDED LOADS.—For the purposes of this subsection only, the Secretary shall define by regulation loads which cannot be easily dismantled or divided.".

(b) APPLICABILITY TO BUSES.—

(1) GENERAL RULE.—Section 411(a) of such Act is amended by inserting "of less than 45 feet on the length of any bus," after "vehicle length limitation". 49 USC app. 2311.

(2) ACCESS TO POINTS OF LOADING AND UNLOADING.—Section 412(a)(2) of such Act is amended by inserting ", motor carrier of passengers," after "household goods carriers". 49 USC app. 2312.

(c) CONFORMING AMENDMENT.—Section 411(e)(1) of such Act is amended by striking "those Primary System highways" and inserting "those highways of the Federal-aid primary system in existence on June 1, 1991,".

SEC. 4007. TRAINING OF DRIVERS; LONGER COMBINATION VEHICLE REGULATIONS, STUDIES, AND TESTING. 49 USC app. 2302 note.

(a) ENTRY LEVEL.—

(1) STUDY OF PRIVATE SECTOR.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness of the efforts of the private sector to ensure adequate training of entry level drivers of commercial motor vehicles. In preparing the report, the Secretary shall solicit the views of interested persons. Reports.

(2) RULEMAKING PROCEEDING.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall commence a rulemaking proceeding on the need to require training of all entry level drivers of commercial motor vehicles. Such rulemaking proceeding shall be completed not later than 24 months after the date of such enactment.

Reports.

(3) FOLLOWUP STUDY.—If the Secretary determines under the proceeding conducted under paragraph (2) that it is not in the public interest to issue a rule that requires training for all entry level drivers, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 25 months after the date of the enactment of this Act a report on the reasons for such decision, together with the results of a cost benefit analysis which the Secretary shall conduct with respect to such proceeding.

(b) LCVs TRAINING REQUIREMENTS.—

(1) INITIATION OF RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum training requirements for operators of longer combination vehicles. This training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

Regulations.

(2) FINAL RULE.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall issue a final regulation establishing minimum training requirements for operators of longer combination vehicles.

(c) SAFETY CHARACTERISTICS.—

(1) STUDY.—The Comptroller General shall conduct a study of the safety of longer combination vehicles for the purpose of comparing the safety characteristics and performance, including engineering and design safety characteristics, of such vehicles to other truck-trailer combination vehicles and for the purpose of reviewing the history and effectiveness of State safety enforcement pertaining to such vehicles for those States in which such vehicles are permitted to operate. Such study shall include an assessment of each of the following:

(A) The adequacy of currently available data bases for the purpose of determining the safety of longer combination vehicles and recommending safety improvements.

(B) Whether or not such States are actively monitoring the safety of such operations.

(C) The best available information on the safety of such operations.

(D) Enforcement actions which have been taken in such States to ensure the safety of such operations.

(E) Current procedures and controls used by such States to ensure the safety of operation of such vehicles.

(F) Whether or not any special inspections of equipment maintenance is required to improve the safety of such operations.

(G) The economic and safety impact of longer combination vehicles on shared highways.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit a report on the results of the study conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(d) OPERATIONS OF LONGER COMBINATION VEHICLES.—

(1) TESTS.—The Secretary shall conduct on the road tests with respect to the driver and vehicle characteristics of operations of longer combination vehicles for the purpose of determining whether or not any modifications are necessary to the Federal commercial motor vehicle safety standards of the Department of Transportation as they apply to longer combination vehicles. At a minimum, such tests shall examine driver fatigue and stress and time of operation characteristics. Such tests also shall examine the characteristics of longer combination vehicles, including an assessment of on board computers, anti-lock brakes, and anti-trailer under ride systems to determine the potential safety effectiveness of those technologies as applied to such vehicles.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit a report on the results of the tests conducted under paragraph (1) to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(e) FUNDING.—There shall be available to the Secretary for carrying out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 per fiscal year for each of fiscal years 1992, 1993, and 1994. Such sums shall remain available until expended.

(f) LONGER COMBINATION VEHICLE DEFINED.—For the purposes of this section, the term "longer combination vehicle" means any combination of a truck tractor and 2 or more trailers or semitrailers which operate on the National System of Interstate and Defense Highways with a gross vehicle weight greater than 80,000 pounds.

SEC. 4008. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

49 USC 11506 note.

(a) WORKING GROUP.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a working group comprised of State and local government officials, including representatives of the National Governors' Association, the American Association of Motor Vehicle Administrators, the National Conference of State Legislatures, the Federation of Tax Administrators, the Board of Directors for the International Fuel Tax Agreement, and a representative of the Regional Fuel Tax Agreement, for the purpose of—

(1) proposing procedures for resolving disputes among States participating in the International Registration Plan and among States participating in the International Fuel Tax Agreement including designation of the Department of Transportation or any other person for resolving such disputes; and

(2) providing technical assistance to States participating or seeking to participate in the Plan or in the Agreement.

(b) CONSULTATION REQUIREMENT.—The working group established under this section shall consult with members of the motor carrier industry in carrying out subsection (a).

(c) REPORTS.—Not later than 24 months after the date of the enactment of this Act, the working group established under this section shall transmit a report to the Secretary, to the Committee on Commerce, Science, and Transportation of the Senate, to the Committee on Public Works and Transportation and the Committee

on the Judiciary of the House of Representatives, to those States participating in the International Registration Plan, and to those States participating in the International Fuel Tax Agreement. The report shall contain a detailed statement of the findings and conclusions of the working group, together with its joint recommendations concerning the matters referred to in subsection (a). After transmission of such report, the working group may periodically review and modify the findings and conclusions and the joint recommendations as appropriate and transmit a report containing such modifications to the Secretary and such committees.

(d) APPLICABILITY OF ADVISORY COMMITTEE ACT.—The working group established under this section shall not be subject to the Federal Advisory Committee Act.

(e) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to States and appropriate persons for the purpose of facilitating participation in the International Registration Plan and participation in the International Fuel Tax Agreement and for the purpose of administrative improvements in any other base State fuel use tax agreement in existence as of January 1, 1991, including such purposes as providing technical assistance, personnel training, travel costs, and technology and equipment associated with such participation.

(2) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

(f) VEHICLE REGISTRATION.—After September 30, 1996, no State (other than a State which is participating in the International Registration Plan) shall establish, maintain, or enforce any commercial motor vehicle registration law, regulation, or agreement which limits the operation of any commercial motor vehicle within its borders which is not registered under the laws of the State if the vehicle is registered under the laws of any other State participating in the International Registration Plan.

(g) FUEL USE TAX.—

(1) REPORTING REQUIREMENTS.—After September 30, 1996, no State shall establish, maintain, or enforce any law or regulation which has fuel use tax reporting requirements (including tax reporting forms) which are not in conformity with the International Fuel Tax Agreement.

(2) PAYMENT.—After September 30, 1996, no State shall establish, maintain, or enforce any law or regulation which provides for the payment of a fuel use tax unless such law or regulation is in conformity with the International Fuel Tax Agreement with respect to collection of such a tax by a single base State and proportional sharing of such taxes charged among the States where a commercial motor vehicle is operated.

(3) LIMITATION.—For purposes of paragraphs (1) and (2), in the event of an amendment to the International Fuel Tax Agreement, conformity by a State that is not participating in such Agreement when such amendment is made may not be required with respect to such amendment until a reasonable time period for such conformity has elapsed, but in no case earlier than—

(A) the expiration of the 365-day period beginning on the first day that the corresponding compliance with such

amendment is required of States that are participating in such Agreement; or

(B) the expiration of the 365-day period beginning on the day the relevant office of the State receives written notice of such amendment from the Secretary.

(4) EXCEPTION.—Paragraphs (1), (2), and (3) shall not apply with respect to a State that participates on January 1, 1991, in the Regional Fuel Tax Agreement and that continues to participate after such date in such Agreement.

(h) ENFORCEMENT.—

(1) ACTION.—On the request of the Secretary, the Attorney General may commence, in a court of competent jurisdiction, a civil action for such injunctive relief as may be appropriate to ensure compliance with subsections (f) and (g).

(2) VENUE.—Such action may be commenced only in the State in which relief is required to ensure such compliance.

(3) RELIEF.—Subject to section 1341 of title 28, United States Code, such court, upon a proper showing—

(A) shall issue a temporary restraining order or a preliminary or permanent injunction; and

(B) may require in such injunction that the State or any person comply with such subsections.

(i) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in subsections (f) and (g) shall be construed as limiting the amount of money a State may charge for registration of a commercial motor vehicle or the amount of any fuel use tax a State may impose.

(j) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 1992 $1,000,000 for funding the activities of the working group under this section and $5,000,000 for making grants under subsection (e). Amounts authorized by the preceding sentence shall be subject to the obligation limitation established by section 102 of this Act for fiscal year 1992. From sums made available under section 404 of the Surface Transportation Assistance Act of 1982, the Secretary shall provide for each of fiscal years 1993 through 1997 $1,000,000 for funding the activities of the working group under this section and $5,000,000 for making grants under subsection (e). Such sums shall remain available until expended.

(k) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle"—

(A) as used with respect to the International Registration Plan, has the meaning the term "apportionable vehicle" has under such plan; and

(B) as used with respect to the International Fuel Tax Agreement, has the meaning the term "qualified motor vehicle" has under such agreement.

(2) FUEL USE TAX.—The term "fuel use tax" means a tax imposed on or measured by the consumption of fuel in a motor vehicle.

(3) INTERNATIONAL FUEL TAX AGREEMENT.—The term "International Fuel Tax Agreement" means the interstate agreement for the collection and distribution of fuel use taxes paid by motor carriers, developed under the auspices of the National Governors' Association.

(4) INTERNATIONAL REGISTRATION PLAN.—The term "International Registration Plan" means the interstate agreement for

the apportionment of vehicle registration fees paid by motor carriers, developed by the American Association of Motor Vehicle Administrators.

(5) REGIONAL FUEL TAX AGREEMENT.—The term "Regional Fuel Tax Agreement" means the interstate agreement for the collection and distribution of fuel use taxes paid by motor carriers in the States of Maine, Vermont, and New Hampshire.

(6) STATE.—The term "State" means the 48 contiguous States and the District of Columbia.

SEC. 4009. VIOLATIONS OF OUT-OF-SERVICE ORDERS.

(a) FEDERAL REGULATIONS.—The Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2701-2716) is amended by adding at the end the following new section:

49 USC app. 2717.

"SEC. 12020. VIOLATION OF OUT-OF-SERVICE ORDERS.

"(a) REGULATIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations of out-of-service orders by persons operating commercial motor vehicles.

"(b) MINIMUM REQUIREMENTS.—Regulations issued under subsection (a) shall, at a minimum, require that—

"(1) any operator of a commercial motor vehicle who is found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for a period of not less than 90 days and shall be subject to a civil penalty of not less than $1,000;

"(2) any operator of a commercial motor vehicle who is found to have committed a second violation of an out-of-service order shall be disqualified from operating such a vehicle for a period of not less than 1 year and not more than 5 years and shall be subject to a civil penalty of not less than $1,000; and

"(3) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be subject to a civil penalty of not more than $10,000.

"(c) DEADLINES.—The regulations required under subsection (a) shall be developed pursuant to a rulemaking proceeding initiated within 60 days after the date of the enactment of this section and shall be issued not later than 12 months after such date of enactment.".

(b) STATE REGULATIONS.—Section 12009(a)(21) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2708(a)(21)) is amended by inserting "and section 12020(a)" before the period at the end.

SEC. 4010. EXEMPTION OF CUSTOM HARVESTING FARM MACHINERY.

Section 12019(5) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(5)), relating to the definition of motor vehicle, is amended by inserting "or custom harvesting farm machinery" before the period at the end.

SEC. 4011. COMMON CARRIERS PROVIDING TRANSPORTATION FOR CHARITABLE PURPOSES.

Section 10723(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting "(other than a motor carrier of passengers)" after "carrier"; and

(2) by adding at the end the following new paragraph:

"(3) In the case of a motor carrier of passengers, that carrier may also establish a rate and related rule equal to the rate charged for the transportation of 1 individual when that rate is for the transportation of—

"(A) a totally blind individual and an accompanying guide or a dog trained to guide the individual;

"(B) a disabled individual and accompanying attendant, or animal trained to assist the individual, or both, when required because of disability; or

"(C) a hearing-impaired individual and a dog trained to assist the individual.".

SEC. 4012. BRAKE PERFORMANCE STANDARDS.

49 USC app. 2521 note.

(a) INITIATION OF RULEMAKING.—Not later than May 31, 1992, the Secretary shall initiate rulemaking concerning methods for improving braking performance of new commercial motor vehicles, including truck tractors, trailers, and their dollies. Such rulemaking shall include an examination of antilock systems, means of improving brake compatibility, and methods of ensuring effectiveness of brake timing.

(b) LIMITATION WITH RESPECT TO RULES.—Any rule which the Secretary determines to issue regarding improved braking performance pursuant to the rulemaking initiated under this section shall take into account the need for the rule and, in the case of trailers, shall include articulated vehicles and their manufacturers.

(c) RULEMAKING PROCEDURE.—Any rulemaking under this section shall, consistent with section 229 of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2519(b)), be carried out pursuant to, and in accordance with, the National Traffic and Motor Vehicle Safety Act of 1966.

(d) COMPLETION OF RULEMAKING.—The Secretary shall complete the rulemaking within 18 months after its initiation; except that the Secretary may extend that period for an additional 6 months after giving notice in the Federal Register of the need for such an extension. Such extension shall not be reviewable.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary under this Act (or preventing the Secretary) from simultaneously initiating a rulemaking concerning methods for improving brake performance in the case of vehicles, other than new manufactured commercial motor vehicles, and for considering the necessity for effective enforcement of any rule relating to improving such performance as part of the rulemaking proceeding and for considering the reliability, maintainability, and durability of any brake equipment.

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—For purposes of this section only, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways to transport passengers or property if such vehicle has a gross vehicle weight rating of 26,001 or more pounds.

SEC. 4013. FHWA POSITIONS.

To help implement the purposes of this title, the Secretary in fiscal year 1992 shall employ and maintain thereafter 2 additional employees in positions at the headquarters of the Federal Highway Administration in excess of the number of employees authorized for fiscal year 1991 for the Federal Highway Administration.

49 USC app. 2511a.

SEC. 4014. COMPLIANCE REVIEW PRIORITY.

If the Secretary identifies a pattern of violations of State or local traffic safety laws or regulations, or commercial motor vehicle safety rules, regulations, standards, or orders, among the drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary or a State representative shall ensure that such motor carrier receives a high priority for review of such carrier's compliance with applicable Federal and State commercial motor vehicle safety regulations.

TITLE V—INTERMODAL TRANSPORTATION

SEC. 5001. NATIONAL GOAL TO PROMOTE INTERMODAL TRANSPORTATION.

Section 302 of title 49, United States Code (relating to policy standards for transportation), is further amended by adding at the end the following new subsection:

"(e) INTERMODAL TRANSPORTATION.—It is the policy of the United States Government to encourage and promote development of a national intermodal transportation system in the United States to move people and goods in an energy-efficient manner, provide the foundation for improved productivity growth, strengthen the Nation's ability to compete in the global economy, and obtain the optimum yield from the Nation's transportation resources.".

SEC. 5002. DUTIES OF SECRETARY; OFFICE OF INTERMODALISM.

(a) DUTIES OF SECRETARY.—Section 301 of title 49, United States Code (relating to leadership, consultation and cooperation), is amended by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;".

49 USC 301 note.

(b) INTERMODAL TRANSPORTATION ADVISORY BOARD.-

(1) ESTABLISHMENT.—There shall be established within the Office of the Secretary an Intermodal Transportation Advisory Board.

(2) MEMBERSHIP.—The Intermodal Transportation Advisory Board shall consist of the Secretary, who shall serve as Chairman, and the Administrator, or his or her designee, of—

(A) the Federal Highway Administration;
(B) the Federal Aviation Administration;
(C) the Maritime Administration;
(D) the Federal Railroad Administration; and
(E) the Federal Transit Administration.

(3) FUNCTIONS.—The Intermodal Transportation Advisory Board shall provide recommendations for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(c) OFFICE OF INTERMODALISM.—

49 USC 301 note.

(1) ESTABLISHMENT.—The Secretary shall establish within the Office of the Secretary an Office of Intermodalism.

(2) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 6 months after the date of the enactment of this Act.

(3) FUNCTION.—The Director shall be responsible for carrying out the responsibilities of the Secretary described in section 301(3) of title 49, United States Code.

(4) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall develop, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include—

(A) information on the volume of goods and number of people carried in intermodal transportation by relevant classification;

(B) information on patterns of movement of goods and people carried in intermodal transportation by relevant classification in terms of origin and destination; and

(C) information on public and private investment in intermodal transportation facilities and services.

The Director shall make information from the data base available to the public. Public information.

(5) RESEARCH.—The Director shall be responsible for coordinating Federal research on intermodal transportation in accordance with the plan developed pursuant to section 6009(b) of this Act and for carrying out additional research needs identified by the Director.

(6) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations for urban areas having a population of 1,000,000 or more in collecting data relating to intermodal transportation in order to facilitate the collection of such data by such States and metropolitan planning organizations.

(7) ADMINISTRATIVE AND CLERICAL SUPPORT.—The Director shall provide administrative and clerical support to the Intermodal Transportation Advisory Board.

SEC. 5003. MODEL INTERMODAL TRANSPORTATION PLANS. Grants. 49 USC 301 note.

(a) GRANTS.—The Secretary shall make grants to States for the purpose of developing model State intermodal transportation plans which are consistent with the policy set forth in section 302(e) of title 49, United States Code. Such model plans shall include systems for collecting data relating to intermodal transportation.

(b) DISTRIBUTION.—The Secretary shall award grants to States under this section which represent a variety of geographic regions and transportation needs, patterns, and modes.

(c) TRANSMITTAL OF PLANS.—As a condition to receiving a grant under this section, the Secretary shall require that a State provide assurances that the State will transmit to the Secretary a State intermodal transportation plan not later than 18 months after the date of receipt of such grant.

(d) AGGREGATE AMOUNT.—The Secretary shall reserve, from amounts deducted under section 104(a) of title 23, United States Code, $3,000,000 for the purpose of making grants under this section. The aggregate amount which a State may receive in grants under this section shall not exceed $500,000.

49 USC 102 note. Contracts.

SEC. 5004. SURFACE TRANSPORTATION ADMINISTRATION.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Public Administration to continue a study of options for organizing the Department of Transportation to increase the effectiveness of program delivery, reduce costs, and improve intermodal coordination among surface transportation-related agencies.

(b) REPORT.—The Secretary shall report to Congress on the findings of the study continued under subsection (a) and recommend appropriate organizational changes no later than January 1, 1993. No organizational changes shall be implemented until such changes are approved by law.

49 USC 301 note.

SEC. 5005. NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.

(a) ESTABLISHMENT.—There is established a National Commission on Intermodal Transportation.

(b) FUNCTION.—The Commission shall make a complete investigation and study of intermodal transportation in the United States and internationally. The Commission shall determine the status of intermodal transportation, the problems that exist with respect to intermodal transportation, and the resources needed to enhance intermodal transportation. Based on such investigation and study, the Commission shall recommend those policies which need to be adopted to achieve the national goal of an efficient intermodal transportation system.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study the following:

(1) INTERMODAL STANDARDIZATION.—The Commission, in coordination with the National Academy of Sciences, shall examine current and potential impediments to international standardization in specific elements of intermodal transportation. The Commission shall evaluate the potential benefits and relative priority of standardization in each such element and the time period and investment necessary to adopt such standards.

(2) INTERMODAL IMPACTS ON PUBLIC WORKS INFRASTRUCTURE.—The Commission shall examine current and projected intermodal traffic flows, including the current and projected market for intermodal transportation, and how such traffic flows affect infrastructure needs. The Commission shall make recommendations as to capital needs for infrastructure development that will be required to accommodate intermodal transportation, particularly with respect to surface transportation access to airports and ports.

(3) LEGAL IMPEDIMENTS TO EFFICIENT INTERMODAL TRANSPORTATION.—The Commission shall identify legal impediments to efficient intermodal transportation. Specifically, the Commission shall study the relationship between current regulatory schemes for individual modes of transportation and intermodal transportation efficiency.

(4) FINANCIAL ISSUES.—The Commission shall examine existing impediments to the efficient financing of intermodal transportation improvements. In carrying out such examination, the Commission shall examine (A) the most efficient use of existing sources of funds for connecting individual modes of transportation and for accommodating transfers between such

modes, and (B) the use of innovative methods of financing for making such improvements. The Commission shall examine current methods of public funding, the desirability of increased flexibility in the use of amounts in Federal transportation trust funds, and increased use of private sources of funding.

(5) NEW TECHNOLOGIES.—The Commission shall study new technologies for improving intermodal transportation and problems associated with incorporating these new technologies in intermodal transportation.

(6) DOCUMENTATION.—The Commission shall study problems in documentation resulting from intermodal transfers of freight and make recommendations for achieving uniform, efficient, and simplified documentation.

(7) RESEARCH AND DEVELOPMENT.—The Commission shall identify the areas relating to intermodal transportation for which continued research and development is needed after the report required by this section is completed, and propose an agenda for carrying out such research and development.

(8) PRODUCTIVITY.—The Commission shall examine the relationship of intermodal transportation to transportation rates, transportation costs, and economic productivity.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(A) 3 members appointed by the President. President.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals interested in intermodal transportation policy, including representatives of Federal, State, and local governments, other public transportation authorities or agencies, and organizations representing transportation providers, shippers, labor, the financial community, and consumers.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(e) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(f) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(g) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(h) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(i) REPORT AND PROPOSED NATIONAL INTERMODAL TRANSPORTATION PLAN.—Not later than September 30, 1993, the Commission shall transmit to Congress a final report on the results of the investigation and study conducted under this section. The report shall include recommendations of the Commission for implementing the policy set forth in section 302(e) of title 49, United States Code, including a proposed national intermodal transportation plan and a proposed agenda for implementing the plan.

(j) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (i). All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the National Archives.

Historic preservation. Records.

TITLE VI—RESEARCH

PART A—PROGRAMS, STUDIES, AND ACTIVITIES

SEC. 6001. RESEARCH AND TECHNOLOGY PROGRAM.

Subsections (a), (b), and (c) of section 307 of title 23, United States Code, are amended to read as follows:

"(a) RESEARCH AND TECHNOLOGY PROGRAM.—

"(1) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary may engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions) and the effect thereon of State laws and may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(B) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, and entering into contracts and cooperative agreements with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization, or person.

"(C) RESEARCH FELLOWSHIPS.—

"(i) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

"(ii) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation engineering and research. Such program shall be known as the "Dwight David Eisenhower Transportation Fellowship Program". Of the funds made available pursuant to paragraph (3) for each fiscal year beginning after September 30, 1991, the Secretary shall expend not less than $2,000,000 per fiscal year to carry out such program.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—For the purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any State.

"(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements, as such term is defined under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(C) FEDERAL SHARE.—The Federal share payable on account of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent of the total cost of such activities; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal share. All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be treated as part of the non-Federal share of the cost of such activities for purposes of the preceding sentence.

"(D) UTILIZATION OF TECHNOLOGY.—The research, development, or utilization of any technology pursuant to a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980.

"(3) FUNDS.—

"(A) IN GENERAL.—The funds necessary to carry out this subsection and subsections (b), (d), and (e) shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any cooperating organization or person in a

special account of the Treasury of the United States established for such purposes.

"(B) MINIMUM EXPENDITURES ON LONG-TERM RESEARCH PROJECTS.—Not less than 15 percent of the funds made available under this paragraph shall be expended on long-term research projects which are unlikely to be completed within 10 years.

"(4) WAIVER OF ADVERTISING REQUIREMENTS.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements entered into under this section.

"(b) MANDATORY CONTENTS OF RESEARCH PROGRAM.—

"(1) INCLUSION OF CERTAIN STUDIES.—The Secretary shall include in the highway research program under subsection (a) studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

"(2) SHRP RESULTS.—

"(A) IMPLEMENTATION.—The highway research program under subsection (a) shall include a program to implement results of the strategic highway research program carried out under subsection (d) (including results relating to automatic intrusion alarms for street and highway construction work zones) and to continue the long-term pavement performance tests being carried out under such program.

"(B) MINIMUM FUNDING.—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not less than $12,000,000 in fiscal year 1992, $16,000,000 in fiscal year 1993, and $20,000,000 per fiscal year for each of fiscal years 1994, 1995, 1996, and 1997 to carry out this paragraph.

"(3) SURFACE TRANSPORTATION SYSTEM PERFORMANCE INDICATORS.—The highway research program under subsection (a) shall include a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors which reflect the overall performance of such system.

"(4) SHORT HAUL PASSENGER TRANSPORTATION SYSTEMS.—The Secretary shall conduct necessary systems research in order to develop a concept for a lightweight, pneumatic tire multiple-unit, battery-powered system, in conjunction with recharging stations at strategic locations. The Secretary shall create a potential systems concept and, as part of the surface transportation research and development plan under subsection (b), make recommendations to Congress by January 15, 1993.

"(5) SUPPORTING INFRASTRUCTURE.—The Secretary shall establish a program to strengthen and expand surface transportation infrastructure research and development. The program shall include the following elements:

"(A) Methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

"(B) Expansion of the Department of Transportation's inspection and mobile nondestructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspections of bridge structures as well as added support to State highway departments.

"(C) The Secretary shall determine whether or not to initiate a construction equipment research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems. The Secretary shall transmit to Congress a report containing such determination on or before July 1, 1992. Reports.

"(D) The Secretary shall undertake or supervise surface transportation infrastructure research to develop—

"(i) nondestructive evaluation equipment for use with existing infrastructure facilities and for next generation infrastructure facilities that utilize advanced materials;

"(ii) information technologies, including—

"(I) appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, growth, and capacity; and

"(II) dynamic simulation models of surface transportation systems for predicting capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs; and

"(iii) new and innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

"(c) STATE PLANNING AND RESEARCH.—

"(1) GENERAL RULE.—2 percent of the sums apportioned for each fiscal year beginning after September 30, 1991, to any State under sections 104 and 144 of this title and for highway projects under section 103(e)(4) of this title shall be available for expenditure by the State highway department, in consultation with the Secretary, only for the following purposes:

"(A) Engineering and economic surveys and investigations.

"(B) The planning of future highway programs and local public transportation systems and for planning for the financing thereof, including statewide planning under section 135 of this title.

"(C) Development and implementation of management systems under section 303 of this title.

"(D) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

"(E) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on engineering standards and construction materials for such systems, including evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(2) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities described in paragraph (1) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification.

"(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to paragraph (1) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(4) ADMINISTRATION OF SUMS.—Funds which are subject to paragraph (1) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

SEC. 6002. NATIONAL HIGHWAY INSTITUTE.

Section 321 of title 23, United States Code, is amended to read as follows:

"§ 321. National Highway Institute

"(a) ESTABLISHMENT; DUTIES; PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the 'Institute').

"(2) DUTIES.—The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training programs of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways.

"(3) TYPES OF PROGRAMS.—Programs which the Institute may develop and administer may include courses in modern developments, techniques, management, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction,

maintenance, contract administration, motor carrier activities, and inspection.

"(b) SET-ASIDE; FEDERAL SHARE.—Not to exceed 1/16 of 1 percent of all funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State highway department for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case in which education and training are to be paid for under subsection (b), by the State (subject to the approval of the Secretary) through grants and contracts with public and private agencies, institutions, individuals, and the Institute; except that private agencies and individuals shall pay the full cost of any education and training received by them.

"(d) TRAINING FELLOWSHIPS; COOPERATION.—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section, including the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person.

"(e) COLLECTION OF FEES.—

"(1) GENERAL RULE.—The Institute may, in accordance with this subsection, assess and collect fees solely to defray the costs of the Institute in developing and administering education and training programs under this section.

"(2) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner which may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount which does not exceed the aggregate amount of the costs referred to in paragraph (1) for the fiscal year.

"(3) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(A) persons and entities for whom education or training programs are developed or administered under this section; and

"(B) persons and entities to whom education or training is provided under this section.

"(4) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner which ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in paragraph (1) which relate to such person or entity.

"(f) FUNDS.—The funds required to carry out this section may be from the sums deducted for administration purposes under section 104(a). The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected

under subsection (e) and may be administered by the Secretary as a fund which shall be available until expended.

"(g) CONTRACTS.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.".

SEC. 6003. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Chapter 3 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 325. International highway transportation outreach program

"(a) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the domestic highway community of technological innovations abroad that could significantly improve highway transportation in the United States, to promote United States highway transportation expertise internationally, and to increase transfers of United States highway transportation technology to foreign countries. Such activities may include—

"(1) development, monitoring, assessment, and dissemination domestically of information about foreign highway transportation innovations that could significantly improve highway transportation in the United States;

"(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

"(3) informing other countries about the technical quality of American highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

"(4) offering those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign highway transportation projects if the costs for assistance will be recovered under the terms of each project; and

"(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of the enactment of this section, and in Greece and Turkey.

"(b) COOPERATION.—The Secretary may carry out the authority granted by this section, in cooperation with appropriate United States Government agencies and any State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or any other organization or person.

"(c) FUNDS.—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

"325. International highway transportation outreach program.".

SEC. 6004. EDUCATION AND TRAINING PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 326. Education and training program

"(a) AUTHORITY.—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies in (1) urbanized areas of 50,000 to 1,000,000 population, and (2) rural areas, access to modern highway technology.

"(b) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into contracts for education and training, technical assistance, and related support service that will—

"(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas (including pavement, bridge and safety management systems), to improve roads and bridges, to enhance programs for the movement of passengers and freight, to deal effectively with special road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials, and developing a tourism and recreational travel technical assistance program;

"(2) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

"(3) establish, in cooperation with State transportation or highway departments and universities (A) urban technical assistance program centers in States with 2 or more urbanized areas of 50,000 to 1,000,000 population, and (B) rural technical assistance program centers.

Not less than 2 centers under paragraph (3) shall be designated to provide transportation assistance that may include, but is not necessarily limited to, a 'circuit-rider' program, providing training on intergovernmental transportation planning and project selection, and tourism recreational travel to American Indian tribal governments.

"(c) FUNDS.—The funds required to carry out the provisions of this section shall be taken out of administrative funds deducted under section 104(a). The sum of $6,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be set aside from such administrative funds for the purpose of providing technical and financial support for these centers, including up to 100 percent for services provided to American Indian tribal governments.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following new item:

"326. Education and training program.".

(c) USE OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE FUNDS.—Section 204(b) of such title is amended by adding at the end the following new sentence: "The Secretary of Interior may reserve funds from the Bureau of Indian Affairs' administrative funds associated with the Indian reservation roads program to finance the Indian technical centers authorized under section 326.".

SEC. 6005. APPLIED RESEARCH AND TECHNOLOGY PROGRAM; SEISMIC RESEARCH PROGRAM.

(a) IN GENERAL.—Section 307 of title 23, United States Code, is amended by redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and by inserting after subsection (d) the following new subsections:

"(e) APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish and implement in accordance with this subsection an applied research and technology program for the purpose of accelerating testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

"(2) GUIDELINES.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection. Such guidelines shall include:

"(A) TECHNOLOGIES.—Guidelines on the selection of both foreign and domestic technologies to be tested.

"(B) TEST LOCATIONS.—Guidelines on the selection of locations at which tests will be conducted. Such guidelines shall ensure that testing is conducted in a range of climatic, traffic, geographic, and environmental conditions, as appropriate for the technology being tested.

"(C) DATA.—Guidelines for the scientific collection, evaluation, and dissemination of appropriate test data.

"(3) TECHNOLOGIES.—Technologies which may be tested under this subsection include, but are not limited to—

"(A) accelerated construction materials and procedures;

"(B) environmentally beneficial materials and procedures;

"(C) materials and techniques which provide enhanced serviceability and longevity under adverse climactic, environmental, and load effects;

"(D) technologies which increase the efficiency and productivity of vehicular travel; and

"(E) technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.

"(4) HEATED BRIDGE TECHNOLOGIES.—

"(A) PROJECTS.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to heating the decks of bridges and the feasibility of, and costs and benefits associated with, heating the decks of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated under section 144 of this title.

"(B) MINIMUM NUMBER OF BRIDGES.—The number of bridges for which heating equipment is installed under this subsection in a fiscal year shall not be less than 10 bridges.

New Jersey.

"(5) ELASTOMER MODIFIED ASPHALT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the environmental and safety benefits of elastomer modified asphalt.

"(6) HIGH PERFORMANCE BLENDED HYDRAULIC CEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of Missouri to demonstrate the durability and construction efficiency of high performance blended hydraulic cement. Missouri.

"(7) THIN BONDED OVERLAY AND SURFACE LAMINATION OF PAVEMENT.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to thin bonded overlay (including inorganic bonding systems) and surface lamination of pavement, and to assess the feasibility of, and costs and benefits associated with, the repair, rehabilitation, and upgrading of highways and bridges with overlay. Such projects shall be carried out so as to minimize overlay thickness, minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability.

"(8) ALL WEATHER PAVEMENT MARKINGS.—As part of the program under this subsection, the Secretary shall carry out a program to demonstrate the safety and durability of all weather pavement markings.

"(9) TESTING OF HIGHWAY TECHNOLOGIES.—Projects carried out under this subsection to test technologies related to highways shall be carried out on highways on the Federal-aid system.

"(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities in carrying out projects under this subsection.

"(11) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

"(12) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

"(13) FUNDING.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title and funds made available under section 26(a)(1) of the Federal Transit Act, "$35,000,000 for fiscal year 1992 and $41,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out this subsection. Of such amounts, in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall expend not less than $4,000,000 per fiscal year to carry out projects related to heated bridge technologies under paragraph (4), not less than $2,500,000 per fiscal year to carry out projects related to thin bonded overlay and surface lamination of pavements under paragraph (7), and not less than $2,000,000 per fiscal year to carry out projects related to all weather pavement markings under paragraph (8). Amounts made available under this subsection shall remain available until expended and shall not be subject to any obligation limitation.

"(f) SEISMIC RESEARCH PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of highways, tunnels, and bridges on the Federal-aid system to earthquakes and develop

and implement cost-effective methods of retrofitting such highways, tunnels, and bridges to reduce such vulnerability.

New York.

"(2) COOPERATION WITH NATIONAL CENTER FOR EARTHQUAKE ENGINEERING RESEARCH.—The Secretary shall conduct the program under this section in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

"(3) COOPERATION WITH AGENCIES PARTICIPATING IN NATIONAL HAZARDS REDUCTION PROGRAM.—The Secretary shall further conduct the program under this section in consultation and cooperation with Federal departments and agencies participating in the National Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 and shall take such actions as may be necessary to ensure that the program under this subsection is consistent with—

"(A) planning and coordination activities of the Federal Emergency Management Agency under section 5(b)(1) of such Act; and

"(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of such Act.

"(4) FUNDING.—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not more than $2,000,000 per fiscal year in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to carry out this subsection.

"(5) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this section.".

(b) HIGHWAY AND BRIDGE CONDITIONS AND PERFORMANCE REPORT.—Section 307(h) of title 23, United States Code, as redesignated by subsection (a), is amended by adding at the end the following new sentence: "The biennial reports required under this subsection shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in different years when such measures are changed.".

SEC. 6006. BUREAU OF TRANSPORTATION STATISTICS.

Chapter I of title 49, United States Code, is amended by adding at the end the following new section:

"§ 111. Bureau of Transportation Statistics

"(a) ESTABLISHMENT.—There is established in the Department of Transportation a Bureau of Transportation Statistics.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the compilation and analysis of transportation statistics.

"(3) REPORTING.—The Director shall report directly to the Secretary.

"(4) TERM.—The term of the Director shall be 4 years. The term of the first Director to be appointed shall begin on the 180th day after the date of the enactment of this section.

"(c) RESPONSIBILITIES.—The Director of the Bureau shall be responsible for carrying out the following duties:

"(1) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and shall include information on—

"(A) productivity in various parts of the transportation sector;

"(B) traffic flows;

"(C) travel times;

"(D) vehicle weights;

"(E) variables influencing traveling behavior, including choice of transportation mode;

"(F) travel costs of intracity commuting and intercity trips;

"(G) availability of mass transit and the number of passengers served by each mass transit authority;

"(H) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

"(I) accidents;

"(J) collateral damage to the human and natural environment; and

"(K) the condition of the transportation system.

"(2) IMPLEMENTING LONG-TERM DATA COLLECTION PROGRAM.—Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system. Such program shall—

"(A) be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;

"(B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different time periods; and

"(C) ensure that data collected under this subsection is controlled for accuracy and disseminated to the States and other interested parties.

"(3) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

"(4) COORDINATING COLLECTION OF INFORMATION.—Coordinating the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) with related information-gathering activities conducted by other Federal departments and agencies and collecting appropriate data not elsewhere gathered.

"(5) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

"(6) IDENTIFYING INFORMATION NEEDS.—Identifying information that is needed under paragraph (1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

"(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to authorize the Bureau to require any other department or agency to collect data; or

"(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

"(e) PROHIBITION ON CERTAIN DISCLOSURES.—Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be identified with such person.

"(f) TRANSPORTATION STATISTICS ANNUAL REPORT.—On or before January 1, 1994, and annually thereafter, the Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

"(g) PERFORMANCE OF FUNCTIONS OF DIRECTOR PENDING CONFIRMATION.—An individual who, on the date of the enactment of this section, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.".

(b) FUNDING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) only for carrying out the amendment made by subsection (a) $5,000,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, $15,000,000 per fiscal year for each of fiscal years 1994 and 1995, $20,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997. Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following new items:

"Sec. 110. Saint Lawrence Seaway Development Corporation.
"Sec. 111. Bureau of Transportation Statistics.".

(d) AMENDMENT TO TITLE 5, U.S.C.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, Bureau of Transportation Statistics.".

49 USC 111 note.

SEC. 6007. ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.

(a) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

(b) FUNCTION.—It shall be the function of the advisory council established under this section to advise the Director of the Bureau of Transportation Statistics on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau of Transportation Statistics are of high quality and are based upon the best available objective information.

(c) MEMBERSHIP.—The advisory council established under this section shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States and who (except for 1 member who shall have expertise in economics and 1 member who shall have expertise in statistics) have expertise in transportation statistics and analysis.

(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the advisory council established under this section, except that section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

SEC. 6008. DOT DATA NEEDS.

49 USC 111 note.
Contracts.

(a) STUDY.—Not later than 1 year after the date of the establishment of the Bureau of Transportation Statistics, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

(b) CONSULTATION.—The Secretary shall enter into the agreement under subsection (a) in consultation with the Director of the Bureau of Transportation Statistics.

(c) CONTENTS.—The study under subsection (a) shall include an evaluation of the Department of Transportation's data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:

(1) Data collection procedures and capabilities.

(2) Data analysis procedures and capabilities.

(3) Ability of data bases to integrate with one another.

(4) Computer hardware and software capabilities.

(5) Information management systems, including the ability of information management systems to integrate with one another.

(6) Availability and training of the personnel of the Department.

(7) Budgetary needs and resources of the Department for data collection.

(d) REPORT.—Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department's management information systems.

SEC. 6009. SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLANNING.

23 USC 307 note.

(a) FINDINGS.—Congress finds that—

(1) despite an annual expenditure in excess of $10,000,000,000 on surface transportation and its infrastructure, the Federal Government has not developed a clear vision of—

(A) how the surface transportation systems of the 21st century will differ from the present;

(B) how they will interface with each other and with other forms of transportation;

(C) how such systems will adjust to changing American population patterns and lifestyles; and

(D) the role of federally funded research and development in ensuring that appropriate transportation systems are developed and implemented;

(2) the population of the United States is projected to increase by over 30,000,000 people within the next 20 years, mostly in existing major metropolitan areas, which will result in increased traffic congestion within and between urban areas, more accidents, loss of productive time, and increased cost of transportation unless new technologies are developed to improve public transportation within cities and to move people and goods between cities;

(3) 18,000,000 crashes, 4,000,000 injuries, and 45,000 fatalities each year on the Nation's highways are intolerable and substantial research is required in order to develop safer technologies in their most useful and economic forms;

(4) current research and development funding for surface transportation is insufficient to provide the United States with the technologies essential to providing its own advanced transportation systems in the future and, as a result, the United States is becoming increasingly dependent on foreign surface transportation technologies and equipment to meet its expanding surface transportation needs;

(5) a more active, focused surface transportation research and development program involving cooperation among the Federal Government, United States based industry, and United States universities should be organized on a priority basis;

(6) intelligent vehicle highway systems represent the best near-term technology for improving surface transportation for public benefit by providing equipment which can improve traffic flow and provide for enhanced safety;

(7) research and development programs related to surface transportation are fragmented and dispersed throughout government and need to be strengthened and incorporated in an integrated framework within which a consensus on the goals of a national surface transportation research and development program must be developed;

(8) the inability of government agencies to cooperate effectively, the difficulty of obtaining public support for new systems and rights-of-way, and the high cost of capital financing discourage private firms from investing in the development of new transportation equipment and systems; therefore, the Federal Government should sponsor and coordinate research and development of new technologies to provide safer, more convenient, and affordable transportation systems for use in the future; and

(9) an effective high technology applied research and development program should be implemented quickly by strengthening the Department of Transportation research and development

staff and by contracting with private industry for specific development projects.

(b) SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop an integrated national surface transportation research and development plan (hereinafter in this subsection referred to as the "plan").

(2) FOCUS.—The plan shall focus on surface transportation systems needed for urban, suburban, and rural areas in the next decade.

(3) CONTENTS.—The plan shall include the following:

(A) Details of the Department's surface transportation research and development programs, including appropriate funding levels and a schedule with milestones, preliminary cost estimates, appropriate work scopes, personnel requirements, and estimated costs and goals for the next 3 years for each area of research and development.

(B) A 10-year projection of long-term programs in surface transportation research and development and recommendations for the appropriate source or mechanism for surface transportation research and development funding, taking into account recommendations of the Research and Development Coordinating Council of the Department of Transportation and the plan of the National Council on Surface Transportation Research.

(C) Recommendations on changes needed to assure that Federal, State, and local contracting procedures encourage the adoption of advanced technologies developed as a consequence of the research programs in this Act.

(4) OBJECTIVES.—The plan shall provide for the following:

(A) The development, within the shortest period of time possible, of a range of technologies needed to produce convenient, safe, and affordable modes of surface transportation to be available for public use beginning in the mid-1990's.

(B) Maintenance of a long-term advanced research and development program to provide for next generation surface transportation systems.

(5) COOPERATION WITH INDUSTRY.—A primary component of the plan shall be cooperation with industry in carrying out this part and strengthening the manufacturing capabilities of United States firms in order to produce products for surface transportation systems.

(6) CONFORMANCE WITH PLAN.—All surface transportation research and development within the Department of Transportation shall be included in the plan and shall be evaluated in accordance with the plan.

(7) COORDINATION.—In developing the plan and carrying out this part, the Secretary shall consult with and, where appropriate, use the expertise of other Federal agencies and their laboratories.

(8) TRANSMITTAL.—On or before January 15, 1993, and annually thereafter, the Secretary shall transmit the plan to Congress, together with the Secretary's comments and recommendations. The Secretary shall review and update the plan before each transmittal under this paragraph.

Reports.

(9) RECOMMENDATIONS FOR ALTERNATIVES.—In the event a different technology or alternative program can be identified that would accomplish the same or better results than those described in this part, the Secretary may make recommendations for an alternative, and shall promptly report such alternative recommendations to Congress.

23 USC 307 note.

SEC. 6010. NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH.

(a) ESTABLISHMENT.—There is established a National Council on Surface Transportation Research (hereinafter in this section referred to as the "Council").

(b) FUNCTION.—The Council shall make a complete investigation and study of current surface transportation research and technology developments in the United States and internationally. The Council shall identify gaps and duplication in current surface transportation research efforts, determine research and development areas which may increase efficiency, productivity, safety, and durability in the Nation's surface transportation systems, and propose a national surface transportation research and development plan for immediate implementation.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—The Council shall—

(1) survey current surface transportation public and private research efforts in the United States and internationally;

(2) examine factors which lead to fragmentation of surface transportation research efforts and determine how increased coordination in such efforts may be achieved;

(3) compare the role of the Federal Government with the role of foreign governments in promoting transportation research and evaluate the appropriateness of United States policy on government-sponsored surface transportation research;

(4) identify barriers to innovation in surface transportation systems;

(5) examine the range of funding arrangements available for surface transportation research and development and the level of resources currently available for such purposes; and

(6) identify surface transportation research areas and opportunities, including opportunities for international cooperation offering potential benefit to the Nation's surface transportation system, assess the relative priority of such research areas and plans, and develop a plan for national surface transportation research and development which includes short-range and long-range objectives.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Council shall be composed of 7 members as follows:

(A) Three members appointed by the President.

(B) One member appointed by the Speaker of the House of Representatives.

(C) One member appointed by the minority leader of the House of Representatives.

(D) One member appointed by the majority leader of the Senate.

(E) One member appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals involved in surface transportation research, including representatives of Federal, State, and local governments, other public agencies, colleges and universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community.

(B) INTERNATIONAL ADVISOR.—One of the members appointed by the President pursuant to paragraph (1)(A) shall serve as an international research advisor for the Council.

(3) TERMS.—Members shall be appointed for the life of the Council.

(4) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Council shall be elected by the members.

(e) STAFF.—The Council may appoint and fix the pay of such personnel as it considers appropriate.

(f) STAFF OF FEDERAL AGENCIES.—Upon request of the Council, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist it in carrying out its duties under this section.

(g) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this section.

(h) OBTAINING OFFICIAL DATA.—The Council may secure directly from any department or agency of the United States information necessary for it to carry out its duties under this section. Upon request of the Council, the head of that department or agency shall furnish that information to the Council.

(i) REPORT.—Not later than September 30, 1993, the Council shall transmit to Congress a final report on the results of the investigation and study conducted under this section. The report shall include recommendations of the Council, including a proposed national surface transportation research plan for immediate implementation.

(j) TERMINATION.—The Council shall terminate on the 180th day following the date of transmittal of the report under subsection (i). All records and papers of the Council shall thereupon be delivered to the Administrator of General Services for deposit in the National Archives.

SEC. 6011. RESEARCH ADVISORY COMMITTEE. 23 USC 307 note.

(a) ESTABLISHMENT.—Not later than 180 days after the date of transmittal of the report to Congress under section 6010, the Secretary shall establish an independent surface transportation research advisory committee (hereinafter in this section referred to as the "advisory committee").

(b) PURPOSES.—The advisory committee shall provide ongoing advice and recommendations to the Secretary regarding needs, objectives, plans, approaches, content, and accomplishments with respect to short-term and long-term surface transportation research and development. The advisory committee shall also assist in ensuring that such research and development is coordinated with similar research and development being conducted outside of the Department of Transportation.

(c) MEMBERSHIP.—The advisory committee shall be composed of not less than 20 and not more than 30 members appointed by the Secretary from among individuals who are not employees of the Department of Transportation and who are specially qualified to serve on the advisory committee by virtue of their education, training, or experience. A majority of the members of the advisory committee shall be individuals with experience in conducting surface transportation research and development. The Secretary in appointing the members of the advisory committee shall ensure that representatives of Federal, State, and local governments, other public agencies, colleges and universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community are represented on an equitable basis.

(d) CHAIRMAN.—The chairman of the advisory committee shall be designated by the Secretary.

(e) PAY AND EXPENSES.—Members of the advisory committee shall serve without pay, except that the Secretary may allow any member, while engaged in the business of the advisory committee or a subordinate committee, travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

Establishment.

(f) SUBORDINATE COMMITTEES.—The Secretary shall establish a subordinate committee to the advisory committee to provide advice on advanced highway vehicle technology research and development, and may establish other subordinate committees to provide advice on specific areas of surface transportation research and development. Such subordinate committees shall be subject to subsections (e), (g), and (i) of this section.

(g) ASSISTANCE OF SECRETARY.—Upon request of the advisory committee, the Secretary shall provide such information, administrative services, support staff, and supplies as the Secretary determines to be necessary for the advisory committee to carry out its functions.

(h) REPORTS.—The advisory committee shall, within 1 year after the date of establishment of the advisory committee, and annually thereafter, submit to the Congress a report summarizing its activities under this section.

(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

23 USC 101 note.

SEC. 6012. COMMEMORATION OF DWIGHT D. EISENHOWER NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) STUDY.—The Secretary shall conduct a study to determine an appropriate symbol or emblem to be placed on highway signs referring to the Interstate System to commemorate the vision of President Dwight D. Eisenhower in creating the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

SEC. 6013. STATE LEVEL OF EFFORT.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau of Transportation Statistics shall begin a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(b) CONTENTS.—The study under subsection (a) shall include collection of data relating to State and local revenues collected and spent on surface transportation programs. Such revenues include income from fuel taxes, toll revenues (including bridge, tunnel, and ferry tolls), sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and such other State and local revenue sources as the Director of the Bureau considers appropriate.

(c) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary and the Director of the Bureau shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study under this section, including recommendations on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data, by State, on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

SEC. 6014. EVALUATION OF STATE PROCUREMENT PRACTICES. 23 USC 112 note.

(a) STUDY.—The Secretary shall conduct a study to evaluate whether or not current procurement practices of State departments and agencies, including statistical acceptance procedures, are adequate to ensure that highway and transit systems are designed, constructed, and maintained so as to achieve a high quality for such systems at the lowest overall cost.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, together with an assessment of the need for establishing a national policy on transportation quality assurance and recommendations for appropriate legislative and administrative actions.

SEC. 6015. BORDER CROSSINGS. Canada. Mexico. 49 USC 301 note.

(a) IDENTIFICATION.—The Secretary, in cooperation with other appropriate Federal agencies, shall identify existing and emerging trade corridors and transportation subsystems that facilitate trade between the United States, Canada, and Mexico.

(b) PRIORITIES AND RECOMMENDATIONS.—The Secretary shall investigate and develop priorities and recommendations for rail, highway, water, and air freight centers and all highway border crossings for States adjoining Canada and Mexico, including the Gulf of Mexico States and other States whose transportation subsystems affect the trade corridors. The recommendations shall provide for improvement and integration of transportation corridor subsystems,

methods for achieving the optimum yield from such subsystems, methods for increasing productivity, methods for increasing the use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

(c) MINIMUM ELEMENTS.—The highway border crossing assessment under this section shall at a minimum—

(1) determine whether or not the border crossings are in compliance with current Federal highway regulations and adequately designed for future growth and expansion;

(2) assess their ability to accommodate increased commerce due to the United States-Canada Free Trade Agreement and increased trade between the United States and Mexico; and

(3) assess their ability to accommodate increasing tourism-related traffic between the United States, Canada, and Mexico.

The review shall specifically address issues related to the alignment of United States and adjoining Canadian and Mexican highways at the border crossings, the development of bicycle paths and pedestrian walkways, and potential energy savings to be realized by decreasing truck delays at the border crossings and related parking improvements.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with appropriate Governors and representatives of the Republic of Mexico and Canada.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall report to Congress and border State Governors on transportation infrastructure needs, associated costs, and economic impacts identified and propose an agenda to develop systemwide integration of services for national benefits.

23 USC 307 note.

SEC. 6016. FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.

(a) STUDIES.—The Administrator of the Federal Highway Administration (hereinafter in this section referred to as the "Administrator") shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall emphasize predicting pavement performance from the fundamental and rapidly measurable properties of asphalts and modified asphalts.

Wyoming.

(b) CONTRACTS.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western Research Institute of the University of Wyoming in order to conduct the necessary technical and analytical research in coordination with existing programs which evaluate actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

(c) ACTIVITIES OF STUDIES.—The studies under subsection (a) shall include the following activities:

(1) Fundamental composition studies.

(2) Fundamental physical and rheological property studies.

(3) Asphalt-aggregate interaction studies.

(4) Coordination of composition studies, physical and rheological property studies, and asphalt-aggregate interaction studies for the purposes of predicting pavement performance, including refinements of Strategic Highway Research Program specifications.

Wyoming.

(d) TEST STRIP.—

(1) IMPLEMENTATION.—The Administrator, in coordination with the Western Research Institute of the University of Wyoming, shall implement a test strip for the purpose of demonstrating and evaluating the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions.

(2) FUNDING.—For the purposes of construction activities related to this test strip, the Secretary and the Director of the National Park Service shall make up to $1,000,000 available from amounts made available from the authorization for parkroads and parkways.

(3) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report under subsection (e) the Administrator's findings on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislation to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on or before November 30th of each year beginning thereafter, the Administrator shall transmit to Congress a report of the progress made in implementing this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title at least $3,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsection (b).

SEC. 6017. RESEARCH AND DEVELOPMENT AUTHORITY OF SECRETARY OF TRANSPORTATION.

Section 301(6) of title 49, United States Code, as redesignated by section 502(a) of this Act, is amended by inserting ", and including basic highway vehicle science" after "to aircraft noise".

SEC. 6018. PURPOSES OF DEPARTMENT OF TRANSPORTATION.

Section 101(b)(4) of title 49, United States Code, is amended by inserting ", through research and development or otherwise" after "advances in transportation".

SEC. 6019. ADVANCED AUTOMOTIVE CONFERENCE AND AWARD.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended by inserting after section 17 the following new sections, and by redesignating subsequent sections and all references thereto accordingly: 15 USC 3712-3715.

"SEC. 18. CONFERENCE ON ADVANCED AUTOMOTIVE TECHNOLOGIES. 15 USC 3711b.

"Not later than 180 days after the date of the enactment of this section, the Secretary of Commerce, through the Under Secretary of Commerce for Technology, in consultation with other appropriate officials, shall convene a conference of domestic motor vehicle manufacturers, parts suppliers, Federal laboratories, and motor vehicle users to explore ways in which cooperatively they can improve the competitiveness of the United States motor vehicle industry by developing new technologies which will enhance the safety and energy savings, and lessen the environmental impact of domestic motor vehicles, and the results of such conference shall be published and then submitted to the President and to the Commit-

tees on Science, Space, and Technology and Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

15 USC 3711c.

"SEC. 19. ADVANCED MOTOR VEHICLE RESEARCH AWARD.

"(a) ESTABLISHMENT.—There is established a National Award for the Advancement of Motor Vehicle Research and Development. The award shall consist of a medal, and a cash prize if funding is available for the prize under subsection (c). The medal shall be of such design and materials and bear inscriptions as is determined by the Secretary of Transportation.

"(b) MAKING AND PRESENTING AWARD.—The Secretary of Transportation shall periodically make and present the award to domestic motor vehicle manufacturers, suppliers, or Federal laboratory personnel who, in the opinion of the Secretary of Transportation, have substantially improved domestic motor vehicle research and development in safety, energy savings, or environmental impact. No person may receive the award more than once every 5 years.

"(c) FUNDING FOR AWARD.—The Secretary of Transportation may seek and accept gifts of money from private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose.".

49 USC 301 note.

SEC. 6020. UNDERGROUND PIPELINES.

(a) STUDY.—The Secretary shall conduct a study to evaluate the feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities other than hazardous liquids and gas.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 6021. BUS TESTING.

(a) DEFINITION OF NEW BUS MODEL.—Section 12(h) of the Federal Transit Act (49 U.S.C. 1608(h)) is amended by inserting "(including any model using alternative fuels)" after "means a bus model".

(b) DUTIES OF BUS TESTING FACILITY.—Section 317(b)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608 note) is amended—

(1) by inserting "(including braking performance)" after "performance"; and

(2) by inserting "emissions," after "fuel economy,".

(c) FUNDING.—The first sentence of section 317(b)(5) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by inserting before the period at the end the following: ", for expansion of such facility $1,500,000 for fiscal year 1992, and for establishment of a revolving fund under paragraph (6) $2,500,000 for fiscal year 1992".

(d) REVOLVING LOAN FUND.—Section 317(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by adding at the end the following new paragraph:

"(6) REVOLVING LOAN FUND.—The Secretary shall establish a bus testing revolving loan fund with amounts authorized for such purpose under paragraph (5). The Secretary shall make available as repayable advances amounts from the fund to the person described in paragraph (3) for operating and maintaining the facility.".

SEC. 6022. NATIONAL TRANSIT INSTITUTE.

The Federal Transit Act (49 U.S.C. App. 1601–1621) is amended by adding after section 28 the following new section:

"SEC. 29. NATIONAL TRANSIT INSTITUTE. 49 USC app. 1625.

"(a) ESTABLISHMENT.—The Secretary shall make grants to Rutgers University to establish a national transit institute. The institute shall develop and administer, in cooperation with the Federal Transit Administration, State transportation departments, public transit agencies, and national and international entities, training programs of instruction for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Federal-aid transit work. Such programs may include courses in recent developments, techniques, and procedures relating to transit planning, management, environmental factors, acquisition and joint use of rights-of-way, engineering, procurement strategies for transit systems, turn-key approaches to implementing transit systems, new technologies, emission reduction technologies, means of making transit accessible to individuals with disabilities, construction, maintenance, contract administration, and inspection. The Secretary shall delegate to the institute the authority vested in the Secretary for the development and conduct of educational and training programs relating to transit.

"(b) FUNDING.—Not to exceed one-half of 1 percent of all funds made available for a fiscal year beginning after September 30, 1991, to a State or public transit agency in the State for carrying out sections 3 and 9 of the Federal Transit Act shall be available for expenditure by the State and public transit agencies in the State, subject to approval by the Secretary, for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses in connection with the education and training of State and local transportation department employees as provided in this section.

"(c) PROVISION OF TRAINING.—Education and training of Federal, State, and local transportation employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

"(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

"(d) FUNDING.—The Secretary shall make available in equal amounts from funds provided under section 21(c)(3) and 21(c)(4) $3,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 for carrying out this section. Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under this subsection shall be deemed a

contractual obligation of the United States for payment of the Federal share of the cost of the project.".

Grants.

SEC. 6023. UNIVERSITY TRANSPORTATION CENTERS.

(a) ADDITIONAL RESPONSIBILITY.—Section 11(b)(2) of the Federal Transit Act (49 U.S.C. App. 1607c(b)(2)) is amended by inserting "transportation safety and" after "training concerning".

(b) ESTABLISHMENT OF NEW CENTERS; PROGRAM COORDINATION.—Section 11(b) of such Act (49 U.S.C. App. 1607c(b)) is amended by striking paragraphs (7) and (8), by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively, and by inserting after paragraph (6) the following new paragraphs:

Minorities.
Women.

"(7) NATIONAL CENTER.—To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants under this section to Morgan State University to establish a national center for transportation management, research, and development. Such center shall give special attention to the design, development, and implementation of research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.

New Jersey.

"(8) CENTER FOR TRANSPORTATION AND INDUSTRIAL PRODUCTIVITY.—

"(A) IN GENERAL.—The Secretary shall make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, and reduce costs for transportation system users and providers through the use of transportation management systems.

"(B) JAMES AND MARLENE HOWARD TRANSPORTATION INFORMATION CENTER.—

"(i) GRANT.—The Secretary shall make a grant to Monmouth College, West Long Branch, New Jersey, for modification and reconstruction of Building Number 500 at Monmouth College.

"(ii) ASSURANCES.—Before making a grant under clause (i), the Secretary shall receive assurances from Monmouth College that—

"(I) the building referred to in clause (i) will be known and designated as the 'James and Marlene Howard Transportation Information Center'; and

"(II) transportation-related instruction and research in the fields of computer science, electronic engineering, mathematics, and software engineering conducted at the building referred to in clause (i) will be coordinated with the Center for Transportation and Industrial Productivity at the New Jersey Institute of Technology.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,242,000

in fiscal year 1992 for making the grant under clause (i).

"(iv) APPLICABILITY OF TITLE 23.—Funds authorized by clause (iii) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted with the grant under clause (i) shall be 80 percent and such funds shall remain available until expended. Funds authorized by clause (iii) shall not be subject to any obligation limitation.

"(9) NATIONAL RURAL TRANSPORTATION STUDY CENTER.—The Secretary shall make grants under this section to the University of Arkansas to establish a national rural transportation center. Such center shall conduct research, training, and technology transfer activities in the development, management, and operation of intermodal transportation systems in rural areas. Arkansas.

"(10) NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGY.—

"(A) IN GENERAL.—The Secretary shall make grants under paragraph (10) to the University of Idaho to establish a National Center for Advanced Transportation technology. Such center shall be established and operated in partnership with private industry and shall conduct industry driven research and development activities which focus on transportation-related manufacturing and engineering processes, materials, and equipment. Idaho.

"(B) GRANTS.—The Secretary shall make grants to the University of Idaho, Moscow, Idaho, for planning, design, and construction of a building in which the research and development activities of the National Center for Advanced Transportation Technology may be conducted. Idaho.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $2,500,000 for fiscal year 1992, $3,000,000 for fiscal year 1993, and $2,500,000 for fiscal year 1994 for making the grants under subparagraph (B).

"(D) APPLICABILITY OF TITLE 23.—Funds authorized by subparagraph (C) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities conducted with the grant under subparagraph (B) shall be 80 percent and such funds shall remain available until expended. Funds authorized by subparagraph (B) shall not be subject to any obligation limitation.

"(E) APPLICABILITY OF GRANT REQUIREMENTS.—Any grant entered into under this paragraph shall not be subject to the requirements of subsection (b) of this section.

"(11) PROGRAM COORDINATION.—

"(A) IN GENERAL.—The Secretary shall provide for the coordination of research, education, training, and technology transfer activities carried out by grant recipients under this subsection, the dissemination of the results of such research, and the establishment and operation of a clearinghouse between such centers and the transportation

industry. The Secretary shall review and evaluate programs carried out by such grant recipients at least annually.

"(B) FUNDING.—Not to exceed 1 percent of the funds made available from Federal sources to carry out this subsection may be used by the Secretary to carry out this paragraph.

"(12) OBLIGATION CEILING.—Amounts authorized out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection shall be subject to obligation limitations established by section 102 of the Intermodal Surface Transportation Efficiency Act of 1991.

"(13) AUTHORIZATIONS.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for fiscal year 1992 and $6,000,000 for each of the fiscal years 1993 through 1997. Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.".

Contracts.

Grants.

SEC. 6024. UNIVERSITY RESEARCH INSTITUTES.

Section 11 of the Federal Transit Act (49 U.S.C. App. 1607c) is amended by adding at the end the following new subsection:

"(c) UNIVERSITY RESEARCH INSTITUTES.—

"(1) INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY STUDIES.—The Secretary shall make grants under this section to San Jose State University to establish and operate an institute for national surface transportation policy studies. Such institute shall—

"(A) include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operations of surface transportation programs; and

"(B) conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs.

"(2) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—The Secretary shall make grants under this section to Northwestern University to establish and operate an institute for the study of techniques to evaluate and monitor infrastructure conditions, improve information systems for infrastructure construction and management, and study advanced materials and automated processes for construction and rehabilitation of public works facilities.

North Carolina. Florida.

"(3) URBAN TRANSIT INSTITUTE.—The Secretary shall make grants under this section to North Carolina A. and T. State University through the Institute for Transportation Research and Education and the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University to establish and operate an interdisciplinary institute for the study and dissemination of techniques to address the diverse transportation problems of urban areas experiencing significant and rapid growth.

Minnesota.

"(4) INSTITUTE FOR INTELLIGENT VEHICLE-HIGHWAY CONCEPTS.—The Secretary shall make grants under this section to the University of Minnesota, Center for Transportation Studies, to

establish and operate a national institute for intelligent vehicle-highway concepts. Such institute shall conduct research and recommend development activities which focus on methods to increase roadway capacity, enhance safety, and reduce negative environmental effects of transportation facilities through the use of intelligent vehicle-highway systems technologies.

"(5) INSTITUTE FOR TRANSPORTATION RESEARCH AND EDUCATION.—The Secretary shall make grants under this section to the University of North Carolina to conduct research and development and to direct technology transfer and training for State and local transportation agencies to improve the overall surface transportation infrastructure. North Carolina.

"(6) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 $250,000 per fiscal year to carry out paragraph (1), $3,000,000 per fiscal year to carry out paragraph (2), $1,000,000 per fiscal year to carry out paragraph (3), $1,000,000 per fiscal year to carry out paragraph (4), and $1,000,000 per fiscal year to carry out paragraph (5).

"(7) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

PART B—INTELLIGENT VEHICLE-HIGHWAY SYSTEMS ACT

Intelligent Vehicle-Highway Systems Act of 1991.
23 USC 307 note.

SEC. 6051. SHORT TITLE.

This part may be cited as the "Intelligent Vehicle-Highway Systems Act of 1991".

SEC. 6052. ESTABLISHMENT AND SCOPE OF PROGRAM.

(a) ESTABLISHMENT.—Subject to the provisions of this part, the Secretary shall conduct a program to research, develop, and operationally test intelligent vehicle-highway systems and promote implementation of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the program to be carried out under this part shall include, but not be limited to—

(1) the widespread implementation of intelligent vehicle-highway systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system and to serve as an alternative to additional physical capacity of the Federal-aid highway system;

(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals established pursuant to the Clean Air Act;

(3) the enhancement of safe and efficient operation of the Nation's highway systems with a particular emphasis on aspects of systems that will increase safety and identification of aspects of the system that may degrade safety;

(4) the development and promotion of intelligent vehicle-highway systems and an intelligent vehicle-highway systems

industry in the United States, using authority provided under section 307 of title 23, United States Code;

(5) the reduction of societal, economic, and environmental costs associated with traffic congestion;

(6) the enhancement of United States industrial and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging field of technology;

(7) the development of a technology base for intelligent vehicle-highway systems and the establishment of the capability to perform demonstration experiments, using existing national laboratory capabilities where appropriate; and

(8) the facilitation of the transfer of transportation technology from national laboratories to the private sector.

SEC. 6053. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION.—In carrying out the program under this part, the Secretary shall foster use of the program as a key component of the Nation's surface transportation systems and strive to transfer federally owned or patented technology to State and local governments and the United States private sector. As appropriate, in carrying out the program under this part, the Secretary shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies and shall maximize the involvement of the United States private sector, colleges and universities, and State and local governments in all aspects of the program, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

(b) STANDARDS.—The Secretary shall develop and implement standards and protocols to promote the widespread use and evaluation of intelligent vehicle-highway systems technology as a component of the Nation's surface transportation systems. To the extent practicable, such standards and protocols shall promote compatibility among intelligent vehicle-highway systems technologies implemented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate.

(c) EVALUATION GUIDELINES.—The Secretary shall establish guidelines and requirements for the evaluation of field and related operational tests carried out pursuant to section 6055. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall not be subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

(d) INFORMATION CLEARINGHOUSE.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this part and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary

delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this part.

(e) ADVISORY COMMITTEES.—The Secretary may utilize one or more advisory committees in carrying out this part. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the intelligent vehicle-highway systems program under this part.

SEC. 6054. STRATEGIC PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

(a) STRATEGIC PLAN.—

(1) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop, submit to Congress, and commence implementation of a plan for the intelligent vehicle-highway systems program.

(2) SCOPE.—The plan shall—

(A) specify the goals, objectives, and milestones of the intelligent vehicle-highway program and how specific projects relate to the goals, objectives, and milestones, including consideration of the 5- 10- and 20-year timeframes for the goals and objectives;

(B) detail the status of and challenges and nontechnical constraints facing the program;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the development of standards and protocols to promote and ensure compatibility in the implementation of intelligent vehicle-highway systems technologies; and

(E) provide for the accelerated use of advanced technology to reduce traffic congestion along heavily populated and traveled corridors.

(b) INTELLIGENT VEHICLE HIGHWAY SYSTEMS.—The Secretary shall develop an automated highway and vehicle prototype from which future fully automated intelligent vehicle-highway systems can be developed. Such development shall include research in human factors to ensure the success of the man-machine relationship. The goal of this program is to have the first fully automated roadway or an automated test track in operation by 1997. This system shall accommodate installation of equipment in new and existing motor vehicles.

(c) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on implementation of the plan developed under subsection (a).

(2) SCOPE OF IMPLEMENTATION REPORTS.—In preparing reports under this subsection, the Secretary shall—

(A) analyze the possible and actual accomplishments of intelligent vehicle-highway systems projects in achieving congestion, safety, environmental, and energy conservation goals and objectives of the program;

(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or implementation project under the program;

(C) assess nontechnical problems and constraints identified as a result of each such implementation project; and

(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the plan developed under subsection (a).

(d) NONTECHNICAL CONSTRAINTS.—

(1) REPORT TO CONGRESS.—In cooperation with the Attorney General and the Secretary of Commerce, the Secretary shall prepare and submit, not later than 2 years after the date of the enactment of this Act, a report to Congress addressing the nontechnical constraints and barriers to implementation of the intelligent vehicle-highway systems program.

(2) SCOPE OF REPORT.—The report shall—

(A) address antitrust, privacy, educational and staffing needs, patent, liability, standards, and other constraints, barriers, or concerns relating to the intelligent vehicle-highway systems program;

(B) recommend legislative and administrative actions necessary to further the program; and

(C) address ways to further promote industry and State and local government involvement in the program.

(3) UPDATE OF REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress an update of the report under this subsection.

SEC. 6055. TECHNICAL, PLANNING, AND OPERATIONAL TESTING PROJECT ASSISTANCE.

(a) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary may provide planning and technical assistance and information to State and local governments seeking to use and evaluate intelligent vehicle-highway systems technologies. In doing so, the Secretary shall assist State and local officials in developing plans for areawide traffic management control centers, necessary laws pertaining to establishment and implementation of such systems, and plans for infrastructure for such systems and in conducting other activities necessary for the intelligent vehicle-highway systems program.

(b) PLANNING GRANTS.—The Secretary may make grants to State and local governments for feasibility and planning studies for development and implementation of intelligent vehicle-highway systems. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Secretary may determine.

(c) ELIGIBILITY OF CERTAIN TRAFFIC MANAGEMENT ENTITIES.—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted by a State department of transportation for implementation of a traffic management system for a designated corridor is eligible to receive Federal assistance under this part through the State department of transportation.

(d) OPERATIONAL TESTING PROJECTS.—The Secretary may make grants to non-Federal entities, including State and local governments, universities, and other persons, for operational tests relating

to intelligent vehicle-highway systems. In deciding which projects to fund under this subsection, the Secretary shall—

(1) give the highest priority to those projects that—

(A) will contribute to the goals and objectives specified in plan developed under section 6054; and

(B) will minimize the relative percentage of Federal contributions (excluding funds apportioned under section 104 of title 23, United States Code) to total project costs;

(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such systems; and

(3) require that operational tests utilizing Federal funds under this part have a written evaluation of the intelligent vehicle-highway systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed pursuant to section 6053(c).

(e) AUTHORITY TO USE FUNDS.—Each State and eligible local entity is authorized to use funds provided under this part for implementation purposes in connection with the intelligent vehicle-highway systems program.

SEC. 6056. APPLICATIONS OF TECHNOLOGY.

(a) IVHS CORRIDORS PROGRAM.—The Secretary shall designate transportation corridors in which application of intelligent vehicle-highway systems will have particular benefit and, through financial and technical assistance under this part, shall assist in the development and implementation of such systems.

(b) PRIORITIES.—In providing funding for corridors under this section, the Secretary shall allocate not less than 50 percent of the funds made available to carry out this section to eligible State or local entities for application of intelligent vehicle-highway systems in not less than 3 but not more than 10 corridors with the following characteristics:

(1) Traffic density (as a measurement of vehicle miles traveled per highway mile) at least 1.5 times the national average for such class of highway.

(2) Severe or extreme nonattainment for ozone under the Clean Air Act, as determined by the Administrator of the Environmental Protection Agency.

(3) A variety of types of transportation facilities, such as highways, bridges, tunnels, and toll and nontoll facilities.

(4) Inability to significantly expand capacity of existing surface transportation facilities.

(5) A significant mix of passenger, transit, and commercial motor carrier traffic.

(6) Complexity of traffic patterns.

(7) Potential contribution to the implementation of the Secretary's plan developed under section 6054.

(c) OTHER CORRIDORS AND AREAS.—After the allocation pursuant to subsection (b), the balance of funds made available to carry out this section shall be allocated to eligible State and local entities for application of intelligent vehicle-highway systems in corridors and areas where the application of such systems and associated technologies will make a potential contribution to the implementation of the Secretary's plan for the intelligent vehicle-highway systems program under section 6054 and demonstrate benefits related to any of the following:

(1) Improved operational efficiency.
(2) Reduced regulatory burden.
(3) Improved commercial productivity.
(4) Improved safety.
(5) Enhanced motorist and traveler performance.

Such corridors and areas may be in both urban and rural areas and may be interstate and intercity corridors. Urban corridors shall have a significant number of the characteristics set forth in subsection (b).

SEC. 6057. COMMERCIAL MOTOR VEHICLE SAFETY TECHNOLOGY.

(a) STUDY.—The Secretary shall conduct a study to evaluate technology which is designed for installation on a commercial motor vehicle to provide the individual operating the vehicle with a warning if a turn, lane change, or other intended movement of the vehicle by the operator will place the vehicle in the path of an adjacent object or vehicle.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing findings and recommendations concerning the study conducted under this section.

SEC. 6058. FUNDING.

(a) IVHS CORRIDORS PROGRAM.—There is authorized to be appropriated to the Secretary for carrying out section 6056, out of the Highway Trust Fund (other than the Mass Transit Account), $71,000,000 for fiscal year 1992 and $86,000,000 per fiscal year for each of fiscal years 1993 through 1997. In addition to amounts made available by subsection (b), any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 6056 for fiscal years 1992 and 1993 may be used by the Secretary for carrying out other activities authorized under this part.

(b) OTHER IVHS ACTIVITIES.—There is authorized to be appropriated to the Secretary for carrying out this part (other than section 6056), out of the Highway Trust Fund (other than the Mass Transit Account), $23,000,000 for fiscal year 1992 and $27,000,000 per fiscal year for each of fiscal years 1993 through 1997.

(c) RESERVATION OF FUNDS.—Of the funds made available pursuant to subsection (a), not less than 5 percent shall only be available for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Secretary as having significant potential to help accomplish long-term goals established by the plan developed pursuant to section 6054.

(d) FEDERAL SHARE PAYABLE.—The Federal share payable on account of activities carried out under this part shall not exceed 80 percent of the cost of such activities. The Secretary may waive application of the preceding sentence for projects undertaken pursuant to subsection (c) of this section. The Secretary shall seek maximum private participation in the funding of such activities.

(e) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section and such

funds shall remain available until expended. Such funds shall be subject to the obligation limitation imposed by section 102 of this Act.

SEC. 6059. DEFINITIONS.

For the purposes of this part, the following definitions apply:

(1) IVHS.—The term "intelligent vehicle-highway systems" means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) CORRIDOR.—The term "corridor" means any major transportation route which includes parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, such term may include more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

(3) STATE.—The term "State" has the meaning such term has under section 101 of title 23, United States Code.

PART C—ADVANCED TRANSPORTATION SYSTEMS AND ELECTRIC VEHICLES

49 USC app. 1622 note.

SEC. 6071. ADVANCED TRANSPORTATION SYSTEM AND ELECTRIC VEHICLE RESEARCH AND DEVELOPMENT CONSORTIA.

(a) GENERAL AUTHORITY.—

(1) PROPOSAL.—Not later than 3 months after the date of the enactment of this Act, an eligible consortium may submit to the Secretary a proposal for receiving grants made available under this section for electric vehicle and advanced transportation research and development.

(2) CONTENTS OF PROPOSAL.—A proposal submitted under paragraph (1) shall include—

(A) a description of the eligible consortium making the proposal;

(B) a description of the type of additional members targeted for inclusion in the consortium;

(C) a description of the eligible consortium's ability to contribute significantly to the development of vehicles, transportation systems, or related subsystems and equipment, that are competitive in the commercial market and its ability to enable serial production processes;

(D) a description of the eligible consortium's financing scheme and business plan, including any projected contributions of State and local governments and other parties;

(E) assurances, by letter of credit or other acceptable means, that the eligible consortium is able to meet the requirement contained in subsection (b)(6); and

(F) any other information the Secretary requires in order to make selections under this section.

(3) GRANT AUTHORITY.—Except as provided in paragraph (4), not later than 6 months after the date of the enactment of this

Act, the Secretary shall award grants to not less than 3 eligible consortia. No one eligible consortium may receive more than one-third of the funds made available for grants under this section.

(4) EXTENSION.—If fewer than 3 complete applications from eligible consortia have been received in time to permit the awarding of grants under paragraph (3), the Secretary may extend the deadlines for the submission of applications and the awarding of grants.

(b) ELIGIBILITY CRITERIA.—To be qualified to receive assistance under this section, an eligible consortium shall—

(1) be organized for the purpose of designing and developing electric vehicles and advanced transportation systems, or related systems or equipment, or for the purpose of enabling serial production processes;

(2) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(3) to the extent practicable, include participation in the consortium of defense and aerospace suppliers and manufacturers;

(4) to the extent practicable, include participation in the consortium of entities located in areas designated as nonattainment areas under the Clean Air Act;

(5) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes stated in paragraph (1); and

(6) ensure that at least 50 percent of the costs of the consortium, subject to the requirements of subsection (a)(3), be provided by non-Federal sources.

(c) SERVICES.—Services to be performed by an eligible consortium using amounts from grants made available under this part shall include—

(1) obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes;

(2) obtaining low-cost, long-term loans or investments for the purposes described in paragraph (1);

(3) recruiting and training individuals for electric vehicle- and transit-related technical design, manufacture, conversion, and maintenance;

(4) conducting marketing surveys for services provided by the consortium;

(5) creating electronic access to an inventory of industry suppliers and serving as a clearinghouse for such information;

(6) consulting with respect to applicable or proposed Federal motor vehicle safety standards;

(7) creating access to computer architecture needed to simulate crash testing and to design internal subsystems and related infrastructure for electric vehicles and advanced transportation systems to meet applicable standards; and

(8) creating access to computer protocols that are compatible with larger manufacturers' systems to enable small- and medium-sized suppliers to compete for contracts for advanced

transportation systems and electric vehicles and other related systems and equipment.

SEC. 6072. DEFINITIONS.

For purposes of this part, the following definitions apply:

(1) ADVANCED TRANSPORTATION SYSTEM.—The term "advanced transportation system" means a system of mass transportation, such as an electric trolley bus or alternative fuels bus, which employs advanced technology in order to function cleanly and efficiently;

(2) ELECTRIC VEHICLE.—The term "electric vehicle" means a passenger vehicle, such as a van, primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current, and that may include a nonelectrical source of supplemental power; and

(3) ELIGIBLE CONSORTIUM.—The term "eligible consortium" means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States; or

(D) Federal laboratories.

SEC. 6073. FUNDING.

Funds shall be made available to carry out this part as provided in section 21(b)(3)(E) of the Federal Transit Act.

TITLE VII—AIR TRANSPORTATION

Metropolitan Washington Airports Act Amendments of 1991.
49 USC app. 2451 note.

SEC. 7001. SHORT TITLE.

This title may be cited as the "Metropolitan Washington Airports Act Amendments of 1991".

SEC. 7002. BOARD OF REVIEW.

(a) COMPOSITION.—Section 6007(f)(1) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(f)(1)) is amended to read as follows:

"(1) COMPOSITION.—The board of directors shall be subject to review of its actions and to requests, in accordance with this subsection, by a Board of Review of the Airports Authority. The Board of Review shall be established by the board of directors to represent the interests of users of the Metropolitan Washington Airports and shall be composed of 9 members appointed by the board of directors as follows:

"(A) 4 individuals from a list provided by the Speaker of the House of Representatives.

"(B) 4 individuals from a list provided by the President pro tempore of the Senate.

"(C) 1 individual chosen alternately from a list provided by the Speaker of the House of Representatives and from a list provided by the President pro tempore of the Senate.

In addition to the recommendations on a list provided under this paragraph, the board of directors may request additional recommendations.".

49 USC app. 2456.

(b) TERMS AND QUALIFICATIONS.—Section 6007(f)(2) of such Act is amended to read as follows:

"(2) TERMS, VACANCIES, AND QUALIFICATIONS.—

"(A) TERMS.—Members of the Board of Review appointed under paragraphs (1)(A) and (1)(B) shall be appointed for terms of 6 years. Members of the Board of Review appointed under paragraph (1)(C) shall be appointed for terms of 2 years. A member may serve after the expiration of that member's term until a successor has taken office.

"(B) VACANCIES.—A vacancy in the Board of Review shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

"(C) QUALIFICATIONS.—Members of the Board of Review shall be individuals who have experience in aviation matters and in addressing the needs of airport users and who themselves are frequent users of the Metropolitan Washington Airports. A member of the Board of Review shall be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

"(D) EFFECT OF MORE THAN 4 VACANCIES.—At any time that the Board of Review established under this subsection has more than 4 vacancies and lists have been provided for appointments to fill such vacancies, the Airports Authority shall have no authority to perform any of the actions that are required by paragraph (4) to be submitted to the Board of Review.".

(c) PROCEDURES.—Section 6007(f)(3) of such Act is amended by inserting "and for the selection of a Chairman" after "proxy voting".

(d) REVIEW PROCEDURE.—

(1) ACTIONS SUBJECT TO REVIEW.—Section 6007(f)(4)(B) of such Act is amended—

(A) by inserting "and any amendments thereto" before the semicolon at the end of clause (i);

(B) by inserting "and an annual plan for issuance of bonds and any amendments to such plan" before the semicolon at the end of clause (ii);

(C) in clause (iv) by striking ", including any proposal for land acquisition; and" and inserting a semicolon;

(D) by striking the period at the end of clause (v) and inserting a semicolon; and

(E) by adding at the end the following new clauses:

"(vi) the award of a contract (other than a contract in connection with the issuance or sale of bonds which is executed within 30 days of the date of issuance of the bonds) which has been approved by the board of directors of the Airports Authority;

"(vii) any action of the board of directors approving a terminal design or airport layout or modification of such design or layout; and

"(viii) the authorization for the acquisition or disposal of land and the grant of a long-term easement.".

(2) RECOMMENDATIONS.—Section 6007(f)(4) of such Act is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs: 49 USC app. 2456.

"(C) RECOMMENDATIONS.—The Board of Review may make to the board of directors recommendations regarding an action within either (i) 30 calendar days of its submission under this paragraph; or (ii) 10 calendar days (excluding Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) of its submission under this paragraph; whichever period is longer. Such recommendations may include a recommendation that the action not take effect. If the Board of Review does not make a recommendation in the applicable review period under this subparagraph or if at any time in such review period the Board of Review decides that it will not make a recommendation on an action, the action may take effect.

"(D) EFFECT OF RECOMMENDATION.—

"(i) RESPONSE.—An action with respect to which the Board of Review has made a recommendation in accordance with subparagraph (C) may only take effect if the board of directors adopts such recommendation or if the board of directors has evaluated and responded, in writing, to the Board of Review with respect to such recommendation and transmits such action, evaluation, and response to Congress in accordance with clause (ii) and the 60-calendar day period described in clause (ii) expires.

"(ii) NONADOPTION OF RECOMMENDATION.—If the board of directors does not adopt a recommendation of the Board of Review regarding an action, the board of directors shall transmit to the Speaker of the House of Representatives and the President of the Senate a detailed description of the action, the recommendation of the Board of Review regarding the action, and the evaluation and response of the board of directors to such recommendation, and the action may not take effect until the expiration of 60 calendar days (excluding Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) beginning on the day on which the board of directors makes such transmission to the Speaker of the House of Representatives and the President of the Senate.

"(E) LIMITATION ON EXPENDITURES.—Unless an annual budget for a fiscal year has taken effect in accordance with this paragraph, the Airports Authority may not obligate or expend any money in such fiscal year, except for (i) debt service on previously authorized obligations, and (ii) obligations and expenditures for previously authorized capital expenditures and routine operating expenses.".

(3) CONFORMING AMENDMENT.—Section 6007(f)(4) of such Act is further amended by striking "DISAPPROVAL PROCEDURE.—" and inserting "REVIEW PROCEDURE.—".

49 USC app. 2456.

(e) CONGRESSIONAL DISAPPROVAL PROCEDURE.—Section 6007(f) of such Act is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) CONGRESSIONAL DISAPPROVAL PROCEDURE.—

"(A) IN GENERAL.—This paragraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this paragraph; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(ii) with full recognition of the constitutional right of either House to change the rule (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(B) RESOLUTION DEFINED.—For the purpose of this paragraph, the term 'resolution' means only a joint resolution, relating to an action of the board of directors transmitted to Congress in accordance with paragraph (4)(D)(ii), the matter after the resolving clause of which is as follows: 'That the Congress disapproves of the action of the board of directors of the Metropolitan Washington Airports Authority described as follows: .', the blank space therein being appropriately filled. Such term does not include a resolution which specifies more than one action.

"(C) REFERRAL.—A resolution with respect to a board of director's action shall be referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the House of Representatives or the President of the Senate, as the case may be.

"(D) MOTION TO DISCHARGE.—If the committee to which a resolution has been referred has not reported it at the end of 20 calendar days after its introduction, it is in order to move to discharge the committee from further consideration of that joint resolution or any other resolution with respect to the board of directors action which has been referred to the committee.

"(E) RULES WITH RESPECT TO MOTION.—A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Motions to postpone shall be decided without debate.

"(F) EFFECT OF MOTION.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed,

nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"(G) SENATE PROCEDURE.—

"(i) MOTION TO PROCEED.—When the committee of the Senate has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) LIMITATION ON DEBATE.—Debate in the Senate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(iii) NO DEBATE ON CERTAIN MOTIONS.—In the Senate, motions to postpone made with respect to the consideration of a resolution and motions to proceed to the consideration of other business shall be decided without debate.

"(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

"(H) EFFECT OF ADOPTION OF RESOLUTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

"(i) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it, except in the case of final passage as provided in clause (ii)(I).

"(ii) With respect to a joint resolution described in clause (i) of the House receiving the joint resolution—

"(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(II) the vote on final passage shall be on the joint resolution of the other House.

Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.".

(f) CONFLICTS OF INTEREST; REMOVAL FOR CAUSE.—Section 6007(f) of such Act is further amended by adding at the end the following new paragraphs: 49 USC app. 2456.

"(10) CONFLICTS OF INTEREST.—In every contract or agreement to be made or entered into, or accepted by or on behalf of the Airports Authority, there shall be inserted an express condition

that no member of a Board of Review shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

"(11) REMOVAL.—A member of the Board of Review shall be subject to removal only for cause by a two-thirds vote of the board of directors.".

49 USC app. 2456.

(g) LIMITATION ON AUTHORITY.—Section 6007(h) of such Act is amended by inserting "thereafter" before "shall have no".

(h) REVIEW OF CONTRACTS.—Section 6007 of such Act is further amended by adding at the end the following new subsection:

"(i) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to determine whether such contracts were awarded by procedures which follow sound Government contracting principles and are in compliance with section 6005(c)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of such review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.".

Reports.

49 USC app. 2454 note.

SEC. 7003. AMENDMENT OF LEASE.

The Secretary of Transportation may amend the lease entered into with the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority Act of 1986 to secure the Airports Authority's consent to the conditions relating to the new Board of Review to be established pursuant to the amendments made by this Act.

49 USC app. 2456 note.

SEC. 7004. TERMINATION OF EXISTING BOARD OF REVIEW AND ESTABLISHMENT OF NEW BOARD OF REVIEW.

(a) TERMINATION OF EXISTING BOARD AND ESTABLISHMENT OF NEW BOARD.—Except as provided in subsection (b), the Board of Review of the Metropolitan Washington Airports Authority in existence on the day before the date of the enactment of this Act shall terminate on such date of enactment and the board of directors of such Airports Authority shall establish a new Board of Review in accordance with the Metropolitan Washington Airports Act of 1986, as amended by this Act.

(b) PROTECTION OF CERTAIN ACTIONS.—The provisions of section 6007(h) of the Metropolitan Washington Airports Act (49 U.S.C. App. 2456(h)) in effect on the day before the date of the enactment of this Act shall apply only to those actions specified in section 6007(f)(4)(B) of such Act that would have been submitted to the Board of Review of the Metropolitan Washington Airports Authority on or after June 17, 1991, the date on which the Board of Review of the Airports Authority was declared unable to carry out certain of its functions pursuant to judicial order. Actions taken by the Airports Authority and submitted to the Board of Review pursuant to section 6007(f)(4) of such Act prior to June 17, 1991, and not disapproved, shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board of Review.

(c) LIMITATION ON AUTHORITY OF AIRPORTS AUTHORITY.—The Metropolitan Washington Airports Authority shall have no authority to perform any of the actions that are required by section 6007(f)(4) of the Metropolitan Washington Airports Act, as amended by this Act, to be submitted to the Board of Review after the date of the enactment of this Act until the board of directors of the Airports

Authority establishes a new Board of Review in accordance with such Act and appoints the 9 members of the Board of Review.

TITLE VIII—EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND

Surface Transportation Revenue Act of 1991.

SEC. 8001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Surface Transportation Revenue Act of 1991". 26 USC 1 note.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 8002. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—The following provisions are each amended by striking "1995" each place it appears and inserting "1999":

(1) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail). 26 USC 4051.

(2) Section 4071(d) (relating to tax on tires and tread rubber). 26 USC 4071.

(3) Section 4081(d)(1) (relating to Highway Trust Fund financing rate on gasoline).

(4) Section 4091(b)(6)(A) (relating to Highway Trust Fund financing rate on diesel fuel). 26 USC 4091.

(5) Sections 4481(c), 4482(c)(4), and 4482(d) (relating to highway use tax). 26 USC 4481, 4482.

(b) EXTENSION OF EXEMPTIONS.—The following provisions are each amended by striking "1995" each place it appears and inserting "1999":

(1) Section 4041(f)(3) (relating to exemptions for farm use). 26 USC 4041.

(2) Section 4041(g) (relating to other exemptions).

(3) Section 4221(a) (relating to certain tax-free sales). 26 USC 4221.

(4) Section 4483(g) (relating to termination of exemptions for highway use tax). 26 USC 4483.

(5) Section 6420(h) (relating to gasoline used on farms). 26 USC 6420.

(6) Section 6421(i) (relating to gasoline used for certain nonhighway purposes, etc.). 26 USC 6421.

(7) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax). 26 USC 6427.

(8) Section 6427(o) (relating to fuels not used for taxable purposes).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended— 26 USC 6412.

(A) by striking "1995" each place it appears and inserting "1999", and

(B) by striking "1996" each place it appears and inserting "2000".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1995" and inserting "1999". 26 USC 6156.

(d) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

26 USC 9503.

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking "1995" each place it appears and inserting "1999", and

(B) by striking "1996" each place it appears and inserting "2000".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking "1995" and inserting "1997".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-11) is amended—

(i) by striking "1995" and inserting "1997", and

(ii) by striking "1996" each place it appears and inserting "1998".

26 USC 9504.

(C) EXTENSION OF EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 is amended by striking "1994" and inserting "1998".

(e) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(1) EXPENDITURES.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by striking "1993" and inserting "1997".

(2) PURPOSES.—Paragraph (1) of section 9503(c) is amended by striking subparagraph (D) and inserting the following:

"(D) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1991.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991."

(f) EXPANSION OF MASS TRANSIT ACCOUNT EXPENDITURE PURPOSES.—Paragraph (3) of section 9503(e) is amended—

(1) by inserting "or capital-related" after "capital" the first place it appears, and

(2) by striking "in accordance with section 21(a)(2) of the Urban Mass Transportation Act of 1964." and inserting "in accordance with—

"(A) paragraph (1) or (3) of subsection (a), or paragraph (1) or (3) of subsection (b), of section 21 of the Federal Transit Act, or

"(B) the Intermodal Surface Transportation Efficiency Act of 1991,

as such Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991."

23 USC 101 note.

(g) USE OF REVENUES FOR ENFORCEMENT OF HIGHWAY TRUST FUND TAXES.—The Secretary of Transportation shall not impose any condition on the use of funds transferred under section 1040 of this Act to the Internal Revenue Service. The Secretary of the Treasury shall, at least 60 days before the beginning of each fiscal year (after fiscal year 1992) for which such funds are to be transferred, submit a report to the Committee on Ways and Means of the House of

Reports.

Representatives and the Committee on Finance of the Senate detailing the increased enforcement activities to be financed with such funds with respect to taxes referred to in section 9503(b)(1) of the Internal Revenue Code of 1986.

(h) TAX EVASION REPORT.—The Secretary of Transportation shall also submit each report prepared pursuant to section 1040(d) of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than the applicable date specified therein. 23 USC 101 note.

(i) EXPENDITURES FROM SPORT FISH RESTORATION ACCOUNT.—Subparagraph (B) of section 9504(b)(2) is amended to read as follows: 26 USC 9504.

"(B) to carry out the purposes of the Coastal Wetlands Planning, Protection and Restoration Act (as in effect on November 29, 1990)."

SEC. 8003. NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL RECREATIONAL TRAILS TRUST FUND. 26 USC 9511.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "National Recreational Trails Trust Fund", consisting of such amounts as may be credited or paid to such Trust Fund as provided in this section, section 9503(c)(6), or section 9602(b).

"(b) CREDITING OF CERTAIN UNEXPENDED FUNDS.—There shall be credited to the National Recreational Trails Trust Fund amounts returned to such Trust Fund under section 1302(e)(8) of the Intermodal Surface Transportation Efficiency Act of 1991.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available, as provided in appropriation Acts, for making expenditures before October 1, 1997, to carry out the purposes of sections 1302 and 1303 of the Intermodal Surface Transportation Efficiency Act of 1991, as in effect on the date of the enactment of such Act."

(b) CERTAIN HIGHWAY TRUST FUND RECEIPTS PAID INTO NATIONAL RECREATIONAL TRAILS TRUST FUND.—Subsection (c) of section 9503 is amended by adding at the end thereof the following new paragraph: 26 USC 9503.

"(6) TRANSFERS FROM TRUST FUND OF CERTAIN RECREATIONAL FUEL TAXES, ETC.—

"(A) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by him) equivalent to 0.3 percent (as adjusted under subparagraph (C)) of the total Highway Trust Fund receipts for the period for which the payment is made.

"(B) LIMITATION.—The amount paid into the National Recreational Trails Trust Fund under this paragraph during any fiscal year shall not exceed the amount obligated under section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (as in effect on the date of the enactment of this paragraph) for such fiscal year to be expended from such Trust Fund.

"(C) ADJUSTMENT OF PERCENTAGE.—

"(i) FIRST YEAR.—Within 1 year after the date of the enactment of this paragraph, the Secretary shall adjust

the percentage contained in subparagraph (A) so that it corresponds to the revenues received by the Highway Trust Fund from nonhighway recreational fuel taxes.

"(ii) SUBSEQUENT YEARS.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage established under clause (i) to reflect, in the Secretary's estimation, changes in the amount of revenues received in the Highway Trust Fund from nonhighway recreational fuel taxes.

"(iii) AMOUNT OF ADJUSTMENT.—Any adjustment under clause (ii) shall be not more than 10 percent of the percentage in effect at the time the adjustment is made.

"(iv) USE OF DATA.—In making the adjustments under clauses (i) and (ii), the Secretary shall take into account data on off-highway recreational vehicle registrations and use.

"(D) NONHIGHWAY RECREATIONAL FUEL TAXES.—For purposes of this paragraph, the term 'nonhighway recreational fuel taxes' means taxes under section 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to—

"(i) fuel used in vehicles on recreational trails or back country terrain (including vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain), and

"(ii) fuel used in campstoves and other nonengine uses in outdoor recreational equipment.

Such term shall not include small-engine fuel taxes (as defined by paragraph (5)) and taxes which are credited or refunded.

"(E) TERMINATION.—No amount shall be paid under this paragraph after September 30, 1997.".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end thereof the following new item:

"Sec. 9511. National Recreational Trails Trust Fund.".

26 USC 9503 note.

(d) REPORT ON NONHIGHWAY RECREATIONAL FUEL TAXES.—The Secretary of the Treasury shall, within a reasonable period after the close of each of fiscal years 1992 through 1996, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate specifying his estimate of the amount of nonhighway recreational fuel taxes (as defined in section 9503(c)(6) of the Internal Revenue Code of 1986, as added by this Act) received in the Treasury during such fiscal year.

49 USC app. 1601 note.

SEC. 8004. COMMUTE-TO-WORK BENEFITS.

(a) FINDINGS.—The Congress finds that—

(1) current Federal policy places commuter transit benefits at a disadvantage compared to drive-to-work benefits;

(2) this Federal policy is inconsistent with important national policy objectives, including the need to conserve energy, reduce reliance on energy imports, lessen congestion, and clean our Nation's air;

(3) commuter transit benefits should be part of a comprehensive solution to national transportation and air pollution problems;

(4) current Federal law allows employers to provide only up to $21 per month in employee benefits for transit or van pools;

(5) the current "cliff provision", which treats an entire commuter transit benefit as taxable income if it exceeds $21 per month, unduly penalizes the most effective employer efforts to change commuter behavior;

(6) employer-provided commuter transit incentives offer many public benefits, including increased access of low-income persons to good jobs, inexpensive reduction of roadway and parking congestion, and cost-effective incentives for timely arrival at work; and

(7) legislation to provide equitable treatment of employer-provided commuter transit benefits has been introduced with bipartisan support in both the Senate and House of Representatives.

(b) POLICY.—The Congress strongly supports Federal policy that promotes increased use of employer-provided commuter transit benefits. Such a policy "levels the playing field" between transportation modes and is consistent with important national objectives of energy conservation, reduced reliance on energy imports, lessened congestion, and clean air.

SEC. 8005. BUDGET COMPLIANCE.

(a) IN GENERAL.—If obligations provided for programs pursuant to this Act for fiscal year 1992 will cause—

(1) the total outlays in any of the fiscal years 1992 through 1995 which result from this Act, to exceed

(2) the total outlays for such programs in any such fiscal year which result from appropriation Acts for fiscal year 1992 and are attributable to obligations for fiscal year 1992,

then the Secretary of Transportation shall reduce proportionately the obligations provided for each program pursuant to this Act for fiscal year 1992 to the extent required to avoid such excess outlays.

(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply, notwithstanding any provision of this Act to the contrary.

Approved December 18, 1991.

LEGISLATIVE HISTORY—H.R. 2950 (S. 1204):

HOUSE REPORTS: Nos. 102-171, Pt. 1 (Comm. on Public Works and Transportation) and Pt. 2 (Comm. on Ways and Means), and 102-404 (Comm. of Conference).

SENATE REPORTS: No. 102-71 accompanying S. 1204 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 11-14, 17-19, S. 1204 considered and passed Senate.
Oct. 23, H.R. 2950 considered and passed House.
Oct. 31, considered and passed Senate, amended, in lieu of S. 1204.
Nov. 26, House agreed to conference report.
Nov. 27, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 18, Presidential remarks and statement.

○

Public Law 102-241
102d Congress

An Act

Dec. 19, 1991
[H.R. 1776]

To authorize for fiscal year 1992 the United States Coast Guard Budget.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coast Guard Authorization Act of 1991. Maritime affairs.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for Fiscal Year 1992, as follows:

(a) For the operation and maintenance of the Coast Guard, $2,570,000,000, of which $500,000 shall be used to implement the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Public Law 101-646), and $35,000,000 shall be expended from the Boat Safety Account.

(b)(1) For the acquisition, construction, rebuilding and improvement of aids to navigation, shore and offshore facilities, vessels, sonar simulators, and aircraft, including equipment related thereto, $466,000,000, of which $29,000,000 shall be used to acquire a command and control aircraft, to remain available until expended.

(2) Funds authorized to be appropriated for the construction of a new seagoing buoy tender (WLB) may not be expended for the acquisition of oil recovery systems unless those systems are manufactured in the United States and only pursuant to competitive bidding based on performance specification and cost.

(3)(A) Notwithstanding another provision of law, the Secretary of the department in which the Coast Guard is operating may submit a request for reprogramming of funds to purchase, lease, or lease with option to purchase a replacement command and control aircraft for the Coast Guard during fiscal year 1992. The request shall be in accordance with the existing procedures for congressional review of appropriations reprogramming requests. Subject to those reprogramming procedures—

(i) the Coast Guard may enter into a multiyear lease agreement for a replacement aircraft and may utilize operating expenses for a multiyear lease but not for the purchase of aircraft; and

(ii) funds may be reprogrammed, pursuant to the request, from any subaccount of the acquisition, construction, and improvements appropriation.

(B) The Coast Guard may transfer the current command and control aircraft to the vendor of a replacement aircraft in exchange for an equitable reduction in the cash price of an aircraft to be acquired, or in lieu of exchange, the current aircraft may be sold and the proceeds applied toward a purchase, lease, or lease with option to purchase.

59-139 O - 91 (241)

(4) Before October 1, 1992, the Secretary of Transportation shall use funds as may be necessary, not more than $14,000,000, to begin and actively pursue the renovation project to extend the useful life of the Coast Guard Cutter Mackinaw at least an additional 15 years.

(c) For research, development, test, and evaluation, $29,150,000, to remain available until expended.

(d) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $487,700,000, to remain available until expended.

(e) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $11,100,000, to remain available until expended.

(f) For environmental compliance and restoration at Coast Guard facilities, $25,100,000, to remain available until expended.

(g) Of the amounts authorized for Coast Guard operations and maintenance and acquisition, construction and improvement, the following amounts shall be derived from transfer from the Oil Spill Liability Fund for implementation of the Oil Pollution Act of 1990 (Public Law 101-380; 104 Stat. 484):

(1) $25,000,000 for operating expenses; and

(2) $30,000,000 to establish the National Response System under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)), including the purchase and prepositioning of oil spill removal equipment.

(h) Of the amounts authorized for Coast Guard operations and maintenance, not more than $1,900,000 shall be used for annual obligations of membership in the International Maritime Organization for calendar year 1992, notwithstanding section 2 of the Act of September 21, 1950 (22 U.S.C. 262a).

SEC. 3. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1992.

(a) As of September 30, 1992, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,559. The authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) For fiscal year 1992, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,653 student years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institutions, 362 student years.

(4) For officer acquisition, 878 student years.

SEC. 4. TRANSFER OF AUTHORITY FROM THE SECRETARY OF TRANSPORTATION TO THE SECRETARY OF THE NAVY UPON THE TRANSFER OF THE COAST GUARD TO THE NAVY.

Reports.

Not later than ninety days after enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the functions, powers, and duties vested in the Secretary of Transportation and exercised through delegation to the Commandant of the Coast Guard that would be transferred to the Secretary of the Navy

when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

SEC. 5. RETIREMENT OF REAR ADMIRALS.

(a) Section 290 of title 14, United States Code, is amended—

(1) in subsection (e) by striking "June 30 of" and substituting "July 1 of the promotion year immediately following"; and

(2) by striking subsections (f) and (g) and substituting the following new subsections:

"(f)(1) Unless retired under another provision of law, each officer who is continued on active duty under this section shall, except as provided in paragraph (2), be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes seven years of combined service in the grades of rear admiral (lower half) and rear admiral, unless that officer is selected for or serving in the grade of admiral or vice admiral or the position of Chief of Staff or Superintendent of the Coast Guard Academy.

"(2) The Commandant, with the approval of the Secretary, may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under paragraph (1). Unless selected for or serving in the grade of admiral or vice admiral or the position of Chief of Staff or Superintendent of the Coast Guard Academy, or retired under another provision of law, an officer so retained shall be retired on July 1 of the promotion year immediately following the promotion year in which no action is taken to further retain that officer under this paragraph.

"(g)(1) Unless retired under another provision of law, an officer subject to this section shall, except as provided in paragraph (2), be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes a total of thirty-six years of active commissioned service unless selected for or serving in the grade of admiral.

"(2) The Commandant, with the approval of the Secretary, may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under paragraph (1). Unless selected for or serving in the grade of admiral or retired under another provision of law, an officer so retained shall be retired on July 1 of the promotion year immediately following the promotion year in which no action is taken to further retain that officer under this paragraph.".

(b)(1) Section 290(a) of title 14, United States Code, is amended by striking "he" and substituting "that officer".

(2) Section 290(d) of title 14, United States Code, is amended by striking "his" each place it appears.

SEC. 6. ENLISTED PERSONNEL BOARDS.

(a) Section 357 of title 14, United States Code, is amended to read as follows:

"(a) Enlisted Personnel Boards shall be convened as the Commandant may prescribe to review the records of enlisted members who have twenty or more years of active military service.

"(b) Enlisted members who have twenty or more years of active military service may be considered by the Commandant for involuntary retirement and may be retired on recommendation of a Board—

"(1) because the member's performance is below the standards the Commandant prescribes; or

"(2) because of professional dereliction.

"(c) An enlisted member under review by the Board shall be—

"(1) notified in writing of the reasons the member is being considered for involuntary retirement;

"(2) allowed sixty days from the date on which counsel is provided under paragraph (3) to submit any matters in rebuttal;

"(3) provided counsel, certified under section 827(b) of title 10, to help prepare the rebuttal submitted under paragraph (2) and to represent the member before the Board under paragraph (5);

"(4) allowed full access to and be furnished with copies of records relevant to the consideration for involuntary retirement prior to submission of the rebuttal submitted under paragraph (2); and

"(5) allowed to appear before the Board and present witnesses or other documentation related to the review.

"(d) A Board convened under this section shall consist of at least three commissioned officers, at least one of whom shall be of the grade of commander or above.

"(e) A Board convened under this section shall recommend to the Commandant enlisted members who—

"(1) have twenty or more years of active service;

"(2) have been considered for involuntary retirement; and

"(3) it determines should be involuntarily retired.

"(f) After the Board makes its determination, each enlisted member the Commandant considers for involuntary retirement shall be—

"(1) notified by certified mail of the reasons the member is being considered for involuntary retirement;

"(2) allowed sixty days from the date counsel is provided under paragraph (3) to submit any matters in rebuttal;

"(3) provided counsel, certified under section 827(b) of title 10, to help prepare the rebuttal submitted under paragraph (2); and

"(4) allowed full access to and be furnished with copies of records relevant to the consideration for involuntary retirement prior to submission of the rebuttal submitted under paragraph (2).

"(g) If the Commandant approves the Board's recommendation, the enlisted member shall be notified of the Commandant's decision and shall be retired from the service within ninety days of the notification.

"(h) An enlisted member, who has completed twenty years of service and who the Commandant has involuntarily retired under this section, shall receive retired pay.

"(i) An enlisted member voluntarily or involuntarily retired after twenty years of service who was cited for extraordinary heroism in the line of duty shall be entitled to an increase in retired pay. The retired pay shall be increased by 10 percent of—

"(1) the active-duty pay and permanent additions thereto of the grade or rating with which retired when the member's retired pay is computed under section 423(a) of this title; or

"(2) the member's retired pay base under section 1407 of title 10, when a member's retired pay is computed under section 423(b) of this title.

"(j) When the Secretary orders a reduction in force, enlisted personnel may be involuntarily separated from the service without the Board's action.".

(b) The catchline to section 357 of title 14, United States Code, is amended to read:

"§ 357. Involuntary retirement of enlisted members";

and item 357 in the analysis to chapter 11 of title 14, United States Code, is amended to read:

"357. Involuntary retirement of enlisted members.".

SEC. 7. AUTHORITY TO ACCEPT COURT-ORDERED COMMUNITY SERVICE.

Section 93 of title 14, United States Code, is amended by—

(1) striking the word "and" at the end of subsection (q);

(2) striking the period at the end of subsection (r) and inserting "; and"; and

(3) adding the following new subsection:

"(s) accept, under terms and conditions the Commandant establishes, the service of an individual ordered to perform community service under the order of a Federal, State, or municipal court.".

SEC. 8. HOUSING UNIT LEASE AUTHORITY.

(a)(1) The Coast Guard may enter into a lease, for a term in excess of one fiscal year, to acquire a site at the Massachusetts Military Reservation on Cape Cod, Massachusetts, for construction or renovation of housing units, or both.

(2) Any lease authorized under paragraph (1) is effective only to the extent that amounts are provided for in advance in appropriations Acts.

(b) Beginning in fiscal year 1991, the Coast Guard may spend appropriated amounts for the construction or renovation (or both) of housing units at the site of the Massachusetts Military Reservation.

SEC. 9. AIR FACILITIES LEASE AUTHORITY.

(a)(1) The Coast Guard may enter into a lease, for a term in excess of one fiscal year, to acquire a site at Charleston, South Carolina, for construction of a permanent air facility.

(2) Any lease authorized under paragraph (1) is effective only to the extent that amounts are provided for in advance in appropriations Acts.

(b) Beginning in fiscal year 1991, the Coast Guard may spend appropriated amounts for the construction of a permanent air facility on the site at Charleston, South Carolina.

Reports.

SEC. 10. COAST GUARD HOUSING STUDY.

Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report on Coast Guard housing. The report shall examine the current housing problems of the Coast Guard, the long-term housing needs of the Coast Guard, and estimates of projected housing costs needed to relieve the current problems.

31 USC 1105 note.

SEC. 11. TWO-YEAR BUDGET CYCLE FOR THE COAST GUARD.

Notwithstanding another law, the President is not required to submit a two-year budget request for the Coast Guard until the President is required to submit a two-year budget request for the Department of Transportation.

SEC. 12. TRANSPORTATION OF HOUSEHOLD EFFECTS OF COAST GUARD CADETS.

Section 406(b)(2)(E) of title 37, United States Code, is amended to read as follows:

"(E) Under regulations prescribed by the Secretary of Defense, or the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy, cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy, and midshipmen at the United States Naval Academy shall be entitled, in connection with temporary or permanent station change, to transportation of baggage and household effects as provided in subparagraph (A) of this paragraph. The weight allowance for cadets and midshipmen is 350 pounds.". Regulations.

SEC. 13. EMERGENCY RECALL OF RESERVISTS.

Section 712(a) of title 14, United States Code, is amended to read as follows:

"(a) Notwithstanding another law, and for the emergency augmentation of the Regular Coast Guard forces during a serious natural or manmade disaster, accident, or catastrophe, the Secretary may, without the consent of the member affected, order to active duty of not more than thirty days in any four-month period and not more than sixty days in any two-year period an organized training unit of the Coast Guard Ready Reserve, a member thereof, or a member not assigned to a unit organized to serve as a unit.".

SEC. 14. RECALL OF RETIRED OFFICERS.

(a) Section 332(b) of title 14, United States Code, is amended by striking "1" and substituting "2".

(b) Section 332(a) of title 14, United States Code, is amended by striking "his" and substituting "that officer's" and by striking "he" and substituting "that officer".

SEC. 15. COAST GUARD ACADEMY ADVISORY COMMITTEE TERMINATION DATE.

Section 193 of title 14, United States Code, is amended by striking at the end "September 30, 1992", and inserting "September 30, 1994".

SEC. 16. AMENDMENT TO THE VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT OF 1971.

Section 4(a)(1) of the Vessel Bridge-to-Bridge Radiotelephone Act of 1971 (33 U.S.C. 1203(a)(1)) is amended to read as follows:

"(1) every power-driven vessel of twenty meters or over in length while navigating;".

SEC. 17. NORTH CAROLINA MARITIME MUSEUM.

Notwithstanding section 3301(8) of title 46, United States Code, the GENERAL GREENE (vessel identification number USG NP5000025661), may transport not more than sixteen passengers when the North Carolina Maritime Museum operates the vessel for educational purposes.

SEC. 18. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE. Establishment.

(a)(1) There is established a Houston-Galveston Navigation Safety Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall advise, consult with, and make recommenda-

tions to the Secretary of the department in which the Coast Guard is operating (hereinafter in this part referred to as the "Secretary") on matters relating to the transit of vessels and products to and from the Ports of Galveston, Houston, Texas City, and Galveston Bay. The Secretary shall, whenever practicable, consult with the Committee before taking any significant action related to navigation safety at these port facilities. Any advice or recommendation made by the Committee to the Secretary shall reflect the independent judgment of the Committee on the matter concerned.

(2) The Committee is authorized to make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary. The Committee shall meet at the call of the Secretary, but in any event not less than once during each calendar year. All matters relating to or proceedings of the Committee shall comply with the Federal Advisory Committee Act (5 App. U.S.C.).

(b) The Committee shall consist of eighteen members, who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the inshore and the offshore waters of the Gulf of Mexico:

(1) Two members who are employed by the Port of Houston Authority or have been selected by that entity to represent them.

(2) Two members who are employed by the Port of Galveston or the Texas City Port Complex or have been selected by those entities to represent them.

(3) Two members from organizations that represent shipowners, stevedores, shipyards, or shipping organizations domiciled in the State of Texas.

(4) Two members representing organizations that operate tugs or barges that utilize the port facilities at Galveston, Houston, and Texas City Port Complex.

(5) Two members representing shipping companies that transport cargo from the Ports of Galveston and Houston on liners, break bulk, or tramp steamer vessels.

(6) Two members representing those who pilot or command vessels that utilize the Ports of Galveston and Houston.

(7) Two at-large members who may represent a particular interest group but who utilize the port facilities at Galveston, Houston, and Texas City.

(8) One member representing labor organizations which load and unload cargo at the Ports of Galveston and Houston.

(9) One member representing licensed merchant mariners, other than pilots, who perform shipboard duties on vessels which utilize the port facilities of Galveston and Houston.

(10) One member representing environmental interests.

(11) One member representing the general public.

Federal Register, publication.

(c) The Secretary shall appoint the members of the Committee after first soliciting nominations by notice published in the Federal Register. The Secretary may request the head of any other Federal agency or department to designate a representative to advise the Committee on matters within the jurisdiction of that agency or department.

(d) The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the chairman and one of the members as the vice chairman. The vice chairman shall act as

chairman in the absence or incapacity of, or in the event of a vacancy in the Office of the Chairman.

(e) Terms of members appointed to the Committee shall be for two years. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.

Federal Register, publication.

(f) Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) The term of members of the Committee shall begin on October 1, 1992.

SEC. 19. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Establishment. Safety.

(a)(1) There is established a Lower Mississippi River Waterway Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall advise, consult with, and make recommendations to the Secretary of the department in which the Coast Guard is operating (hereinafter in this part referred to as the "Secretary") on a wide range of matters regarding all facets of navigational safety related to the Lower Mississippi River. The Secretary shall, whenever practicable, consult with the Committee before taking any significant action related to navigation safety in the Lower Mississippi River. Any advice or recommendation made by the Committee to the Secretary shall reflect the independent judgment of the Committee on the matter concerned.

(2) The Committee is authorized to make available to Congress any information, advice, and recommendations which the Committee is authorized to give the Secretary. The Committee shall meet at the call of the Chairman, or upon request of the majority of Committee members, but in any event not less than once during each calendar year. All matters relating to or proceedings of the Committee shall comply with the Federal Advisory Committee Act (5 App. U.S.C.).

(b) The Committee shall consist of twenty-four members who have expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways including the Gulf of Mexico:

(1) Five members representing River Port Authorities between Baton Rouge, Louisiana, and the head of passes of the Lower Mississippi River, of which one member shall be from the Port of St. Bernard and one member from the Port of Plaquemines.

(2) Two members representing vessel owners or ship owners domiciled in the State of Louisiana.

(3) Two members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee.

(4) Two members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee.

(5) Three members representing State Commissioned Pilot organizations, with one member each representing the New Orleans/Baton Rouge Steamship Pilots Association, the Crescent River Port Pilots Association, and the Associated Branch Pilots Association.

(6) Two at-large members who utilize water transportation facilities located in the geographical area covered by the Committee.

(7) Three members representing consumers, shippers, or importers/exporters that utilize vessels which utilize the navigable waterways covered by the Committee.

(8) Two members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize navigable waterways covered by the Committee.

(9) One member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

(10) One member representing an environmental organization.

(11) One member representing the general public.

Federal Register, publication.

(c) The Secretary shall appoint the members of the Committee upon recommendation after first soliciting nominations by notice in the Federal Register. The Secretary may request the head of any other Federal agency or department to designate a representative to advise the Committee on matters within the jurisdiction of that agency or department, who shall not be a voting member of the Committee.

(d) The Committee shall annually elect, by majority vote at its first meeting, a chairman and vice chairman from its membership. The vice chairman shall act as chairman in the absence or incapacity of, or in the event of a vacancy in, the Office of the Chairman.

Federal Register, publication.

(e) Terms of members appointed to the Committee shall be two years. The Secretary shall, not less than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.

(f) Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular place of business, members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

SEC. 20. VESSEL REQUIREMENTS.

Section 3503 of title 46, United States Code, is amended as follows:

(1) in subsection (a), by striking "November 1, 1993" and substituting "November 1, 1998"; and

(2) in subsection (b)(1)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and substituting "; and"; and

(C) by adding the following new subparagraph:

"(D) the owner or managing operator of the vessel shall notify the Coast Guard of structural alterations to the vessel, and with regard to those alterations comply with any noncombustible material requirements that the Coast

Guard prescribes for nonpublic spaces. Coast Guard requirements shall be consistent with preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public.".

SEC. 21. AMENDMENT OF INLAND NAVIGATIONAL RULES.

Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) is amended—

(1) in Rule 1(e) (33 U.S.C. 2001(e)), by striking "without interfering with the special function of the vessel,"; and

(2) in Rule 8 (33 U.S.C. 2008), by inserting immediately after paragraph (e) the following new paragraph:

"(f)(i) A vessel which, by any of these Rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.

"(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the Rules of this part.

"(iii) A vessel the passage of which is not to be impeded remains fully obliged to comply with the Rules of this part when the two vessels are approaching one another so as to involve risk of collision.".

SEC. 22. DESIGNATION OF THE BORDEAUX RAILROAD BRIDGE AS AN OBSTRUCTION TO NAVIGATION.

Notwithstanding another law, the Bordeaux Railroad Bridge at mile 185.2 of the Cumberland River is deemed an unreasonable obstruction to navigation.

SEC. 23. NEW CONSTRUCTION DECLARATION.

The vessel, SEA FALCON, United States official number 606930, is deemed to have been built in the year 1990 for all purposes of subtitle II of title 46, United States Code.

SEC. 24. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110(e) of title 46, United States Code, is amended by striking "September 30, 1991" and substituting "September 30, 1996".

SEC. 25. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Section 4508(e)(1) of title 46, United States Code, is amended by striking "1992" and substituting "1994".

SEC. 26. CONVEYANCE OF CAPE MAY POINT LIGHTHOUSE.

New Jersey. Historic preservation. Real property.

(a)(1) The Secretary may convey to the State of New Jersey, by any appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising the Cape May Point Lighthouse.

(2) The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b)(1) A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) In addition to any term or condition established pursuant to paragraph (1), any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in and to all such property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Cape May, New Jersey.

(3) Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the State of New Jersey may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining navigation aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) The State of New Jersey shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section—

(1) "Cape May Point Lighthouse" means the Coast Guard lighthouse located at Cape May, New Jersey, including the attached keeper's dwelling, several ancillary buildings, the associated fog signal, and such land as may be necessary to enable the State of New Jersey to operate at that lighthouse a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Cape May, New Jersey; and

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating.

Louisiana.

SEC. 27. SHIP SHOAL LIGHTHOUSE TRANSFER.

Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the city of Berwick, Louisiana, all rights, title, and interest of the United States in the aid to navigation structure known as the Ship Shoal Lighthouse, Louisiana.

Massachusetts. Historic preservation. Real property.

SEC. 28. CAPE COD LIGHTHOUSE AND SANKATY HEAD LIGHT STATION.

(a)(1) Not later than six months after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Army, the Secretary of the Interior, appropriate State, local, and other governmental entities, and private preserva-

tion groups, shall develop a strategy regarding the relocation, ownership, maintenance, operation, and use of Cape Cod Lighthouse (otherwise known as "Highland Light") in North Truro, Massachusetts, and Sankaty Head Light Station in Nantucket, Massachusetts.

(2) In developing the strategy, the Secretary shall determine whether and under what conditions it would be appropriate to convey the rights, title, and interest of the United States in Cape Cod Lighthouse and Sankaty Head Light Station to other Federal, State, or local government agencies or private preservation groups.

(3) In preparing the strategy with respect to Cape Cod Lighthouse, the Secretary shall consult with the Director of the National Park Service to determine whether the lighthouse should become part of the National Park at Cape Cod National Seashore.

(4) Any strategy developed under this section shall be consistent with—

(A) the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws; and

(B) the goal of interpreting and preserving material culture of the United States Coast Guard.

(b) After completion of the strategy under subsection (a), the Secretary of Transportation may convey, by any appropriate means, all right, title, and interest of the United States in either or both of Cape Cod Lighthouse and Sankaty Head Light Station to one or more Federal, State, or local government agencies or appropriate nonprofit private preservation groups. Any conveyance under this subsection shall be made—

(1) without payment of consideration;

(2) subject to appropriate terms and conditions as the Secretary of Transportation considers necessary; and

(3) subject to the condition that if the terms and conditions established by the Secretary are not met, the property conveyed shall revert to the United States.

SEC. 29. TRANSFER OF HECETA HEAD AND CAPE BLANCO LIGHTHOUSES.

Oregon. Historic preservation. Real property.

(a)(1) The Secretary may convey by any appropriate means to the State of Oregon all right, title, and interest of the United States in and to property comprising one or both of the Heceta Head Lighthouse and the Cape Blanco Lighthouse.

(2) The Secretary may identify, describe, and determine property conveyed pursuant to this section.

(b)(1) The conveyance of property pursuant to subsection (a) shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising Heceta Head Lighthouse or Cape Blanco Lighthouse pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Heceta Head or Cape Blanco, as applicable.

(3) Any conveyance of property pursuant to this section shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the State of Oregon may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property.

(4) The State of Oregon shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section, the term—

(1) "Heceta Head Lighthouse" means the Coast Guard lighthouse located at Heceta Head, Oregon, including—

(A) the classical fresnel lens;

(B) the keeper's dwelling;

(C) several ancillary buildings; and

(D) such land as may be necessary to enable the State of Oregon to operate at that lighthouse a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Heceta Head, Oregon;

(2) "Cape Blanco Lighthouse" means the Coast Guard lighthouse located at Cape Blanco, Oregon, including—

(A) the classical fresnel lens;

(B) several ancillary buildings; and

(C) such land as may be necessary to enable the State of Oregon to operate at that lighthouse a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Cape Blanco, Oregon; and

(3) the term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

New Hampshire. Historic preservation. Real property.

SEC. 30. CONVEYANCE OF WHITE ISLAND LIGHTHOUSE.

(a)(1) The Secretary shall convey to the State of New Hampshire, by any appropriate means of conveyance, all rights, title, and interest of the United States in and to property comprising the White Island Lighthouse.

(2) The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b)(1) A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) In addition to any term or condition established pursuant to paragraph (1), any conveyance of property pursuant to this section shall be subject to the condition that all rights, title, and interest in and to all such property so conveyed shall immediately revert to the United States if the property so conveyed ceases to be used as a

nonprofit center for public benefit. In connection therewith, the property may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museum, gift shop, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) any light, antennas, sound signal, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the State of New Hampshire may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property with notice for the purpose of maintaining navigational aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) The State of New Hampshire shall not have any obligation to maintain any active aid-to-navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section, the term "White Island Lighthouse" means the Coast Guard lighthouse located at White Island, Isles of Shoals, New Hampshire, including the attached keeper's dwelling, several ancillary buildings, the associated fog signal, and such lands as may be necessary to enable the State of New Hampshire to operate at that lighthouse a nonprofit center for public benefit.

SEC. 31. CONVEYANCE OF PORTLAND HEAD LIGHTHOUSE.

Maine.
Historic preservation.
Real property.

(a)(1) The Secretary shall convey to the Town of Cape Elizabeth, Maine, by any appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising the Portland Head Lighthouse.

(2) The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b)(1) A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) In addition to any term or condition established pursuant to paragraph (1), any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in and to all such property so conveyed shall immediately revert to the

United States if the property so conveyed ceases to be used as a nonprofit center for public benefit. In connection therewith, the property may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museum, gift shop, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property and the adjacent Fort Williams Park, owned and operated by the Town of Cape Elizabeth, are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) any light, antennas, sound signal, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Town of Cape Elizabeth may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property with notice for the purpose of maintaining navigational aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) The Town of Cape Elizabeth shall not have any obligation to maintain any active aid-to-navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section, the term—

(1) "Portland Head Lighthouse" means the Coast Guard lighthouse located at Cape Elizabeth, Maine, including the attached keeper's dwelling, several ancillary buildings, the associated fog signal, and such lands as may be necessary to enable the Town of Cape Elizabeth to operate at that lighthouse a nonprofit center for public benefit; and

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating.

33 USC 2718 note.

SEC. 32. OIL POLLUTION REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall report to Congress on the effect of section 1018 of the Oil Pollution Act of 1990 (Public Law 101-380; 104 Stat. 484) on the safety of vessels being used to transport oil and the capability of owners and operators to meet their legal obligations in the event of an oil spill.

Safety.

SEC. 33. PASSENGER VESSEL INVESTIGATIONS.

Section 6101 of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) This chapter applies to a marine casualty involving a United States citizen on a foreign passenger vessel operating south of 75 degrees north latitude, west of 35 degrees west longitude, and east of the International Date Line; or operating in the area south of 60 degrees south latitude that—

"(A) embarks or disembarks passengers in the United States; or

"(B) transports passengers traveling under any form of air and sea ticket package marketed in the United States.

"(2) When there is a marine casualty described in paragraph (1) of this subsection and an investigation is conducted, the Secretary shall ensure that the investigation—

"(A) is thorough and timely; and

"(B) produces findings and recommendations to improve safety on passenger vessels.

"(3) When there is a marine casualty described in paragraph (1) of this subsection, the Secretary may—

"(A) seek a multinational investigation of the casualty under auspices of the International Maritime Organization; or

"(B) conduct an investigation of the casualty under chapter 63 of this title.".

SEC. 34. PORTION OF SACRAMENTO RIVER BARGE CANAL DECLARED TO NOT BE NAVIGABLE WATERS OF UNITED STATES.

California.
33 USC 59ee.

For purposes of bridge administration, the Sacramento River Barge Canal, which connects the Sacramento Deep Water Ship Channel with the Sacramento River in West Sacramento, Yolo County, California, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) from the eastern boundary of the Port of Sacramento to a point 1,200 feet east of the William G. Stone Lock.

SEC. 35. SENSE OF THE CONGRESS RELATING TO THE ROLE OF THE COAST GUARD IN THE PERSIAN GULF CONFLICT.

(a) The Congress finds that—

(1) members of the Coast Guard played an important role in the Persian Gulf Conflict;

(2) nine hundred and fifty members of the Coast Guard Reserve were called to active duty during the Persian Gulf Conflict and participated in various activities, including vessel inspection, port safety and security, and supervision of loading and unloading hazardous military cargo;

(3) members of Coast Guard Law Enforcement Detachments led or directly participated in approximately 60 percent of the six hundred vessel boardings in support of maritime interception operations in the Middle East;

(4) ten Coast Guard Law Enforcement Teams were deployed for enforcement of United Nations sanctions during the Persian Gulf Conflict;

(5) over three hundred men and women in the Coast Guard Vessel Inspection Program participated in the inspection of military sealift vessels and facilitated the efficient transportation of hazardous materials, munitions, and other supplies to the combat zone;

(6) members of the Coast Guard served in the Joint Information Bureau Combat Camera and Public Affairs staffs;

(7) approximately five hundred and fifty members of the Coast Guard served in port security units in the Persian Gulf area, providing port security and waterside protection for ships unloading essential military cargo;

(8) the Coast Guard Environmental Response Program headed the international Interagency Oil Pollution Response Advisory Team for cleanup efforts relating to the massive oil spill off the coasts of Kuwait and Saudi Arabia;

(9) the Coast Guard Research and Development Center developed a deployable positioning system for the Explosive Ordnance Disposal Area Search Detachment, saving the detachment time and thousands of dollars, while also increasing the effectiveness and efficiency of the minesweeping and ordnance disposal operations in the Persian Gulf area; and

(10) Coast Guard units remain in the Persian Gulf area and continue to provide essential support including both port security and law enforcement.

(b) The Congress commends the Coast Guard for the important role it played in the Persian Gulf Conflict and urges the people of the United States to recognize that role.

SEC. 36. BRIDGE ACROSS WAPPINGER CREEK, NEW YORK.

Notwithstanding any other provision of law, the railroad bridge across Wappinger Creek, mile 0.0. at New Hamburg, New York, is hereby determined to provide for the reasonable needs of navigation under the Act of March 3, 1899 (33 U.S.C. 401), section 1 of the Act of March 23, 1906 (33 U.S.C. 491), and section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)), at the closed position and need not be maintained as a movable structure.

SEC. 37. VESSEL SAFETY NEAR STRAIT OF JUAN DE FUCA.

The Secretary of Transportation, through the Secretary of State, is directed to enter into discussions with their appropriate Canadian counterparts to examine alternatives to improve commercial vessel traffic safety off the entrance to the Strait of Juan de Fuca.

SEC. 38. TRANSFER OF CERTAIN PROPERTY AT FOLLY BEACH, SOUTH CAROLINA.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the Charleston County Park and Recreation Commission all rights, title, and interest of the United States in Coast Guard property located at Folly Island, Charleston County, South Carolina, described in subsection (b) subject to existing easements and restrictions of record. The transferee shall pay for all conveyance costs.

(b) The property to be transferred under subsection (a) is described as commencing at a point in the center of the United States Army Observation Steel Tower (32 degrees 41 minutes 13.590 seconds north latitude, 79 degrees 53 minutes 16.783 seconds west longitude), and running from there due south 261.75 feet to a point at 32 degrees 41 minutes 11 seconds north latitude, 79 degrees 53 minutes 16.783 seconds west longitude, for a point of beginning; running from there, due east along north latitude 32 degrees 41 minutes 11 seconds 854 feet, more or less, to a point in the low water line; from there, running southerly and southwesterly along the meanderings of such low water line 4650 feet, more or less, to the intersection of such low water line with west longitude 79 degrees 53 minutes 30

seconds; from there, running due north along such longitude 3380 feet, more or less, to the intersection of such longitude with north latitude 32 degrees 41 minutes 11 seconds; from there, running due east along such latitude 1129.64 feet to the point of beginning, containing 143 acres, more or less (part high and part submerged lands); together with the 2300 volt power line, and all power line rights-of-way connected therewith, extending from the Government's property at the east end of Folly Island to such power line's connection with the South Carolina Power Company's power line at Folly Beach.

SEC. 39. REQUIREMENT TO REPORT ON CERTAIN POLLUTION INCIDENTS.

Section 7 of the Act to Prevent Pollution from Ships (33 U.S.C. 1906) is amended to read as follows:

"SEC. 7. (a) The master, person in charge, owner, charterer, manager, or operator of a ship involved in an incident shall report the incident in the manner prescribed by Article 8 of the Convention in accordance with regulations promulgated by the Secretary for that purpose.

"(b) The master or person in charge of—

"(1) a ship of United States registry or nationality, or operated under the authority of the United States, wherever located;

"(2) another ship while in the navigable waters of the United States; or

"(3) a sea port or oil handling facility subject to the jurisdiction of the United States,

shall report a discharge, probable discharge, or presence of oil in the manner prescribed by Article 4 of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (adopted at London, November 30, 1990), in accordance with regulations promulgated by the Secretary for that purpose.".

SEC. 40. AMENDMENTS TO IMPLEMENT INTERNATIONAL SALVAGE CONVENTION, 1989.

(a) Section 3 of the Act of August 1, 1912 (46 App. U.S.C. 729), is amended by striking all after "fair share of the" and substituting "payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.".

(b) Section 5 of the Act of August 1, 1912 (46 App. U.S.C. 731), is amended by striking "Nothing in this Act" and substituting "Nothing in sections 1, 3, and 4 of this Act and section 2304 of title 46, United States Code,".

SEC. 41. CERTIFICATE OF DOCUMENTATION FOR MAYFLOWER II.

(a) Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel MAYFLOWER II, owned by Plimoth Plantation, Inc., a corporation under the laws of Massachusetts.

(b)(1) The Secretary may exempt the vessel MAYFLOWER II from compliance with—

(A) any requirement relating to inspection or safety under title 46, United States Code; and

(B) any requirement relating to navigation under title 33, United States Code.

(2) If the Secretary exempts the vessel from any requirement under paragraph (1), the Secretary may establish an alternative requirement designed to provide for the safety of the passengers and crew of the vessel.

South Carolina.

SEC. 42. JOHN F. LIMEHOUSE MEMORIAL BRIDGE.

Notwithstanding another law, the John F. Limehouse Memorial Bridge across the Atlantic Intracoastal Waterway in Charleston County, South Carolina, is deemed an unreasonable obstruction to navigation.

Reports.

SEC. 43. OREGON OIL SPILL RESPONSE STUDY.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report examining the adequacy of pre-positioned oil spill response equipment to respond to potential damage caused by spills upriver on the Columbia River where commercial and government marine vessel activity takes place.

5 USC note prec. 7901.

SEC. 44. TRANSPORTATION SUBSIDY.

The Department of Transportation may include military personnel of the Coast Guard in any program in which the Department participates under section 629 of the Treasury, Postal Service and General Government Appropriations Act, 1991, Public Law 101-509, notwithstanding section 629(c)(2) of that Act.

SEC. 45. CHATHAM HARBOR, MASSACHUSETTS.

Not later than thirty days after the date of enactment of this Act, the Commandant of the Coast Guard shall provide to the United States Army Corps of Engineers New England Division for incorporation into their Feasibility Study on Improvement Dredging in Chatham Harbor, the following information:

(1) a description of the current and projected future navigational hazards in Chatham Harbor caused by shoaling in and around Aunt Lydia's Cove;

(2) the current and projected impacts, of these navigational hazards on the Coast Guard's missions, including:

(A) impacts on search and rescue responses;

(B) impacts on the area of response;

(C) types and costs of any special equipment needed to navigate the channel; and

(D) potential impacts on boater safety; and

(3) the benefits to local boaters and the Coast Guard that would result from improved navigation.

SEC. 46. JONES ACT WAIVERS FOR CERTAIN VESSELS.

Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) MISS LELIA, United States official number 577213.

(2) BILLFISH, United States official number 920896.

(3) MARSH GRASS III, United States official number 963616.

SEC. 47. NATIONAL MARITIME ENHANCEMENT INSTITUTES.

Section 8(e) of the Act entitled "An Act to authorize appropriations for fiscal year 1990 for the Maritime Administration, and for other purposes", approved October 13, 1989 (46 App. U.S.C. 1121-2(e)), is amended by striking "shall not exceed $100,000" and substituting "by the Secretary shall not exceed $500,000".

SEC. 48. ACQUISITION OF SPACE IN VIRGINIA.

The Secretary of Commerce shall acquire space from the administrator of General Services in the area of Newport News-Norfolk, Virginia, for use for consolidating and meeting the long-term space needs of the National Oceanic and Atmospheric Administration in a cost effective manner. In order to acquire this space, the Administrator of General Services may, with the consent of the Secretary of Commerce, exchange real property owned by the Department of Commerce for other real property, including improvements to that property, in that area.

SEC. 49. ACQUISITION OF SPACE IN ALASKA.

The Secretary of Commerce shall acquire space from the administrator of General Services on Near Island in Kodiak, Alaska, that meets the long-term space needs of the National Oceanic and Atmospheric Administration, if the maximum annul cost of leasing the building in which the space is located is not more than $1,000,000.

SEC. 50. TRANSFER AT JUNEAU, ALASKA.

(a) Notwithstanding another provision of law, the Secretary of Transportation shall transfer without consideration to the Secretary of Commerce all rights, title, and interest of the United States in Coast Guard property and improvements at Auke Cape, Alaska (Lot 2 on United States Survey Number 3811 comprising 28.16 acres), located approximately 11 miles northwest of Juneau, Alaska.

(b) The Secretary of Commerce shall make the property transferred under this section available to the National Oceanic and Atmospheric Administration.

SEC. 51. STUDY OF JOINT ENFORCEMENT OF MARINE SANCTUARY REGULATIONS.

Reports.
16 USC 1437 note.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation a joint report describing methods by which Coast Guard enforcement efforts under the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) may be enhanced and coordinated with those of the National Oceanic and Atmospheric Administration. The report shall—

(1) evaluate the ability of the Coast Guard to address key enforcement problems, which the Secretary of Commerce shall identify, for each national marine sanctuary;

(2) propose procedures by which the Coast Guard and the National Oceanic and Atmospheric Administration may coordinate their efforts in order to improve and maximize effective enforcement of marine sanctuary regulations; and

(3) recommend appropriate levels of Coast Guard participation in the efforts.

33 USC 59ff.

SEC. 52. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF PELICAN ISLAND, TEXAS.

(a) Subject to the provisions of subsections (b), (c), and (d) of this section, those portions of Pelican Island, Texas, which are not submerged and which are within the following property descriptions, are declared to be nonnavigable waters of the United States:

(1) A 1,903.6655 acre tract of land situated in Galveston County, Texas, within the Galveston City Limits and on Pelican Island and being more particularly described by metes and bounds as follows, with all control referred to the Texas State Plane Coordinate System, Lambert Projection, South Central Zone:

Beginning at a United States Corps of Engineers concrete monument with a brass cap, being Corps of Engineers station 40+00 and being located on the southwesterly line of a United States Government Reservation and having Texas State Plane Coordinate Value of X=3,340,636.67, Y=568,271.91;

thence south 57 degrees 00 minutes 04 seconds east, 501.68 feet to a point for corner;

thence north 37 degrees 18 minutes 11 seconds east, 2,802.65 feet to a point for corner;

thence north 79 degrees 03 minutes 47 seconds east, 798.87 feet to a point for corner;

thence north 15 degrees 34 minutes 53 seconds east, 2,200.00 feet to a point for corner located on the north harbor line of Pelican Island;

thence along said north harbor line south 63 degrees 00 minutes 45 seconds east 306.04 feet to a point for corner;

thence leaving said harbor line south 15 degrees 34 minutes 53 seconds west, at 1,946.05 feet past the northwesterly corner of Seawolf Park, in all a total distance of 2,285.87 feet to the southwesterly corner of Seawolf Park;

thence along the southeasterly line of said Seawolf Park, south 74 degrees 25 minutes 07 seconds east, 421.01 feet to a point for corner;

thence continuing along said line south 65 degrees 12 minutes 37 seconds east, 93.74 feet to a point for corner;

thence south 63 degrees 00 minutes 45 seconds east, 800.02 feet to a point for corner on Galveston Channel Harbor Line;

thence along said Galveston Channel Harbor Line as follows:

south 15 degrees 14 minutes 01 second west, 965.95 feet to a point,

south 74 degrees 26 minutes 20 seconds east, 37.64 feet to a point,

south 15 degrees 33 minutes 40 seconds west, 2,779.13 feet to a point,

south 36 degrees 18 minutes 31 seconds west, 1,809.93 feet to a point,

south 36 degrees 24 minutes 57 seconds west, 190.98 feet to a point,

south 40 degrees 37 minutes 46 seconds west, 558.04 feet to a point,

south 49 degrees 02 minutes 41 seconds west, 558.16 feet to a point,
south 53 degrees 15 minutes 03 seconds west, 1,557.49 feet to a point,
south 55 degrees 34 minutes 51 seconds west, 455.45 feet to a point,
south 60 degrees 14 minutes 23 seconds west, 455.37 feet to a point,
south 62 degrees 34 minutes 14 seconds west, 426.02 feet to a point,
south 68 degrees 11 minutes 32 seconds west, 784.25 feet to a point,
south 79 degrees 26 minutes 20 seconds west, 784.21 feet to a point,
south 85 degrees 03 minutes 42 seconds west, 761.77 feet to a point,
south 86 degrees 42 minutes 35 seconds west, 1,092.97 feet to a point,
north 89 degrees 59 minutes 40 seconds west, 827.53 feet to a point,
north 88 degrees 20 minutes 24 seconds west, 1,853.01 feet to a point,
south 62 degrees 11 minutes 55 seconds west, 45.94 feet to a point,
north 88 degrees 04 minutes 15 seconds west, 653.80 feet to a point, and
north 78 degrees 19 minutes 36 seconds west, 1,871.96 feet to a point for corner located on the Mean High Water Line (0.88 foot contour line, above sea level datum);

thence leaving said Harbor Line and following the meanders of said Mean High Water Line along Galveston Bay as follows:

north 26 degrees 26 minutes 35 seconds west, 1,044.28 feet to a point,
north 25 degrees 25 minutes 56 seconds east, 242.71 feet to a point,
north 16 degrees 42 minutes 01 second west, 270.77 feet to a point,
north 10 degrees 04 minutes 05 seconds west, 508.36 feet to a point,
north 11 degrees 21 minutes 01 second west, 732.39 feet to a point,
north 03 degrees 45 minutes 31 seconds west, 446.34 feet to a point,
north 03 degrees 08 minutes 15 seconds west, 566.01 feet to a point,
north 02 degrees 48 minutes 50 seconds west, 288.02 feet to a point,
north 06 degrees 53 minutes 40 seconds west, 301.48 feet to a point,
north 19 degrees 04 minutes 56 seconds east, 407.38 feet to a point,
north 12 degrees 28 minutes 05 seconds east, 346.79 feet to a point,
north 01 degrees 30 minutes 23 seconds east, 222.91 feet to a point, and

north 08 degrees 08 minutes 07 seconds east, 289.74 feet to a point for corner;

thence leaving said Mean High Water Line north 84 degrees 43 minutes 15 seconds east 10,099.75 feet to the point of beginning and containing 1,903.6655 acres of land.

(2) All of that certain tract of 206.6116 acres of land, being part of and out of Pelican Island, in the City of Galveston, Galveston County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at the most northwesterly corner of the Pelican Spit Military Reservation, as described in the Deed from the City of Galveston unto the United States of America, dated April 29, 1907, and recorded in Book 221, at Page 416 of the Office of the County Clerk of Galveston County, Texas, said point being Pelican Island Coordinates N=15,171.20 and E=11,533.92;

thence north 29 degrees 11 minutes 52 seconds east, a distance of 100.00 feet to a 2-inch iron pipe for corner, said corner being the most southerly corner of the herein described tract, and place of beginning:

thence north 60 degrees 48 minutes 08 seconds west, a distance of 3,000.00 feet to a 2-inch iron pipe for corner;

thence north 29 degrees 11 minutes 52 seconds east, a distance of 3,000.00 feet to a point for corner;

thence south 60 degrees 48 minutes 08 seconds east, a distance of 3,000.00 feet to a point for corner;

thence south 29 degrees 11 minutes 52 seconds west, a distance of 3,000.00 feet to the place of beginning, containing 206.6116 acres.

(3) Beginning at point "H" (point "H" is also known as point "3" on Pelican Island Harbor Line), the coordinates of which are South 8,827.773 meters and East 11,483.592 meters, on Pelican Island proposed harbor line;

thence with harbor line north 61 degrees west 800 feet;

thence south 17 degrees 35 minutes 38 seconds west 2,200 feet;

thence south 61 degrees east 800 feet to proposed harbor line;

thence with proposed harbor line north 17 degrees 35 minutes 38 seconds east to the place of beginning and containing 39.88 acres, more or less, together with all buildings, utilities, and improvements thereon.

(4) Beginning at a point in the westerly property line of the tract described in paragraph (3), said point being 285.00 feet bearing north 17 degrees 35 minutes 38 seconds east from the southwest corner of said tract;

thence north 72 degrees 24 minutes 22 seconds west, a distance of 346.00 feet;

thence north 14 degrees 58 minutes 09 seconds east, a distance of 610.00 feet;

thence south 72 degrees 24 minutes 22 seconds east, a distance of 374.00 feet;

thence south 17 degrees 35 minutes 38 seconds west, a distance of 609.36 feet to the point of beginning and containing 5.036 acres of land, more or less.

(5) Beginning at the southwest corner of the tract described in paragraph (3);

thence north 63 degrees 11 minutes 52 seconds west, a distance of 93.74 feet to a point for corner;

thence north 72 degrees 24 minutes 22 seconds west, a distance of 421.01 feet to a point for corner;

thence north 17 degrees 35 minutes 38 seconds east, a distance of 339.82 feet to a point for corner;

thence south 82 degrees 24 minutes 22 seconds east, a distance of 86.03 feet to a point for corner;

thence north 77 degrees 11 minutes 26 seconds east, a distance of 89.12 feet to a point for corner in the westerly line of the tract described in paragraph (4);

thence south 14 degrees 58 minutes 09 seconds west, with said westerly line, a distance of 130.00 feet to a point for corner, the southwest corner of the tract described in paragraph (4);

thence south 72 degrees 24 minutes 22 seconds east, with the southerly line of the tract described in paragraph (4), a distance of 346.00 feet to a point for corner, the southeast corner of the tract described in paragraph (4);

thence south 17 degrees 35 minutes 38 seconds west, with the westerly line of the tract described in paragraph (3), a distance of 285.00 feet to a point of beginning, containing 3.548 acres of land, more or less.

(b) Notwithstanding the declaration under subsection (a), the following portions of Pelican Island, Texas, within those lands described in subsection (a) shall remain navigable waters of the United States:

(1) Out of the Eneas Smith Survey, A-190, on Pelican Island, the 2.7392 acre tract, the 3.2779 acre tract, and the 2.8557 acre tract described in the Perpetual Easements dated May 9, 1975, from Mitchell Development Corporation of the Southwest to the United States, recorded on pages 111 through 122 of Book 2571 of the Real Property Records in the Office of the County Clerk of Galveston County, Texas.

(2) Out of the Eneas Smith Survey, A-190, on Pelican Island, the 1.8361 acre tract of land described in Exhibit "B" of the Specific Location of Pipeline Easement dated July 30, 1975, by and between the Mitchell Development Corporation of the Southwest, the United States of America, and Chase Manhattan Bank (National Association), recorded on pages 9 through 14 of Book 2605 of the Real Property Records in the Office of the County Clerk of Galveston County, Texas.

(3) For each of the four tracts of land described in paragraphs (1) and (2) of this subsection, a 40-foot wide strip of land along, adjacent and parallel to, and extending the full length of, the easterly boundary line of the tract and a 40-foot wide strip of land along, adjacent and parallel to, and extending the full length of, the westerly boundary line of the tract.

(c) The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) of this section and not described in subsection (b) of this section which are or will be bulkheaded and filled or otherwise occupied by permanent structures or other permanent physical improvements, including marina facilities. All such work is subject to applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899

(commonly referred to as the "Rivers and Harbors Appropriation Act of 1899" (33 U.S.C. 401 and 403)), section 404 of the Federal Water Pollution Control Act and the National Environmental Policy Act of 1969.

(d) If, 20 years from the date of the enactment of this Act, any area or part thereof described in subsection (a) of this section and not described in subsection (b) of this section is not bulkheaded or filled or occupied by permanent structures or other permanent physical improvements, including marina facilities, in accordance with the requirements set out in subsection (c) of this section, or if work is not commenced within five years after issuance of any permits required to be obtained under subsection (c), then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 53. DISCLOSURE REGARDING RECREATIONAL VESSEL FEE.

Section 2110(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(5) The Secretary shall provide to each person who pays a fee or charge under this subsection a separate document on which appears, in readily discernible print, only the following statement: 'The fees for which this document was provided was established under the Omnibus Budget Reconciliation Act of 1990. Persons paying this fee can expect no increase in the quantity, quality, or variety of services the person receives from the Coast Guard as a result of that payment.'."

SEC. 54. SENSE OF THE CONGRESS ON COAST GUARD RESCUE EFFORTS.

(a) The Congress finds that—

(1) during the month of October, Air Station Cape Cod experienced one of the most intense periods of search and rescue activities, including fifty-one search and rescue cases of which twenty-seven were in the last ten days of the month;

(2) immediately prior to the winter storm that ravaged Cape Cod from October 28 to November 1, with average seas of 35–40 feet and winds exceeding eighty knots, coastal small boat station personnel on Cape Cod and the Islands of Nantucket and Martha's Vineyard successfully worked with the local communities and the fishing industry to secure the small coastal ports to minimize damage to vessels and property;

(3) Group Portland, Group Boston, and Group Woods Hole units suffered significant damage to coastal small boat stations, lighthouses, and other aids to navigation but this damage did not affect operational readiness and Coast Guard boats and aircraft were prepared to respond to emergencies;

(4) during the five-day period from October 28 to November 1, the Coast Guard Cutter GENETIN, Coast Guard Cutter BEAR and Coast Guard helicopters stationed at Elizabeth City, North Carolina participated in five offshore rescue operations that saved twenty-one lives;

(5) Coast Guard flight crews operating from Elizabeth City logged fifty-six hours of flight time during the seventy-two-hour-period when Hurricane Grace buffeted the North Carolina Coast;

(6) The Coast Guard performed these search and rescue operations while fulfilling other important missions including the

monitoring of a sulfuric acid spill and a sensitive law enforcement operation.

(b) The Congress commends the Coast Guard units involved for their remarkable skill, performance and dedication in protecting life and property and urges the people of the United States to recognize this job well done.

SEC. 55. SENSE OF THE CONGRESS ON RECREATIONAL BOAT FEES.

(a) The Congress finds that—

(1) under section 9701 of title 31, United States Code, and section 664 of title 14, United States Code, Coast Guard user fees must be fair, based on the cost to the Coast Guard of providing services or things of value, based on the value of services or things of value provided by the Coast Guard, and based on a valid public policy or interest;

(2) the Coast Guard fee imposed upon recreational boaters under section 2110(b) of title 46, United States Code, was established under the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1397);

(3) recreational boaters who are required to pay this fee cannot expect to receive any additional service in return for payment of the fee;

(4) recreational boaters already pay a motorboat fuel tax that contributes to the Coast Guard budget; and

(5) the fee imposed upon recreational boaters will not be directly available to the Coast Guard to increase services that would benefit recreational boaters.

(b) It is the sense of Congress that the requirement that the Coast Guard collect a fee from recreational boaters under section 2110(b) of title 46, United States Code, should be repealed immediately upon enactment of an offsetting receipts provision to comply with the requirements of the Omnibus Budget Reconciliation Act of 1990.

SEC. 56. COOPERATIVE INSTITUTE OF FISHERIES OCEANOGRAPHY. Establishment.

(a) In recognition of the memorandum of understanding of March 2, 1989, regarding the Cooperative Institute of Fisheries Oceanography (hereinafter in this section referred to as the "Institute"), the Institute is established within the National Oceanic and Atmospheric Administration, in partnership with Duke University and the Consolidated University of North Carolina.

(b) There is authorized to be appropriated to the Secretary of Commerce $525,000 for fiscal year 1992 and $546,000 for fiscal year 1993, to remain available until expended, for use for activities of the Institute.

(c) Amounts appropriated pursuant to subsection (b) may be used for—

(1) administration of the Institute;

(2) research conducted by the Institute; and

(3) preparation of a five-year plan for research and for development of the Institute.

(d) Within one year of the date of the enactment of this section, the Institute shall submit to the Congress and the Under Secretary of Commerce for Oceans and Atmosphere the plan developed pursuant to subsection (c)(3).

SEC. 57. NATIONAL DEFENSE RESERVE FLEET.

Section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744) is amended by adding at the end the following new subsection:

"(d) READY RESERVE FORCE MANAGEMENT.—

"(1) MINIMUM REQUIREMENTS.—To ensure the readiness of vessels in the Ready Reserve Force component of the National Defense Reserve Fleet, the Secretary of Transportation shall, at a minimum—

"(A) maintain all of the vessels in a manner that will enable each vessel to be activated within a period specified in plans for mobilization of the vessels;

"(B) activate and conduct sea trials on each vessel at least once every twenty-four months;

"(C) maintain in an enhanced activation status those vessels that are scheduled to be activated within 5 days;

"(D) locate those vessels that are scheduled to be activated within 5 days near embarkation ports specified for those vessels; and

"(E) notwithstanding section 2109 of title 46, United States Code, have each vessel inspected by the Secretary of the department in which the Coast Guard is operating to determine if the vessel meets the safety standards that would apply under part B of subtitle II of that title if the vessel were not a public vessel.

"(2) VESSEL MANAGERS.—

"(A) ELIGIBILITY FOR CONTRACT.—A person, including a shipyard, is eligible for a contract for the management of a vessel in the Ready Reserve Force if the Secretary determines, at a minimum, that the person has—

"(i) experience in the operation of commercial-type vessels or public vessels owned by the United States Government; and

"(ii) the management capability necessary to operate, maintain, and activate the vessel at a reasonable price.

"(B) CONTRACT REQUIREMENT.—The Secretary of Transportation shall include in each contract for the management of a vessel in the Ready Reserve Force a requirement that each seaman who performs services on

any vessel covered by the contract hold the license or merchant mariner's document that would be required under chapter 71 or chapter 73 of title 46, United States Code, for a seaman performing that service while operating the vessel if the vessel were not a public vessel.".

Approved December 19, 1991.

LEGISLATIVE HISTORY—H.R. 1776 (S. 1297):

HOUSE REPORTS: No. 102-132 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 102-169 accompanying S. 1297 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 18, considered and passed House.
Nov. 21, considered and passed Senate, amended, in lieu of S. 1297.
Nov. 25, House concurred in Senate amendment with an amendment.
Nov. 27, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 19, Presidential statement.

○

Public Law 102-242
102d Congress

An Act

Dec. 19, 1991
[S. 543]

To require the least-cost resolution of insured depository institutions, to improve supervision and examinations, to provide additional resources to the Bank Insurance Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Deposit Insurance Corporation Improvement Act of 1991.
12 USC 1811 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Deposit Insurance Corporation Improvement Act of 1991".

TITLE I—SAFETY AND SOUNDNESS

Subtitle A—Deposit Insurance Funds

SEC. 101. FUNDING FOR THE FEDERAL DEPOSIT INSURANCE FUNDS.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended by striking "$5,000,000,000" and inserting "$30,000,000,000".

SEC. 102. LIMITATION ON OUTSTANDING BORROWING.

(a) IN GENERAL.—Section 15(c) of the Federal Deposit Insurance Act (12 U.S.C. 1825(c)) is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

"(5) MAXIMUM AMOUNT LIMITATION ON OUTSTANDING OBLIGATIONS.—Notwithstanding any other provisions of this Act, the Corporation may not issue or incur any obligation, if, after issuing or incurring the obligation, the aggregate amount of obligations of the Bank Insurance Fund or Savings Association Insurance Fund, respectively, outstanding would exceed the sum of—

"(A) the amount of cash or the equivalent of cash held by the Bank Insurance Fund or Savings Association Insurance Fund, respectively;

"(B) the amount which is equal to 90 percent of the Corporation's estimate of the fair market value of assets held by the Bank Insurance Fund or the Savings Association Insurance Fund, respectively, other than assets described in subparagraph (A); and

"(C) the total of the amounts authorized to be borrowed from the Secretary of the Treasury pursuant to section 14(a).

"(6) OBLIGATION DEFINED.—

"(A) IN GENERAL.—For purposes of paragraph (5), the term 'obligation' includes—

"(i) any guarantee issued by the Corporation, other than deposit guarantees;

"(ii) any amount borrowed pursuant to section 14; and

"(iii) any other obligation for which the Corporation has a direct or contingent liability to pay any amount.

"(B) VALUATION OF CONTINGENT LIABILITIES.—The Corporation shall value any contingent liability at its expected cost to the Corporation.".

(b) GAO REPORTS.— 12 USC 1825 note.

(1) QUARTERLY REPORTING.—The Comptroller General of the United States shall submit a report each calendar quarter on the Federal Deposit Insurance Corporation's compliance with section 15(c)(5) of the Federal Deposit Insurance Act for the preceding quarter to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) ANALYSES TO BE INCLUDED.—Each report submitted under paragraph (1) shall include—

(A) an analysis of the performance of the Federal Deposit Insurance Corporation in meeting any repayment schedule under section 14(c) of the Federal Deposit Insurance Act (as added by section 103 of this Act); and

(B) an analysis of the actual recovery on asset sales compared to the estimated fair market value of the assets as determined for the purposes of section 15(c)(5)(B) of such Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 15(c) of the Federal Deposit Insurance Act (12 U.S.C. 1825(c)) is amended by striking paragraph (7).

SEC. 103. REPAYMENT SCHEDULE.

(a) IN GENERAL.—Section 14 of the Federal Deposit Insurance Act (12 U.S.C. 1824) is amended by adding at the end the following new subsection:

"(c) REPAYMENT SCHEDULES REQUIRED FOR ANY BORROWING.—

"(1) IN GENERAL.—No amount may be provided by the Secretary of the Treasury to the Corporation under subsection (a) unless an agreement is in effect between the Secretary and the Corporation which—

"(A) provides a schedule for the repayment of the outstanding amount of any borrowing under such subsection; and

"(B) demonstrates that income to the Corporation from assessments under this Act will be sufficient to amortize the outstanding balance within the period established in the repayment schedule and pay the interest accruing on such balance.

"(2) CONSULTATION WITH AND REPORT TO CONGRESS.—The Secretary of the Treasury and the Corporation shall—

"(A) consult with the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the terms of any repayment schedule agreement described in paragraph (1) relating to repayment, including terms relating to any emergency special assessment under section 7(b)(7); and

"(B) submit a copy of each repayment schedule agreement entered into under paragraph (1) to the Committee on

Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate before the end of the 30-day period beginning on the date any amount is provided by the Secretary of the Treasury to the Corporation under subsection (a).".

(b) EMERGENCY SPECIAL ASSESSMENTS.—Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) EMERGENCY SPECIAL ASSESSMENTS.—In addition to the other assessments imposed on insured depository institutions under this subsection, the Corporation may impose 1 or more special assessments on insured depository institutions in an amount determined by the Corporation if the amount of any such assessment—

"(A) is necessary—

"(i) to provide sufficient assessment income to repay amounts borrowed from the Secretary of the Treasury under section 14(a) in accordance with the repayment schedule in effect under section 14(c) during the period with respect to which such assessment is imposed;

"(ii) to provide sufficient assessment income to repay obligations issued to and other amounts borrowed from Bank Insurance Fund members under section 14(d); or

"(iii) for any other purpose the Corporation may deem necessary; and

"(B) is allocated between Bank Insurance Fund members and Savings Association Insurance Fund members in amounts which reflect the degree to which the proceeds of the amounts borrowed are to be used for the benefit of the respective insurance funds.".

SEC. 104. RECAPITALIZING THE BANK INSURANCE FUND.

(a) IN GENERAL.—Section 7(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(C)) is amended to read as follows:

"(C) ASSESSMENT RATES FOR BANK INSURANCE FUND MEMBERS.—

"(i) IN GENERAL.—If the reserve ratio of the Bank Insurance Fund equals or exceeds the fund's designated reserve ratio under subparagraph (B), the Board of Directors shall set semiannual assessment rates for members of that fund as appropriate to maintain the reserve ratio at the designated reserve ratio.

"(ii) SPECIAL RULES FOR RECAPITALIZING UNDERCAPITALIZED FUND.—If the reserve ratio of the Bank Insurance Fund is less than the designated reserve ratio under subparagraph (B), the Board of Directors shall set semiannual assessment rates for members of that fund—

"(I) that are sufficient to increase the reserve ratio for that fund to the designated reserve ratio not later than 1 year after such rates are set; or

"(II) in accordance with a schedule promulgated by the Corporation under clause (iii).

"(iii) RECAPITALIZATION SCHEDULES.—For purposes of clause (ii)(II), the Corporation shall, by regulation, promulgate a schedule that specifies, at semiannual intervals, target reserve ratios for the Bank Insurance Fund, culminating in a reserve ratio that is equal to the designated reserve ratio no later than 15 years after the date on which the schedule becomes effective. Regulations.

"(iv) AMENDING SCHEDULE.—The Corporation may, by regulation, amend a schedule promulgated under clause (iii), but such an amendment may not extend the date for achieving the designated reserve ratio.".

(b) ASSESSMENT RATE CHANGES.—Section 7(b)(1)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) RATE CHANGES.—The Corporation shall notify each insured depository institution of that institution's semiannual assessment. The Corporation may establish and, from time to time, adjust the assessment rates for such institutions.".

SEC. 105. BORROWING FOR BIF FROM BIF MEMBERS.

Section 14 of the Federal Deposit Insurance Act (12 U.S.C. 1824) is amended by inserting after subsection (c) (as added by section 103 of this subtitle) the following new subsection:

"(d) BORROWING FOR BIF FROM BIF MEMBERS.—

"(1) BORROWING AUTHORITY.—The Corporation may issue obligations to Bank Insurance Fund members, and may borrow from Bank Insurance Fund members and give security for any amount borrowed, and may pay interest on (and any redemption premium with respect to) any such obligation or amount to the extent—

"(A) the proceeds of any such obligation or amount are used by the Corporation solely for purposes of carrying out the Corporation's functions with respect to the Bank Insurance Fund; and

"(B) the terms of the obligation or instrument limit the liability of the Corporation or the Bank Insurance Fund for the payment of interest and the repayment of principal to the amount which is equal to the amount of assessment income received by the Fund from assessments under section 7.

"(2) LIMITATIONS ON BORROWING.—

"(A) APPLICABILITY OF PUBLIC DEBT LIMIT.—For purposes of the public debt limit established in section 3101(b) of title 31, United States Code, any obligation issued, or amount borrowed, by the Corporation under paragraph (1) shall be considered to be an obligation to which such limit applies.

"(B) APPLICABILITY OF FDIC BORROWING LIMIT.—For purposes of the dollar amount limitation established in section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)), any obligation issued, or amount borrowed, by the Corporation under paragraph (1) shall be considered to be an amount borrowed from the Treasury under such section.

"(C) INTEREST RATE LIMIT.—The rate of interest payable in connection with any obligation issued, or amount borrowed, by the Corporation under paragraph (1) shall not exceed an amount determined by the Secretary of the Treasury,

taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(D) OBLIGATIONS TO BE HELD ONLY BY BIF MEMBERS.—The terms of any obligation issued by the Corporation under paragraph (1) shall provide that the obligation will be valid only if held by a Bank Insurance Fund Member.

"(3) LIABILITY OF BIF.—Any obligation issued or amount borrowed under paragraph (1) shall be a liability of the Bank Insurance Fund.

"(4) TERMS AND CONDITIONS.—Subject to paragraphs (1) and (2), the Corporation shall establish the terms and conditions for obligations issued or amounts borrowed under paragraph (1), including interest rates and terms to maturity.

"(5) INVESTMENT BY BIF MEMBERS.—

"(A) AUTHORITY TO INVEST.—Subject to subparagraph (B) and notwithstanding any other provision of Federal law or the law of any State, any Bank Insurance Fund member may purchase and hold for investment any obligation issued by the Corporation under paragraph (1) without limitation, other than any limitation the appropriate Federal banking agency may impose specifically with respect to such obligations.

"(B) INVESTMENT ONLY FROM CAPITAL AND RETAINED EARNINGS.—Any Bank Insurance Fund member may purchase obligations or make loans to the Corporation under paragraph (1) only to the extent the purchase money or the money loaned is derived from the member's capital or retained earnings.

"(6) ACCOUNTING TREATMENT.—In accounting for any investment in an obligation purchased from, or any loan made to, the Corporation for purposes of determining compliance with any capital standard and preparing any report required pursuant to section 7(a), the amount of such investment or loan shall be treated as an asset.".

Subtitle B—Supervisory Reforms

SEC. 111. IMPROVED EXAMINATIONS.

(a) IN GENERAL.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by inserting after subsection (c) the following new subsection:

"(d) ANNUAL ON-SITE EXAMINATIONS OF ALL INSURED DEPOSITORY INSTITUTIONS REQUIRED.—

"(1) IN GENERAL.—The appropriate Federal banking agency shall, not less than once during each 12-month period, conduct a full-scope, on-site examination of each insured depository institution.

"(2) EXAMINATIONS BY CORPORATION.—Paragraph (1) shall not apply during any 12-month period in which the Corporation has conducted a full-scope, on-site examination of the insured depository institution.

"(3) STATE EXAMINATIONS ACCEPTABLE.—The examinations required by paragraph (1) may be conducted in alternate 12-month periods, as appropriate, if the appropriate Federal banking agency determines that an examination of the insured

depository institution conducted by the State during the intervening 12-month period carries out the purpose of this subsection.

"(4) 18-MONTH RULE FOR CERTAIN SMALL INSTITUTIONS.—Paragraphs (1), (2), and (3) shall apply with '18-month' substituted for '12-month' if—

"(A) the insured depository institution has total assets of less than $100,000,000;

"(B) the institution is well capitalized, as defined in section 38;

"(C) when the institution was most recently examined, it was found to be well managed, and its composite condition was found to be outstanding; and

"(D) no person acquired control of the institution during the 12-month period in which a full-scope, on-site examination would be required but for this paragraph.

"(5) CERTAIN GOVERNMENT-CONTROLLED INSTITUTIONS EXEMPTED.—Paragraph (1) does not apply to—

"(A) any institution for which the Corporation is conservator; or

"(B) any bridge bank none of the voting securities of which are owned by a person or agency other than the Corporation.

"(6) CONSUMER COMPLIANCE EXAMINATIONS EXCLUDED.—For purposes of this subsection, the term 'full-scope, on-site examination' does not include a consumer compliance examination, as defined in section 41(b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 1 year after the date of enactment of this Act. 12 USC 1820 note.

(c) TRANSITION RULE.—Notwithstanding section 10(d) of the Federal Deposit Insurance Act (as added by subsection (a)), during the period beginning on the date of enactment of this Act and ending on December 31, 1993, a full-scope, on-site examination of an insured depository institution is not required more often than once during every 18-month period, unless— 12 USC 1820 note.

(1) the institution, when most recently examined, was found to be in a less than satisfactory condition; or

(2) 1 or more persons acquired control of the institution.

(d) EXAMINATION IMPROVEMENT PROGRAM.— 12 USC 3305 note.

(1) IN GENERAL.—The appropriate Federal banking agencies, acting through the Federal Financial Institutions Examination Council, shall each establish a comparable examination improvement program that meets the requirements of paragraph (2).

(2) REQUIREMENTS.—An examination improvement program meets the requirements of this paragraph if, under the program, the agency is required—

(A) to periodically review the organization and training of the staff of the agency who are responsible for conducting examinations of insured depository institutions and to make such improvements as the agency determines to be appropriate to ensure frequent, objective, and thorough examinations of such institutions; and

(B) to increase the number of examiners, supervisors, and other individuals employed by the agency in connection with conducting or supervising examinations of insured depository institutions to the extent necessary to ensure

frequent, objective, and thorough examinations of such institutions.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) is amended to read as follows:

"(s) DEFINITIONS RELATING TO FOREIGN BANKS AND BRANCHES.—

"(1) FOREIGN BANK.—The term 'foreign bank' has the meaning given to such term by section 1(b)(7) of the International Banking Act of 1978.

"(2) FEDERAL BRANCH.—The term 'Federal branch' has the meaning given to such term by section 1(b)(6) of the International Banking Act of 1978.

"(3) INSURED BRANCH.—The term 'insured branch' means any branch (as defined in section 1(b)(3) of the International Banking Act of 1978) of a foreign bank any deposits in which are insured pursuant to this Act.".

SEC. 112. INDEPENDENT ANNUAL AUDITS OF INSURED DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

12 USC 1831m.

"SEC. 36. EARLY IDENTIFICATION OF NEEDED IMPROVEMENTS IN FINANCIAL MANAGEMENT.

"(a) ANNUAL REPORT ON FINANCIAL CONDITION AND MANAGEMENT.—

"(1) REPORT REQUIRED.—Each insured depository institution shall submit an annual report to the Corporation, the appropriate Federal banking agency, and any appropriate State bank supervisor (including any State bank supervisor of a host State).

"(2) CONTENTS OF REPORT.—Any annual report required under paragraph (1) shall contain—

"(A) the information required to be provided by—

"(i) the institution's management under subsection (b); and

"(ii) an independent public accountant under subsections (c) and (d); and

"(B) such other information as the Corporation and the appropriate Federal banking agency may determine to be necessary to assess the financial condition and management of the institution.

"(3) PUBLIC AVAILABILITY.—Any annual report required under paragraph (1) shall be available for public inspection.

"(b) MANAGEMENT RESPONSIBILITY FOR FINANCIAL STATEMENTS AND INTERNAL CONTROLS.—Each insured depository institution shall prepare—

"(1) annual financial statements in accordance with generally accepted accounting principles and such other disclosure requirements as the Corporation and the appropriate Federal banking agency may prescribe; and

Reports.

"(2) a report signed by the chief executive officer and the chief accounting or financial officer of the institution which contains—

"(A) a statement of the management's responsibilities for—

"(i) preparing financial statements;

"(ii) establishing and maintaining an adequate internal control structure and procedures for financial reporting; and

"(iii) complying with the laws and regulations relating to safety and soundness which are designated by the Corporation or the appropriate Federal banking agency; and

"(B) an assessment, as of the end of the institution's most recent fiscal year, of—

"(i) the effectiveness of such internal control structure and procedures; and

"(ii) the institution's compliance with the laws and regulations relating to safety and soundness which are designated by the Corporation and the appropriate Federal banking agency.

"(c) INTERNAL CONTROL EVALUATION AND REPORTING REQUIREMENTS FOR INDEPENDENT PUBLIC ACCOUNTANTS.—

"(1) IN GENERAL.—With respect to any internal control report required by subsection (b)(2) of any institution, the institution's independent public accountant shall attest to, and report separately on, the assertions of the institution's management contained in such report.

"(2) ATTESTATION REQUIREMENTS.—Any attestation pursuant to paragraph (1) shall be made in accordance with generally accepted standards for attestation engagements.

"(d) ANNUAL INDEPENDENT AUDITS OF FINANCIAL STATEMENTS.—

"(1) AUDITS REQUIRED.—The Corporation, in consultation with the appropriate Federal banking agencies, shall prescribe regulations requiring that each insured depository institution shall have an annual independent audit made of the institution's financial statements by an independent public accountant in accordance with generally accepted auditing standards and section 37. Regulations.

"(2) SCOPE OF AUDIT.—In connection with any audit under this subsection, the independent public accountant shall determine and report whether the financial statements of the institution—

"(A) are presented fairly in accordance with generally accepted accounting principles; and

"(B) comply with such other disclosure requirements as the Corporation and the appropriate Federal banking agency may prescribe.

"(3) REQUIREMENTS FOR INSURED SUBSIDIARIES OF HOLDING COMPANIES.—The requirements for an independent audit under this subsection may be satisfied for insured depository institutions that are subsidiaries of a holding company by an independent audit of the holding company.

"(e) DETECTING AND REPORTING VIOLATIONS OF LAWS AND REGULATIONS.—

"(1) IN GENERAL.—An independent public accountant shall apply procedures agreed upon by the Corporation to objectively determine the extent of the compliance of any insured depository institution or depository institution holding company with laws and regulations designated by the Corporation, in consultation with the appropriate Federal banking agencies.

"(2) ATTESTATION REQUIREMENTS.—Any attestation pursuant to paragraph (1) shall be made in accordance with generally accepted standards for attestation engagements.

"(f) FORM AND CONTENT OF REPORTS AND AUDITING STANDARDS.—

"(1) IN GENERAL.—The scope of each report by an independent public accountant pursuant to this section, and the procedures followed in preparing such report, shall meet or exceed the scope and procedures required by generally accepted auditing standards and other applicable standards recognized by the Corporation.

"(2) CONSULTATION.—The Corporation shall consult with the other appropriate Federal banking agencies in implementing this subsection.

"(g) IMPROVED ACCOUNTABILITY.—

"(1) INDEPENDENT AUDIT COMMITTEE.—

"(A) ESTABLISHMENT.—Each insured depository institution (to which this section applies) shall have an independent audit committee entirely made up of outside directors who are independent of management of the institution, and who satisfy any specific requirements the Corporation may establish.

"(B) DUTIES.—An independent audit committee's duties shall include reviewing with management and the independent public accountant the basis for the reports issued under subsections (b)(2), (c), and (d).

"(C) CRITERIA APPLICABLE TO COMMITTEES OF LARGE INSURED DEPOSITORY INSTITUTIONS.—In the case of each insured depository institution which the Corporation determines to be a large institution, the audit committee required by subparagraph (A) shall—

"(i) include members with banking or related financial management expertise;

"(ii) have access to the committee's own outside counsel; and

"(iii) not include any large customers of the institution.

"(2) REVIEW OF QUARTERLY REPORTS OF LARGE INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—In the case of any insured depository institution which the Corporation has determined to be a large institution, the Corporation may require the independent public accountant retained by such institution to perform reviews of the institution's quarterly financial reports in accordance with procedures agreed upon by the Corporation.

"(B) REPORT TO AUDIT COMMITTEE.—The independent public accountant referred to in subparagraph (A) shall provide the audit committee of the insured depository institution with reports on the reviews under such subparagraph and the audit committee shall provide such reports to the Corporation, any appropriate Federal banking agency, and any appropriate State bank supervisor.

"(C) LIMITATION ON NOTICE.—Reports provided under subparagraph (B) shall be only for the information and use of the insured depository institution, the Corporation, any appropriate Federal banking agency, and any State bank supervisor that received the report.

"(3) QUALIFICATIONS OF INDEPENDENT PUBLIC ACCOUNTANTS.—

"(A) IN GENERAL.—All audit services required by this section shall be performed only by an independent public accountant who—

"(i) has agreed to provide related working papers, policies, and procedures to the Corporation, an appropriate Federal banking agency, and any State bank supervisor, if requested; and

"(ii) has received a peer review that meets guidelines acceptable to the Corporation.

"(B) REPORTS ON PEER REVIEWS.—Reports on peer reviews shall be filed with the Corporation and made available for public inspection. Public information.

"(4) ENFORCEMENT ACTIONS.—

"(A) IN GENERAL.—In addition to any authority contained in section 8, the Corporation or an appropriate Federal banking agency may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section.

"(B) JOINT RULEMAKING.—The appropriate Federal banking agencies shall jointly issue rules of practice to implement this paragraph.

"(5) NOTICE BY ACCOUNTANT OF TERMINATION OF SERVICES.— Regulations. Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the institution shall promptly notify the Corporation pursuant to such rules as the Corporation shall prescribe.

"(h) EXCHANGE OF REPORTS AND INFORMATION.—

"(1) REPORT TO THE INDEPENDENT AUDITOR.—

"(A) IN GENERAL.—Each insured depository institution which has engaged the services of an independent auditor to audit such institution shall transmit to the auditor a copy of the most recent report of condition made by the institution (pursuant to this Act or any other provision of law) and a copy of the most recent report of examination received by the institution.

"(B) ADDITIONAL INFORMATION.—In addition to the copies of the reports required to be provided under subparagraph (A), each insured depository institution shall provide the auditor with—

"(i) a copy of any supervisory memorandum of understanding with such institution and any written agreement between such institution and any appropriate Federal banking agency or any appropriate State bank supervisor which is in effect during the period covered by the audit; and

"(ii) a report of—

"(I) any action initiated or taken by the appropriate Federal banking agency or the Corporation during such period under subsection (a), (b), (c), (e), (g), (i), (s), or (t) of section 8;

"(II) any action taken by any appropriate State bank supervisor under State law which is similar to any action referred to in subclause (I); or

"(III) any assessment of any civil money penalty under any other provision of law with respect to the institution or any institution-affiliated party.

"(2) REPORTS TO BANKING AGENCIES.—

"(A) INDEPENDENT AUDITOR REPORTS.—Each insured depository institution shall provide to the Corporation, any appropriate Federal banking agency, and any appropriate State bank supervisor, a copy of each audit report and any qualification to such report, any management letter, and any other report within 15 days of receipt of any such report, qualification, or letter from the institution's independent auditors.

"(B) NOTICE OF CHANGE OF AUDITOR.—Each insured depository institution shall provide written notification to the Corporation, the appropriate Federal banking agency, and any appropriate State bank supervisor of the resignation or dismissal of the institution's independent auditor or the engagement of a new independent auditor by the institution, including a statement of the reasons for such change within 15 calendar days of the occurrence of the event.

"(i) REQUIREMENTS FOR INSURED SUBSIDIARIES OF HOLDING COMPANIES.—Except with respect to any audit requirements established under or pursuant to subsection (d), the requirements of this section may be satisfied for insured depository institutions that are subsidiaries of a holding company, if—

"(1) services and functions comparable to those required under this section are provided at the holding company level; and

"(2) either—

"(A) the institution has total assets, as of the beginning of such fiscal year, of less than $5,000,000,000; or

"(B) the institution—

"(i) has total assets, as of the beginning of such fiscal year, of more than $5,000,000,000 and less than $9,000,000,000; and

"(ii) has a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating by any such agency under a comparable rating system) as of the most recent examination of such institution by the Corporation or the appropriate Federal banking agency.

"(j) EXEMPTION FOR SMALL DEPOSITORY INSTITUTIONS.—This section shall not apply with respect to any fiscal year of any insured depository institution the total assets of which, as of the beginning of such fiscal year, are less than the greater of—

"(1) $150,000,000; or

"(2) such amount (in excess of $150,000,000) as the Corporation may prescribe by regulation.".

12 USC 1831m note.

(b) EFFECTIVE DATE.—The requirements established by the amendment made by subsection (a) shall apply with respect to fiscal years of insured depository institutions which begin after December 31, 1992.

SEC. 113. ASSESSMENTS REQUIRED TO COVER COSTS OF EXAMINATIONS.

(a) IN GENERAL.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) (as added by section 111(a)(1) of this subtitle) the following new subsection:

"(e) EXAMINATION FEES.—

"(1) REGULAR AND SPECIAL EXAMINATIONS OF DEPOSITORY INSTITUTIONS.—The cost of conducting any regular examination or special examination of any depository institution under subsection (b)(2), (b)(3), or (d) may be assessed by the Corporation against the institution to meet the Corporation's expenses in carrying out such examinations.

"(2) EXAMINATION OF AFFILIATES.—The cost of conducting any examination of any affiliate of any insured depository institution under subsection (b)(4) may be assessed by the Corporation against each affiliate which is examined to meet the Corporation's expenses in carrying out such examination.

"(3) ASSESSMENT AGAINST DEPOSITORY INSTITUTION IN CASE OF AFFILIATE'S REFUSAL TO PAY.—

"(A) IN GENERAL.—Subject to subparagraph (B), if any affiliate of any insured depository institution—

"(i) refuses to pay any assessment under paragraph (2); or

"(ii) fails to pay any such assessment before the end of the 60-day period beginning on the date the affiliate receives notice of the assessment,

the Corporation may assess such cost against, and collect such cost from, the depository institution.

"(B) AFFILIATE OF MORE THAN 1 DEPOSITORY INSTITUTION.—If any affiliate referred to in subparagraph (A) is an affiliate of more than 1 insured depository institution, the assessment under subparagraph (A) may be assessed against the depository institutions in such proportions as the Corporation determines to be appropriate.

"(4) CIVIL MONEY PENALTY FOR AFFILIATE'S REFUSAL TO COOPERATE.—

"(A) PENALTY IMPOSED.—If any affiliate of any insured depository institution—

"(i) refuses to permit an examiner appointed by the Board of Directors under subsection (b)(1) to conduct an examination; or

"(ii) refuses to provide any information required to be disclosed in the course of any examination,

the depository institution shall forfeit and pay a penalty of not more than $5,000 for each day that any such refusal continues.

"(B) ASSESSMENT AND COLLECTION.—Any penalty imposed under subparagraph (A) shall be assessed and collected by the Corporation in the manner provided in section 8(i)(2).

"(5) DEPOSITS OF EXAMINATION ASSESSMENT.—Amounts received by the Corporation under this subsection (other than paragraph (4)) may be deposited in the manner provided in section 13.".

(b) EXAMINATIONS OF APPLICANTS FOR DEPOSIT INSURANCE.—Section 10(b)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(2)(B)) is amended to read as follows:

"(B) any depository institution which files an application with the Corporation to become an insured depository institution;".

(c) TECHNICAL AND CONFORMING AMENDMENT.—

(1) Section 7(b)(10) of the Federal Deposit Insurance Act (as so redesignated by section 103(b) of this Act) is amended by inserting "or section 10(e)" after "under this section".

(2) Section 10(b)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(4)(A)) is amended by striking "insured" each place such term appears.

SEC. 114. EXAMINATION AND SUPERVISION FEES FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Section 5240 of the Revised Statutes (12 U.S.C. 482) is amended—

(1) by striking the 4th undesignated paragraph and inserting the following:

"The Comptroller of the Currency may impose and collect assessments, fees, or other charges as necessary or appropriate to carry out the responsibilities of the duties of the Comptroller. Such assessments, fees, and other charges shall be set to meet the Comptroller's expenses in carrying out authorized activities.";

(2) by striking "In addition to the expense of examination" and all that follows through "to cover the expense thereof.".

(b) TECHNICAL AMENDMENT.—Section 5240 of the Revised Statues is amended in the 2d undesignated paragraph (12 U.S.C. 481)—

(1) by striking the 2d sentence;

(2) by striking the 3d sentence and inserting "If any affiliate of a national bank refuses to pay any assessments, fees, or other charges imposed by the Comptroller of the Currency pursuant to this section or fails to make such payment not later than 60 days after the date on which they are imposed, the Comptroller of the Currency may impose such assessments, fees, or charges against the affiliated national bank, and such assessments, fees, or charges shall be paid by such national bank. If the affiliation is with 2 or more national banks, such assessments, fees, or charges may be imposed on, and collected from, any or all of such national banks in such proportions as the Comptroller of the Currency may prescribe.";

(3) in the 4th sentence, by inserting "or from other fees or charges imposed pursuant to this section" after "assessments on banks or affiliates thereof"; and

(4) in the 5th sentence—

(A) by inserting ", fees, or charges" before "may be deposited"; and

(B) by inserting "or of other fees or charges imposed pursuant to this section" before the period.

(c) ASSESSMENT AUTHORITY OF THE OFFICE OF THRIFT SUPERVISION.—Section 9 of the Home Owners' Loan Act (12 U.S.C. 1467) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) EXAMINATION OF SAVINGS ASSOCIATIONS.—The cost of conducting examinations of savings associations pursuant to section 5(d) shall be assessed by the Director against each such savings association as the Director deems necessary or appropriate.

"(b) EXAMINATION OF AFFILIATES.—The cost of conducting examinations of affiliates of savings associations pursuant to this Act may be assessed by the Director against each affiliate that is examined as the Director deems necessary or appropriate.";

(2) by amending subsection (k) to read as follows:

"(k) FEES FOR EXAMINATIONS AND SUPERVISORY ACTIVITIES.—The Director may assess against institutions for which the Director is the appropriate Federal banking agency, as defined in section 3 of

the Federal Deposit Insurance Act, fees to fund the direct and indirect expenses of the Office as the Director deems necessary or appropriate. The fees may be imposed more frequently than annually at the discretion of the Director.".

SEC. 115. APPLICATION TO FDIC REQUIRED FOR INSURANCE.

(a) IN GENERAL.—Section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815(a)) is amended by striking all that precedes subsection (b) and inserting the following:

"SEC. 5. DEPOSIT INSURANCE.

"(a) APPLICATION TO CORPORATION REQUIRED.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any depository institution which is engaged in the business of receiving deposits other than trust funds (as defined in section 3(p)), upon application to and examination by the Corporation and approval by the Board of Directors, may become an insured depository institution.

"(2) INTERIM DEPOSITORY INSTITUTIONS.—In the case of any interim Federal depository institution that is chartered by the appropriate Federal banking agency and will not open for business, the depository institution shall be an insured depository institution upon the issuance of the institution's charter by the agency.

"(3) APPLICATION AND APPROVAL NOT REQUIRED IN CASES OF CONTINUED INSURANCE.—Paragraph (1) shall not apply in the case of any depository institution whose insured status is continued pursuant to section 4.

"(4) REVIEW REQUIREMENTS.—In reviewing any application under this subsection, the Board of Directors shall consider the factors described in section 6 in determining whether to approve the application for insurance.

"(5) NOTICE OF DENIAL OF APPLICATION FOR INSURANCE.—If the Board of Directors votes to deny any application for insurance by any depository institution, the Board of Directors shall promptly notify the appropriate Federal banking agency and, in the case of any State depository institution, the appropriate State banking supervisor of the denial of such application, giving specific reasons in writing for the Board of Directors' determination with reference to the factors described in section 6.

"(6) NONDELEGATION REQUIREMENT.—The authority of the Board of Directors to make any determination to deny any application under this subsection may not be delegated by the Board of Directors.".

(b) CONTINUATION OF INSURANCE UPON BECOMING A MEMBER BANK.—4(b) of the Federal Deposit Insurance Act (12 U.S.C. 1814(b)) is amended to read as follows:

"(b) CONTINUATION OF INSURANCE UPON BECOMING A MEMBER BANK.—In the case of an insured bank which is admitted to membership in the Federal Reserve System or an insured State bank which is converted into a national member bank, the bank shall continue as an insured bank.".

Subtitle C—Accounting Reforms

SEC. 121. ACCOUNTING OBJECTIVES, STANDARDS, AND REQUIREMENTS.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 36 (as added by section 112 of this title) the following new section:

12 USC 1831n.

"SEC. 37. ACCOUNTING OBJECTIVES, STANDARDS, AND REQUIREMENTS.

"(a) IN GENERAL.—

"(1) OBJECTIVES.—Accounting principles applicable to reports or statements required to be filed with Federal banking agencies by insured depository institutions should—

"(A) result in financial statements and reports of condition that accurately reflect the capital of such institutions;

"(B) facilitate effective supervision of the institutions; and

"(C) facilitate prompt corrective action to resolve the institutions at the least cost to the insurance funds.

"(2) STANDARDS.—

"(A) UNIFORM ACCOUNTING PRINCIPLES CONSISTENT WITH GAAP.—Subject to the requirements of this Act and any other provision of Federal law, the accounting principles applicable to reports or statements required to be filed with Federal banking agencies by all insured depository institutions shall be uniform and consistent with generally accepted accounting principles.

"(B) STRINGENCY.—If the appropriate Federal banking agency or the Corporation determines that the application of any generally accepted accounting principle to any insured depository institution is inconsistent with the objectives described in paragraph (1), the agency or the Corporation may, with respect to reports or statements required to be filed with such agency or Corporation, prescribe an accounting principle which is applicable to such institutions which is no less stringent than generally accepted accounting principles.

"(3) REVIEW AND IMPLEMENTATION OF ACCOUNTING PRINCIPLES REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, each appropriate Federal banking agency shall take the following actions:

"(A) REVIEW OF ACCOUNTING PRINCIPLES.—Review—

"(i) all accounting principles used by depository institutions with respect to reports or statements required to be filed with a Federal banking agency;

"(ii) all requirements established by the agency with respect to such accounting procedures; and

"(iii) the procedures and format for reports to the agency, including reports of condition.

"(B) MODIFICATION OF NONCOMPLYING MEASURES.—Modify or eliminate any accounting principle or reporting requirement of such Federal agency which the agency determines fails to comply with the objectives and standards established under paragraphs (1) and (2).

Regulations.

"(C) INCLUSION OF 'OFF BALANCE SHEET' ITEMS.—Develop and prescribe regulations which require that all assets and

liabilities, including contingent assets and liabilities, of insured depository institutions be reported in, or otherwise taken into account in the preparation of any balance sheet, financial statement, report of condition, or other report of such institution, required to be filed with a Federal banking agency.

"(D) MARKET VALUE DISCLOSURE.—Develop jointly with the other appropriate Federal banking agencies a method for insured depository institutions to provide supplemental disclosure of the estimated fair market value of assets and liabilities, to the extent feasible and practicable, in any balance sheet, financial statement, report of condition, or other report of any insured depository institution required to be filed with a Federal banking agency.

"(b) UNIFORM ACCOUNTING OF CAPITAL STANDARDS.—

"(1) IN GENERAL.—Each appropriate Federal banking agency shall maintain uniform accounting standards to be used for determining compliance with statutory or regulatory requirements of depository institutions.

"(2) TRANSITION PROVISION.—Any standards in effect on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991 under section 1215 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall continue in effect after such date of enactment until amended by the appropriate Federal banking agency under paragraph (1).

"(c) REPORTS TO BANKING COMMITTEES.—

"(1) ANNUAL REPORTS REQUIRED.—Each appropriate Federal banking agency shall annually submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing a description of any difference between any accounting or capital standard used by such agency and any accounting or capital standard used by any other agency.

"(2) EXPLANATION OF REASONS FOR DISCREPANCY.—Each report submitted under paragraph (1) shall contain an explanation of the reasons for any discrepancy between any accounting or capital standard used by such agency and any accounting or capital standard used by any other agency.

"(3) PUBLICATION.—Each report under this subsection shall be published in the Federal Register.". Federal Register, publication.

(b) REPEAL OF PROVISION SUPERSEDED BY SUBSECTION (a) AMENDMENTS.—Section 1215 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833d) is hereby repealed.

SEC. 122. SMALL BUSINESS AND SMALL FARM LOAN INFORMATION. Regulations. 12 USC 1817 note.

(a) IN GENERAL.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the appropriate Federal banking agency shall prescribe regulations requiring insured depository institutions to annually submit information on small businesses and small farm lending in their reports of condition.

(b) CREDIT AVAILABILITY.—The regulations prescribed under subsection (a) shall require insured depository institutions to submit such information as the agency may need to assess the availability of credit to small businesses and small farms.

(d) CONTENTS.—The information required under subsection (a) may include information regarding the following:

(1) The total number and aggregate dollar amount of commercial loans and commercial mortgage loans to small businesses.

(2) Charge-offs, interest, and interest fee income on commercial loans and commercial mortgage loans to small businesses.

(3) Agricultural loans to small farms.

SEC. 123. FDIC PROPERTY DISPOSITION STANDARDS.

(a) IN GENERAL.—Section 11(d)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(13)) is amended by adding at the end the following new subparagraph:

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of any insured depository institution for which the Corporation has been appointed conservator or receiver, including any sale or disposition of assets acquired by the Corporation under section 13(d)(1), the Corporation shall conduct its operations in a manner which—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases;

"(iii) ensures adequate competition and fair and consistent treatment of offerors;

Discrimination.

"(iv) prohibits discrimination on the basis of race, sex, or ethnic groups in the solicitation and consideration of offers; and

Disadvantaged.

"(v) maximizes the preservation of the availability and affordability of residential real property for low- and moderate-income individuals.".

(b) CORPORATE CAPACITY.—Section 13(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1823(d)(3)) is amended by adding at the end the following new subparagraph:

"(D) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority described in subparagraph (A) regarding the sale or disposition of assets sold to the Corporation pursuant to paragraph (1), the Corporation shall conduct its operations in a manner which—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases;

"(iii) ensures adequate competition and fair and consistent treatment of offerors;

Discrimination.

"(iv) prohibits discrimination on the basis of race, sex, or ethnic groups in the solicitation and consideration of offers; and

Disadvantaged.

"(v) maximizes the preservation of the availability and affordability of residential real property for low- and moderate-income individuals.".

Subtitle D—Prompt Regulatory Action

SEC. 131. PROMPT REGULATORY ACTION.

(a) ESTABLISHING SYSTEM OF PROMPT CORRECTIVE ACTION.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding after section 37 (as added by section 121 of this Act) the following new section:

"SEC. 38. PROMPT CORRECTIVE ACTION. 12 USC 1831o.

"(a) RESOLVING PROBLEMS TO PROTECT DEPOSIT INSURANCE FUNDS.—

"(1) PURPOSE.—The purpose of this section is to resolve the problems of insured depository institutions at the least possible long-term loss to the deposit insurance fund.

"(2) PROMPT CORRECTIVE ACTION REQUIRED.—Each appropriate Federal banking agency and the Corporation (acting in the Corporation's capacity as the insurer of depository institutions under this Act) shall carry out the purpose of this section by taking prompt corrective action to resolve the problems of insured depository institutions.

"(b) DEFINITIONS.—For purposes of this section:

"(1) CAPITAL CATEGORIES.—

"(A) WELL CAPITALIZED.—An insured depository institution is 'well capitalized' if it significantly exceeds the required minimum level for each relevant capital measure.

"(B) ADEQUATELY CAPITALIZED.—An insured depository institution is 'adequately capitalized' if it meets the required minimum level for each relevant capital measure.

"(C) UNDERCAPITALIZED.—An insured depository institution is 'undercapitalized' if it fails to meet the required minimum level for any relevant capital measure.

"(D) SIGNIFICANTLY UNDERCAPITALIZED.—An insured depository institution is 'significantly undercapitalized' if it is significantly below the required minimum level for any relevant capital measure.

"(E) CRITICALLY UNDERCAPITALIZED.—An insured depository institution is 'critically undercapitalized' if it fails to meet any level specified under subsection (c)(3)(A).

"(2) OTHER DEFINITIONS.—

"(A) AVERAGE.—

"(i) IN GENERAL.—The 'average' of an accounting item (such as total assets or tangible equity) during a given period means the sum of that item at the close of business on each business day during that period divided by the total number of business days in that period.

"(ii) AGENCY MAY PERMIT WEEKLY AVERAGING FOR CERTAIN INSTITUTIONS.—In the case of insured depository institutions that have total assets of less than $300,000,000 and normally file reports of condition reflecting weekly (rather than daily) averages of accounting items, the appropriate Federal banking agency may provide that the 'average' of an accounting item during a given period means the sum of that item at the close of business on the relevant business day

each week during that period divided by the total number of weeks in that period.

"(B) CAPITAL DISTRIBUTION.—The term 'capital distribution' means—

"(i) a distribution of cash or other property by any insured depository institution or company to its owners made on account of that ownership, but not including—

"(I) any dividend consisting only of shares of the institution or company or rights to purchase such shares; or

"(II) any amount paid on the deposits of a mutual or cooperative institution that the appropriate Federal banking agency determines is not a distribution for purposes of this section;

"(ii) a payment by an insured depository institution or company to repurchase, redeem, retire, or otherwise acquire any of its shares or other ownership interests, including any extension of credit to finance an affiliated company's acquisition of those shares or interests; or

"(iii) a transaction that the appropriate Federal banking agency or the Corporation determines, by order or regulation, to be in substance a distribution of capital to the owners of the insured depository institution or company.

"(C) CAPITAL RESTORATION PLAN.—The term 'capital restoration plan' means a plan submitted under subsection (e)(2).

"(D) COMPANY.—The term 'company' has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

"(E) COMPENSATION.—The term 'compensation' includes any payment of money or provision of any other thing of value in consideration of employment.

"(F) RELEVANT CAPITAL MEASURE.—The term 'relevant capital measure' means the measures described in subsection (c).

"(G) REQUIRED MINIMUM LEVEL.—The term 'required minimum level' means, with respect to each relevant capital measure, the minimum acceptable capital level specified by the appropriate Federal banking agency by regulation.

"(H) SENIOR EXECUTIVE OFFICER.—The term 'senior executive officer' has the same meaning as the term 'executive officer' in section 22(h) of the Federal Reserve Act.

"(I) SUBORDINATED DEBT.—The term 'subordinated debt' means debt subordinated to the claims of general creditors.

"(c) CAPITAL STANDARDS.—

"(1) RELEVANT CAPITAL MEASURES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(ii), the capital standards prescribed by each appropriate Federal banking agency shall include—

"(i) a leverage limit; and

"(ii) a risk-based capital requirement.

"(B) OTHER CAPITAL MEASURES.—An appropriate Federal banking agency may, by regulation—

"(i) establish any additional relevant capital measures to carry out the purpose of this section; or

"(ii) rescind any relevant capital measure required under subparagraph (A) upon determining (with the concurrence of the other Federal banking agencies) that the measure is no longer an appropriate means for carrying out the purpose of this section.

"(2) CAPITAL CATEGORIES GENERALLY.—Each appropriate Federal banking agency shall, by regulation, specify for each relevant capital measure the levels at which an insured depository institution is well capitalized, adequately capitalized, undercapitalized, and significantly undercapitalized. Regulations.

"(3) CRITICAL CAPITAL.—

"(A) AGENCY TO SPECIFY LEVEL.—

"(i) LEVERAGE LIMIT.—Each appropriate Federal banking agency shall, by regulation, in consultation with the Corporation, specify the ratio of tangible equity to total assets at which an insured depository institution is critically undercapitalized.

"(ii) OTHER RELEVANT CAPITAL MEASURES.—The agency may, by regulation, specify for 1 or more other relevant capital measures, the level at which an insured depository institution is critically undercapitalized.

"(B) LEVERAGE LIMIT RANGE.—The level specified under subparagraph (A)(i) shall require tangible equity in an amount—

"(i) not less than 2 percent of total assets; and

"(ii) except as provided in clause (i), not more than 65 percent of the required minimum level of capital under the leverage limit.

"(C) FDIC'S CONCURRENCE REQUIRED.—The appropriate Federal banking agency shall not, without the concurrence of the Corporation, specify a level under subparagraph (A)(i) lower than that specified by the Corporation for State nonmember insured banks.

"(d) PROVISIONS APPLICABLE TO ALL INSTITUTIONS.—

"(1) CAPITAL DISTRIBUTIONS RESTRICTED.—

"(A) IN GENERAL.—An insured depository institution shall make no capital distribution if, after making the distribution, the institution would be undercapitalized.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the appropriate Federal banking agency may permit, after consultation with the Corporation, an insured depository institution to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(i) is made in connection with the issuance of additional shares or obligations of the institution in at least an equivalent amount; and

"(ii) will reduce the institution's financial obligations or otherwise improve the institution's financial condition.

"(2) MANAGEMENT FEES RESTRICTED.—An insured depository institution shall pay no management fee to any person having control of that institution if, after making the payment, the institution would be undercapitalized.

"(e) PROVISIONS APPLICABLE TO UNDERCAPITALIZED INSTITUTIONS.—

"(1) MONITORING REQUIRED.—Each appropriate Federal banking agency shall—

"(A) closely monitor the condition of any undercapitalized insured depository institution;

"(B) closely monitor compliance with capital restoration plans, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to any undercapitalized insured depository institution to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.

"(2) CAPITAL RESTORATION PLAN REQUIRED.—

"(A) IN GENERAL.—Any undercapitalized insured depository institution shall submit an acceptable capital restoration plan to the appropriate Federal banking agency within the time allowed by the agency under subparagraph (D).

"(B) CONTENTS OF PLAN.—The capital restoration plan shall—

"(i) specify—

"(I) the steps the insured depository institution will take to become adequately capitalized;

"(II) the levels of capital to be attained during each year in which the plan will be in effect;

"(III) how the institution will comply with the restrictions or requirements then in effect under this section; and

"(IV) the types and levels of activities in which the institution will engage; and

"(ii) contain such other information as the appropriate Federal banking agency may require.

"(C) CRITERIA FOR ACCEPTING PLAN.—The appropriate Federal banking agency shall not accept a capital restoration plan unless the agency determines that—

"(i) the plan—

"(I) complies with subparagraph (B);

"(II) is based on realistic assumptions, and is likely to succeed in restoring the institution's capital; and

"(III) would not appreciably increase the risk (including credit risk, interest-rate risk, and other types of risk) to which the institution is exposed; and

"(ii) if the insured depository institution is undercapitalized, each company having control of the institution has—

"(I) guaranteed that the institution will comply with the plan until the institution has been adequately capitalized on average during each of 4 consecutive calendar quarters; and

"(II) provided appropriate assurances of performance.

Regulations.

"(D) DEADLINES FOR SUBMISSION AND REVIEW OF PLANS.—The appropriate Federal banking agency shall by regulation establish deadlines that—

"(i) provide insured depository institutions with reasonable time to submit capital restoration plans, and generally require an institution to submit a plan not later than 45 days after the institution becomes undercapitalized; and

"(ii) require the agency to act on capital restoration plans expeditiously, and generally not later than 60 days after the plan is submitted; and

"(iii) require the agency to submit a copy of any plan approved by the agency to the Corporation before the end of the 45-day period beginning on the date such approval is granted.

"(E) GUARANTEE LIABILITY LIMITED.—

"(i) IN GENERAL.—The aggregate liability under subparagraph (C)(ii) of all companies having control of an insured depository institution shall be the lesser of—

"(I) an amount equal to 5 percent of the institution's total assets at the time the institution became undercapitalized; or

"(II) the amount which is necessary (or would have been necessary) to bring the institution into compliance with all capital standards applicable with respect to such institution as of the time the institution fails to comply with a plan under this subsection.

"(ii) CERTAIN AFFILIATES NOT AFFECTED.—This paragraph may not be construed as—

"(I) requiring any company not having control of an undercapitalized insured depository institution to guarantee, or otherwise be liable on, a capital restoration plan;

"(II) requiring any person other than an insured depository institution to submit a capital restoration plan; or

"(III) affecting compliance by brokers, dealers, government securities brokers, and government securities dealers with the financial responsibility requirements of the Securities Exchange Act of 1934 and regulations and orders thereunder.

"(3) ASSET GROWTH RESTRICTED.—An undercapitalized insured depository institution shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

"(A) the appropriate Federal banking agency has accepted the institution's capital restoration plan;

"(B) any increase in total assets is consistent with the plan; and

"(C) the institution's ratio of tangible equity to assets increases during the calendar quarter at a rate sufficient to enable the institution to become adequately capitalized within a reasonable time.

"(4) PRIOR APPROVAL REQUIRED FOR ACQUISITIONS, BRANCHING, AND NEW LINES OF BUSINESS.—An undercapitalized insured depository institution shall not, directly or indirectly, acquire any interest in any company or insured depository institution,

establish or acquire any additional branch office, or engage in any new line of business unless—

"(A) the appropriate Federal banking agency has accepted the insured depository institution's capital restoration plan, the institution is implementing the plan, and the agency determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Board of Directors determines that the proposed action will further the purpose of this section.

"(5) DISCRETIONARY SAFEGUARDS.—The appropriate Federal banking agency may, with respect to any undercapitalized insured depository institution, take actions described in any subparagraph of subsection (f)(2) if the agency determines that those actions are necessary to carry out the purpose of this section.

"(f) PROVISIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED INSTITUTIONS AND UNDERCAPITALIZED INSTITUTIONS THAT FAIL TO SUBMIT AND IMPLEMENT CAPITAL RESTORATION PLANS.—

"(1) IN GENERAL.—This subsection shall apply with respect to any insured depository institution that—

"(A) is significantly undercapitalized; or

"(B) is undercapitalized and—

"(i) fails to submit an acceptable capital restoration plan within the time allowed by the appropriate Federal banking agency under subsection (e)(2)(D); or

"(ii) fails in any material respect to implement a plan accepted by the agency.

"(2) SPECIFIC ACTIONS AUTHORIZED.—The appropriate Federal banking agency shall carry out this section by taking 1 or more of the following actions:

"(A) REQUIRING RECAPITALIZATION.—Doing 1 or more of the following:

"(i) Requiring the institution to sell enough shares or obligations of the institution so that the institution will be adequately capitalized after the sale.

"(ii) Further requiring that instruments sold under clause (i) be voting shares.

"(iii) Requiring the institution to be acquired by a depository institution holding company, or to combine with another insured depository institution, if 1 or more grounds exist for appointing a conservator or receiver for the institution.

"(B) RESTRICTING TRANSACTIONS WITH AFFILIATES.—

"(i) Requiring the institution to comply with section 23A of the Federal Reserve Act as if subsection (d)(1) of that section (exempting transactions with certain affiliated institutions) did not apply.

"(ii) Further restricting the institution's transactions with affiliates.

"(C) RESTRICTING INTEREST RATES PAID.—

"(i) IN GENERAL.—Restricting the interest rates that the institution pays on deposits to the prevailing rates of interest on deposits of comparable amounts and maturities in the region where the institution is located, as determined by the agency.

"(ii) RETROACTIVE RESTRICTIONS PROHIBITED.—This subparagraph does not authorize the agency to restrict

interest rates paid on time deposits made before (and not renewed or renegotiated after) the agency acted under this subparagraph.

"(D) RESTRICTING ASSET GROWTH.—Restricting the institution's asset growth more stringently than subsection (e)(3), or requiring the institution to reduce its total assets.

"(E) RESTRICTING ACTIVITIES.—Requiring the institution or any of its subsidiaries to alter, reduce, or terminate any activity that the agency determines poses excessive risk to the institution.

"(F) IMPROVING MANAGEMENT.—Doing 1 or more of the following:

"(i) NEW ELECTION OF DIRECTORS.—Ordering a new election for the institution's board of directors.

"(ii) DISMISSING DIRECTORS OR SENIOR EXECUTIVE OFFICERS.—Requiring the institution to dismiss from office any director or senior executive officer who had held office for more than 180 days immediately before the institution became undercapitalized. Dismissal under this clause shall not be construed to be a removal under section 8.

"(iii) EMPLOYING QUALIFIED SENIOR EXECUTIVE OFFICERS.—Requiring the institution to employ qualified senior executive officers (who, if the agency so specifies, shall be subject to approval by the agency).

"(G) PROHIBITING DEPOSITS FROM CORRESPONDENT BANKS.—Prohibiting the acceptance by the institution of deposits from correspondent depository institutions, including renewals and rollovers of prior deposits.

"(H) REQUIRING PRIOR APPROVAL FOR CAPITAL DISTRIBUTIONS BY BANK HOLDING COMPANY.—Prohibiting any bank holding company having control of the insured depository institution from making any capital distribution without the prior approval of the Board of Governors of the Federal Reserve System.

"(I) REQUIRING DIVESTITURE.—Doing one or more of the following:

"(i) DIVESTITURE BY THE INSTITUTION.—Requiring the institution to divest itself of or liquidate any subsidiary if the agency determines that the subsidiary is in danger of becoming insolvent and poses a significant risk to the institution, or is likely to cause a significant dissipation of the institution's assets or earnings.

"(ii) DIVESTITURE BY PARENT COMPANY OF NONDEPOSITORY AFFILIATE.—Requiring any company having control of the institution to divest itself of or liquidate any affiliate other than an insured depository institution if the appropriate Federal banking agency for that company determines that the affiliate is in danger of becoming insolvent and poses a significant risk to the institution, or is likely to cause a significant dissipation of the institution's assets or earnings.

"(iii) DIVESTITURE OF INSTITUTION.—Requiring any company having control of the institution to divest itself of the institution if the appropriate Federal banking agency for that company determines that divesti-

ture would improve the institution's financial condition and future prospects.

"(J) REQUIRING OTHER ACTION.—Requiring the institution to take any other action that the agency determines will better carry out the purpose of this section than any of the actions described in this paragraph.

"(3) PRESUMPTION IN FAVOR OF CERTAIN ACTIONS.—In complying with paragraph (2), the agency shall take the following actions, unless the agency determines that the actions would not further the purpose of this section:

"(A) The action described in clause (i) or (iii) of paragraph (2)(A) (relating to requiring the sale of shares or obligations, or requiring the institution to be acquired by or combine with another institution).

"(B) The action described in paragraph (2)(B)(i) (relating to restricting transactions with affiliates).

"(C) The action described in paragraph (2)(C) (relating to restricting interest rates).

"(4) SENIOR EXECUTIVE OFFICERS' COMPENSATION RESTRICTED.—

"(A) IN GENERAL.—The insured depository institution shall not do any of the following without the prior written approval of the appropriate Federal banking agency:

"(i) Pay any bonus to any senior executive officer.

"(ii) Provide compensation to any senior executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit-sharing) during the 12 calendar months preceding the calendar month in which the institution became undercapitalized.

"(B) FAILING TO SUBMIT PLAN.—The appropriate Federal banking agency shall not grant any approval under subparagraph (A) with respect to an institution that has failed to submit an acceptable capital restoration plan.

"(5) DISCRETION TO IMPOSE CERTAIN ADDITIONAL RESTRICTIONS.—The agency may impose 1 or more of the restrictions prescribed by regulation under subsection (i) if the agency determines that those restrictions are necessary to carry out the purpose of this section.

"(6) CONSULTATION WITH FUNCTIONAL REGULATORS.—Before the agency or Corporation makes a determination under paragraph (2)(I) with respect to an affiliate that is a broker, dealer, government securities broker, government securities dealer, investment company, or investment adviser, the agency or Corporation shall consult with the Securities and Exchange Commisssion and, in the case of any other affiliate which is subject to any financial responsibility or capital requirement, any other functional regulator (as defined in section 2(s) of the Bank Holding Company Act of 1956) of such affiliate with respect to the proposed determination of the agency or the Corporation and actions pursuant to such determination.

"(g) MORE STRINGENT TREATMENT BASED ON OTHER SUPERVISORY CRITERIA.—

"(1) IN GENERAL.—If the appropriate Federal banking agency determines (after notice and an opportunity for hearing) that an insured depository institution is in an unsafe or unsound condition or, pursuant to section 8(b)(8), deems the institution to be engaging in an unsafe or unsound practice, the agency may—

"(A) if the institution is well capitalized, reclassify the institution as adequately capitalized;

"(B) if the institution is adequately capitalized, require the institution to comply with 1 or more provisions of subsections (d) and (e), as if the institution were undercapitalized; or

"(C) if the institution is undercapitalized, take any 1 or more actions authorized under subsection (f)(2) as if the institution were significantly undercapitalized.

"(2) CONTENTS OF PLAN.—Any plan required under paragraph (1) shall specify the steps that the insured depository institution will take to correct the unsafe or unsound condition or practice. Capital restoration plans shall not be required under paragraph (1)(B).

"(h) PROVISIONS APPLICABLE TO CRITICALLY UNDERCAPITALIZED INSTITUTIONS.—

"(1) ACTIVITIES RESTRICTED.—Any critically undercapitalized insured depository institution shall comply with restrictions prescribed by the Corporation under subsection (i).

"(2) PAYMENTS ON SUBORDINATED DEBT PROHIBITED.—

"(A) IN GENERAL.—A critically undercapitalized insured depository institution shall not, beginning 60 days after becoming critically undercapitalized, make any payment of principal or interest on the institution's subordinated debt.

"(B) EXCEPTIONS.—The Corporation may make exceptions to subparagraph (A) if—

"(i) the appropriate Federal banking agency has taken action with respect to the insured depository institution under paragraph (3)(A)(ii); and

"(ii) the Corporation determines that the exception would further the purpose of this section.

"(C) LIMITED EXEMPTION FOR CERTAIN SUBORDINATED DEBT.—Until July 15, 1996, subparagraph (A) shall not apply with respect to any subordinated debt outstanding on July 15, 1991, and not extended or otherwise renegotiated after July 15, 1991.

"(D) ACCRUAL OF INTEREST.—Subparagraph (A) does not prevent unpaid interest from accruing on subordinated debt under the terms of that debt, to the extent otherwise permitted by law.

"(3) CONSERVATORSHIP, RECEIVERSHIP, OR OTHER ACTION REQUIRED.—

"(A) IN GENERAL.—The appropriate Federal banking agency shall, not later than 90 days after an insured depository institution becomes critically undercapitalized—

"(i) appoint a receiver (or, with the concurrence of the Corporation, a conservator) for the institution; or

"(ii) take such other action as the agency determines, with the concurrence of the Corporation, would better achieve the purpose of this section, after documenting why the action would better achieve that purpose.

Termination date.

"(B) PERIODIC REDETERMINATIONS REQUIRED.—Any determination by an appropriate Federal banking agency under subparagraph (A)(ii) to take any action with respect to an insured depository institution in lieu of appointing a conservator or receiver shall cease to be effective not later than the end of the 90-day period beginning on the date that the

determination is made and a conservator or receiver shall be appointed for that institution under subparagraph (A)(i) unless the agency makes a new determination under subparagraph (A)(ii) at the end of the effective period of the prior determination.

"(C) APPOINTMENT OF RECEIVER REQUIRED IF OTHER ACTION FAILS TO RESTORE CAPITAL.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), the appropriate Federal banking agency shall appoint a receiver for the insured depository institution if the institution is critically undercapitalized on average during the calendar quarter beginning 270 days after the date on which the institution became critically undercapitalized.

"(ii) EXCEPTION.—Notwithstanding clause (i), the appropriate Federal banking agency may continue to take such other action as the agency determines to be appropriate in lieu of such appointment if—

"(I) the agency determines, with the concurrence of the Corporation, that (aa) the insured depository institution has positive net worth, (bb) the insured depository institution has been in substantial compliance with an approved capital restoration plan which requires consistent improvement in the institution's capital since the date of the approval of the plan, (cc) the insured depository institution is profitable or has an upward trend in earnings the agency projects as sustainable, and (dd) the insured depository institution is reducing the ratio of nonperforming loans to total loans; and

"(II) the head of the appropriate Federal banking agency and the Chairperson of the Board of Directors both certify that the institution is viable and not expected to fail.

Regulations.

"(i) RESTRICTING ACTIVITIES OF CRITICALLY UNDERCAPITALIZED INSTITUTIONS.—To carry out the purpose of this section, the Corporation shall, by regulation or order—

"(1) restrict the activities of any critically undercapitalized insured depository institution; and

"(2) at a minimum, prohibit any such institution from doing any of the following without the Corporation's prior written approval:

"(A) Entering into any material transaction other than in the usual course of business, including any investment, expansion, acquisition, sale of assets, or other similar action with respect to which the depository institution is required to provide notice to the appropriate Federal banking agency.

"(B) Extending credit for any highly leveraged transaction.

"(C) Amending the institution's charter or bylaws, except to the extent necessary to carry out any other requirement of any law, regulation, or order.

"(D) Making any material change in accounting methods.

"(E) Engaging in any covered transaction (as defined in section 23A(b) of the Federal Reserve Act).

"(F) Paying excessive compensation or bonuses.

"(G) Paying interest on new or renewed liabilities at a rate that would increase the institution's weighted average cost of funds to a level significantly exceeding the prevailing rates of interest on insured deposits in the institution's normal market areas.

"(j) CERTAIN GOVERNMENT-CONTROLLED INSTITUTIONS EXEMPTED.—Subsections (e) through (i) (other than paragraph (3) of subsection (e)) shall not apply—

"(1) to an insured depository institution for which the Corporation or the Resolution Trust Corporation is conservator; or

"(2) to a bridge bank, none of the voting securities of which are owned by a person or agency other than the Corporation or the Resolution Trust Corporation.

"(k) REVIEW REQUIRED WHEN DEPOSIT INSURANCE FUND INCURS MATERIAL LOSS.—

"(1) IN GENERAL.—If a deposit insurance fund incurs a material loss with respect to an insured depository institution on or after July 1, 1993, the inspector general of the appropriate Federal banking agency shall—

"(A) make a written report to that agency reviewing the agency's supervision of the institution (including the agency's implementation of this section), which shall— Reports.

"(i) ascertain why the institution's problems resulted in a material loss to the deposit insurance fund; and

"(ii) make recommendations for preventing any such loss in the future; and

"(B) provide a copy of the report to—

"(i) the Comptroller General of the United States;

"(ii) the Corporation (if the agency is not the Corporation);

"(iii) in the case of a State depository institution, the appropriate State banking supervisor; and

"(iv) upon request by any Member of Congress, to that Member.

"(2) MATERIAL LOSS INCURRED.—For purposes of this subsection:

"(A) LOSS INCURRED.—A deposit insurance fund incurs a loss with respect to an insured depository institution—

"(i) if the Corporation provides any assistance under section 13(c) with respect to that institution; and—

"(I) it is not substantially certain that the assistance will be fully repaid not later than 24 months after the date on which the Corporation initiated the assistance; or

"(II) the institution ceases to repay the assistance in accordance with its terms; or

"(ii) if the Corporation is appointed receiver of the institution, and it is or becomes apparent that the present value of the deposit insurance fund's outlays with respect to that institution will exceed the present value of receivership dividends or other payments on the claims held by the Corporation.

"(B) MATERIAL LOSS.—A loss is material if it exceeds the greater of—

"(i) $25,000,000; or

"(ii) 2 percent of the institution's total assets at the time the Corporation initiated assistance under section 13(c) or was appointed receiver.

"(3) DEADLINE FOR REPORT.—The inspector general of the appropriate Federal banking agency shall comply with paragraph (1) expeditiously, and in any event (except with respect to paragraph (1)(B)(iv)) as follows:

"(A) If the institution is described in paragraph (2)(A)(i), during the 6-month period beginning on the earlier of—

"(i) the date on which the institution ceases to repay assistance under section 13(c) in accordance with its terms, or

"(ii) the date on which it becomes apparent that the assistance will not be fully repaid during the 24-month period described in paragraph (2)(A)(i).

"(B) If the institution is described in paragraph (2)(A)(ii), during the 6-month period beginning on the date on which it becomes apparent that the present value of the deposit insurance fund's outlays with respect to that institution will exceed the present value of receivership dividends or other payments on the claims held by the Corporation.

"(4) PUBLIC DISCLOSURE REQUIRED.—

"(A) IN GENERAL.—The appropriate Federal banking agency shall disclose the report upon request under section 552 of title 5, United States Code, without excising—

"(i) any portion under section 552(b)(5) of that title; or

"(ii) any information about the insured depository institution under paragraph (4) (other than trade secrets) or paragraph (8) of section 552(b) of that title.

"(B) EXCEPTION.—Subparagraph (A) does not require the agency to disclose the name of any customer of the insured depository institution (other than an institution-affiliated party), or information from which such a person's identity could reasonably be ascertained.

"(5) GAO REVIEW.—The General Accounting Office shall annually—

"(A) review reports made under paragraph (1) and recommend improvements in the supervision of insured depository institutions (including the implementation of this section); and

"(B) verify the accuracy of 1 or more of those reports.

Effective date.
Termination date.

"(6) TRANSITION RULE.—During the period beginning on July 1, 1993, and ending on June 30, 1997, a loss incurred by the Corporation with respect to an insured depository institution—

"(A) with respect to which the Corporation initiates assistance under section 13(c) during the period in question, or

"(B) for which the Corporation was appointed receiver during the period in question,

is material for purposes of this subsection only if that loss exceeds the greater of $25,000,000 or the applicable percentage of the institution's total assets at that time, set forth in the following table:

"For the following period:	The applicable percentage is:
July 1, 1993–June 30, 1994	7 percent
July 1, 1994–June 30, 1995	5 percent
July 1, 1995–June 30, 1996	4 percent
July 1, 1996–June 30, 1997	3 percent.

"(l) IMPLEMENTATION.—

"(1) REGULATIONS AND OTHER ACTIONS.—Each appropriate Federal banking agency shall prescribe such regulations (in consultation with the other Federal banking agencies), issue such orders, and take such other actions as are necessary to carry out this section.

"(2) WRITTEN DETERMINATION AND CONCURRENCE REQUIRED.—Any determination or concurrence by an appropriate Federal banking agency or the Corporation required under this section shall be written.

"(m) OTHER AUTHORITY NOT AFFECTED.—This section does not limit any authority of an appropriate Federal banking agency, the Corporation, or a State to take action in addition to (but not in derogation of) that required under this section.

"(n) ADMINISTRATIVE REVIEW OF DISMISSAL ORDERS.—

"(1) TIMELY PETITION REQUIRED.—A director or senior executive officer dismissed pursuant to an order under subsection (f)(2)(F)(ii) may obtain review of that order by filing a written petition for reinstatement with the appropriate Federal banking agency not later than 10 days after receiving notice of the dismissal.

"(2) PROCEDURE.—

"(A) HEARING REQUIRED.—The agency shall give the petitioner an opportunity to—

"(i) submit written materials in support of the petition; and

"(ii) appear, personally or through counsel, before 1 or more members of the agency or designated employees of the agency.

"(B) DEADLINE FOR HEARING.—The agency shall—

"(i) schedule the hearing referred to in subparagraph (A)(ii) promptly after the petition is filed; and

"(ii) hold the hearing not later than 30 days after the petition is filed, unless the petitioner requests that the hearing be held at a later time.

"(C) DEADLINE FOR DECISION.—Not later than 60 days after the date of the hearing, the agency shall—

"(i) by order, grant or deny the petition;

"(ii) if the order is adverse to the petitioner, set forth the basis for the order; and

"(iii) notify the petitioner of the order.

"(3) STANDARD FOR REVIEW OF DISMISSAL ORDERS.—The petitioner shall bear the burden of proving that the petitioner's continued employment would materially strengthen the insured depository institution's ability—

"(A) to become adequately capitalized, to the extent that the order is based on the institution's capital level or failure to submit or implement a capital restoration plan; and

"(B) to correct the unsafe or unsound condition or unsafe or unsound practice, to the extent that the order is based on subsection (g)(1).

"(o) TRANSITION RULES FOR SAVINGS ASSOCIATIONS.—

"(1) RTC'S ROLE DOES NOT DIMINISH CARE REQUIRED OF OTS.—

"(A) IN GENERAL.—In implementing this section, the appropriate Federal banking agency (and, to the extent

applicable, the Corporation) shall exercise the same care as if the Savings Association Insurance Fund (rather than the Resolution Trust Corporation) bore the cost of resolving the problems of insured savings associations described in clauses (i) and (ii)(II) of section 21A(b)(3)(A) of the Federal Home Loan Bank Act.

"(B) REPORTS.—Subparagraph (A) does not require reports under subsection (k).

"(2) ADDITIONAL FLEXIBILITY FOR CERTAIN SAVINGS ASSOCIATIONS.—Subsections (e)(2), (f), and (h) shall not apply before July 1, 1994, to any insured savings association if—

"(A) before the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991—

"(i) the savings association had submitted a plan meeting the requirements of section 5(t)(6)(A)(ii) of the Home Owners' Loan Act; and

"(ii) the Director of the Office of Thrift Supervision had accepted the plan;

"(B) the plan remains in effect; and

"(C) the savings association remains in compliance with the plan or is operating under a written agreement with the appropriate Federal banking agency.".

Effective date.
12 USC 1831o note.

(b) DEADLINE FOR REGULATIONS.—Each appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) (and the Corporation, acting in the Corporation's capacity as insurer of depository institutions under that Act) shall, after notice and opportunity for comment, promulgate final regulations under section 38 of the Federal Deposit Insurance Act (as added by subsection (a)) not later than 9 months after the date of enactment of this Act, and those regulations shall become effective not later than 1 year after that date of enactment.

(c) OTHER AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) ENFORCEMENT ACTION BASED ON UNSATISFACTORY ASSET QUALITY, MANAGEMENT, EARNINGS, OR LIQUIDITY.—Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

"(8) UNSATISFACTORY ASSET QUALITY, MANAGEMENT, EARNINGS, OR LIQUIDITY AS UNSAFE OR UNSOUND PRACTICE.—If an insured depository institution receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the appropriate Federal banking agency may (if the deficiency is not corrected) deem the institution to be engaging in an unsafe or unsound practice for purposes of this subsection.".

(2) CONFORMING AMENDMENTS RELATING TO FEDERAL BANKING AGENCIES' ENFORCEMENT AUTHORITY.—Section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)) is amended—

(A) in the first sentence of paragraph (1), by inserting "or under section 38" after "section"; and

(B) in paragraph (2)(A)(ii), by inserting ", or final order under section 38" after "section".

(3) DEFINITION.—Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding at the end the following:

"(y) The term 'deposit insurance fund' means the Bank Insurance Fund or the Savings Association Insurance Fund, as appropriate.".

(d) CONFORMING AMENDMENT TO SECTION 5(t)(7) OF THE HOME OWNERS' LOAN ACT.—Section 5(t)(7) of the Home Owners' Loan Act (12 U.S.C. 1464(t)(7)) is amended—

(1) in subsection (A), by inserting "under this Act" before the period; and

(2) in subsection (B), by inserting "under this Act" after "imposed by the Director".

(e) TRANSITION RULE REGARDING CURRENT DIRECTORS AND SENIOR EXECUTIVE OFFICERS.— 12 USC 1831o note.

(1) DISMISSAL FROM OFFICE.—Section 38(f)(2)(F)(ii) of the Federal Deposit Insurance Act (as added by subsection (a)) shall not apply with respect to—

(A) any director whose current term as a director commenced on or before the date of enactment of this Act and has not been extended—

(i) after that date of enactment, or

(ii) to evade section 38(f)(2)(F)(ii); or

(B) any senior executive officer who accepted employment in his or her current position on or before the date of enactment of this Act and whose contract of employment has not been renewed or renegotiated—

(i) after that date of enactment, or

(ii) to evade section 38(f)(2)(F)(ii).

(2) RESTRICTING COMPENSATION.—Section 38(f)(4) of the Federal Deposit Insurance Act (as added by subsection (a)) shall not apply with respect to any senior executive officer who accepted employment in his or her current position on or before the date of enactment of this Act and whose contract of employment has not been renewed or renegotiated—

(A) after that date of enactment, or

(B) to evade section 38(f)(4).

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act. 12 USC 1464 note.

SEC. 132. STANDARDS FOR SAFETY AND SOUNDNESS.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding after section 38 (as added by section 131 of this Act) the following new section:

"SEC. 39. STANDARDS FOR SAFETY AND SOUNDNESS. 12 USC 1831s.

"(a) OPERATIONAL AND MANAGERIAL STANDARDS.—Each appropriate Federal banking agency shall, for all insured depository institutions and depository institution holding companies, prescribe—

"(1) standards relating to—

"(A) internal controls, information systems, and internal audit systems, in accordance with section 36;

"(B) loan documentation;

"(C) credit underwriting;

"(D) interest rate exposure;

"(E) asset growth; and

"(F) compensation, fees, and benefits, in accordance with subsection (c); and

"(2) such other operational and managerial standards as the agency determines to be appropriate.

"(b) ASSET QUALITY, EARNINGS, AND STOCK VALUATION STANDARDS.—Each appropriate Federal banking agency shall, for all insured depository institutions and depository institution holding companies, prescribe—

"(1) standards specifying—

"(A) a maximum ratio of classified assets to capital;

"(B) minimum earnings sufficient to absorb losses without impairing capital; and

"(C) to the extent feasible, a minimum ratio of market value to book value for publicly traded shares of the institution or company; and

"(2) such other standards relating to asset quality, earnings, and valuation as the agency determines to be appropriate.

"(c) COMPENSATION STANDARDS.—Each appropriate Federal banking agency shall, for all insured depository institutions, prescribe—

"(1) standards prohibiting as an unsafe and unsound practice any employment contract, compensation or benefit agreement, fee arrangement, perquisite, stock option plan, postemployment benefit, or other compensatory arrangement that—

"(A) would provide any executive officer, employee, director, or principal shareholder of the institution with excessive compensation, fees or benefits; or

"(B) could lead to material financial loss to the institution;

"(2) standards specifying when compensation, fees, or benefits referred to in paragraph (1) are excessive, which shall require the agency to determine whether the amounts are unreasonable or disproportionate to the services actually performed by the individual by considering—

"(A) the combined value of all cash and noncash benefits provided to the individual;

"(B) the compensation history of the individual and other individuals with comparable expertise at the institution;

"(C) the financial condition of the institution;

"(D) comparable compensation practices at comparable institutions, based upon such factors as asset size, geographic location, and the complexity of the loan portfolio or other assets;

"(E) for postemployment benefits, the projected total cost and benefit to the institution;

"(F) any connection between the individual and any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the institution; and

"(G) other factors that the agency determines to be relevant; and

"(3) such other standards relating to compensation, fees, and benefits as the agency determines to be appropriate.

"(d) STANDARDS TO BE PRESCRIBED BY REGULATION.—Standards under subsections (a), (b), and (c) shall be prescribed by regulation.

"(e) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIRED.—

"(A) IN GENERAL.—If the appropriate Federal banking agency determines that an insured depository institution or depository institution holding company fails to meet any standard prescribed under subsection (a), (b), or (c) the agency shall require the institution or company to submit

an acceptable plan to the agency within the time allowed by the agency under subparagraph (C).

"(B) CONTENTS OF PLAN.—Any plan required under subparagraph (A) shall specify the steps that the institution or company will take to correct the deficiency. If the institution is undercapitalized, the plan may be part of a capital restoration plan.

"(C) DEADLINES FOR SUBMISSION AND REVIEW OF PLANS.— Regulations.
The appropriate Federal banking agency shall by regulation establish deadlines that—

"(i) provide institutions and companies with reasonable time to submit plans required under subparagraph (A), and generally require the institution or company to submit a plan not later than 30 days after the agency determines that the institution or company fails to meet any standard prescribed under subsection (a), (b), or (c); and

"(ii) require the agency to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) ORDER REQUIRED IF INSTITUTION OR COMPANY FAILS TO SUBMIT OR IMPLEMENT PLAN.—If an insured depository institution or depository institution holding company fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the appropriate Federal banking agency, the agency, by order—

"(A) shall require the institution or company to correct the deficiency; and

"(B) may do 1 or more of the following until the deficiency has been corrected:

"(i) Prohibit the institution or company from permitting its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the institution or company may increase from one calendar quarter to another.

"(ii) Require the institution or company to increase its ratio of tangible equity to assets.

"(iii) Take the action described in section 38(f)(2)(C).

"(iv) Require the institution or company to take any other action that the agency determines will better carry out the purpose of section 38 than any of the actions described in this subparagraph.

"(3) RESTRICTIONS MANDATORY FOR CERTAIN INSTITUTIONS.—In complying with paragraph (2), the appropriate Federal banking agency shall take 1 or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the agency determines that the insured depository institution fails to meet any standard prescribed under subsection (a)(1) or (b)(1);

"(B) the institution has not corrected the deficiency; and

"(C) either—

"(i) during the 24-month period before the date on which the institution first failed to meet the standard—

"(I) the institution commenced operations; or

"(II) 1 or more persons acquired control of the institution; or

"(ii) during the 18-month period before the date on which the institution first failed to meet the standard, the institution underwent extraordinary growth, as defined by the agency.

"(f) DEFINITIONS.—For purposes of this section, the terms 'average' and 'capital restoration plan' have the same meanings as in section 38.

"(g) OTHER AUTHORITY NOT AFFECTED.—The authority granted by this section is in addition to any other authority of the Federal banking agencies.".

12 USC 1831s note.

(b) REGULATIONS REQUIRED.—Each appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) shall promulgate final regulations under section 39 of the Federal Deposit Insurance Act (as added by subsection (a)) not later than August 1, 1993.

12 USC 1831s note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the earlier of—

(1) the date on which final regulations promulgated in accordance with subsection (b) become effective; or

(2) December 1, 1993.

SEC. 133. CONSERVATORSHIP AND RECEIVERSHIP AMENDMENTS TO FACILITATE PROMPT REGULATORY ACTION.

(a) ADDITIONAL GROUNDS FOR APPOINTING CONSERVATOR OR RECEIVER; CONSISTENT STANDARDS FOR NATIONAL, STATE MEMBER, AND STATE NONMEMBER BANKS.—Section 11(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(5)) is amended to read as follows:

"(5) GROUNDS FOR APPOINTING CONSERVATOR OR RECEIVER.—The grounds for appointing a conservator or receiver (which may be the Corporation) for any insured depository institution are as follows:

"(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The institution's assets are less than the institution's obligations to its creditors and others, including members of the institution.

"(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any statute or regulation; or

"(ii) any unsafe or unsound practice.

"(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

"(D) CEASE AND DESIST ORDERS.—Any willful violation of a cease-and-desist order which has become final.

"(E) CONCEALMENT.—Any concealment of the institution's books, papers, records, or assets, or any refusal to submit the institution's books, papers, records, or affairs for inspection to any examiner or to any lawful agent of the appropriate Federal banking agency or State bank or savings association supervisor.

"(F) INABILITY TO MEET OBLIGATIONS.—The institution is likely to be unable to pay its obligations or meet its depositors' demands in the normal course of business.

"(G) LOSSES.—The institution has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the institu-

tion to become adequately capitalized (as defined in section 38(b)) without Federal assistance.

"(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings;

"(ii) weaken the institution's condition; or

"(iii) otherwise seriously prejudice the interests of the institution's depositors or the deposit insurance fund.

"(I) CONSENT.—The institution, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(J) CESSATION OF INSURED STATUS.—The institution ceases to be an insured institution.

"(K) UNDERCAPITALIZATION.—The institution is undercapitalized (as defined in section 38(b)), and—

"(i) has no reasonable prospect of becoming adequately capitalized (as defined in that section);

"(ii) fails to become adequately capitalized when required to do so under section 38(f)(2)(A);

"(iii) fails to submit a capital restoration plan acceptable to that agency within the time prescribed under section 38(e)(2)(D); or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 38(e)(2).

"(L) The institution—

"(i) is critically undercapitalized, as defined in section 38(b); or

"(ii) otherwise has substantially insufficient capital.".

(b) CONFORMING AMENDMENT TO AUTHORITY TO APPOINT RECEIVER FOR NATIONAL BANK.—Section 1 of the Act of June 30, 1876 (12 U.S.C. 191) is amended to read as follows:

"SECTION 1. The Comptroller of the Currency may, without prior notice or hearings, appoint the Federal Deposit Insurance Corporation as receiver for any national banking association if the Comptroller determines, in the Comptroller's discretion, that—

"(1) 1 or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exist; or

"(2) the association's board of directors consists of fewer than 5 members.".

(c) CONFORMING AMENDMENT TO THE BANK CONSERVATION ACT.—Section 203(a) of the Bank Conservation Act (12 U.S.C. 203(a)) is amended to read as follows:

"(a) APPOINTMENT.—The Comptroller of the Currency may, without prior notice or hearings, appoint a conservator (which may be the Federal Deposit Insurance Corporation) to the possession and control of a bank whenever the Comptroller of the Currency determines that 1 or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exist.".

(d) CONFORMING AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—Section 5(d)(2) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(2)) is amended—

(1) by striking subparagraphs (A) through (D) and inserting the following:

"(A) GROUNDS FOR APPOINTING CONSERVATOR OR RECEIVER FOR INSURED SAVINGS ASSOCIATION.—The Director of the Office of Thrift Supervision may appoint a conservator or receiver for any insured savings association if the Director determines, in the Director's discretion, that 1 or more of the grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act exists"; and

(2) by redesignating subparagraphs (E) through (I) as subparagraphs (B) through (F), respectively.

(e) ADDITIONAL PROVISIONS RELATING TO APPOINTMENT OF CONSERVATOR OR RECEIVER.—Section 11(c)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(9)) is amended to read as follows:

"(9) APPROPRIATE FEDERAL BANKING AGENCY MAY APPOINT CORPORATION AS CONSERVATOR OR RECEIVER FOR INSURED STATE DEPOSITORY INSTITUTION TO CARRY OUT SECTION 38.—

"(A) IN GENERAL.—The appropriate Federal banking agency may appoint the Corporation as sole receiver (or, subject to paragraph (11), sole conservator) of any insured State depository institution, after consultation with the appropriate State supervisor, if the appropriate Federal banking agency determines that—

"(i) 1 or more of the grounds specified in subparagraphs (K) and (L) of paragraph (5) exist with respect to that institution; and

"(ii) the appointment is necessary to carry out the purpose of section 38.

"(B) NONDELEGATION.—The appropriate Federal banking agency shall not delegate any action under subparagraph (A).

"(10) CORPORATION MAY APPOINT ITSELF AS CONSERVATOR OR RECEIVER FOR INSURED DEPOSITORY INSTITUTION TO PREVENT LOSS TO DEPOSIT INSURANCE FUND.—The Board of Directors may appoint the Corporation as sole conservator or receiver of an insured depository institution, after consultation with the appropriate Federal banking agency and the appropriate State supervisor (if any), if the Board of Directors determines that—

"(A) 1 or more of the grounds specified in any subparagraph of paragraph (5) exist with respect to the institution; and

"(B) the appointment is necessary to reduce—

"(i) the risk that the deposit insurance fund would incur a loss with respect to the insured depository institution, or

"(ii) any loss that the deposit insurance fund is expected to incur with respect to that institution.

"(11) APPROPRIATE FEDERAL BANKING AGENCY SHALL NOT APPOINT CONSERVATOR UNDER CERTAIN PROVISIONS WITHOUT GIVING CORPORATION OPPORTUNITY TO APPOINT RECEIVER.—The appropriate Federal banking agency shall not appoint a conservator for an insured depository institution under subparagraph (K) or (L) of paragraph (5) without the Corporation's consent unless the agency has given the Corporation 48 hours notice of the agency's intention to appoint the conservator and the grounds for the appointment.

"(12) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of an insured depository institution shall not be liable

to the institution's shareholders or creditors for acquiescing in or consenting in good faith to—

"(A) the appointment of the Corporation or the Resolution Trust Corporation as conservator or receiver for that institution; or

"(B) an acquisition or combination under section 38(f)(2)(A)(iii).

"(13) ADDITIONAL POWERS.—In any case in which the Corporation is appointed conservator or receiver under paragraph (4), (6), (9), or (10) for any insured State depository institution—

"(A) subject to subparagraph (B), this section shall apply to the Corporation as conservator or receiver in the same manner and to the same extent as if that institution were a Federal depository institution for which the Corporation had been appointed conservator or receiver;

"(B) the Corporation shall apply the law of the State in which the institution is chartered insofar as that law gives the claims of depositors priority over those of other creditors or claimants; and

"(C) the Corporation as receiver of the institution may—

"(i) liquidate the institution in an orderly manner; and

"(ii) make any other disposition of any matter concerning the institution, as the Corporation determines is in the best interests of the institution, the depositors of the institution, and the Corporation.".

(f) CONFORMING AMENDMENT TO THE FEDERAL RESERVE ACT.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following new subsection:

"(p) AUTHORITY TO APPOINT CONSERVATOR OR RECEIVER.—The Board may appoint the Federal Deposit Insurance Corporation as conservator or receiver for a State member bank under section 11(c)(9) of the Federal Deposit Insurance Act.".

(g) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act. 12 USC 191 note.

Subtitle E—Least-Cost Resolution

SEC. 141. LEAST-COST RESOLUTION.

(a) LEAST-COST RESOLUTIONS REQUIRED.—

(1) IN GENERAL.—Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) is amended—

(A) by redesignating paragraphs (5), (6), (7), (8), and (9), as paragraphs (6), (7), (8), (9), and (10), respectively;

(B) by redesignating subparagraph (B) of paragraph (4) as paragraph (5); and

(C) by amending paragraph (4) (as amended by subparagraph (B) of this paragraph) to read as follows:

"(4) LEAST-COST RESOLUTION REQUIRED.—

"(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Corporation may not exercise any authority under this subsection or subsection (d), (f), (h), (i), or (k) with respect to any insured depository institution unless—

"(i) the Corporation determines that the exercise of such authority is necessary to meet the obligation of

the Corporation to provide insurance coverage for the insured deposits in such institution; and

"(ii) the total amount of the expenditures by the Corporation and obligations incurred by the Corporation (including any immediate and long-term obligation of the Corporation and any direct or contingent liability for future payment by the Corporation) in connection with the exercise of any such authority with respect to such institution is the least costly to the deposit insurance fund of all possible methods for meeting the Corporation's obligation under this section.

"(B) DETERMINING LEAST COSTLY APPROACH.—In determining how to satisfy the Corporation's obligations to an institution's insured depositors at the least possible cost to the deposit insurance fund, the Corporation shall comply with the following provisions:

"(i) PRESENT-VALUE ANALYSIS; DOCUMENTATION REQUIRED.—The Corporation shall—

"(I) evaluate alternatives on a present-value basis, using a realistic discount rate;

"(II) document that evaluation and the assumptions on which the evaluation is based, including any assumptions with regard to interest rates, asset recovery rates, asset holding costs, and payment of contingent liabilities; and

"(III) retain the documentation for not less than 5 years.

"(ii) FOREGONE TAX REVENUES.—Federal tax revenues that the Government would forego as the result of a proposed transaction, to the extent reasonably ascertainable, shall be treated as if they were revenues foregone by the deposit insurance fund.

"(C) TIME OF DETERMINATION.—

"(i) GENERAL RULE.—For purposes of this subsection, the determination of the costs of providing any assistance under paragraph (1) or (2) or any other provision of this section with respect to any depository institution shall be made as of the date on which the Corporation makes the determination to provide such assistance to the institution under this section.

"(ii) RULE FOR LIQUIDATIONS.—For purposes of this subsection, the determination of the costs of liquidation of any depository institution shall be made as of the earliest of—

"(I) the date on which a conservator is appointed for such institution;

"(II) the date on which a receiver is appointed for such institution; or

"(III) the date on which the Corporation makes any determination to provide any assistance under this section with respect to such institution.

"(D) LIQUIDATION COSTS.—In determining the cost of liquidating any depository institution for the purpose of comparing the costs under subparagraph (A) (with respect to such institution), the amount of such cost may not exceed the amount which is equal to the sum of the insured deposits of such institution as of the earliest of the dates

described in subparagraph (C), minus the present value of the total net amount the Corporation reasonably expects to receive from the disposition of the assets of such institution in connection with such liquidation.

"(E) DEPOSIT INSURANCE FUNDS AVAILABLE FOR INTENDED PURPOSE ONLY.—

"(i) IN GENERAL.—After December 31, 1994, or at such earlier time as the Corporation determines to be appropriate, the Corporation may not take any action, directly or indirectly, with respect to any insured depository institution that would have the effect of increasing losses to any insurance fund by protecting—

"(I) depositors for more than the insured portion of deposits (determined without regard to whether such institution is liquidated); or

"(II) creditors other than depositors.

"(ii) DEADLINE FOR REGULATIONS.—The Corporation shall prescribe regulations to implement clause (i) not later than January 1, 1994, and the regulations shall take effect not later than January 1, 1995. Effective date.

"(iii) PURCHASE AND ASSUMPTION TRANSACTIONS.—No provision of this subparagraph shall be construed as prohibiting the Corporation from allowing any person who acquires any assets or assumes any liabilities of any insured depository institution for which the Corporation has been appointed conservator or receiver to acquire uninsured deposit liabilities of such institution so long as the insurance fund does not incur any loss with respect to such deposit liabilities in an amount greater than the loss which would have been incurred with respect to such liabilities if the institution had been liquidated.

"(F) DISCRETIONARY DETERMINATIONS.—Any determination which the Corporation may make under this paragraph shall be made in the sole discretion of the Corporation.

"(G) SYSTEMIC RISK.—

"(i) EMERGENCY DETERMINATION BY SECRETARY OF THE TREASURY.—Notwithstanding subparagraphs (A) and (E), if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that—

"(I) the Corporation's compliance with subparagraphs (A) and (E) with respect to an insured depository institution would have serious adverse effects on economic conditions or financial stability; and

"(II) any action or assistance under this subparagraph would avoid or mitigate such adverse effects,

the Corporation may take other action or provide assistance under this section as necessary to avoid or mitigate such effects.

"(ii) REPAYMENT OF LOSS.—The Corporation shall recover the loss to the appropriate insurance fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) expeditiously from 1 or more emergency special assessments on the members of the insurance fund (of which such institution is a member) equal to the product of—

"(I) an assessment rate established by the Corporation; and

"(II) the amount of each member's average total assets during the semiannual period, minus the sum of the amount of the member's average total tangible equity and the amount of the member's average total subordinated debt.

"(iii) DOCUMENTATION REQUIRED.—The Secretary of the Treasury shall—

"(I) document any determination under clause (i); and

"(II) retain the documentation for review under clause (iv).

Reports.

"(iv) GAO REVIEW.—The Comptroller General of the United States shall review and report to the Congress on any determination under clause (i), including—

"(I) the basis for the determination;

"(II) the purpose for which any action was taken pursuant to such clause; and

"(III) the likely effect of the determination and such action on the incentives and conduct of insured depository institutions and uninsured depositors.

"(v) NOTICE.—

"(I) IN GENERAL.—The Secretary of the Treasury shall provide written notice of any determination under clause (i) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(II) DESCRIPTION OF BASIS OF DETERMINATION.—The notice under subclause (I) shall include a description of the basis for any determination under clause (i).

"(H) RULE OF CONSTRUCTION.—No provision of law shall be construed as permitting the Corporation to take any action prohibited by paragraph (4) unless such provision expressly provides, by direct reference to this paragraph, that this paragraph shall not apply with respect to such action.".

12 USC 1823 note.

(2) ANNUAL GAO COMPLIANCE AUDIT.—The Comptroller General of the United States shall annually audit the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to determine the extent to which such corporations are complying with section 13(c)(4) of the Federal Deposit Insurance Act.

(3) CLARIFICATION OF MANNER OF APPLICATION TO THE RTC.—Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended—

(A) by striking "POWERS.—Except as" and inserting "POWERS.—

"(A) IN GENERAL.—Except as"; and

(B) by adding at the end the following new subparagraph:

"(B) MANNER OF APPLICATION OF LEAST-COST RESOLUTION.—For purposes of applying section 13(c)(4) of the Federal Deposit Insurance Act to the Corporation under subparagraph (A), the Corporation shall be treated as the affected deposit insurance fund.".

(b) SECURED CLAIMS IN EXCESS OF VALUE OF COLLATERAL.—Section 11(d)(5)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(5)(D)) is amended to read as follows:

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against an insured depository institution which is secured by any property or other asset of such institution, any receiver appointed for any insured depository institution—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the institution; and

"(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the institution.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

"(I) any extension of credit from any Federal home loan bank or Federal Reserve bank to any institution described in paragraph (3)(A); or

"(II) any security interest in the assets of the institution securing any such extension of credit.".

(c) DATA COLLECTIONS.—Section 7(a)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(8)) is amended to read as follows:

"(8) DATA COLLECTIONS.—In addition to or in connection with any other report required under this subsection, the Corporation shall take such action as may be necessary to ensure that—

"(A) each insured depository institution maintains; and

"(B) the Corporation receives on a regular basis from such institution,

information on the total amount of all insured deposits, preferred deposits, and uninsured deposits at the institution.".

(d) INDUSTRY IMPACT ANALYSIS REQUIRED.—

(1) IN GENERAL.—Section 11(h) of the Federal Deposit Insurance Act (12 U.S.C. 1821(h)) is amended by adding at the end the following new paragraph:

"(4) FINANCIAL SERVICES INDUSTRY IMPACT ANALYSIS.—After the appointment of the Corporation as conservator or receiver for any insured depository institution and before taking any action under this section or section 13 in connection with the resolution of such institution, the Corporation shall—

"(A) evaluate the likely impact of the means of resolution, and any action which the Corporation may take in connection with such resolution, on the viability of other insured depository institutions in the same community; and

"(B) take such evaluation into account in determining the means for resolving the institution and establishing the terms and conditions for any such action.".

(2) CLERICAL AMENDMENT.—The heading for section 11(h) of the Federal Deposit Insurance Act (12 U.S.C. 1821(h)) is amended by striking "LIQUIDATION" and inserting "RESOLUTION".

(e) ASSISTANCE BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) is amended by redesignating paragraphs (8), (9), and (10) (as so redesignated by subsection (a)(1)(A) of this section), as paragraphs (9), (10), and (11), respectively, and by inserting after paragraph (7) the following new paragraph:

"(8) ASSISTANCE BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Subject to the least-cost provisions of paragraph (4), the Corporation shall consider providing direct financial assistance under this section for depository institutions before the appointment of a conservator or receiver for such institution only under the following circumstances:

"(i) TROUBLED CONDITION CRITERIA.—The Corporation determines—

"(I) grounds for the appointment of a conservator or receiver exist or likely will exist in the future unless the depository institution's capital levels are increased; and

"(II) it is unlikely that the institution can meet all currently applicable capital standards without assistance.

"(ii) OTHER CRITERIA.—The depository institution meets the following criteria:

"(I) The appropriate Federal banking agency and the Corporation have determined that, during such period of time preceding the date of such determination as the agency or the Corporation considers to be relevant, the institution's management has been competent and has complied with applicable laws, rules, and supervisory directives and orders.

"(II) The institution's management did not engage in any insider dealing, speculative practice, or other abusive activity.

Federal Register, publication.

"(B) PUBLIC DISCLOSURE.—Any determination under this paragraph to provide assistance under this section shall be made in writing and published in the Federal Register.".

(f) DEFINITIONS.—Section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)) is amended by adding at the end the following new paragraphs:

"(3) UNINSURED DEPOSITS.—The term 'uninsured deposit' means the amount of any deposit of any depositor at any insured depository institution in excess of the amount of the

insured deposits of such depositor (if any) at such depository institution.

"(4) PREFERRED DEPOSITS.—The term 'preferred deposits' means deposits of any public unit (as defined in paragraph (1)) at any insured depository institution which are secured or collateralized as required under State law.".

SEC. 142. FEDERAL RESERVE DISCOUNT WINDOW ADVANCES.

(a) REDESIGNATING SECTIONS 10(a) AND 10(b) OF THE FEDERAL RESERVE ACT.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) by redesignating section 10(a) (12 U.S.C. 347a) as section 10A; and

(2) by redesignating section 10(b) (12 U.S.C. 347b) as section 10B.

(b) LIMITATIONS ON LIQUIDITY LENDING FOR DEPOSIT INSURANCE PURPOSES.—Section 10B of the Federal Reserve Act (as redesignated by subsection (a)) is amended—

(1) by striking "Any Federal Reserve bank" and inserting "(a) IN GENERAL.—Any Federal Reserve bank"; and

(2) by adding at the end the following:

"(b) LIMITATIONS ON ADVANCES.—

"(1) LIMITATION ON EXTENDED PERIODS.—Except as provided in paragraph (2), no advances to any undercapitalized depository institution by any Federal Reserve bank under this section may be outstanding for more than 60 days in any 120-day period.

"(2) VIABILITY EXCEPTION.—

"(A) IN GENERAL.—If—

"(i) the head of the appropriate Federal banking agency certifies in advance in writing to the Federal Reserve bank that any depository institution is viable; or

"(ii) the Board conducts an examination of any depository institution and the Chairman of the Board certifies in writing to the Federal Reserve bank that the institution is viable,

the limitation contained in paragraph (1) shall not apply during the 60-day period beginning on the date such certification is received.

"(B) EXTENSIONS OF PERIOD.—The 60-day period may be extended for additional 60-day periods upon receipt by the Federal Reserve bank of additional written certifications under subparagraph (A) with respect to each such additional period.

"(C) AUTHORITY TO ISSUE A CERTIFICATE OF VIABILITY MAY NOT BE DELEGATED.—The authority of the head of any agency to issue a written certification of viability under this paragraph may not be delegated to any other person.

"(D) EXTENDED ADVANCES SUBJECT TO PARAGRAPH (3).—Notwithstanding paragraph (1), an undercapitalized depository institution which does not have a certificate of viability in effect under this paragraph may have advances outstanding for more than 60 days in any 120-day period if the Board elects to treat—

"(i) such institution as critically undercapitalized under paragraph (3); and

"(ii) any such advance as an advance described in subparagraph (A)(i) of paragraph (3).

"(3) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—

"(A) LIABILITY FOR INCREASED LOSS.—Notwithstanding any other provision of this section, if—

"(i) in the case of any critically undercapitalized depository institution—

"(I) any advance under this section to such institution is outstanding without payment having been demanded as of the end of the 5-day period beginning on the date the institution becomes a critically undercapitalized depository institution; or

"(II) any new advance is made to such institution under this section after the end of such period; and

"(ii) after the end of that 5-day period, any deposit insurance fund in the Federal Deposit Insurance Corporation incurs a loss exceeding the loss that the Corporation would have incurred if it had liquidated that institution as of the end of that period,

the Board shall, subject to the limitations in subparagraph (B), be liable to the Federal Deposit Insurance Corporation for the excess loss, without regard to the terms of the advance or any collateral pledged to secure the advance.

"(B) LIMITATION ON EXCESS LOSS.—The liability of the Board under subparagraph (A) shall not exceed the lesser of the following:

"(i) The amount of the loss the Board or any Federal Reserve bank would have incurred on the increases in the amount of advances made after the 5-day period referred to in subparagraph (A) if those increased advances had been unsecured.

"(ii) The interest received on the increases in the amount of advances made after the 5-day period referred to in subparagraph (A).

"(C) FEDERAL RESERVE TO PAY OBLIGATION.—The Board shall pay the Federal Deposit Insurance Corporation the amount of any liability of the Board under subparagraph (A).

"(D) REPORT.—The Board shall report to the Congress on any excess loss liability it incurs under subparagraph (A), as limited by subparagraph (B)(i), and the reasons therefore, not later than 6 months after incurring the liability.

"(4) NO OBLIGATION TO MAKE ADVANCES.—A Federal Reserve bank shall have no obligation to make, increase, renew, or extend any advance or discount under this Act to any depository institution.

"(5) DEFINITIONS.—

"(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(B) CRITICALLY UNDERCAPITALIZED.—The term 'critically undercapitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act.

"(C) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(D) UNDERCAPITALIZED DEPOSITORY INSTITUTION.—The term 'undercapitalized depository institution' means any depository institution which—

"(i) is undercapitalized, as defined in section 38 of the Federal Deposit Insurance Act; or

"(ii) has a composite CAMEL rating of 5 under the Uniform Financial Institutions Rating System (or an equivalent rating by any such agency under a comparable rating system) as of the most recent examination of such institution.

"(E) VIABLE.—A depository institution is 'viable' if the Board or the appropriate Federal banking agency determines, giving due regard to the economic conditions and circumstances in the market in which the institution operates, that the institution—

"(i) is not critically undercapitalized;

"(ii) is not expected to become critically undercapitalized; and

"(iii) is not expected to be placed in conservatorship or receivership.".

(c) BOARD'S AUTHORITY TO EXAMINE DEPOSITORY INSTITUTIONS AND AFFILIATES.—Section 11 of the Federal Reserve Act is amended by adding at the end the following: 12 USC 248.

"(n) To examine, at the Board's discretion, any depository institution, and any affiliate of such depository institution, in connection with any advance to, any discount of any instrument for, or any request for any such advance or discount by, such depository institution under this Act.".

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect at the end of the 2-year period beginning on the date of enactment of this Act. 12 USC 347b note.

(e) CONFORMING AMENDMENTS REDESIGNATING SECTIONS 13a, 25(a), AND 25(b) OF THE FEDERAL RESERVE ACT.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) by redesignating section 13a as section 13A; 12 USC 348–352.

(2) by redesignating section 25(a) as section 25A; and 12 USC 611 *et seq.*

(3) by redesignating section 25(b) as section 25B. 12 USC 632.

SEC. 143. EARLY RESOLUTION. 12 USC 1823 note.

(a) IN GENERAL.—It is the sense of the Congress that the Federal banking agencies should facilitate early resolution of troubled insured depository institutions whenever feasible if early resolution would have the least possible long-term cost to the deposit insurance fund, consistent with the least-cost and prompt corrective action provisions of the Federal Deposit Insurance Act.

(b) GENERAL PRINCIPLES.—In encouraging the Federal banking agencies to pursue early resolution strategies, the Congress contemplates that any resolution transaction under section 13(c) of that Act would observe the following general principles:

(1) COMPETITIVE NEGOTIATION.—The transaction should be negotiated competitively, taking into account the value of expediting the process.

(2) RESULTING INSTITUTION ADEQUATELY CAPITALIZED.—Any insured depository institution created or assisted in the trans-

action (hereafter the "resulting institution") and any institution acquiring the troubled institution should meet all applicable minimum capital standards.

(3) SUBSTANTIAL PRIVATE INVESTMENT.—The transaction should involve substantial private investment.

(4) CONCESSIONS.—Preexisting owners and debtholders of any troubled institution or its holding company should make substantial concessions.

(5) QUALIFIED MANAGEMENT.—Directors and senior management of the resulting institution should be qualified to perform their duties, and should not include individuals substantially responsible for the troubled institution's problems.

(6) FDIC'S PARTICIPATION.—The transaction should give the Federal Deposit Insurance Corporation an opportunity to participate in the success of the resulting institution.

(7) STRUCTURE OF TRANSACTION.—The transaction should, insofar as practical, be structured so that—

(A) the Federal Deposit Insurance Corporation—

(i) does not acquire a significant proportion of the troubled institution's problem assets;

(ii) succeeds to the interests of the troubled institution's preexisting owners and debtholders in proportion to the assistance the Corporation provides; and

(iii) limits the Corporation's assistance in term and amount; and

(B) new investors share risk with the Corporation.

(c) REPORT.—Two years after the date of enactment of this Act, the Federal Deposit Insurance Corporation shall submit a report to Congress analyzing the effect of early resolution on the deposit insurance funds.

Subtitle F—Federal Insurance for State Chartered Depository Institutions

SEC. 151. DEPOSITORY INSTITUTIONS LACKING FEDERAL DEPOSIT INSURANCE.

(a) ANNUAL INDEPENDENT AUDIT OF PRIVATE DEPOSIT INSURER; DISCLOSURE BY INSTITUTIONS LACKING FEDERAL DEPOSIT INSURANCE.—

(1) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

12 USC 1831t.

"SEC. 40. DEPOSITORY INSTITUTIONS LACKING FEDERAL DEPOSIT INSURANCE.

"(a) ANNUAL INDEPENDENT AUDIT OF PRIVATE DEPOSIT INSURERS.—

"(1) AUDIT REQUIRED.—Any private deposit insurer shall obtain an annual audit from an independent auditor using generally accepted auditing standards. The audit shall include a determination of whether the private deposit insurer follows generally accepted accounting principles and has set aside sufficient reserves for losses.

"(2) PROVIDING COPIES OF AUDIT REPORT.—

"(A) PRIVATE DEPOSIT INSURER.—The private deposit insurer shall provide a copy of the audit report—

"(i) to each depository institution the deposits of which are insured by the private deposit insurer, not later than 14 days after the audit is completed; and

"(ii) to the appropriate supervisory agency of each State in which such an institution receives deposits, not later than 7 days after the audit is completed.

"(B) DEPOSITORY INSTITUTION.—Any depository institution the deposits of which are insured by the private deposit insurer shall provide a copy of the audit report, upon request, to any current or prospective customer of the institution.

"(b) DISCLOSURE REQUIRED.—Any depository institution lacking Federal deposit insurance shall, within the United States, do the following:

"(1) PERIODIC STATEMENTS; ACCOUNT RECORDS.—Include conspicuously in all periodic statements of account, on each signature card, and on each passbook, certificate of deposit, or similar instrument evidencing a deposit a notice that the institution is not federally insured, and that if the institution fails, the Federal Government does not guarantee that depositors will get back their money.

"(2) ADVERTISING; PREMISES.—Include conspicuously in all advertising and at each place where deposits are normally received a notice that the institution is not federally insured.

"(3) ACKNOWLEDGMENT OF RISK.—Receive deposits only for the account of persons who have signed a written acknowledgment that the institution is not federally insured, and that if the institution fails, the Federal Government does not guarantee that they will get back their money.

"(c) MANNER AND CONTENT OF DISCLOSURE.—To ensure that current and prospective customers understand the risks involved in foregoing Federal deposit insurance, the Federal Trade Commission, by regulation or order, shall prescribe the manner and content of disclosure required under this section.

"(d) EXCEPTIONS FOR INSTITUTIONS NOT RECEIVING RETAIL DEPOSITS.—The Federal Trade Commission may, by regulation or order, make exceptions to subsection (b) for any depository institution that, within the United States, does not receive initial deposits of less than $100,000 from individuals who are citizens or residents of the United States, other than money received in connection with any draft or similar instrument issued to transmit money.

"(e) ELIGIBILITY FOR FEDERAL DEPOSIT INSURANCE.—

"(1) IN GENERAL.—Except as permitted by the Federal Trade Commission, in consultation with the Federal Deposit Insurance Corporation, no depository institution (other than a bank, including an unincorporated bank) lacking Federal deposit insurance may use the mails or any instrumentality of interstate commerce to receive or facilitate receiving deposits, unless the appropriate supervisor of the State in which the institution is chartered has determined that the institution meets all eligibility requirements for Federal deposit insurance, including—

"(A) in the case of an institution described in section 19(b)(1)(A)(iv) of the Federal Reserve Act, all eligibility requirements set forth in the Federal Credit Union Act and

regulations of the National Credit Union Administration; and

"(B) in the case of any other institution, all eligibility requirements set forth in this Act and regulations of the Corporation.

"(2) AUTHORITY OF FDIC AND NCUA NOT AFFECTED.—No determination under paragraph (1) shall bind, or otherwise affect the authority of, the National Credit Union Administration or the Corporation.

"(f) DEFINITIONS.—For purposes of this section:

"(1) APPROPRIATE SUPERVISOR.—The 'appropriate supervisor' of a depository institution means the agency primarily responsible for supervising the institution.

"(2) DEPOSITORY INSTITUTION.—The term 'depository institution' includes—

"(A) any entity described in section 19(b)(1)(A)(iv) of the Federal Reserve Act; and

"(B) any entity that, as determined by the Federal Trade Commission—

"(i) is engaged in the business of receiving deposits; and

"(ii) could reasonably be mistaken for a depository institution by the entity's current or prospective customers.

"(3) LACKING FEDERAL DEPOSIT INSURANCE.—A depository institution lacks Federal deposit insurance if the institution is not either—

"(A) an insured depository institution; or

"(B) an insured credit union, as defined in section 101 of the Federal Credit Union Act.

"(4) PRIVATE DEPOSIT INSURER.—The term 'private deposit insurer' means any entity insuring the deposits of any depository institution lacking Federal deposit insurance.

"(g) ENFORCEMENT.—Compliance with the requirements of this section, and any regulation prescribed or order issued under this section, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.".

12 USC 1831t note.

(2) EFFECTIVE DATES.—Section 40 of the Federal Deposit Insurance Act (as added by paragraph (1)) shall become effective on the date of enactment of this Act, except that—

(A) paragraphs (1) and (2) of subsection (b) shall become effective 1 year after the date of enactment of this Act;

(B) during the period beginning 1 year after that date of enactment of this Act and ending 30 months after that date of enactment, subsection (b)(1) shall apply with ", and that if the institution fails, the Federal Government does not guarantee that depositors will get back their money" omitted;

(C) subsection (e) shall become effective 2 years after that date of enactment; and

(D) subsection (b)(3) shall become effective 30 months after that date of enactment.

12 USC 1831e note.

(3) CONFORMING AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Effective 1 year after the date of enactment of this Act, section 28 of the Federal Deposit Insurance Act (12 U.S.C. 1831e) is amended—

(A) by striking subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

(b) VIABILITY OF PRIVATE DEPOSIT INSURERS.— 12 USC 1831t note.

(1) DEADLINE FOR INITIAL INDEPENDENT AUDIT.—The initial annual audit under section 40(a)(1) of the Federal Deposit Insurance Act (as added by subsection (a)) shall be completed not later than 120 days after the date of enactment of this Act.

(2) BUSINESS PLAN REQUIRED.—Not later than 240 days after the date of enactment of this Act, any private deposit insurer shall provide a business plan to each appropriate supervisor of each State in which deposits are received by any depository institution lacking Federal deposit insurance the deposits of which are insured by a private deposit insurer. The business plan shall explain in detail why the private deposit insurer is viable, and shall, at a minimum—

(A) describe the insurer's—

(i) underwriting standards;

(ii) resources, including trends in and forecasts of assets, income, and expenses;

(iii) risk-management program, including examination and supervision, problem case resolution, and remedies; and

(B) include, for the preceding 5 years, copies of annual audits, annual reports, and annual meeting agendas and minutes.

(3) DEFINITIONS.—For purposes of this subsection, the terms "appropriate supervisor", "deposit", "depository institution", and "lacking Federal deposit insurance" have the same meaning as in section 40(f) of the Federal Deposit Insurance Act (as added by subsection (a)).

Subtitle G—Technical Corrections

SEC. 161. TECHNICAL CORRECTIONS AND CLARIFICATIONS.

(a) SECTION 11 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended—

(1) in subsection (d)(3)(A), by striking "(4)(A)" and inserting "(4)";

(2) in subsection (d)(11)(B), by striking "(14)(C)" and inserting "(15)(B)";

(3) in subsection (e)(3)(C)(ii), by striking "subsection (k)" and inserting "subsection (i)";

(4) in subsection (e)(4)(B)(iii), by striking "subsection (k)" and inserting "subsection (i)";

(5) in subparagraphs (A) and (E) of subsection (e)(8), by striking "subsections (d)(9) and (i)(4)(I)" and inserting "subsection (d)(9)";

(6) in subsection (n)(9), by striking "(13)" and inserting "(12)"; and

(7) in subsection (n)(11)(D), by striking "(8)" and inserting "(9)".

(b) CLARIFICATION OF FDIC POWERS IN FSLIC RESOLUTION FUND CONSERVATORSHIPS AND RECEIVERSHIPS.—Section 11A(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821a(a)) is amended by adding at the end the following new paragraphs:

Effective date.

"(4) RIGHTS, POWERS, AND DUTIES.—Effective August 10, 1989, the Corporation shall have all rights, powers, and duties to carry out the Corporation's duties with respect to the assets and liabilities of the FSLIC Resolution Fund that the Corporation otherwise has under this Act.

"(5) CORPORATION AS CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Effective August 10, 1989, the Corporation shall succeed the Federal Savings and Loan Insurance Corporation as conservator or receiver with respect to any depository institution—

"(i) the accounts of which were insured before August 10, 1989 by the Federal Savings and Loan Insurance Corporation; and

"(ii) for which a conservator or receiver was appointed before January 1, 1989.

"(B) RIGHTS, POWERS, AND DUTIES.—When acting as conservator or receiver with respect to any depository institution described in subparagraph (A), the Corporation shall have all rights, powers, and duties that the Corporation otherwise has as conservator or receiver under this Act.".

(c) CLERICAL AMENDMENT TO SUBSECTION HEADING.—The heading for section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)) is amended by striking "HOLDING COMPANIES" and inserting "AFFILIATES OF DEPOSITORY INSTITUTIONS".

(d) FDIC REMOVAL PERIOD MADE CONSISTENT WITH RTC PERIOD.—Section 9(b)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1819(b)(2)(B)) is amended by inserting "before the end of the 90-day period beginning on the date the action, suit, or proceeding is filed against the Corporation or the Corporation is substituted as a party" before the period.

(e) CLARIFICATION OF FDIC AUTHORITY TO PAY DE MINIMUS CLAIMS.—The second sentence of section 11(i)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(i)(3)(A)) is amended by striking "The" and inserting "Notwithstanding any other provision of Federal or State law, or the constitution of any State, the".

(f) CLERICAL AMENDMENT TO SECTION HEADING.—

(1) The heading for section 219 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "**FROM TAXATION**".

(2) The table of contents for the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "from taxation" in the item relating to section 219.

TITLE II—REGULATORY IMPROVEMENT

Subtitle A—Regulation of Foreign Banks

Foreign Bank Supervision Enhancement Act of 1991. 12 USC 3101 note.

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Foreign Bank Supervision Enhancement Act of 1991".

SEC. 202. REGULATION OF FOREIGN BANK OPERATIONS.

(a) ESTABLISHMENT AND TERMINATION OF FOREIGN BANK OFFICES IN THE UNITED STATES.—Section 7 of the International Banking Act

of 1978 (12 U.S.C. 3105) is amended by striking subsection (d) and inserting the following new subsections:

"(d) ESTABLISHMENT OF FOREIGN BANK OFFICES IN THE UNITED STATES.—

"(1) PRIOR APPROVAL REQUIRED.—No foreign bank may establish a branch or an agency, or acquire ownership or control of a commercial lending company, without the prior approval of the Board.

"(2) REQUIRED STANDARDS FOR APPROVAL.—The Board may not approve an application under paragraph (1) unless it determines that—

"(A) the foreign bank engages directly in the business of banking outside of the United States and is subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in its home country; and

"(B) the foreign bank has furnished to the Board the information it needs to adequately assess the application.

"(3) STANDARDS FOR APPROVAL.—In acting on any application under paragraph (1), the Board may take into account—

"(A) whether the appropriate authorities in the home country of the foreign bank have consented to the proposed establishment of a branch, agency or commercial lending company in the United States by the foreign bank;

"(B) the financial and managerial resources of the foreign bank, including the bank's experience and capacity to engage in international banking;

"(C) whether the foreign bank has provided the Board with adequate assurances that the bank will make available to the Board such information on the operations or activities of the foreign bank and any affiliate of the bank that the Board deems necessary to determine and enforce compliance with this Act, the Bank Holding Company Act of 1956, and other applicable Federal law; and

"(D) whether the foreign bank and the United States affiliates of the bank are in compliance with applicable United States law.

"(4) FACTOR.—In acting on an application under paragraph (1), the Board shall not make the size of the foreign bank the sole determinant factor, and may take into account the needs of the community as well as the length of operation of the foreign bank and its relative size in its home country. Nothing in this paragraph shall affect the ability of the Board to order a State branch, agency, or commercial lending company subsidiary to terminate its activities in the United States pursuant to any standard set forth in this Act.

"(5) ESTABLISHMENT OF CONDITIONS.—Consistent with the standards for approval in paragraph (2), the Board may impose such conditions on its approval under this subsection as it deems necessary.

"(e) TERMINATION OF FOREIGN BANK OFFICES IN THE UNITED STATES.—

"(1) STANDARDS FOR TERMINATION.—The Board, after notice and opportunity for hearing and notice to any appropriate State bank supervisor, may order a foreign bank that operates a State branch or agency or commercial lending company subsidiary in

the United States to terminate the activities of such branch, agency, or subsidiary if the Board finds that—

"(A) the foreign bank is not subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in its home country; or

"(B)(i) there is reasonable cause to believe that such foreign bank, or any affiliate of such foreign bank, has committed a violation of law or engaged in an unsafe or unsound banking practice in the United States; and

"(ii) as a result of such violation or practice, the continued operation of the foreign bank's branch, agency or commercial lending company subsidiary in the United States would not be consistent with the public interest or with the purposes of this Act, the Bank Holding Company Act of 1956, or the Federal Deposit Insurance Act.

However, in making findings under this paragraph, the Board shall not make size the sole determinant factor, and may take into account the needs of the community as well as the length of operation of the foreign bank and its relative size in its home country. Nothing in this paragraph shall affect the ability of the Board to order a State branch, agency, or commercial lending company subsidiary to terminate its activities in the United States pursuant to any standard set forth in this Act.

"(2) DISCRETION TO DENY HEARING.—The Board may issue an order under paragraph (1) without providing for an opportunity for a hearing if the Board determines that expeditious action is necessary in order to protect the public interest.

"(3) EFFECTIVE DATE OF TERMINATION ORDER.—An order issued under paragraph (1) shall take effect before the end of the 120-day period beginning on the date such order is issued unless the Board extends such period.

"(4) COMPLIANCE WITH STATE AND FEDERAL LAW.—Any foreign bank required to terminate activities conducted at offices or subsidiaries in the United States pursuant to this subsection shall comply with the requirements of applicable Federal and State law with respect to procedures for the closure or dissolution of such offices or subsidiaries.

"(5) RECOMMENDATION TO AGENCY FOR TERMINATION OF A FEDERAL BRANCH OR AGENCY.—The Board may transmit to the Comptroller of the Currency a recommendation that the license of any Federal branch or Federal agency of a foreign bank be terminated in accordance with section 4(i) if the Board has reasonable cause to believe that such foreign bank or any affiliate of such foreign bank has engaged in conduct for which the activities of any State branch or agency may be terminated under paragraph (1).

"(6) ENFORCEMENT OF ORDERS.—

"(A) IN GENERAL.—In the case of contumacy of any office or subsidiary of the foreign bank against which the Board or, in the case of an order issued under section 4(i), the Comptroller of the Currency has issued an order under paragraph (1) or a refusal by such office or subsidiary to comply with such order, the Board or the Comptroller of the Currency may invoke the aid of the district court of the United States within the jurisdiction of which the office or subsidiary is located.

"(B) COURT ORDER.—Any court referred to in subparagraph (A) may issue an order requiring compliance with an order issued under paragraph (1).

"(7) CRITERIA RELATING TO FOREIGN SUPERVISION.—Not later than 1 year after the date of enactment of this subsection, the Board, in consultation with the Secretary of the Treasury, shall develop and publish criteria to be used in evaluating the operation of any foreign bank in the United States that the Board has determined is not subject to comprehensive supervision or regulation on a consolidated basis. In developing such criteria, the Board shall allow reasonable opportunity for publc review and comment.

"(f) JUDICIAL REVIEW.—

"(1) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—Any foreign bank—

"(A) whose application under subsection (d) or section 10(a) has been disapproved by the Board;

"(B) against which the Board has issued an order under subsection (e) or section 10(b); or

"(C) against which the Comptroller of the Currency has issued an order under section 4(i) of this Act,

may obtain a review of such order in the United States court of appeals for any circuit in which such foreign bank operates a branch, agency, or commercial lending company that has been required by such order to terminate its activities, or in the United States Court of Appeals for the District of Columbia Circuit, by filing a petition for review in the court before the end of the 30-day period beginning on the date the order was issued.

"(2) SCOPE OF JUDICIAL REVIEW.—Section 706 of title 5, United States Code (other than paragraph (2)(F) of such section) shall apply with respect to any review under paragraph (1).

"(g) CONSULTATION WITH STATE BANK SUPERVISOR.—The Board shall request and consider any views of the appropriate State bank supervisor with respect to any application or action under subsection (d) or (e).

"(h) LIMITATIONS ON POWERS OF STATE BRANCHES AND AGENCIES.—

"(1) IN GENERAL.—After the end of the 1-year period beginning on the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, a State branch or State agency may not engage in any type of activity that is not permissible for a Federal branch unless—

"(A) the Board has determined that such activity is consistent with sound banking practice; and

"(B) in the case of an insured branch, the Federal Deposit Insurance Corporation has determined that the activity would pose no significant risk to the deposit insurance fund.

"(2) SINGLE BORROWER LENDING LIMIT.—A State branch or State agency shall be subject to the same limitations with respect to loans made to a single borrower as are applicable to a Federal branch or Federal agency under section 4(b).

"(3) OTHER AUTHORITY NOT AFFECTED.—This section does not limit the authority of the Board or any State supervisory authority to impose more stringent restrictions.".

(b) STANDARDS FOR APPROVAL OF FEDERAL BRANCHES AND AGENCIES.—Section 4(a) of the International Banking Act of 1978 (12 U.S.C. 3102(a)) is amended—

(1) by striking "(a) Except as provided in section 5," and inserting "(a) ESTABLISHMENT AND OPERATION OF FEDERAL BRANCHES AND AGENCIES.—

"(1) INITIAL FEDERAL BRANCH OR AGENCY.—Except as provided in section 5,"; and

(2) by adding at the end the following new paragraph:

"(2) BOARD CONDITIONS REQUIRED TO BE INCLUDED.—In considering any application for approval under this subsection, the Comptroller of the Currency shall include any condition imposed by the Board under section 7(d)(5) as a condition for the approval of such application by the agency.".

(c) STANDARDS FOR APPROVAL OF ADDITIONAL FEDERAL BRANCHES AND AGENCIES.—Section 4(h) of the International Banking Act of 1978 (12 U.S.C. 3102(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "(h) A foreign bank" and inserting "(h) ADDITIONAL BRANCHES OR AGENCIES.—

"(1) APPROVAL OF AGENCY REQUIRED.—A foreign bank"; and

(3) by adding at the end the following new paragraph:

"(2) NOTICE TO AND COMMENT BY BOARD.—The Comptroller of the Currency shall provide the Board with notice and an opportunity for comment on any application to establish an additional Federal branch or Federal agency under this subsection.".

(d) DISAPPROVAL FOR FAILURE TO AGREE TO PROVIDE NECESSARY INFORMATION.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "(c) The Board shall" and inserting "(c) FACTORS FOR CONSIDERATION BY BOARD.—

"(1) COMPETITIVE FACTORS.—The Board shall";

(3) by striking "In every case" and inserting "(2) BANKING AND COMMUNITY FACTORS.—In every case";

(4) by striking "community to be served. Notwithstanding any other provision of law" and inserting "community to be served.

"(4) TREATMENT OF CERTAIN BANK STOCK LOANS.—Notwithstanding any other provision of law"; and

(5) by inserting after paragraph (2) (as so designated by paragraph (3) of this subsection) the following new paragraph:

"(3) SUPERVISORY FACTORS.—The Board shall disapprove any application under this section by any company if—

"(A) the company fails to provide the Board with adequate assurances that the company will make available to the Board such information on the operations or activities of the company, and any affiliate of the company, as the Board determines to be appropriate to determine and enforce compliance with this Act; or

"(B) in the case of an application involving a foreign bank, the foreign bank is not subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in the bank's home country.".

(e) CONFORMING AMENDMENTS.—

(1) AFFILIATE DEFINED.—Section 1(b)(13) of the International Banking Act of 1978 (12 U.S.C. 3101(13)) is amended by inserting " 'affiliate,' " after "the terms" the 1st place such term appears.

(2) DEFINITIONS.—Section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(b)) is amended—

(A) by striking "and" at the end of paragraph (13);

(B) by striking the period at the end of paragraph (14) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(15) the term 'representative office' means any office of a foreign bank which is located in any State and is not a Federal branch, Federal agency, State branch, State agency, or subsidiary of a foreign bank;

"(16) the term 'office' means any branch, agency, or representative office; and

"(17) the term 'State bank supervisor' has the meaning given to such term in section 3 of the Federal Deposit Insurance Act.".

SEC. 203. CONDUCT AND COORDINATION OF EXAMINATIONS.

(a) AUTHORITY OF BOARD TO CONDUCT AND COORDINATE EXAMINATIONS.—Section 7(c) of the International Banking Act of 1978 (12 U.S.C. 3105(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) EXAMINATION OF BRANCHES, AGENCIES, AND AFFILIATES.—

"(A) IN GENERAL.—The Board may examine each branch or agency of a foreign bank, each commercial lending company or bank controlled by 1 or more foreign banks or 1 or more foreign companies that control a foreign bank, and other office or affiliate of a foreign bank conducting business in any State.

"(B) COORDINATION OF EXAMINATIONS.—

"(i) IN GENERAL.—The Board shall coordinate examinations under this paragraph with the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and appropriate State bank supervisors to the extent such coordination is possible.

"(ii) SIMULTANEOUS EXAMINATIONS.—The Board may request simultaneous examinations of each office of a foreign bank and each affiliate of such bank operating in the United States.

"(C) ANNUAL ON-SITE EXAMINATION.—Each branch or agency of a foreign bank shall be examined at least once during each 12-month period (beginning on the date the most recent examination of such branch or agency ended) in an on-site examination.

"(D) COST OF EXAMINATIONS.—The cost of any examination under subparagraph (A) shall be assessed against and collected from the foreign bank or the foreign company that controls the foreign bank, as the case may be."; and

(2) in paragraph (2), by inserting "REPORTING REQUIREMENTS.—" before "Each branch".

(b) COORDINATION OF EXAMINATIONS.—Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended by adding at the end thereof the following new sentence: "The Comptroller of the Currency shall coordinate examinations of Federal branches and agencies of foreign banks with examinations

conducted by the Board under section 7(c)(1) and, to the extent possible, shall participate in any simultaneous examinations of the United States operations of a foreign bank requested by the Board under such section.".

(c) PARTICIPATION IN COORDINATED EXAMINATIONS.—

(1) IN GENERAL.—Section 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) EXAMINATION OF INSURED STATE BRANCHES.—The Board of Directors shall—

"(A) coordinate examinations of insured State branches of foreign banks with examinations conducted by the Board of Governors of the Federal Reserve System under section 7(c)(1) of the International Banking Act of 1978; and

"(B) to the extent possible, participate in any simultaneous examination of the United States operations of a foreign bank requested by the Board under such section.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Paragraph (6) of section 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)) (as so redesignated under paragraph (1) of this subsection) by striking "or (4)" and inserting "(4), or (5)".

SEC. 204. SUPERVISION OF THE REPRESENTATIVE OFFICES OF FOREIGN BANKS.

Section 10 of the International Banking Act of 1978 (12 U.S.C. 3107) is amended to read as follows:

"SEC. 10. REPRESENTATIVE OFFICES.

"(a) PRIOR APPROVAL TO ESTABLISH REPRESENTATIVE OFFICES.—

"(1) IN GENERAL.—No foreign bank may establish a representative office without the prior approval of the Board.

"(2) STANDARDS FOR APPROVAL.—In acting on any application under this paragraph to establish a representative office, the Board shall take into account the standards contained in section 7(d)(2) and may impose any additional requirements that the Board determines to be necessary to carry out the purposes of this Act.

"(b) TERMINATION OF REPRESENTATIVE OFFICES.—The Board may order the termination of the activities of a representative office of a foreign bank on the basis of the standards, procedures, and requirements applicable under paragraphs (1), (2), and (3) of section 7(d) with respect to branches and agencies.

"(c) EXAMINATIONS.—The Board may make examinations of each representative office of a foreign bank, the cost of which shall be assessed against and paid by such foreign bank.

"(d) COMPLIANCE WITH STATE LAW.—This Act does not authorize the establishment of a representative office in any State in contravention of State law.".

SEC. 205. REPORTING OF STOCK LOANS.

Section 7(j)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(9)) is amended to read as follows:

"(9) REPORTING OF STOCK LOANS.—

"(A) REPORT REQUIRED.—Any financial institution and any affiliate of any financial institution that has credit outstanding to any person or group of persons which is

secured, directly or indirectly, by shares of an insured depository institution shall file a consolidated report with the appropriate Federal banking agency for such insured depository institution if the extensions of credit by the financial institution and such institution's affiliates, in the aggregate, are secured, directly or indirectly, by 25 percent or more of any class of shares of the same insured depository institution.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) FINANCIAL INSTITUTION.—The term 'financial institution' means any insured depository institution and any foreign bank that is subject to the provisions of the Bank Holding Company Act of 1956 by virtue of section 8(a) of the International Banking Act of 1978.

"(ii) CREDIT OUTSTANDING.—The term 'credit outstanding' includes—

"(I) any loan or extension of credit,

"(II) the issuance of a guarantee, acceptance, or letter of credit, including an endorsement or standby letter of credit, and

"(III) any other type of transaction that extends credit or financing to the person or group of persons.

"(iii) GROUP OF PERSONS.—The term 'group of persons' includes any number of persons that the financial institution reasonably believes—

"(I) are acting together, in concert, or with one another to acquire or control shares of the same insured depository institution, including an acquisition of shares of the same insured depository institution at approximately the same time under substantially the same terms; or

"(II) have made, or propose to make, a joint filing under section 13 of the Securities Exchange Act of 1934 regarding ownership of the shares of the same insured depository institution.

"(C) INCLUSION OF SHARES HELD BY THE FINANCIAL INSTITUTION.—Any shares of the insured depository institution held by the financial institution or any of its affiliates as principal shall be included in the calculation of the number of shares in which the financial institution or its affiliates has a security interest for purposes of subparagraph (A).

"(D) REPORT REQUIREMENTS.—

"(i) TIMING OF REPORT.—The report required under this paragraph shall be a consolidated report on behalf of the financial institution and all affiliates of the institution, and shall be filed in writing within 30 days of the date on which the financial institution or any such affiliate first believes that the security for any outstanding credit consists of 25 percent or more of any class of shares of an insured depository institution.

"(ii) CONTENT OF REPORT.—The report under this paragraph shall indicate the number and percentage of shares securing each applicable extension of credit, the identity of the borrower, and the number of shares held as principal by the financial institution and any affiliate of such institution.

"(iii) COPY TO OTHER AGENCIES.—A copy of any report under this paragraph shall be filed with the appropriate Federal banking agency for the financial institution (if other than the agency receiving the report under this paragraph).

"(iv) OTHER INFORMATION.—Each appropriate Federal banking agency may require any additional information necessary to carry out the agency's supervisory responsibilities.

"(E) EXCEPTIONS.—

"(i) EXCEPTION WHERE INFORMATION PROVIDED BY BORROWER.—Notwithstanding subparagraph (A), a financial institution and the affiliates of such institution shall not be required to report a transaction under this paragraph if the person or group of persons referred to in such subparagraph has disclosed the amount borrowed from such institution or affiliate and the security interest of the institution or affiliate to the appropriate Federal banking agency for the insured depository institution in connection with a notice filed under this subsection, an application filed under the Bank Holding Company Act of 1956, section 10 of the Home Owners' Loan Act, or any other application filed with the appropriate Federal banking agency for the insured depository institution as a substitute for a notice under this subsection, such as an application for deposit insurance, membership in the Federal Reserve System, or a national bank charter.

"(ii) EXCEPTION FOR SHARES OWNED FOR MORE THAN 1 YEAR.—Notwithstanding subparagraph (A), a financial institution and any affiliate of such institution shall not be required to report a transaction involving—

"(I) a person or group of persons that has been the owner or owners of record of the stock for a period of 1 year or more; or

"(II) stock issued by a newly chartered bank before the bank's opening.".

SEC. 206. COOPERATION WITH FOREIGN SUPERVISORS.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following new section:

12 USC 3109.

"SEC. 15. COOPERATION WITH FOREIGN SUPERVISORS.

"(a) DISCLOSURE OF SUPERVISORY INFORMATION TO FOREIGN SUPERVISORS.—Notwithstanding any other provision of law, the Board, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Director of the Office of Thrift Supervision may disclose information obtained in the course of exercising supervisory or examination authority to any foreign bank regulatory or supervisory authority if the Board, Comptroller, Corporation, or Director determines that such disclosure is appropriate and will not prejudice the interests of the United States.

"(b) REQUIREMENT OF CONFIDENTIALITY.—Before making any disclosure of any information to a foreign authority, the Board, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Director of the Office of Thrift Supervision shall obtain, to the extent necessary, the agreement of such foreign authority to

maintain the confidentiality of such information to the extent possible under applicable law.".

SEC. 207. APPROVAL REQUIRED FOR ACQUISITION BY FOREIGN BANKS OF SHARES OF UNITED STATES BANKS.

Section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a)) is amended by striking "thereto" and all that follows through the period and inserting "to such provisions.".

SEC. 208. PENALTIES.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by inserting after section 15 (as added by section 206 of this subtitle) the following new section:

"SEC. 16. PENALTIES. 12 USC 3110.

"(a) CIVIL MONEY PENALTY.—

"(1) IN GENERAL.—Any foreign bank, and any office or subsidiary of a foreign bank, that violates, and any individual who participates in a violation of, any provision of this Act, or any regulation prescribed or order issued under this Act, shall forfeit and pay a civil penalty of not more than $25,000 for each day during which such violation continues.

"(2) ASSESSMENT PROCEDURES.—Any penalty imposed under paragraph (1) may be assessed and collected by the Board or the Comptroller of the Currency in the manner provided in subparagraphs (E), (F), (G), (H), and (I) of section 8(i)(2) of the Federal Deposit Insurance Act for penalties imposed (under such section), and any such assessments shall be subject to the provisions of such section.

"(3) HEARING PROCEDURE.—Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this section.

"(4) DISBURSEMENT.—All penalties collected under authority of this section shall be deposited into the Treasury.

"(5) VIOLATE DEFINED.—For purposes of this section, the term 'violate' includes taking any action (alone or with others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

"(6) REGULATIONS.—The Board and the Comptroller of the Currency shall each prescribe regulations establishing such procedures as may be necessary to carry out this section.

"(b) NOTICE UNDER THIS SECTION AFTER SEPARATION FROM SERVICE.—The resignation, termination of employment or participation, or separation of an institution-affiliated party (within the meaning of section 3(u) of the Federal Deposit Insurance Act) with respect to a foreign bank, or any office or subsidiary of a foreign bank (including a separation caused by the termination of a location in the United States), shall not affect the jurisdiction or authority of the Board or the Comptroller of the Currency to issue any notice or to proceed under this section against any such party, if such notice is served before the end of the 6-year period beginning on the date such party ceased to be an institution-affiliated party with respect to such foreign bank or such office or subsidiary of a foreign bank (whether such date occurs on, before, or after the date of the enactment of the Foreign Bank Supervision Enhancement Act of 1991).

"(c) PENALTY FOR FAILURE TO MAKE REPORTS.—

"(1) FIRST TIER.—Any foreign bank, or any office or subsidiary of a foreign bank, that—

"(A) maintains procedures reasonably adapted to avoid any inadvertent error and, unintentionally and as a result of such error—

"(i) fails to make, submit, or publish such reports or information as may be required under this Act or under regulations prescribed by the Board or the Comptroller of the Currency under this Act, within the period of time specified by the agency; or

"(ii) submits or publishes any false or misleading report or information; or

"(B) inadvertently transmits or publishes any report that is minimally late,

shall be subject to a penalty of not more than $2,000 for each day during which such failure continues or such false or misleading information is not corrected. The foreign bank, or the office or subsidiary of a foreign bank, shall have the burden of proving that an error was inadvertent and that a report was inadvertently transmitted or published late.

"(2) SECOND TIER.—Any foreign bank, or any office or subsidiary of a foreign bank, that—

"(A) fails to make, submit, or publish such reports or information as may be required under this Act or under regulations prescribed by the Board or the Comptroller of the Currency pursuant to this Act, within the time period specified by such agency; or

"(B) submits or publishes any false or misleading report or information,

in a manner not described in paragraph (1) shall be subject to a penalty of not more than $20,000 for each day during which such failure continues or such false or misleading information is not corrected.

"(3) THIRD TIER.—Notwithstanding paragraph (2), if any company knowingly or with reckless disregard for the accuracy of any information or report described in paragraph (2) submits or publishes any false or misleading report or information, the Board or the Comptroller of the Currency may, in the Board's or Comptroller's discretion, assess a penalty of not more than $1,000,000 or 1 percent of total assets of such foreign bank, or such office or subsidiary of a foreign bank, whichever is less, per day for each day during which such failure continues or such false or misleading information is not corrected.

"(4) ASSESSMENT OF PENALTIES.—Any penalty imposed under paragraph (1), (2), or (3) shall be assessed and collected by the Board or the Comptroller of the Currency in the manner provided in subsection (a)(2) (for penalties imposed under such subsection) and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such subsection.

"(5) HEARING PROCEDURE.—Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this subsection.".

SEC. 209. POWERS OF AGENCIES RESPECTING APPLICATIONS, EXAMINATIONS, AND OTHER PROCEEDINGS.

Section 13(b) of the International Banking Act of 1978 (12 U.S.C. 3108(b)) is amended—

(1) by striking "(b) In addition to" and inserting "(b) ENFORCEMENT.—

"(1) IN GENERAL.—In addition to";

(2) by adding at the end the following new paragraphs:

"(2) AUTHORITY TO ADMINISTER OATHS; SUBPOENA POWER.—In the course of, or in connection with, an application, examination, investigation, or other proceeding under this Act, the Board, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, as the case may be, any member of the Board or of the Board of Directors of the Corporation, and any designated representative of the Board, Comptroller, or Corporation (including any person designated to conduct any hearing under this Act) may—

"(A) administer oaths and affirmations and take or cause to be taken depositions; and

"(B) issue, revoke, quash, or modify any subpoena, including any subpoena requiring the attendance and testimony of a witness or any subpoenas duces tecum.

"(3) ADMINISTRATIVE ASPECTS OF SUBPOENAS.—

"(A) ATTENDANCE AND PRODUCTION AT DESIGNATED SITE.—The attendance of any witness and the production of any document pursuant to a subpoena under paragraph (2) may be required at the place designated in the subpoena from any place in any State (as defined in section 3(a)(3) of the Federal Deposit Insurance Act) or other place subject to the jurisdiction of the United States.

"(B) SERVICE OF SUBPOENA.—Service of a subpoena issued under this subsection may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the Board, Comptroller of the Currency, or Federal Deposit Insurance Corporation may by regulation or otherwise provide.

"(C) FEES AND TRAVEL EXPENSES.—Witnesses subpoenaed under this subsection shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

"(4) CONTUMACY OR REFUSAL.—

"(A) IN GENERAL.—In the case of contumacy of any person issued a subpoena under this subsection or a refusal by such person to comply with such subpoena, the Board, Comptroller of the Currency, or Federal Deposit Insurance Corporation, or any other party to proceedings in connection with which subpoena was issued may invoke the aid of—

"(i) the United States District Court for the District of Columbia, or

"(ii) any district court of the United States within the jurisdiction of which the proceeding is being conducted or the witness resides or carries on business.

"(B) COURT ORDER.—Any court referred to in subparagraph (A) may issue an order requiring compliance with a subpoena issued under this subsection.

"(5) EXPENSES AND FEES.—Any court having jurisdiction of any proceeding instituted under this subsection may allow any party to such proceeding such reasonable expenses and attorneys' fees as the court deems just and proper.

"(6) CRIMINAL PENALTY.—Any person who willfully fails or refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records in accordance with any subpoena under this subsection shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both. Each day during which any such failure or refusal continues shall be treated as a separate offense.".

SEC. 210. CLARIFICATION OF MANAGERIAL STANDARDS IN BANK HOLDING COMPANY ACT OF 1956.

Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) (as amended by section 202(d) of this subtitle) is amended by adding at the end the following new paragraph:

"(5) MANAGERIAL RESOURCES.—Consideration of the managerial resources of a company or bank under paragraph (2) shall include consideration of the competence, experience, and integrity of the officers, directors, and principal shareholders of the company or bank.".

SEC. 211. STANDARDS AND FACTORS IN THE HOME OWNERS' LOAN ACT.

Section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)) is amended—

(1) in paragraph (1), by inserting after subparagraph (B) the following:

"Consideration of the managerial resources of a company or savings association under subparagraph (B) shall include consideration of the competence, experience, and integrity of the officers, directors, and principal shareholders of the company or association.";

(2) in paragraph (2)—

(A) by inserting after the second sentence "Consideration of the managerial resources of a company or savings association shall include consideration of the competence, experience, and integrity of the officers, directors, and principal shareholders of the company or association.";

(B) by striking "or" at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting a comma; and

(D) by inserting after subparagraph (B) the following new subparagraphs:

"(C) if the company fails to provide adequate assurances to the Director that the company will make available to the Director such information on the operations or activities of the company, and any affiliate of the company, as the Director determines to be appropriate to determine and enforce compliance with this Act, or

"(D) in the case of an application involving a foreign bank, if the foreign bank is not subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in the bank's home country.".

SEC. 212. AUTHORITY OF FEDERAL BANKING AGENCIES TO ENFORCE CONSUMER STATUTES.

(a) AMENDMENTS TO THE HOME MORTGAGE DISCLOSURE ACT.—

(1) MAINTENANCE OF RECORDS AND PUBLIC DISCLOSURE.—Section 304(h) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(h)) is amended—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) the Office of the Comptroller of the Currency for national banks and Federal branches and Federal agencies of foreign banks;"; and

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) the Federal Deposit Insurance Corporation for banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks, insured State branches of foreign banks, and any other depository institution described in section 303(2)(A) which is not otherwise referred to in this paragraph;".

(2) ENFORCEMENT.—Section 305(b) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2804(b)) is amended—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), insured State branches of foreign banks, and any other depository institution not referred to in this paragraph or paragraph (2) or (3) of this subsection, by the Board of Directors of the Federal Deposit Insurance Corporation;"; and

(B) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(b) AMENDMENT TO THE TRUTH IN LENDING ACT.—Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation."; and

(2) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(c) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—Section 621(b) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation."; and

(2) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(d) AMENDMENT TO THE EQUAL CREDIT OPPORTUNITY ACT.—Section 704(a) of the Equal Credit Opportunity Act (15 U.S.C. 1691c(a)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation."; and

(2) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(e) AMENDMENT TO THE FAIR DEBT COLLECTION PRACTICES ACT.—Section 814(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692l(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation."; and

(2) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(f) AMENDMENT TO THE ELECTRONIC FUND TRANSFER ACT.—Section 917(a) of the Electronic Fund Transfer Act (15 U.S.C. 1693o(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;"; and

(2) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(g) AMENDMENT TO THE FEDERAL TRADE COMMISSION ACT.—

(1) DEFINITIONS.—Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following new paragraph:

" 'Banks' means the types of banks and other financial institutions referred to in section 18(f)(2).".

(2) ENFORCEMENT.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) ENFORCEMENT.—Compliance with regulations prescribed under this subsection shall be enforced under section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, banks operating under the code of law for the District of Columbia, and Federal branches and Federal agencies of foreign banks, by the divisions of consumer affairs established by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks and banks operating under the code of law for the District of Columbia), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the division of consumer affairs established by the Board of Governors of the Federal Reserve System; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other banks referred to in subparagraph (A) or (B)) and insured State branches of foreign banks, by the division of consumer affairs established by the Board of Directors of the Federal Deposit Insurance Corporation."; and

(B) by adding at the end the following:

"The terms used in this paragraph that are not defined in the Federal Trade Commission Act or otherwise defined in section

3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

(h) AMENDMENT TO THE EXPEDITED FUNDS AVAILABILITY ACT.—Section 610(a) of the Expedited Funds Availability Act (12 U.S.C. 4009(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) section 8 of the Federal Deposit Insurance Act in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), and offices, branches, and agencies of foreign banks located in the United States (other than Federal branches, Federal agencies, and insured State branches of foreign banks), by the Board of Governors of the Federal Reserve System; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;"; and

(2) by adding at the end the following:

"The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).".

SEC. 213. CRIMINAL PENALTY FOR VIOLATING THE INTERNATIONAL BANKING ACT OF 1978.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by inserting after section 16 (as added by section 208 of this subtitle) the following new section:

"SEC. 17. CRIMINAL PENALTY. 12 USC 3111.

"Whoever, with the intent to deceive, to gain financially, or to cause financial gain or loss to any person, knowingly violates any provision of this Act or any regulation or order issued by the appropriate Federal banking agency under this Act shall be imprisoned not more than 5 years or fined not more than $1,000,000 for each day during which a violation continues, or both.".

SEC. 214. MISCELLANEOUS AMENDMENTS TO THE INTERNATIONAL BANKING ACT OF 1978.

(a) SECTION 6.—Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(1) by redesignating subsection (b) as subsection (b)(1);

(2) by designating the last undesignated paragraph as paragraph (2); and

(3) by adding at the end the following new subsection:

"(c) RETAIL DEPOSIT-TAKING BY FOREIGN BANKS.—

"(1) IN GENERAL.—After the date of enactment of this subsection, notwithstanding any other provision of this Act or any provision of the Federal Deposit Insurance Act, in order to

accept or maintain deposit accounts having balances of less than $100,000, a foreign bank shall—

"(A) establish 1 or more banking subsidiaries in the United States for that purpose; and

"(B) obtain Federal deposit insurance for any such subsidiary in accordance with the Federal Deposit Insurance Act.

"(2) EXCEPTION.—Deposit accounts with balances of less than $100,000 may be accepted or maintained in a branch of a foreign bank only if such branch was an insured branch on the date of the enactment of this subsection.".

(b) SECTION 7.—Section 7 of the International Banking Act of 1978 (12 U.S.C. 3105) is amended by adding at the end the following new subsection:

Reports.

"(j) STUDY ON EQUIVALENCE OF FOREIGN BANK CAPITAL.—Not later than 180 days after enactment of this subsection, the Board and the Secretary of the Treasury shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report—

"(1) analyzing the capital standards contained in the framework for measurement of capital adequacy established by the Supervisory committee of the Bank for International Settlements, foreign regulatory capital standards that apply to foreign banks conducting banking operations in the United States, and the relationship of the Basle and foreign standards to risk-based capital and leverage requirements for United States banks; and

"(2) establishing guidelines for the adjustments to be used by the Board in converting data on the capital of such foreign banks to the equivalent risk-based capital and leverage requirements for United States banks for purposes of determining whether a foreign bank's capital level is equivalent to that imposed on United States banks for purposes of determinations under section 7 of the International Banking Act of 1978 and sections 3 and 4 of the Bank Holding Company Act of 1956.

An update shall be prepared annually explaining any changes in the analysis under paragraph (1) and resulting changes in the guidelines pursuant to paragraph (2).

12 USC 3102 note.

SEC. 215. STUDY AND REPORT ON SUBSIDIARY REQUIREMENTS FOR FOREIGN BANKS.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter referred to as the "Secretary"), jointly with the Board of Governors of the Federal Reserve System and in consultation with the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General, shall conduct a study of whether foreign banks should be required to conduct banking operations in the United States through subsidiaries rather than branches. In conducting the study, the Secretary shall take into account—

(1) differences in accounting and regulatory practices abroad and the difficulty of assuring that the foreign bank meets United States capital and management standards and is adequately supervised;

(2) implications for the deposit insurance system;

(3) competitive equity considerations;

(4) national treatment of foreign financial institutions;

(5) the need to prohibit money laundering and illegal payments;

(6) safety and soundness considerations;

(7) implications for international negotiations for liberalized trade in financial services;

(8) the tax liability of foreign banks;

(9) whether the establishment of subsidiaries by foreign banks to operate in the United States should be required only if United States Banks are authorized to engage in securities activities and interstate banking and branching; and

(10) differences in treatment of United States creditors under the bankruptcy and receivership laws.

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the results of the study under subsection (a). Any additional or dissenting views of participating agencies shall be included in the report.

Subtitle B—Customer and Consumer Provisions

SEC. 221. STUDY ON REGULATORY BURDEN.

12 USC 3305 note.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with individuals representing insured depository institutions, consumers, community groups, and other interested parties, shall—

(1) review the policies and procedures, and recordkeeping and documentation requirements used to monitor and enforce compliance with—

(A) all laws under the jurisdiction of the Federal banking agencies; and

(B) all laws affecting insured depository institutions under the jurisdiction of the Secretary of the Treasury;

(2) determine whether such policies, procedures, and requirements impose unnecessary burdens on insured depository institutions; and

(3) identify any revisions of such policies, procedures, and requirements that could reduce unnecessary burdens on insured depository institutions without in any respect—

(A) diminishing either compliance with or enforcement of consumer laws in any respect; or

(B) endangering the safety and soundness of insured depository institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Financial Institutions Examination Council shall submit to the Congress a report describing the revisions identified under subsection (a)(3).

(c) DEFINITIONS.—For purposes of this section, the terms "insured depository institution" and "Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

SEC. 222. DISCUSSION OF LENDING DATA.

(a) PUBLIC SECTIONS OF COMMUNITY REINVESTMENT ACT REPORTS.—Section 807(b)(1)(B) of the Community Reinvestment Act of 1977 (12 U.S.C. 2906(b)(1)(B)) is amended by inserting "and data" after "facts".

(b) OTHER COMMUNITY REINVESTMENT ACT AMENDMENTS.—Section 807 of the Community Reinvestment Act of 1977 (12 U.S.C. 2906) is amended—

(1) in subsection (a)(1), by striking "depository institutions regulatory agency" and inserting "financial supervisory agency";

(2) in subsection (b)(1)(A)—

(A) by striking "depository institutions regulatory agency's" and inserting "financial supervisory agency's"; and

(B) by striking "depository institutions regulatory agencies" and inserting "financial supervisory agencies"; and

(3) in subsection (c), by striking "depository institutions regulatory agency" each place such term appears and inserting "financial supervisory agency".

SEC. 223. ENFORCEMENT OF EQUAL CREDIT OPPORTUNITY ACT.

(a) PATTERN OR PRACTICE.—Section 706(g) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(g)) is amended by adding at the end the following new sentence: "Each agency referred to in paragraphs (1), (2), and (3) of section 704(a) shall refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has engaged in a pattern or practice of discouraging or denying applications for credit in violation of section 701(a). Each such agency may refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has violated section 701(a).".

(b) DAMAGES.—Section 706(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(h)) is amended by inserting "actual and punitive damages and" after "including".

(c) NOTICE TO HUD.—Section 706 of the Equal Credit Opportunity Act (15 U.S.C. 1691e) is amended by adding at the end the following new subsection:

"(k) NOTICE TO HUD OF VIOLATIONS.—Whenever an agency referred to in paragraph (1), (2), or (3) of section 704(a)—

"(1) has reason to believe, as a result of receiving a consumer complaint, conducting a consumer compliance examination, or otherwise, that a violation of this title has occurred;

"(2) has reason to believe that the alleged violation would be a violation of the Fair Housing Act; and

"(3) does not refer the matter to the Attorney General pursuant to subsection (g),

the agency shall notify the Secretary of Housing and Urban Development of the violation, and shall notify the applicant that the Secretary of Housing and Urban Development has been notified of the alleged violation and that remedies for the violation may be available under the Fair Housing Act.".

(d) APPRAISALS.—Section 701 of the Equal Credit Opportunity Act (15 U.S.C. 1691) is amended by adding at the end the following:

"(e) Each creditor shall promptly furnish an applicant, upon written request by the applicant made within a reasonable period of time of the application, a copy of the appraisal report used in connection with the applicant's application for a loan that is or

would have been secured by a lien on residential real property. The creditor may require the applicant to reimburse the creditor for the cost of the appraisal.".

SEC. 224. HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 309 of the Home Mortgage Disclosure Act (12 U.S.C. 2808) is amended—

(1) by striking "depository" before "institution";

(2) by inserting "specified in section 303(2)(A)" after "institution"; and

(3) by adding at the end the following: "The Board, in consultation with the Secretary, may exempt institutions described in section 303(2)(B) that are comparable within their respective industries to institutions that are exempt under the preceding sentence.".

(b) EFFECTIVE DATE.—This section shall become effective on January 1, 1992. 12 USC 2808 note.

SEC. 225. NOTICE OF SAFEGUARD EXCEPTION.

Section 604 of the Expedited Funds Availability Act (12 U.S.C. 4003) is amended—

(1) in subsection (b), by inserting "(a)(2)," after "subsection";

(2) in subsection (c)(1), by striking "(F)" after "subsections (a)(2)";

(3) in subsection (d), by inserting "(a)(2)," after "subsections";

(4) in subsection (f)(1)(A)(i), by striking "day" and inserting "time period within which"; and

(5) in subsection (f), by adding at the end of paragraph (2) the following:

"(D) In the case of a deposit to which subsection (b)(1) or (b)(2) applies, the depository institution may, for nonconsumer accounts and other classes of accounts, as defined by the Board, that generally have a large number of such deposits, provide notice at or before the time it first determines that the subsection applies.

"(E) In the case of a deposit to which subsection (b)(3) applies, the depository institution may, subject to regulations of the Board, provide notice at the beginning of each time period it determines that the subsection applies. In addition to the requirements contained in paragraph (1)(A), the notice shall specify the time period for which the exception will apply.".

SEC. 226. DELEGATED PROCESSING.

Section 328(a) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1713 note) is amended in the first sentence by inserting before the period "or other individuals and entities expressly approved by the Department of Housing and Urban Development".

SEC. 227. DEPOSITS AT NONPROPRIETARY AUTOMATED TELLER MACHINES.

(a) IN GENERAL.—Section 603(e) of the Expedited Funds Availability Act (12 U.S.C. 4002(e)) is amended by striking paragraphs (1)(C) and (2).

(b) CONFORMING AMENDMENTS.—The Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) is amended—

(1) in section 603(e) (12 U.S.C. 4002(e))—

(A) by striking the heading for paragraph (1) and inserting the following:

"(1) NONPROPRIETARY ATM.—"; and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in section 604(a)(2) (12 U.S.C. 4003(a)(2)) by striking "and (2)".

SEC. 228. NOTICE OF BRANCH CLOSURE.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding after section 38 (as added by section 131 of this Act) the following new section:

12 USC 1831p.

"SEC. 39. NOTICE OF BRANCH CLOSURE.

"(a) NOTICE TO APPROPRIATE FEDERAL BANKING AGENCY.—

"(1) IN GENERAL.—An insured depository institution which proposes to close any branch shall submit a notice of the proposed closing to the appropriate Federal banking agency not later than the first day of the 90-day period ending on the date proposed for the closing.

"(2) CONTENTS OF NOTICE.—A notice under paragraph (1) shall include—

"(A) a detailed statement of the reasons for the decision to close the branch; and

"(B) statistical or other information in support of such reasons.

"(b) NOTICE TO CUSTOMERS.—

"(1) IN GENERAL.—An insured depository institution which proposes to close a branch shall provide notice of the proposed closing to its customers.

"(2) CONTENTS OF NOTICE.—Notice under paragraph (1) shall consist of—

"(A) posting of a notice in a conspicuous manner on the premises of the branch proposed to be closed during not less than the 30-day period ending on the date proposed for that closing; and

"(B) inclusion of a notice in—

"(i) at least one of any regular account statements mailed to customers of the branch proposed to be closed, or

"(ii) in a separate mailing,

by not later than the beginning of the 90-day period ending on the date proposed for that closing.

"(c) ADOPTION OF POLICIES.—Each insured depository institution shall adopt policies for closings of branches of the institution.".

Bank Enterprise Act of 1991.

Subtitle C—Bank Enterprise Act

12 USC 1811 note.

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Bank Enterprise Act of 1991".

12 USC 1834.

SEC. 232. REDUCED ASSESSMENT RATE FOR DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.

(a) QUALIFICATION OF LIFELINE ACCOUNTS BY FEDERAL RESERVE BOARD.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation shall establish minimum requirements for accounts providing basic transaction services for consumers at insured depository institutions in order for such accounts to qualify as lifeline accounts for purposes of this section and section 7(b)(10) of the Federal Deposit Insurance Act.

(2) FACTORS TO BE CONSIDERED.—In determining the minimum requirements under paragraph (1) for lifeline accounts at insured depository institutions, the Board and the Corporation shall consider the following factors:

(A) Whether the account is available to provide basic transaction services for individuals who maintain a balance of less than $1,000 or such other amount which the Board may determine to be appropriate.

(B) Whether any service charges or fees to which the account is subject, if any, for routine transactions do not exceed a minimal amount.

(C) Whether any minimum balance or minimum opening requirement to which the account is subject, if any, is not more than a minimal amount.

(D) Whether checks, negotiable orders of withdrawal, or similar instruments for making payments or other transfers to third parties may be drawn on the account.

(E) Whether the depositor is permitted to make more than a minimal number of withdrawals from the account each month by any means described in subparagraph (D) or any other means.

(F) Whether a monthly statement itemizing all transactions for the monthly reporting period is made available to the depositor with respect to such account or a passbook is provided in which all transactions with respect to such account are recorded.

(G) Whether depositors are permitted access to tellers at the institution for conducting transactions with respect to such account.

(H) Whether other account relationships with the institution are required in order to open any such account.

(I) Whether individuals are required to meet any prerequisite which discriminates against low-income individuals in order to open such account.

(J) Such other factors as the Board may determine to be appropriate.

(3) DEFINITIONS.—For purposes of this subsection—

(A) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(B) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the meaning given to such term in section 3(c)(2) of the Federal Deposit Insurance Act.

(C) LIFELINE ACCOUNT.—The term "lifeline account" means any transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act) which meets the minimum requirements established by the Board under this subsection.

(b) REDUCED ASSESSMENT RATES FOR LIFELINE ACCOUNT DEPOSITS.—

(1) REPORTING LIFELINE ACCOUNT DEPOSITS.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) (as amended by sections 122, 123, and 141 of this Act) is amended by redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (7), (8), (9), (10), and (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) LIFELINE ACCOUNT DEPOSITS.—In the reports of condition required to be reported under this subsection, the deposits in lifeline accounts (as defined in section 232(a)(3)(C) of the Bank Enterprise Act of 1991) shall be reported separately.".

(2) ASSESSMENT RATES APPLICABLE TO LIFELINE DEPOSITS.—Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by redesignating paragraph (10) (as so redesignated by section 103(b) of this Act) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) ASSESSMENT RATE FOR LIFELINE ACCOUNT DEPOSITS.—Notwithstanding any other provision of this subsection, that portion of the average assessment base of any insured depository institution which is attributable to deposits in lifeline accounts (as reported in the institution's reports of condition pursuant to subsection (a)(6)) shall be subject to assessment at the assessment rate of ½ the maximum rate.".

(3) ASSESSMENT PROCEDURE.—Section 7(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)) is amended—

(A) by striking subclause (II) of clause (i) and inserting the following new subclause:

"(II) such Bank Insurance Fund member's average assessment base for the immediately preceding semiannual period (minus any amount taken into account under clause (iii) with respect to lifeline account deposits); and"; and

(B) by striking subclause (II) of clause (ii) and inserting the following new subclause:

"(II) such Savings Association Insurance Fund member's average assessment base for the immediately preceding semiannual period (minus any amount taken into account under clause (iii) with respect to lifeline account deposits); and"; and

(C) by adding at the end the following new clause:

"(iii) the semiannual assessment due from any Bank Insurance Fund member or Savings Association Insurance Fund member with respect to lifeline account deposits for any semiannual assessment period shall be the product of—

"(I) ½ the assessment rate applicable with respect to such deposits pursuant to paragraph (10) during that semiannual assessment period; and

"(II) the portion of such member's average assessment base for the immediately preceding semiannual period which is attributable to deposits in lifeline accounts (as reported in the institution's reports of condition pursuant to subsection (a)(6)).".

(c) AVAILABILITY OF FUNDS.—The provisions of this section shall not take effect until appropriations are specifically provided in advance. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Appropriation authorization.

SEC. 233. ASSESSMENT CREDITS FOR QUALIFYING ACTIVITIES RELATING TO DISTRESSED COMMUNITIES. 12 USC 1834a.

(a) DETERMINATION OF CREDITS FOR INCREASES IN COMMUNITY ENTERPRISE ACTIVITIES.—

(1) IN GENERAL.—The Community Enterprise Assessment Credit Board established under subsection (d) shall issue guidelines for insured depository institutions eligible under this subsection for any community enterprise assessment credit with respect to any semiannual period. Such guidelines shall—

(A) designate the eligibility requirements for any institution meeting applicable capital standards to receive an assessment credit under section 7(d)(4) of the Federal Deposit Insurance Act; and

(B) determine the community enterprise assessment credit available to any eligible institution under paragraph (3).

(2) QUALIFYING ACTIVITIES.—An insured depository institution shall be eligible for any community enterprise assessment credit for any semiannual period for—

(A) any increase during such period in the amount of new originations of qualified loans and other financial assistance provided for low- and moderate-income persons in distressed communities, or enterprises integrally involved with such neighborhoods, which the Board determines are qualified to be taken into account for purposes of this subsection; and

(B) any increase during such period in the amount of deposits accepted from persons domiciled in the distressed community, at any office of the institution (including any branch) located in any qualified distressed community, and any increase during such period in the amount of new originations of loans and other financial assistance made within that community, except that in no case shall the credit for increased deposits at any institution or branch exceed the credit for increased loan and other financial assistance by the bank or branch in the distressed community.

(3) AMOUNT OF ASSESSMENT CREDIT.—The amount of any community enterprise assessment credit available under section 7(d)(4) for any insured depository institution, or a qualified portion thereof, for any semiannual period shall be the amount which is equal to 5 percent, in the case of an institution which does not meet the community development organization requirements under section 235, and 15 percent, in the case of an institution, or a qualified portion thereof, which meets such requirements (or any percentage designated under paragraph (5)) of the sum of—

(A) the amounts of assets described in paragraph (2)(A); and

(B) the amounts of deposits, loans, and other extensions of credit described in paragraph (2)(B).

(4) DETERMINATION OF QUALIFIED LOANS AND OTHER FINANCIAL ASSISTANCE.—Except as provided in paragraph (6), the types of loans and other financial assistance which the Board may determine to be qualified to be taken into account under para-

graph (2)(A) for purposes of the community enterprise assessment credit, may include the following:

(A) Loans insured or guaranteed by the Secretary of Housing and Urban Development, the Secretary of the Department of Veterans Affairs, the Administrator of the Small Business Administration, and the Secretary of Agriculture.

(B) Loans or financing provided in connection with activities assisted by the Administrator of the Small Business Administration or any small business investment company and investments in small business investment companies.

(C) Loans or financing provided in connection with any neighborhood housing service program assisted under the Neighborhood Reinvestment Corporation Act.

(D) Loans or financing provided in connection with any activities assisted under the community development block grant program under title I of the Housing and Community Development Act of 1974.

(E) Loans or financing provided in connection with activities assisted under title II of the Cranston-Gonzalez National Affordable Housing Act.

(F) Loans or financing provided in connection with a homeownership program assisted under title III of the United States Housing Act of 1937 or subtitle B or C of title IV of the Cranston-Gonzalez National Affordable Housing Act.

(G) Financial assistance provided through community development corporations.

(H) Federal and State programs providing interest rate assistance for homeowners.

(I) Extensions of credit to nonprofit developers or purchasers of low-income housing and small business developments.

(J) In the case of members of any Federal home loan bank, participation in the community investment fund program established by the Federal home loan banks.

(K) Conventional mortgages targeted to low- or moderate-income persons.

(5) ADJUSTMENT OF PERCENTAGE.—The Board may increase or decrease the percentage referred to in paragraph (3) for determining the amount of any community enterprise assessment credit pursuant to such paragraph, except that the percentage established for insured depository institutions which meet the community development organization requirements under section 235 shall not be less than 3 times the amount of the percentage applicable for insured depository institutions which do not meet such requirements.

(6) CERTAIN INVESTMENTS NOT ELIGIBLE TO BE TAKEN INTO ACCOUNT.—Investments by any insured depository institution in loans and securities that are not the result of originations by the institution shall not be taken into account for purposes of determining the amount of any credit pursuant to this subsection.

(b) QUALIFIED DISTRESSED COMMUNITY DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term "qualified distressed community" means any neighborhood or community which—

(A) meets the minimum area requirements under paragraph (3) and the eligibility requirements of paragraph (4); and

(B) is designated as a distressed community by any insured depository institution in accordance with paragraph (2) and such designation is not disapproved under such paragraph.

(2) DESIGNATION REQUIREMENTS.—

(A) NOTICE OF DESIGNATION.—

(i) NOTICE TO AGENCY.—Upon designating an area as a qualified distressed community, an insured depository institution shall notify the appropriate Federal banking agency of the designation.

(ii) PUBLIC NOTICE.—Upon the effective date of any designation of an area as a qualified distressed community, an insured depository institution shall publish a notice of such designation in major newspapers and other community publications which serve such area.

(B) AGENCY DUTIES RELATING TO DESIGNATIONS.—

(i) PROVIDING INFORMATION.—At the request of any insured depository institution, the appropriate Federal banking agency shall provide to the institution appropriate information to assist the institution to identify and designate a qualified distressed community.

(ii) PERIOD FOR DISAPPROVAL.—Any notice received by the appropriate Federal banking agency from any insured depository institution under subparagraph (A)(i) shall take effect at the end of the 90-day period beginning on the date such notice is received unless written notice of the approval or disapproval of the application by the agency is provided to the institution before the end of such period. Effective date.

(3) MINIMUM AREA REQUIREMENTS.—For purposes of this subsection, an area meets the requirements of this paragraph if—

(A) the area is within the jurisdiction of 1 unit of general local government;

(B) the boundary of the area is contiguous; and

(C) the area—

(i) has a population, as determined by the most recent census data available, of not less than—

(I) 4,000, if any portion of such area is located within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) with a population of 50,000 or more; or

(II) 1,000, in any other case; or

(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

(4) ELIGIBILITY REQUIREMENTS.—For purposes of this subsection, an area meets the requirements of this paragraph if at least 2 of the following criteria are met:

(A) INCOME.—At least 70 percent of the families and unrelated individuals residing in the area have incomes of less than 80 percent of the median income of the area.

(B) POVERTY.—At least 20 percent of the residents residing in the area have incomes which are less than the

national poverty level (as determined pursuant to criteria established by the Director of the Office of Management and Budget).

(C) UNEMPLOYMENT.—The unemployment rate for the area is one and one-half times greater than the national average (as determined by the Bureau of Labor Statistic's most recent figures).

(c) ASSESSMENT CREDIT PROVIDED.—

(1) IN GENERAL.—Section 7(d) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)) is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (3) the following new paragraphs:

"(4) COMMUNITY ENTERPRISE ASSESSMENT CREDITS.—Notwithstanding paragraphs (2)(A) and (3)(A) and in addition to any assessment credit authorized under paragraph (2)(B) or (3)(B), the Corporation shall allow an assessment credit for any semiannual assessment period to any Bank Insurance Fund member or Savings Association Insurance Fund member satisfying the requirements of the Community Enterprise Assessment Credit Board under section 233(a)(1) of the Bank Enterprise Act of 1991 in the amount determined by such Board through regulation for such period pursuant to such section.

"(5) MAXIMUM AMOUNT OF CREDIT.—The total amount of assessment credits allowed under this subsection (including community enterprise assessment credits pursuant to paragraph (4)) for any insured depository institution for any semiannual period shall not exceed the amount which is equal to 20 percent, in the case of an institution which does not meet the community development organization requirements under section 235 of the Bank Enterprise Act of 1991, and 50 percent, in the case of an institution which meets such requirements, of the assessment imposed on such institution for the semiannual period.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 7(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(1)) is amended by inserting "(other than credits allowed pursuant to paragraph (4))" after "amount to be credited".

(B) Subparagraph (B) of section 7(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(1)) is amended by inserting "(taking into account any assessment credit allowed pursuant to paragraph (4))" after "should be reduced".

(d) COMMUNITY ENTERPRISE ASSESSMENT CREDIT BOARD.—

(1) ESTABLISHMENT.—There is hereby established the "Community Enterprise Assessment Credit Board".

(2) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

(A) The Secretary of the Treasury or a designee of the Secretary.

(B) The Secretary of Housing and Urban Development or a designee of the Secretary.

(C) The Chairperson of the Federal Deposit Insurance Corporation or a designee of the Chairperson.

(D) 2 individuals appointed by the President from among individuals who represent community organizations. President.

(3) TERMS.—

(A) APPOINTED MEMBERS.—Each appointed member shall be appointed for a term of 5 years.

(B) INTERIM APPOINTMENT.—Any member appointed to fill a vacancy occurring before the expiration of the term to which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(C) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the period to which such member was appointed until a successor has been appointed.

(4) CHAIRPERSON.—The Secretary of the Treasury shall serve as the Chairperson of the Board.

(5) NO PAY.—No members of the Commission may receive any pay for service on the Board.

(6) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the Board's members.

(e) DUTIES OF THE BOARD.—

(1) PROCEDURE FOR DETERMINING COMMUNITY ENTERPRISE ASSESSMENT CREDITS.—The Board shall establish procedures for accepting and considering applications by insured depository institutions under subsection (a)(1) for community enterprise assessment credits and making determinations with respect to such applications.

(2) NOTICE TO FDIC.—The Board shall notify the applicant and the Federal Deposit Insurance Corporation of any determination of the Board with respect to any application referred to in paragraph (1) in sufficient time for the Corporation to include the amount of such credit in the computation made for purposes of the notification required under section 7(d)(1)(B).

(f) AVAILABILITY OF FUNDS.—The provisions of this section shall not take effect until appropriations are specifically provided in advance. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

(g) DEFINITIONS.—For purposes of this section—

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the meaning given to such term in section 3(q) of the Federal Deposit Insurance Act.

(2) BOARD.—The term "Board" means the Community Enterprise Assessment Credit Board established under the amendment made by subsection (d).

(3) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the meaning given to such term in section 3(c)(2) of the Federal Deposit Insurance Act.

SEC. 234. COMMUNITY DEVELOPMENT ORGANIZATIONS. 12 USC 1834b.

(a) COMMUNITY DEVELOPMENT ORGANIZATIONS DESCRIBED.—For purposes of this subtitle, any insured depository institution, or a qualified portion thereof, shall be treated as meeting the community development organization requirements of this section if—

(1) the institution—

(A) is a community development bank, or controls any community development bank, which meets the requirements of subsection (b);

(B) controls any community development corporation, or maintains any community development unit within the institution, which meets the requirements of subsection (c);

(C) invests in accounts in any community development credit union designated as a low-income credit union, subject to restrictions established for such credit unions by the National Credit Union Administration Board; or

(D) invests in a community development organization jointly controlled by two or more institutions;

(2) except in the case of an institution which is a community development bank, the amount of the capital invested, in the form of debt or equity, by the institution in the community development organization referred to in paragraph (1) (or, in the case of any community development unit, the amount which the institution irrevocably makes available to such unit for the purposes described in paragraph (3)) is not less than the greater of—

(A) ½ of 1 percent of the capital, as defined by generally accepted accounting principles, of the institution; or

(B) the sum of the amounts invested in such community development organization; and

(3) the community development organization provides loans for residential mortgages, home improvement, and community development and other financial services, other than financing for the purchase of automobiles or extension of credit under any open-end credit plan (as defined in section 103(i) of the Truth in Lending Act), to low- and moderate-income persons, nonprofit organizations, and small businesses located in qualified distressed communities in a manner consistent with the intent of this subtitle.

(b) COMMUNITY DEVELOPMENT BANK REQUIREMENTS.—A community development bank meets the requirements of this subsection if—

(1) the community development bank has a 15-member advisory board designated as the "Community Investment Board" and consisting entirely of community leaders who—

(A) shall be appointed initially by the board of directors of the community development bank and thereafter by the Community Investment Board from nominations received from the community; and

(B) are appointed for a single term of 2 years, except that, of the initial members appointed to the Community Investment Board, ⅓ shall be appointed for a term of 8 months, ⅓ shall be appointed for a term of 16 months, and ⅓ shall be appointed for a term of 24 months, as designated by the board of directors of the community development bank at the time of the appointment;

(2) ⅓ of the members of the community development bank's board of directors are appointed from among individuals nominated by the Community Investment Board; and

(3) the bylaws of the community development bank require that the board of directors of the bank meet with the Community Investment Board at least once every 3 months.

(c) COMMUNITY DEVELOPMENT CORPORATION REQUIREMENTS.—Any community development corporation, or community development unit within any insured depository institution meets the requirements of this subsection if the corporation or unit provides the same or greater, as determined by the appropriate Federal banking agency, community participation in the activities of such corporation or unit as would be provided by a Community Investment Board under subsection (b) if such corporation or unit were a community development bank.

(d) ADEQUATE DISPERSAL REQUIREMENT.—The appropriate Federal banking agency may approve the establishment of a community development organization under this subtitle only upon finding that the distressed community is not adequately served by an existing community development organization.

(e) DEFINITIONS.—For purposes of this section—

(1) COMMUNITY DEVELOPMENT BANK.—The term "community development bank" means any depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act).

(2) COMMUNITY DEVELOPMENT ORGANIZATION.—The term "community development organization" means any community development bank, community development corporation, community development unit within any insured depository institution, or community development credit union.

(3) LOW- AND MODERATE-INCOME PERSONS.—The term "low- and moderate-income persons" has the meaning given such term in section 102(a)(20) of the Housing and Community Development Act of 1974.

(4) NONPROFIT ORGANIZATION; SMALL BUSINESS.—The terms "nonprofit organization" and "small business" have the meanings given to such terms by regulations which the appropriate Federal banking agency shall prescribe for purposes of this section.

(5) QUALIFIED DISTRESSED COMMUNITY.—The term "qualified distressed community" has the meaning given to such term in section 233(b).

Subtitle D—FDIC Property Disposition

SEC. 241. FDIC AFFORDABLE HOUSING PROGRAM.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding after section 39 (as added by section 228 of this title) the following new section:

"SEC. 40. FDIC AFFORDABLE HOUSING PROGRAM.

Disadvantaged.
12 USC 1831q.

"(a) PURPOSE.—The purpose of this section is to provide homeownership and rental housing opportunities for very low-income, low-income, and moderate-income families.

"(b) FUNDING AND LIMITATIONS OF PROGRAM.—

"(1) DURATION OF PROGRAM.—The provisions of this section shall be effective, subject to the provisions of paragraph (2), only during the 3-year period beginning upon the commencement of the first fiscal year for which amounts are provided pursuant to paragraph (2)(A).

"(2) ANNUAL FISCAL LIMITATIONS.—

"(A) IN GENERAL.—In each fiscal year during the 3-year period referred to in paragraph (1), the provisions of this section shall apply only—

"(i) to such extent or in such amounts as are provided in appropriations Acts for any losses resulting during the fiscal year from the sale of properties under this section, except that such amounts for losses may not exceed $30,000,000 in any fiscal year; and

"(ii) to the extent that amounts are provided in appropriations Acts pursuant to subparagraph (C) for any other costs relating to the program under this section.

"(B) DEFINITION OF LOSSES.—For purposes of this paragraph, the amount of losses resulting from the sale of properties under this section during any fiscal year shall be the amount equal to the sum of any affordable housing discounts reasonably anticipated to accrue during the fiscal year.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each fiscal year during the 3-year period referred to in paragraph (1), such sums as may be necessary for any costs of the program under this section other than losses resulting from the sale of properties under this section.

"(D) OTHER DEFINITIONS.—For purposes of this paragraph:

"(i) AFFORDABLE HOUSING DISCOUNT.—The term 'affordable housing discount' means, with respect to any eligible residential or eligible condominium property transferred under this section by the Corporation, the difference (if any) between the realizable disposition value of the property and the actual sale price of the property under this section.

"(ii) REALIZABLE DISPOSITION VALUE.—The term 'realizable disposition value' means the estimated sale price that the Corporation reasonably would be able to obtain upon the sale of a property by the Corporation under the provisions of this Act, not including this section, and any other applicable laws. Not later than the expiration of the 120-day period beginning upon the commencement of the first fiscal year for which amounts are provided pursuant to paragraph (2)(A), the Corporation shall establish, and publish in the Federal Register, procedures for determining the realizable disposition value of a property transferred under this section, which shall take into consideration such factors as the Corporation considers appropriate, including the actual sale prices of properties disposed of by the Resolution Trust Corporation under section 21A(c) of the Federal Home Loan Bank Act, the prices of other properties sold under similar programs, and the appraised value of the property transferred under this section. Until such procedures are established, the Corporation may consider the realizable disposition value of any eligible residential or condominium property to be equal to the appraised value of the property.

Federal Register, publication.

"(3) EXISTING CONTRACTS.—The provisions of this section shall not apply to any eligible residential property or any eligible

condominium property that is subject to an agreement entered into by the Corporation before the commencement of the first fiscal year for which amounts are provided pursuant to paragraph (2)(A) that provides for any other disposition of the property.

"(c) RULES GOVERNING DISPOSITION OF ELIGIBLE SINGLE FAMILY PROPERTIES.—

"(1) NOTICE TO CLEARINGHOUSES.—Within a reasonable period of time after acquiring title to an eligible single family property, the Corporation shall provide written notice to clearinghouses. Such notice shall contain basic information about the property, including but not limited to location, condition, and information relating to the estimated fair market value of the property. Each clearinghouse shall make such information available, upon request, to other public agencies, other nonprofit organizations, and qualifying households. The Corporation shall allow public agencies, nonprofit organizations, and qualifying households reasonable access to eligible single family property for purposes of inspection.

"(2) OFFERS TO SELL TO NONPROFIT ORGANIZATIONS, PUBLIC AGENCIES, AND QUALIFYING HOUSEHOLDS.—During the 180-day period beginning on the date on which the Corporation makes an eligible single family property available for sale, the Corporation shall offer to sell the property to—

"(A) qualifying households (including qualifying households with members who are veterans); or

"(B) public agencies or nonprofit organizations that agree to (i) make the property available for occupancy by and maintain it as affordable for low-income families (including low-income families with members who are veterans) for the remaining useful life of such property, or (ii) make the property available for purchase by any such family who, except as provided in paragraph (4), agrees to occupy the property as a principal residence for at least 12 months and certifies in writing that the family intends to occupy the property for at least 12 months.

The restrictions described in clause (i) of subparagraph (B) shall be contained in the deed or other recorded instrument. If, upon the expiration of such 180-day period, no qualifying household, public agency, or nonprofit organization has made a bona fide offer to purchase the property, the Corporation may offer to sell the property to any purchaser. The Corporation shall actively market eligible single family properties for sale to low-income families and to low-income families with members who are veterans.

"(3) RECAPTURE OF PROFITS FROM RESALE.—Except as provided in paragraph (4), if any eligible single family property sold (A) to a qualifying household, or (B) to a low-income family pursuant to paragraph (2)(B)(ii), subsection (j)(3)(A), or subsection (k)(2), is resold by the qualifying household or low-income family during the 1-year period beginning upon initial acquisition by the household or low-income family, the Corporation shall recapture 75 percent of the amount of any proceeds from the resale that exceed the sum of (i) the original sale price for the acquisition of the property by the qualifying household or low-income family, (ii) the costs of any improvements to the property made

after the date of the acquisition, and (iii) any closing costs in connection with the acquisition.

"(4) EXCEPTIONS TO RECAPTURE REQUIREMENT.—

"(A) RELOCATION.—The Corporation may in its discretion waive the applicability (i) to any qualifying household of the requirement under paragraph (3) and the requirements relating to residency of a qualifying household under subsections (p)(12) (B) and (C), and (ii) to any low-income family of the requirement under paragraph (3) and the residency requirements under paragraph (2)(B)(ii). The Corporation may grant any such waiver only for good cause shown, including any necessary relocation of the qualifying household or low-income family.

"(B) OTHER RECAPTURE PROVISIONS.—The requirement under paragraph (3) shall not apply to any eligible single family property for which, upon resale by the qualifying household or low-income family during the 1-year period beginning upon initial acquisition by the household or family, a portion of the sale proceeds or any subsidy provided in connection with the acquisition of the property by the household or family is required to be recaptured or repaid under any other Federal, State, or local law (including section 143(m) of the Internal Revenue Code of 1986) or regulation or under any sale agreement.

"(5) EXCEPTION TO AVOID DISPLACEMENT OF EXISTING RESIDENTS.—Notwithstanding the first sentence of paragraph (2), during the 180-day period following the date on which the Corporation makes an eligible single family property available for sale, the Corporation may sell the property to the household residing in the property, but only if (A) such household was residing in the property at the time notice regarding the property was provided to clearinghouses under paragraph (1), (B) such sale is necessary to avoid the displacement of, and unnecessary hardship to, the resident household, (C) the resident household intends to occupy the property as a principal residence for at least 12 months, and (D) the resident household certifies in writing that the household intends to occupy the property for at least 12 months.

"(d) RULES GOVERNING DISPOSITION OF ELIGIBLE MULTIFAMILY HOUSING PROPERTIES.—

"(1) NOTICE TO CLEARINGHOUSES.—Within a reasonable period of time after acquiring title to an eligible multifamily housing property, the Corporation shall provide written notice to clearinghouses. Such notice shall contain basic information about the property, including but not limited to location, number of units (identified by number of bedrooms), and information relating to the estimated fair market value of the property. Each clearinghouse shall make such information available, upon request, to qualifying multifamily purchasers. The Corporation shall allow qualifying multifamily purchasers reasonable access to eligible multifamily housing properties for purposes of inspection.

"(2) EXPRESSION OF SERIOUS INTEREST.—Qualifying multifamily purchasers may give written notice of serious interest in a property during a period ending 90 days after the time the Corporation provides notice under paragraph (1). The notice of

serious interest shall be in such form and include such information as the Corporation may prescribe.

"(3) NOTICE OF READINESS FOR SALE.—Upon the expiration of the period referred to in paragraph (2) for a property, the Corporation shall provide written notice to any qualifying multifamily purchaser that has expressed serious interest in the property. Such notice shall specify the minimum terms and conditions for sale of the property.

"(4) OFFERS BY QUALIFYING MULTIFAMILY PURCHASERS.—A qualifying multifamily purchaser receiving notice in accordance with paragraph (3) shall have 45 days (from the date notice is received) to make a bona fide offer to purchase the property. The Corporation shall accept an offer that complies with the terms and conditions established by the Corporation. If, before the expiration of such 45-day period, any offer to purchase a property initially accepted by the Corporation is subsequently rejected or fails (for any reason), the Corporation shall accept another offer to purchase the property made during such period that complies with the terms and conditions established by the Corporation (if such another offer is made). The preceding sentence may not be construed to require a qualifying multifamily purchaser whose offer is accepted during the 45-day period to purchase the property before the expiration of the period.

"(5) EXTENSION OF RESTRICTED OFFER PERIODS.—The Corporation may provide notice to clearinghouses regarding, and offer for sale under the provisions of paragraphs (1) through (4), any eligible multifamily housing property—

"(A) in which no qualifying multifamily purchaser has expressed serious interest during the period referred to in paragraph (2), or

"(B) for which no qualifying multifamily purchaser has made a bona fide offer before the expiration of the period referred to in paragraph (4),

except that the Corporation may, in the discretion of the Corporation, alter the duration of the periods referred to in paragraphs (2) and (4) in offering any property for sale under this paragraph.

"(6) SALE OF MULTIFAMILY PROPERTIES TO OTHER PURCHASERS.—

"(A) TIMING.—If, upon the expiration of the period referred to in paragraph (2), no qualifying multifamily purchaser has expressed serious interest in a property, the Corporation may offer to sell the property, individually or in combination with other properties, to any purchaser.

"(B) LIMITATION ON COMBINATION SALES.—The Corporation may not sell in combination with other properties any property for which a qualifying multifamily purchaser has expressed serious interest in purchasing individually.

"(C) EXPIRATION OF OFFER PERIOD.—If, upon the expiration of the period referred to in paragraph (4), no qualifying multifamily purchaser has made an offer to purchase a property, the Corporation may offer to sell the property, individually or in combination with other properties, to any purchaser.

"(7) LOW-INCOME OCCUPANCY REQUIREMENTS.—

"(A) SINGLE PROPERTY PURCHASES.—With respect to any purchase of a single eligible multifamily housing property

by a qualifying multifamily purchaser under paragraph (4) or (5)—

"(i) not less than 35 percent of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for low-income and very low-income families during the remaining useful life of the property in which the units are located; provided that

"(ii) not less than 20 percent of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for very low-income families during the remaining useful life of the property in which the units are located.

"(B) AGGREGATION REQUIREMENTS FOR MULTIPROPERTY PURCHASES.—With respect to any purchase under paragraph (4) or (5) by a qualifying multifamily purchaser involving more than one eligible multifamily housing property as a part of the same negotiation, with respect to which the purchaser intends to aggregate the low-income occupancy required under this paragraph over the total number of units so purchased—

"(i) not less than 40 percent of the aggregate number of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for low-income and very low-income families during the remaining useful life of the building or structure in which the units are located; provided that

"(ii) not less than 20 percent of the aggregate number of all dwelling units purchased shall be made available for occupancy by and maintained as affordable for very low-income families during the remaining useful life of the building or structure in which the units are located; and further provided that

"(iii) not less than 10 percent of the dwelling units in each separate property purchased shall be made available for occupancy by and maintained as affordable for low-income families during the remaining useful life of the property in which the units are located.

The requirements of this paragraph shall be contained in the deed or other recorded instrument.

"(8) EXEMPTIONS.—

"(A) CONTINUED OCCUPANCY OF CURRENT RESIDENTS.—No purchaser of an eligible multifamily property may terminate the occupancy of any person residing in the property on the date of purchase for purposes of meeting low-income occupancy requirement applicable to the property under paragraph (7). The purchaser shall be considered to be in compliance with this subsection if each newly vacant dwelling unit is reserved for low-income occupancy until the low-income occupancy requirement is met.

"(B) FINANCIAL INFEASIBILITY.—The Secretary or the State housing finance agency for the State in which an eligible multifamily housing property is located may temporarily reduce the low-income occupancy requirements under paragraph (7) applicable to the property, if the Secretary or such agency determines that an owner's compliance with such requirements is no longer financially

feasible. The owner of the property shall make a good-faith effort to return low-income occupancy to the level required under paragraph (7), and the Secretary or the State housing finance agency, as appropriate, shall review the reduction annually to determine whether financial infeasibility continues to exist.

"(e) RENT LIMITATIONS.—

"(1) IN GENERAL.—With respect to properties under paragraph (2), rents charged to tenants for units made available for occupancy by very low-income families shall not exceed 30 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustment for family size. Rents charged to tenants for units made available for occupancy by low-income families other than very low-income families shall not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for family size.

"(2) APPLICABILITY.—The rent limitations under this subsection shall apply to any eligible single family property sold pursuant to subsection (c)(2)(B)(i) and to any eligible multifamily housing property sold pursuant to subsection (d).

"(f) PREFERENCES FOR SALES.—

"(1) IN GENERAL.—In selling any eligible multifamily housing property or combinations of eligible residential properties, the Corporation shall give preference, among substantially similar offers, to the offer that would reserve the highest percentage of dwelling units for occupancy or purchase by very low-income and low-income families and would retain such affordability for the longest term.

"(2) MULTIPROPERTY PURCHASES.—The Corporation shall give preference, among substantially similar offers made under paragraph (4) or (5) of subsection (d) to purchase more than one eligible multifamily housing property as a part of the same negotiation, to offers made by purchasers who agree to maintain low-income occupancy in each separate property purchased in compliance with the levels required for properties under subsection (d)(7)(A).

"(3) DEFINITION OF SUBSTANTIALLY SIMILAR OFFERS.—For purposes of this subsection, a given offer to purchase eligible multifamily housing property or combinations of such properties shall be considered to be substantially similar to another offer if the purchase price under such given offer is not less than 85 percent of the purchase price under the other offer.

"(g) FINANCING SALES.—

"(1) ASSISTANCE BY CORPORATION.—

"(A) SALE PRICE.—The Corporation shall establish a market value for each eligible multifamily housing property. The Corporation shall sell eligible multifamily housing property at the net realizable market value, except that the Corporation may agree to sell eligible multifamily housing property at a price below the net realizable market value to the extent necessary to facilitate an expedited sale of such property and enable a public agency or nonprofit organization to comply with the low-income occupancy requirements applicable to such property under subsection (d)(7). The Corporation may sell eligible single family prop-

erty or eligible condominium property to qualifying households, nonprofit organizations, and public agencies without regard to any minimum sale price.

"(B) PURCHASE LOAN.—The Corporation may provide a loan at market interest rates to any purchaser of eligible residential property for all or a portion of the purchase price, which loan shall be secured by a first or second mortgage on the property. The Corporation may provide the loan at below market interest rates to the extent necessary to facilitate an expedited sale of eligible residential property and permit (i) a low-income family to purchase an eligible single family property under subsection (c), or (ii) a public agency or nonprofit organization to comply with the low-income occupancy requirements applicable to the purchase of an eligible residential property under subsection (c) or (d). The Corporation shall provide loans under this subparagraph in a form permitting sale or transfer of the loan to a subsequent holder. In providing financing for combinations of eligible multifamily housing properties under this section, the Corporation may hold a participating share, including a subordinate participation.

"(2) ASSISTANCE BY HUD.—The Secretary shall take such action as may be necessary to expedite the processing of applications for assistance under section 202 of the Housing Act of 1959, the United States Housing Act of 1937, title IV of the Stewart B. McKinney Homeless Assistance Act, and the National Housing Act, to enable any organization or individual to purchase eligible residential property.

"(3) ASSISTANCE BY FMHA.—The Secretary of Agriculture shall take such action as may be necessary to expedite the processing of applications for assistance under title V of the Housing Act of 1949 to enable any organization or individual to purchase eligible residential property.

"(4) EXCEPTION TO DISPOSITION RULES.—Notwithstanding the requirements under paragraphs (1), (2), (3), (4), (6), and (8) of subsection (d), the Corporation may provide for the disposition of eligible multifamily housing properties as necessary to facilitate purchase of such properties for use in connection with section 202 of the Housing Act of 1959.

"(5) BULK ACQUISITIONS UNDER HOME INVESTMENT PARTNERSHIPS ACT.—

"(A) PURCHASE PRICE.—In providing for bulk acquisition of eligible single family properties by participating jurisdictions for inclusion in affordable housing activities under title II of the Cranston-Gonzalez National Affordable Housing Act, the Corporation shall agree to an amount to be paid for acquisition of such properties. The acquisition price shall include discounts for bulk purchase and for holding of the property such that the acquisition price for each property shall not exceed the fair market value of the property, as valued individually.

"(B) EXEMPTIONS.—To the extent necessary to facilitate sale of properties under this paragraph, the requirements of subsections (c) and (f) and of paragraph (1) of this subsection shall not apply to such transactions and properties involved in such transactions.

"(C) INVENTORIES.—To facilitate acquisitions by such participating jurisdictions, the Corporation shall provide the participating jurisdictions with inventories of eligible single family properties not less than 4 times each year.

"(h) COORDINATION WITH OTHER PROGRAMS.—

"(1) USE OF SECONDARY MARKET AGENCIES.—In the disposition of eligible residential properties, the Corporation (in consultation with the Secretary) shall explore opportunities to work with secondary market entities to provide housing for low- and moderate-income families.

"(2) CREDIT ENHANCEMENT.—

"(A) IN GENERAL.—With respect to such properties, the Secretary may, consistent with statutory authorities, work through the Federal Housing Administration, the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other secondary market entities to develop risk-sharing structures, mortgage insurance, and other credit enhancements to assist in the provision of property ownership, rental, and cooperative housing opportunities for low- and moderate-income families.

"(B) CERTAIN TAX-EXEMPT BONDS.—The Corporation may provide credit enhancements with respect to tax-exempt bonds issued on behalf of nonprofit organizations pursuant to section 103, and subpart A of part IV of subchapter A of chapter 1, of the Internal Revenue Code of 1986, with respect to the disposition of eligible residential properties for the purposes described in subparagraph (A).

"(3) NATIONAL AFFORDABLE HOUSING ACT.—The Corporation shall coordinate the disposition of eligible residential property under this section with appropriate programs and provisions of, and amendments made by, the Cranston-Gonzalez National Affordable Housing Act, including titles II and IV of such Act.

"(i) EXEMPTION FOR CERTAIN TRANSACTIONS WITH INSURED DEPOSITORY INSTITUTIONS.—The provisions of this section shall not apply with respect to any eligible residential property after the date the Corporation enters into a contract to sell such property to an insured depository institution (as defined in section 3), including any sale in connection with a transfer of all or substantially all of the assets of a closed insured depository institution (including such property) to another insured depository institution.

"(j) TRANSFER OF CERTAIN ELIGIBLE RESIDENTIAL PROPERTIES TO STATE HOUSING AGENCIES FOR DISPOSITION.—Notwithstanding subsections (c), (d), (f), and (g), the Corporation may transfer eligible residential properties to the State housing finance agency or any other State housing agency for the State in which the property is located, or to any local housing agency in whose jurisdiction the property is located. Transfers of eligible residential properties under this subsection may be conducted by direct sale, consignment sale, or any other method the Corporation considers appropriate and shall be subject to the following requirements:

"(1) INDIVIDUAL OR BULK TRANSFER.—The Corporation may transfer such properties individually or in bulk, as agreed to by the Corporation and the State housing finance agency or State or local housing agency.

"(2) ACQUISITION PRICE.—The acquisition price paid by the State housing finance agency or State or local housing agency to

the Corporation for properties transferred under this subsection shall be an amount agreed to by the Corporation and the transferee agency.

"(3) LOW-INCOME USE.—Any State housing finance agency or State or local housing agency acquiring properties under this subsection shall offer to sell or transfer the properties only as follows:

"(A) ELIGIBLE SINGLE FAMILY PROPERTIES.—For eligible single family properties—

"(i) to purchasers described under subparagraphs (A) and (B) of subsection (c)(2);

"(ii) if the purchaser is a purchaser described under subsection (c)(2)(B)(i), subject to the rent limitations under subsection (e)(1);

"(iii) subject to the requirement in the second sentence of subsection (c)(2); and

"(iv) subject to recapture by the Corporation of excess proceeds from resale of the properties under paragraphs (3) and (4) of subsection (c).

"(B) ELIGIBLE MULTIFAMILY HOUSING PROPERTIES.—For eligible multifamily housing properties—

"(i) to qualifying multifamily purchasers;

"(ii) subject to the low-income occupancy requirements under subsection (d)(7);

"(iii) subject to the provisions of subsection (d)(8);

"(iv) subject to a preference, among financially acceptable offers, to the offer that would reserve the highest percentage of dwelling units for occupancy or purchase by very low- and low-income families and would retain such affordability for the longest term; and

"(v) subject to the rent limitations under subsection (e)(1).

"(4) AFFORDABILITY.—The State housing finance agency or State or local housing agency shall endeavor to make the properties transferred under this subsection more affordable to low-income families based upon the extent to which the acquisition price of a property under paragraph (2) is less than the market value of the property.

"(k) EXCEPTION FOR SALES TO NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.—

"(1) SUSPENSION OF OFFER PERIODS.—With respect to any eligible residential property, the Corporation may (in the discretion of the Corporation) suspend any of the requirements of paragraphs (1) and (2) of subsection (c) and paragraphs (1) through (4) of subsection (d), as applicable, but only to the extent that for the duration of the suspension the Corporation negotiates the sale of the property to a nonprofit organization or public agency. If the property is not sold pursuant to such negotiations, the requirements of any provisions suspended shall apply upon the termination of the suspension. Any time period referred to in such subsections shall toll for the duration of any suspension under this paragraph.

"(2) USE RESTRICTIONS.—

"(A) ELIGIBLE SINGLE FAMILY PROPERTY.—Any eligible single family property sold under this subsection shall be (i) made available for occupancy by and maintained as afford-

able for low-income families for the remaining useful life of the property, or made available for purchase by such families, (ii) subject to the rent limitations under subsection (e)(1), (iii) subject to the requirements relating to residency of a qualifying household under subsection (p)(12) and to residency of a low-income family under subsection (c)(2)(B), and (iv) subject to recapture by the Corporation of excess proceeds from resale of the property under paragraphs (3) and (4) of subsection (c).

"(B) ELIGIBLE MULTIFAMILY HOUSING PROPERTY.—Any eligible multifamily housing property sold under this subsection shall comply with the low-income occupancy requirements under subsection (d)(7) and shall be subject to the rent limitations under subsection (e)(1).

"(l) RULES GOVERNING DISPOSITION OF ELIGIBLE CONDOMINIUM PROPERTY.—

"(1) NOTICE TO CLEARINGHOUSES.—Within a reasonable period of time after acquiring title to an eligible condominium property, the Corporation shall provide written notice to clearinghouses. Such notice shall contain basic information about the property. Each clearinghouse shall make such information available, upon request, to purchasers described in subparagraphs (A) through (D) of paragraph (2). The Corporation shall allow such purchasers reasonable access to an eligible condominium property for purposes of inspection.

"(2) OFFERS TO SELL.—For the 180-day period following the date on which the Corporation makes an eligible condominium property available for sale, the Corporation may offer to sell the property, at the discretion of the Corporation, to 1 or more of the following purchasers:

"(A) Qualifying households.

"(B) Nonprofit organizations.

"(C) Public agencies.

"(D) For-profit entities.

"(3) LOW-INCOME OCCUPANCY REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any nonprofit organization, public agency, or for-profit entity that purchases an eligible condominium property shall (i) make the property available for occupancy by and maintain it as affordable for low-income families for the remaining useful life of the property, or (ii) make the property available for purchase by any such family who, except as provided in paragraph (5), agrees to occupy the property as a principal residence for at least 12 months and certifies in writing that the family intends to occupy the property for at least 12 months. The restriction described in clause (i) of the preceding sentence shall be contained in the deed or other recorded instrument.

"(B) MULTIPLE-UNIT PURCHASES.—If any nonprofit organization, public agency, or for-profit entity purchases more than 1 eligible condominium property as a part of the same negotiation or purchase, the Corporation may (in the discretion of the Corporation) waive the requirement under subparagraph (A) and provide instead that not less than 35 percent of all eligible condominium properties purchased shall be (i) made available for occupancy by and maintained as affordable for low-income families for the remaining

useful life of the property, or (ii) made available for purchase by any such family who, except as provided in paragraph (5), agrees to occupy the property as a principal residence for at least 12 months and certifies in writing that the family intends to occupy the property for at least 12 months. The restriction described in clause (i) of the preceding sentence shall be contained in the deed or other recorded instrument.

"(C) SALE TO OTHER PURCHASERS.—If, upon the expiration of the 180-day period referred to in paragraph (2), no purchaser described in subparagraphs (A) through (D) of paragraph (2) has made a bona fide offer to purchase the property, the Corporation may offer to sell the property to any other purchaser.

"(4) RECAPTURE OF PROFITS FROM RESALE.—Except as provided in paragraph (5), if any eligible condominium property sold (A) to a qualifying household, or (B) to a low-income family pursuant to paragraph (3)(A)(ii) or (3)(B)(ii), is resold by the qualifying household or low-income family during the 1-year period beginning upon initial acquisition by the household or family, the Corporation shall recapture 75 percent of the amount of any proceeds from the resale that exceed the sum of (i) the original sale price for the acquisition of the property by the qualifying household or low-income family, (ii) the costs of any improvements to the property made after the date of the acquisition, and (iii) any closing costs in connection with the acquisition.

"(5) EXCEPTION TO RECAPTURE REQUIREMENT.—The Corporation (or its successor) may in its discretion waive the applicability to any qualifying household or low-income family of the requirement under paragraph (4) and the requirements relating to residency of a qualifying household or low-income family (under subsection (p)(12) and paragraph (3) of this subsection, respectively). The Corporation may grant any such a waiver only for good cause shown, including any necessary relocation of the qualifying household or low-income family.

"(6) LIMITATIONS ON MULTIPLE UNIT PURCHASES.—The Corporation may not sell or offer to sell as part of the same negotiation or purchase any eligible condominium properties that are not located in the same condominium project (as such term is defined in section 604 of the Housing and Community Development Act of 1980). The preceding sentence may not be construed to require all eligible condominium properties offered or sold as part of the same negotiation or purchase to be located in the same structure.

"(7) RENT LIMITATIONS.—Rents charged to tenants of eligible condominium properties made available for occupancy by very low-income families shall not exceed 30 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustment for family size. Rents charged to tenants of eligible condominium properties made available for occupancy by low-income families other than very low-income families shall not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for family size.

"(m) LIABILITY PROVISIONS.—

"(1) IN GENERAL.—The provisions of this section, or any failure by the Corporation to comply with such provisions, may not be used by any person to attack or defeat any title to property after it is conveyed by the Corporation.

"(2) LOW-INCOME OCCUPANCY.—The low-income occupancy requirements under subsections (c), (d), (j)(3), (k)(2), and (l)(3) shall be judicially enforceable against purchasers of property under this section and their successors in interest by affected very low- and low-income families, State housing finance agencies, and any agency, corporation, or authority of the United States. The parties specified in the preceding sentence shall be entitled to reasonable attorney fees upon prevailing in any such judicial action.

"(3) CLEARINGHOUSES.—A clearinghouse shall not be subject to suit for its failure to comply with the requirements of this section.

"(4) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver, or any claimant against such an institution, because the disposition of assets of the institution under this section affects the amount of return from the assets.

"(n) AFFORDABLE HOUSING PROGRAM OFFICE.—The Corporation shall establish an Affordable Housing Program Office within the Corporation to carry out the provisions of this section and shall dedicate certain staff of the Corporation to the office. Establishment.

"(o) REPORT.—To the extent applicable, in the annual report submitted by the Secretary to the Congress under section 8 of the Department of Housing and Urban Development Act, the Secretary shall include a detailed description of any activities under this section, including recommendations for any additional authority the Secretary considers necessary to implement the provisions of this section.

"(p) DEFINITIONS.—For purposes of this section:

"(1) ADJUSTED INCOME AND INCOME.—The terms 'adjusted income' and 'income' shall have the meaning given such terms in section 3(b) of the United States Housing Act of 1937.

"(2) CLEARINGHOUSE.—The term 'clearinghouse' means—

"(A) the State housing finance agency for the State in which an eligible residential property or eligible condominium property is located;

"(B) the Office of Community Investment (or other comparable division) within the Federal Housing Finance Board; and

"(C) any national nonprofit organizations (including any nonprofit entity established by the corporation established under title IX of the Housing and Community Development Act of 1968) that the Corporation determines has the capacity to act as a clearinghouse for information.

"(3) CORPORATION.—The term 'Corporation' means the Federal Deposit Insurance Corporation acting in its corporate capacity or its capacity as receiver.

"(4) ELIGIBLE CONDOMINIUM PROPERTY.—The term 'eligible condominium property' means a condominium unit, as such term is defined in section 604 of the Housing and Community Development Act of 1980—

"(A) to which such Corporation acquires title; and

"(B) that has an appraised value that does not exceed the applicable dollar amount set forth in the first sentence of section 203(b)(2) of the National Housing Act (which may, in the discretion of the Corporation, take into consideration any increase of such amount for high-cost areas).

"(5) ELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'eligible multifamily housing property' means a property consisting of more than 4 dwelling units—

"(A) to which the Corporation acquires title; and

"(B) that has an appraised value that does not exceed the applicable dollar amount set forth in section 221(d)(3)(ii) of the National Housing Act for elevator-type structures (which may, in the discretion of the Corporation, take into consideration any increase of such amount for high-cost areas).

"(6) ELIGIBLE RESIDENTIAL PROPERTY.—The term 'eligible residential property' includes eligible single family properties and eligible multifamily housing properties.

"(7) ELIGIBLE SINGLE FAMILY PROPERTY.—The term 'eligible single family property' means a 1- to 4-family residence (including a manufactured home)—

"(A) to which the Corporation acquires title; and

"(B) that has an appraised value that does not exceed the applicable dollar amount set forth in the first sentence of section 203(b)(2) of the National Housing Act (which may, in the discretion of the Corporation, take into consideration any increase of such amount for high-cost areas).

"(8) LOW-INCOME FAMILIES.—The term 'low-income families' means families and individuals whose incomes do not exceed 80 percent of the median income of the area involved, as determined by the Secretary, with adjustment for family size.

"(9) NET REALIZABLE MARKET VALUE.—The term 'net realizable market value' means a price below the market value that takes into account (A) any reductions in holding costs resulting from the expedited sale of a property, including foregone real estate taxes, insurance, maintenance costs, security costs, and loss of use of funds, and (B) the avoidance, if applicable, of fees paid to real estate brokers, auctioneers, or other individuals or organizations involved in the sale of property owned by the Corporation.

"(10) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means a private organization (including a limited equity cooperative)—

"(A) no part of the earnings of which inures to the benefit of any member, shareholder, founder, contributor, or individual; and

"(B) that is approved by the Corporation as to financial responsibility.

"(11) PUBLIC AGENCY.—The term 'public agency' means any Federal, State, local, or other governmental entity, and includes any public housing agency.

"(12) QUALIFYING HOUSEHOLD.—The term 'qualifying household' means a household—

"(A) who intends to occupy eligible single family property as a principal residence;

"(B) who agrees to occupy the property as a principal residence for at least 12 months;

"(C) who certifies in writing that the household intends to occupy the property as a principal residence for at least 12 months; and

"(D) whose income does not exceed 115 percent of the median income for the area, as determined by the Secretary, with adjustment for family size.

"(13) QUALIFYING MULTIFAMILY PURCHASER.—The term 'qualifying multifamily purchaser' means—

"(A) a public agency;

"(B) a nonprofit organization; or

"(C) a for-profit entity, which makes a commitment (for itself or any related entity) to comply with the low-income occupancy requirements under subsection (d)(7) for any eligible multifamily housing property for which an offer to purchase is made during or after the periods specified under subsection (d).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(15) STATE HOUSING FINANCE AGENCY.—The term 'State housing finance agency' means the public agency, authority, corporation, or other instrumentality of a State that has the authority to provide residential mortgage loan financing throughout the State.

"(16) VERY LOW-INCOME FAMILIES.—The term 'very low-income families' means families and individuals whose incomes do not exceed 50 percent of the median income of the area involved, as determined by the Secretary, with adjustment for family size.".

12 USC 1831q note.

(b) COORDINATION.—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall consult and coordinate with each other in carrying out their respective responsibilities under the affordable housing programs under section 42 of the Federal Deposit Insurance Act and section 21A(c) of the Federal Home Loan Bank Act. Such corporations shall develop any procedures, and may enter into any agreements, necessary to provide for the coordinated, efficient, and effective operation of such programs.

(c) CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(d) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)) is amended—

(A) in paragraph (2)(B), in the matter preceding clause (i), by inserting "(subject to the provisions of section 42)" before the comma; and

(B) in paragraph (2)(E), by inserting "(subject to the provisions of section 42)" before the first comma.

(2) HOUSING ACT OF 1959.—Section 202(h)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(2)), as amended by section 801(a) of the Cranston-Gonzalez National Affordable Housing Act, is amended by inserting "or from the Federal Deposit Insurance Corporation under section 42 of the Federal Deposit Insurance Act" after "Federal Home Loan Bank Act".

Subtitle E—Whistleblower Protections

SEC. 251. ADDITIONAL WHISTLEBLOWER PROTECTIONS.

(a) ADDITIONAL COVERAGE ESTABLISHED UNDER FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 33(a) of the Federal Deposit Insurance Act (12 U.S.C. 1831j(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) EMPLOYEES OF DEPOSITORY INSTITUTIONS.—No insured depository institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal banking agency or to the Attorney General regarding any possible violation of any law or regulation by the depository institution or any director, officer, or employee of the institution.

"(2) EMPLOYEES OF BANKING AGENCIES.—No Federal banking agency, Federal home loan bank, or Federal Reserve bank may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any such agency or bank or to the Attorney General regarding any possible violation of any law or regulation by—

"(A) any depository institution or any such bank or agency;

"(B) any director, officer, or employee of any depository institution or any such bank; or

"(C) any officer or employee of the agency which employs such employee.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 33(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831j(c)) is amended by inserting ", Federal home loan bank, Federal Reserve bank, or Federal banking agency" after "depository institution".

(3) DEFINITION.—Section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) is amended by adding at the end the following new subsection:

"(e) FEDERAL BANKING AGENCY DEFINED.—For purposes of subsections (a) and (c), the term 'Federal banking agency' means the Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Board, the Comptroller of the Currency, and the Director of the Office of Thrift Supervision.".

12 USC 1831j note.

(4) EFFECTIVE DATE.—Paragraph (2) of section 33(a) of the Federal Deposit Insurance Act (as added under the amendment made by paragraph (1)) shall be treated as having taken effect on January 1, 1987, and for purposes of any cause of action arising under such paragraph (as so effective) before the date of the enactment of this Act, the 2-year period referred to in section 33(b) of such Act shall be deemed to begin on such date of enactment.

(b) ADDITIONAL COVERAGE ESTABLISHED UNDER FEDERAL CREDIT UNION ACT.—

(1) IN GENERAL.—Section 213(a) of the Federal Credit Union Act (12 U.S.C. 1790b(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) EMPLOYEES OF CREDIT UNIONS.—No insured credit union may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the

Board or the Attorney General regarding any possible violation of any law or regulation by the credit union or any director, officer, or employee of the credit union.

"(2) EMPLOYEES OF THE ADMINISTRATION.—The Administration may not discharge or otherwise discriminate against any employee (including any employee of the National Credit Union Central Liquidity Facility) with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Administration or the Attorney General regarding any possible violation of any law or regulation by—

"(A) any credit union the Administration;

"(B) any director, officer, or employee of any depository institution or any such bank; or

"(C) any officer or employee of the Administration.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 213(c) of the Federal Credit Union Act (12 U.S.C. 1790b(c)) is amended by inserting "or the Administration" after "credit union".

(3) EFFECTIVE DATE.—Paragraph (2) of section 213(a) of the Federal Credit Union Act (as added under the amendment made by paragraph (1)) shall be treated as having taken effect on January 1, 1987, and for purposes of any cause of action arising under such paragraph (as so effective) before the date of the enactment of this Act, the 2-year period referred to in section 213(b) of such Act shall be deemed to begin on such date of enactment. 12 USC 1790b note.

(c) COVERAGE FOR EMPLOYEES OF RTC, OVERSIGHT BOARD, AND RTC CONTRACTORS.—

(1) COVERAGE ESTABLISHED.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(q) RTC, OVERSIGHT BOARD, AND RTC CONTRACTOR EMPLOYEE PROTECTION REMEDY.—

"(1) PROHIBITION AGAINST DISCRIMINATION.—The Corporation, the Oversight Board, and any person who is performing, directly or indirectly, any function or service on behalf of the Corporation or the Oversight Board may not discharge or otherwise discriminate against any employee (including any employee of the Federal Deposit Insurance Corporation on assignment to the Corporation under this section or any personnel referred to in subparagraphs (C) and (F) of subsection (a)(5)) with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Corporation, the Oversight Board, the Attorney General, or any appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) regarding any possible violation of any law or regulation by the Corporation, the Oversight Board, or such person or any director, officer, or employee of the Corporation, the Oversight Board, or the person.

"(2) ENFORCEMENT.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of paragraph (1) may file a civil action in the appropriate United States district court before the end of

the 2-year period beginning on the date of such discharge or discrimination.

"(3) REMEDIES.—If the district court determines that a violation has occurred, the court may order the Corporation or the person which committed the violation to—

"(A) reinstate the employee to the employee's former position;

"(B) pay compensatory damages; or

"(C) take other appropriate actions to remedy any past discrimination.

"(4) LIMITATION.—The protections of this section shall not apply to any employee who—

"(A) deliberately causes or participates in the alleged violation of law or regulation; or

"(B) knowingly or recklessly provides substantially false information to the Corporation, the Attorney General, or any appropriate Federal banking agency.".

12 USC 1441a note.

(2) EFFECTIVE DATE.—Subsection (q) of section 21A of the Federal Home Loan Bank Act (as added under the amendment made by paragraph (1)) shall be treated as having taken effect on August 9, 1989, and for purposes of any cause of action arising under such subsection (as so effective) before the date of the enactment of this Act, the 2-year period referred to in section 21A(q)(2) of such Act shall be deemed to begin on such date of enactment.

Truth in Savings Act. Consumer protection. Public information. 12 USC 4301 note.

Subtitle F—Truth in Savings

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Truth in Savings Act".

12 USC 4301.

SEC. 262. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that economic stability would be enhanced, competition between depository institutions would be improved, and the ability of the consumer to make informed decisions regarding deposit accounts, and to verify accounts, would be strengthened if there was uniformity in the disclosure of terms and conditions on which interest is paid and fees are assessed in connection with such accounts.

(b) PURPOSE.—It is the purpose of this subtitle to require the clear and uniform disclosure of—

(1) the rates of interest which are payable on deposit accounts by depository institutions; and

(2) the fees that are assessable against deposit accounts,

so that consumers can make a meaningful comparison between the competing claims of depository institutions with regard to deposit accounts.

12 USC 4302.

SEC. 263. DISCLOSURE OF INTEREST RATES AND TERMS OF ACCOUNTS.

(a) IN GENERAL.—Except as provided in subsection (b), each advertisement, announcement, or solicitation initiated by any depository institution or deposit broker relating to any demand or interest-bearing account offered by an insured depository institution which includes any reference to a specific rate of interest payable on amounts deposited in such account, or to a specific yield or rate of

earnings on amounts so deposited, shall state the following information, to the extent applicable, in a clear and conspicuous manner:

(1) The annual percentage yield.

(2) The period during which such annual percentage yield is in effect.

(3) All minimum account balance and time requirements which must be met in order to earn the advertised yield (and, in the case of accounts for which more than 1 yield is stated, each annual percentage yield and the account minimum balance requirement associated with each such yield shall be in close proximity and have equal prominence).

(4) The minimum amount of the initial deposit which is required to open the account in order to obtain the yield advertised, if such minimum amount is greater than the minimum balance necessary to earn the advertised yield.

(5) A statement that regular fees or other conditions could reduce the yield.

(6) A statement that an interest penalty is required for early withdrawal.

(b) BROADCAST AND ELECTRONIC MEDIA AND OUTDOOR ADVERTISING EXCEPTION.—The Board may, by regulation, exempt advertisements, announcements, or solicitations made by any broadcast or electronic medium or outdoor advertising display not on the premises of the depository institution from any disclosure requirements described in paragraph (4) or (5) of subsection (a) if the Board finds that any such disclosure would be unnecessarily burdensome.

(c) MISLEADING DESCRIPTIONS OF FREE OR NO-COST ACCOUNTS PROHIBITED.—No advertisement, announcement, or solicitation made by any depository institution or deposit broker may refer to or describe an account as a free or no-cost account (or words of similar meaning) if—

(1) in order to avoid fees or service charges for any period—

(A) a minimum balance must be maintained in the account during such period; or

(B) the number of transactions during such period may not exceed a maximum number; or

(2) any regular service or transaction fee is imposed.

(d) MISLEADING OR INACCURATE ADVERTISEMENTS, ETC., PROHIBITED.—No depository institution or deposit broker shall make any advertisement, announcement, or solicitation relating to a deposit account that is inaccurate or misleading or that misrepresents its deposit contracts.

SEC. 264. ACCOUNT SCHEDULE.

12 USC 4303.

Regulations.

(a) IN GENERAL.—Each depository institution shall maintain a schedule of fees, charges, interest rates, and terms and conditions applicable to each class of accounts offered by the depository institution, in accordance with the requirements of this section and regulations which the Board shall prescribe. The Board shall specify, in regulations, which fees, charges, penalties, terms, conditions, and account restrictions must be included in a schedule required under this subsection. A depository institution need not include in such schedule any information not specified in such regulation.

(b) INFORMATION ON FEES AND CHARGES.—The schedule required under subsection (a) with respect to any account shall contain the following information:

(1) A description of all fees, periodic service charges, and penalties which may be charged or assessed against the account (or against the account holder in connection with such account), the amount of any such fees, charge, or penalty (or the method by which such amount will be calculated), and the conditions under which any such amount will be assessed.

(2) All minimum balance requirements that affect fees, charges, and penalties, including a clear description of how each such minimum balance is calculated.

(3) Any minimum amount required with respect to the initial deposit in order to open the account.

(c) INFORMATION ON INTEREST RATES.—The schedule required under subsection (a) with respect to any account shall include the following information:

(1) Any annual percentage yield.

(2) The period during which any such annual percentage yield will be in effect.

(3) Any annual rate of simple interest.

(4) The frequency with which interest will be compounded and credited.

(5) A clear description of the method used to determine the balance on which interest is paid.

(6) The information described in paragraphs (1) through (4) with respect to any period after the end of the period referred to in paragraph (2) (or the method for computing any information described in any such paragraph), if applicable.

(7) Any minimum balance which must be maintained to earn the rates and obtain the yields disclosed pursuant to this subsection and a clear description of how any such minimum balance is calculated.

(8) A clear description of any minimum time requirement which must be met in order to obtain the yields disclosed pursuant to this subsection and any information described in paragraph (1), (2), (3), or (4) that will apply if any time requirement is not met.

(9) A statement, if applicable, that any interest which has accrued but has not been credited to an account at the time of a withdrawal from the account will not be paid by the depository institution or credited to the account by reason of such withdrawal.

(10) Any provision or requirement relating to nonpayment of interest, including any charge or penalty for early withdrawal, and the conditions under which any such charge or penalty may be assessed.

(d) OTHER INFORMATION.—The schedule required under subsection (a) shall include such other disclosures as the Board may determine to be necessary to allow consumers to understand and compare accounts, including frequency of interest rate adjustments, account restrictions, and renewal policies for time accounts.

(e) STYLE AND FORMAT.—Schedules required under subsection (a) shall be written in clear and plain language and be presented in a format designed to allow consumers to readily understand the terms of the accounts offered.

Regulations.
12 USC 4304.

SEC. 265. DISCLOSURE REQUIREMENTS FOR CERTAIN ACCOUNTS.

The Board shall require, in regulations which the Board shall prescribe, such modification in the disclosure requirements under

this Act relating to annual percentage yield as may be necessary to carry out the purposes of this Act in the case of—

(1) accounts with respect to which determination of annual percentage yield is based on an annual rate of interest that is guaranteed for a period of less than 1 year;

(2) variable rate accounts;

(3) accounts which, pursuant to law, do not guarantee payment of a stated rate;

(4) multiple rate accounts; and

(5) accounts with respect to which determination of annual percentage yield is based on an annual rate of interest that is guaranteed for a stated term.

SEC. 266. DISTRIBUTION OF SCHEDULES. 12 USC 4305.

(a) IN GENERAL.—A schedule required under section 264 for an appropriate account shall be—

(1) made available to any person upon request;

(2) provided to any potential customer before an account is opened or a service is rendered; and

(3) provided to the depositor, in the case of any time deposit which is renewable at maturity without notice from the depositor, at least 30 days before the date of maturity.

(b) DISTRIBUTION IN CASE OF CERTAIN INITIAL DEPOSITS.—If—

(1) a depositor is not physically present at an office of a depository institution at the time an initial deposit is accepted with respect to an account established by or for such person; and

(2) the schedule required under section 264(a) has not been furnished previously to such depositor,

the depository institution shall mail the schedule to the depositor at the address shown on the records of the depository institution for such account no later than 10 days after the date of the initial deposit.

(c) DISTRIBUTION OF NOTICE OF CERTAIN CHANGES.—If—

(1) any change is made in any term or condition which is required to be disclosed in the schedule required under section 264(a) with respect to any account; and

(2) the change may reduce the yield or adversely affect any holder of the account,

all account holders who may be affected by such change shall be notified and provided with a description of the change by mail at least 30 days before the change takes effect.

(d) DISTRIBUTION IN CASE OF ACCOUNTS ESTABLISHED BY MORE THAN 1 INDIVIDUAL OR BY A GROUP.—If an account is established by more than 1 individual or for a person other than an individual, any distribution described in this section with respect to such account meets the requirements of this section if the distribution is made to 1 of the individuals who established the account or 1 individual representative of the person on whose behalf such account was established.

(e) NOTICE TO ACCOUNT HOLDERS AS OF THE EFFECTIVE DATE OF REGULATIONS.—For any account for which the depository institution delivers an account statement on a quarterly or more frequent basis, the depository institution shall include on or with any regularly scheduled mailing posted or delivered within 180 days after publication of regulations issued by the Board in final form, a statement that the account holder has the right to request an account schedule

containing the terms, charges, and interest rates of the account, and that the account holder may wish to request such an account schedule.

12 USC 4306.

SEC. 267. PAYMENT OF INTEREST.

(a) CALCULATED ON FULL AMOUNT OF PRINCIPAL.—Interest on an interest-bearing account at any depository institution shall be calculated by such institution on the full amount of principal in the account for each day of the stated calculation period at the rate or rates of interest disclosed pursuant to this Act.

(b) NO PARTICULAR METHOD OF COMPOUNDING INTEREST REQUIRED.—Subsection (a) shall not be construed as prohibiting or requiring the use of any particular method of compounding or crediting of interest.

(c) DATE BY WHICH INTEREST MUST ACCRUE.—Interest on accounts that are subject to this Act shall begin to accrue not later than the business day specified for interest-bearing accounts in section 606 of the Expedited Funds Availability Act, subject to subsections (b) and (c) of such section.

12 USC 4307.

SEC. 268. PERIODIC STATEMENTS.

Each depository institution shall include on or with each periodic statement provided to each account holder at such institution a clear and conspicuous disclosure of the following information with respect to such account:

(1) The annual percentage yield earned.
(2) The amount of interest earned.
(3) The amount of any fees or charges imposed.
(4) The number of days in the reporting period.

12 USC 4308.

SEC. 269. REGULATIONS.

(a) IN GENERAL.—

(1) REGULATIONS REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Board, after consultation with each agency referred to in section 270(a) and public notice and opportunity for comment, shall prescribe regulations to carry out the purpose and provisions of this Act.

(2) EFFECTIVE DATE OF REGULATIONS.—The regulations prescribed under paragraph (1) shall take effect not later than 6 months after publication in final form.

(3) CONTENTS OF REGULATIONS.—The regulations prescribed under paragraph (1) may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of accounts as, in the judgment of the Board, are necessary or proper to carry out the purposes of this Act, to prevent circumvention or evasion of the requirements of this Act, or to facilitate compliance with the requirements of this Act.

(4) DATE OF APPLICABILITY.—The provisions of this Act shall not apply with respect to any depository institution before the effective date of regulations prescribed by the Board under this subsection (or by the National Credit Union Administration Board under section 12(b), in the case of any depository institution described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act).

(b) MODEL FORMS AND CLAUSES.—

(1) IN GENERAL.—The Board shall publish model forms and clauses for common disclosures to facilitate compliance with this Act. In devising such forms, the Board shall consider the use by depository institutions of data processing or similar automated machines.

(2) USE OF FORMS AND CLAUSES DEEMED IN COMPLIANCE.—Nothing in this Act may be construed to require a depository institution to use any such model form or clause prescribed by the Board under this subsection. A depository institution shall be deemed to be in compliance with the disclosure provisions of this Act if the depository institution—

(A) uses any appropriate model form or clause as published by the Board; or

(B) uses any such model form or clause and changes it by—

(i) deleting any information which is not required by this Act; or

(ii) rearranging the format,

if in making such deletion or rearranging the format, the depository institution does not affect the substance, clarity, or meaningful sequence of the disclosure.

(3) PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT.—Model disclosure forms and clauses shall be adopted by the Board after duly given notice in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

Federal Register, publication.

SEC. 270. ADMINISTRATIVE ENFORCEMENT.

12 USC 4309.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act—

(A) by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) in the case of insured depository institutions (as defined in section 3(c)(2) of such Act);

(B) by the Federal Deposit Insurance Corporation in the case of depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(C) by the Director of the Office of Thrift Supervision in the case of depository institutions described in clause (v) and or (vi) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(2) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by any agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this Act, any other authority conferred on such agency by law.

(c) REGULATIONS BY AGENCIES OTHER THAN THE BOARD.—The authority of the Board to issue regulations under this Act does not impair the authority of any other agency referred to in subsection (a) to make rules regarding its own procedures in enforcing compliance with the requirements imposed under this Act.

12 USC 4310.

SEC. 271. CIVIL LIABILITY.

(a) CIVIL LIABILITY.—Except as otherwise provided in this section, any depository institution which fails to comply with any requirement imposed under this Act or any regulation prescribed under this Act with respect to any person who is an account holder is liable to such person in an amount equal to the sum of—

(1) any actual damage sustained by such person as a result of the failure;

(2)(A) in the case of an individual action, such additional amount as the court may allow, except that the liability under this subparagraph shall not be less than $100 nor greater than $1,000; or

(B) in the case of a class action, such amount as the court may allow, except that—

(i) as to each member of the class, no minimum recovery shall be applicable; and

(ii) the total recovery under this subparagraph in any class action or series of class actions arising out of the same failure to comply by the same depository institution shall not be more than the lesser of $500,000 or 1 percent of the net worth of the depository institution involved; and

(3) in the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with a reasonable attorney's fee as determined by the court.

(b) CLASS ACTION AWARDS.—In determining the amount of any award in any class action, the court shall consider, among other relevant factors—

(1) the amount of any actual damages awarded;

(2) the frequency and persistence of failures of compliance;

(3) the resources of the depository institution;

(4) the number of persons adversely affected; and

(5) the extent to which the failure of compliance was intentional.

(c) BONA FIDE ERRORS.—

(1) GENERAL RULE.—A depository institution may not be held liable in any action brought under this section for a violation of this Act if the depository institution demonstrates by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(2) EXAMPLES.—Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with

respect to a depository institution's obligation under this Act is not a bona fide error.

(d) NO LIABILITY FOR OVERPAYMENT.—A depository institution may not be held liable in any action under this section for a violation of this Act if the violation has resulted in—

(1) an interest payment to the account holder in an amount greater than the amount determined under any disclosed rate of interest applicable with respect to such payment; or

(2) a charge to the consumer in an amount less than the amount determined under the disclosed charge or fee schedule applicable with respect to such charge.

(e) JURISDICTION.—Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within 1 year after the date of the occurrence of the violation involved.

(f) RELIANCE ON BOARD RULINGS.—No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any regulation or order, or any interpretation of any regulation or order, of the Board, or in conformity with any interpretation or approval by an official or employee of the Board duly authorized by the Board to issue such interpretation or approval under procedures prescribed by the Board, notwithstanding, the fact that after such act or omission has occurred, such regulation, order, interpretation, or approval is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(g) NOTIFICATION OF AND ADJUSTMENT FOR ERRORS.—A depository institution shall not be liable under this section or section 270 for any failure to comply with any requirement imposed under this Act with respect to any account if—

(1) before—

(A) the end of the 60-day period beginning on the date on which the depository institution discovered the failure to comply;

(B) any action is instituted against the depository institution by the account holder under this section with respect to such failure to comply; and

(C) any written notice of such failure to comply is received by the depository institution from the account holder,

the depository institution notifies the account holder of the failure of such institution to comply with such requirement; and

(2) the depository institution makes such adjustments as may be necessary with respect to such account to ensure that—

(A) the account holder will not be liable for any amount in excess of the amount actually disclosed with respect to any fee or charge;

(B) the account holder will not be liable for any fee or charge imposed under any condition not actually disclosed; and

(C) interest on amounts in such account will accrue at the annual percentage yield, and under the conditions, actually disclosed (and credit will be provided for interest already accrued at a different annual percentage yield and under different conditions than the yield or conditions disclosed).

(h) MULTIPLE INTERESTS IN 1 ACCOUNT.—If more than 1 person holds an interest in any account—

(1) the minimum and maximum amounts of liability under subsection (a)(2)(A) for any failure to comply with the requirements of this Act shall apply with respect to such account; and

(2) the court shall determine the manner in which the amount of any such liability with respect to such account shall be distributed among such persons.

(i) CONTINUING FAILURE TO DISCLOSE.—

(1) CERTAIN CONTINUING FAILURES TREATED AS 1 VIOLATION.—Except as provided in paragraph (2), the continuing failure of any depository institution to disclose any particular term required to be disclosed under this Act with respect to a particular account shall be treated as a single violation for purposes of determining the amount of any liability of such institution under subsection (a) for such failure to disclose.

(2) SUBSEQUENT FAILURE TO DISCLOSE.—The continuing failure of any depository institution to disclose any particular term required to be disclosed under this Act with respect to a particular account after judgment has been rendered in favor of the account holder in connection with a prior failure to disclose such term with respect to such account shall be treated as a subsequent violation for purposes of determining liability under subsection (a).

(3) COORDINATION WITH SECTION 270.—This subsection shall not limit or otherwise affect the enforcement power under section 270 of any agency referred to in subsection (a) of such section.

12 USC 4311.

SEC. 272. CREDIT UNIONS.

(a) IN GENERAL.—No regulation prescribed by the Board under this Act shall apply directly with respect to any depository institution described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act.

(b) REGULATIONS PRESCRIBED BY THE NCUA.—Within 90 days of the effective date of any regulation prescribed by the Board under this Act, the National Credit Union Administration Board shall prescribe a regulation substantially similar to the regulation prescribed by the Board taking into account the unique nature of credit unions and the limitations under which they may pay dividends on member accounts.

12 USC 4312.

SEC. 273. EFFECT ON STATE LAW.

The provisions of this Act do not supersede any provisions of the law of any State relating to the disclosure of yields payable or terms for accounts to the extent such State law requires the disclosure of such yields or terms for accounts, except to the extent that those laws are inconsistent with the provisions of this Act, and then only to the extent of the inconsistency. The Board may determine whether such inconsistencies exist.

12 USC 4313.

SEC. 274. DEFINITIONS.

For the purposes of this Act—

(1) ACCOUNT.—The term "account" means any account offered to 1 or more individuals or an unincorporated nonbusiness association of individuals by a depository institution into which a customer deposits funds, including demand accounts, time accounts, negotiable order of withdrawal accounts, and share draft accounts.

(2) ANNUAL PERCENTAGE YIELD.—The term "annual percentage yield" means the total amount of interest that would be received on a $100 deposit, based on the annual rate of simple interest and the frequency of compounding for a 365-day period, expressed as a percentage calculated by a method which shall be prescribed by the Board in regulations.

(3) ANNUAL RATE OF SIMPLE INTEREST.—The term "annual rate of simple interest"—

(A) means the annualized rate of interest paid with respect to each compounding period, expressed as a percentage; and

(B) may be referred to as the "annual percentage rate".

(4) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(5) DEPOSIT BROKER.—The term "deposit broker"—

(A) has the meaning given to such term in section 29(f)(1) of the Federal Deposit Insurance Act; and

(B) includes any person who solicits any amount from any other person for deposit in an insured depository institution.

(6) DEPOSITORY INSTITUTION.—The term "depository institution" has the meaning given such term in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

(7) INTEREST.—The term "interest" includes dividends paid with respect to share draft accounts which are accounts within the meaning of paragraph (3).

(8) MULTIPLE RATE ACCOUNT.—The term "multiple rate account" means any account that has 2 or more annual rates of simple interest which take effect at the same time or in succeeding periods and which are known at the time of disclosure.

TITLE III—REGULATORY IMPROVEMENT

Subtitle A—Activities

SEC. 301. LIMITATIONS ON BROKERED DEPOSITS AND DEPOSIT SOLICITATIONS.

(a) IN GENERAL.—Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f) is amended—

(1) in subsection (a), by striking "troubled institution" and inserting "insured depository institution that is not well capitalized";

(2) in subsection (c), by inserting "which is adequately capitalized" after "insured depository institution";

(3) in subsection (d), by striking all after "unsound practice;" and inserting the following:

"(2) is necessary to enable the institution to meet the demands of its depositors or pay its obligations in the ordinary course of business; and

"(3) is consistent with the conservator's fiduciary duty to minimize the institution's losses.

Effective 90 days after the date on which the institution was placed in conservatorship, the institution may not accept such deposits.";

Effective date.

(4) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively, and inserting after subsection (d) the following:

"(e) RESTRICTION ON INTEREST RATE PAID.—Any insured depository institution which, under subsection (c) or (d), accepts funds obtained, directly or indirectly, by or through a deposit broker, may not pay a rate of interest on such funds which, at the time that such funds are accepted, significantly exceeds—

"(1) the rate paid on deposits of similar maturity in such institution's normal market area for deposits accepted in the institution's normal market area; or

"(2) the national rate paid on deposits of comparable maturity, as established by the Corporation, for deposits accepted outside the institution's normal market area.";

(5) in subsection (f), as redesignated, by striking "troubled"; and

(6) by striking subsection (h), as redesignated.

(b) NOTIFICATION AND RECORDKEEPING.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 29 the following:

12 USC 1831f-1.

"SEC. 29A. DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING.

"(a) NOTIFICATION.—

"(1) IN GENERAL.—A deposit broker, as defined in section 29(g), shall not solicit or place any deposit with an insured depository institution, unless such deposit broker has provided the Corporation with written notice that it is a deposit broker.

"(2) TERMINATION OF DEPOSIT BROKER STATUS.—When a deposit broker referred to in paragraph (1) ceases to act as a deposit broker it shall provide the Corporation with a written notice that it is no longer acting as a deposit broker.

"(3) FORM AND CONTENT.—The notices required by paragraphs (1) and (2) shall be in such form and contain such information concerning the deposit solicitation and placement activities of a deposit broker as the Corporation may prescribe as necessary or appropriate to carry out the purposes of this subsection.

"(b) RECORDS.—The Corporation may prescribe regulations requiring each deposit broker that has filed a notice under subsection (a)(1) to maintain separate records relating to the total amounts and maturities of the deposits placed by such broker for each insured depository institution during specified time periods. Such regulations shall specify the format in which and the period for which such records shall be preserved, as well as the time period within which the deposit broker shall furnish to the Corporation copies of such records (or designated portions thereof) as the Corporation may request.

"(c) PERIODIC REPORTS.—

"(1) IN GENERAL.—The Corporation may prescribe regulations requiring each deposit broker that has filed a notice under subsection (a)(1) to file with the Corporation separate quarterly reports relating to the total amounts and maturities of the deposits placed by such broker for each depository institution during the applicable quarter. Such regulations shall specify the form and content of such reports, as well as the applicable reporting period.

"(2) DESIGNATED AGENT.—The Corporation may designate another entity as its agent for the purpose of receiving and

maintaining reports under this subsection. If the Corporation designates such an agent the Corporation may, through its agent, prescribe and collect an appropriate quarterly fee from each deposit broker that filed reports with the agent during the applicable quarter, in an amount sufficient to defray the Corporation's cost of retaining the agent and to reflect the proportionate amount of the deposits placed with insured depository institutions by each broker during the applicable quarter.".

(c) DEPOSIT SOLICITATION RESTRICTED.—Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f) is amended by adding at the end the following:

"(h) DEPOSIT SOLICITATION RESTRICTED.—An insured depository institution that is undercapitalized, as defined in section 38, shall not solicit deposits by offering rates of interest that are significantly higher than the prevailing rates of interest on insured deposits—

"(1) in such institution's normal market areas; or

"(2) in the market area in which such deposits would otherwise be accepted.".

(d) DEADLINE FOR REGULATIONS.—The Corporation shall promulgate final regulations to carry out the amendments made under subsections (a), (b), and (c) not later than 150 days after the date of enactment of this Act, and those regulations shall become effective not later than 180 days after that date of enactment, except that such regulations shall not apply to any specific time deposit made before that date of enactment until the stated maturity of the time deposit. 12 USC 1831f note.

SEC. 302. RISK-BASED ASSESSMENTS.

(a) RISK-BASED ASSESSMENT SYSTEM.—Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(b) ASSESSMENTS.—

"(1) RISK-BASED ASSESSMENT SYSTEM.—

"(A) RISK-BASED ASSESSMENT SYSTEM REQUIRED.—The Board of Directors shall, by regulation, establish a risk-based assessment system for insured depository institutions.

"(B) PRIVATE REINSURANCE AUTHORIZED.—In carrying out this paragraph, the Corporation may—

"(i) obtain private reinsurance covering not more than 10 percent of any loss the Corporation incurs with respect to an insured depository institution; and

"(ii) base that institution's semiannual assessment (in whole or in part) on the cost of the reinsurance.

"(C) RISK-BASED ASSESSMENT SYSTEM DEFINED.—For purposes of this paragraph, the term 'risk-based assessment system' means a system for calculating a depository institution's semiannual assessment based on—

"(i) the probability that the deposit insurance fund will incur a loss with respect to the institution, taking into consideration the risks attributable to—

"(I) different categories and concentrations of assets;

"(II) different categories and concentrations of liabilities, both insured and uninsured, contingent and noncontingent; and

"(III) any other factors the Corporation determines are relevant to assessing such probability;

"(ii) the likely amount of any such loss; and

"(iii) the revenue needs of the deposit insurance fund.

"(D) SEPARATE ASSESSMENT SYSTEMS.—The Board of Directors may establish separate risk-based assessment systems for large and small members of each deposit insurance fund.

"(2) SETTING ASSESSMENTS.—

"(A) ACHIEVING AND MAINTAINING DESIGNATED RESERVE RATIO.—

"(i) IN GENERAL.—The Board of Directors shall set semiannual assessments for insured depository institutions—

"(I) to maintain the reserve ratio of each deposit insurance fund at the designated reserve ratio; or

"(II) if the reserve ratio is less than the designated reserve ratio, to increase the reserve ratio to the designated reserve ratio as provided in paragraph (3).

"(ii) FACTORS TO BE CONSIDERED.—In carrying out clause (i), the Board of Directors shall consider the deposit insurance fund's—

"(I) expected operating expenses,

"(II) case resolution expenditures and income,

"(III) the effect of assessments on members' earnings and capital, and

"(IV) any other factors that the Board of Directors may deem appropriate.

"(iii) MINIMUM ASSESSMENT.—The semiannual assessment for each member of a deposit insurance fund shall be not less than $1,000.

"(iv) DESIGNATED RESERVE RATIO DEFINED.—The designated reserve ratio of each deposit insurance fund for each year shall be—

"(I) 1.25 percent of estimated insured deposits; or

"(II) a higher percentage of estimated insured deposits that the Board of Directors determines to be justified for that year by circumstances raising a significant risk of substantial future losses to the fund.

"(B) INDEPENDENT TREATMENT OF FUNDS.—The Board of Directors shall—

"(i) set semiannual assessments for members of each deposit insurance fund independently from semiannual assessments for members of any other deposit insurance fund; and

"(ii) set the designated reserve ratio of each deposit insurance fund independently from the designated reserve ratio of any other deposit insurance fund.

"(C) NOTICE OF ASSESSMENTS.—The Corporation shall notify each insured depository institution of that institution's semiannual assessment.

"(D) PRIORITY OF FINANCING CORPORATION AND FUNDING CORPORATION ASSESSMENTS.—Notwithstanding any other provision of this paragraph, amounts assessed by the Financing Corporation under section 21 of the Federal

Home Loan Bank Act against Savings Association Insurance Fund members, shall be subtracted from the amounts authorized to be assessed by the Corporation under this paragraph.

"(E) MINIMUM ASSESSMENTS.—The Corporation shall design the risk-based assessment system for any deposit insurance fund so that, if the Corporation has borrowings outstanding under section 14 on behalf of that fund or the reserve ratio of that fund remains below the designated reserve ratio, the total amount raised by semiannual assessments on members of that fund shall be not less than the total amount that would have been raised if—

"(i) section 7(b) as in effect on July 15, 1991 remained in effect; and

"(ii) the assessment rate in effect on July 15, 1991 remained in effect.

"(F) TRANSITION RULE FOR SAVINGS ASSOCIATION INSURANCE FUND.—With respect to the Savings Association Insurance Fund, during the period beginning on the effective date of the amendments made by section 302(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 and ending on December 31, 1997—

"(i) subparagraph (A)(i)(II) shall apply as if such subparagraph did not include 'as provided in paragraph (3)'; and

"(ii) subparagraph (E) shall be applied by substituting 'if section 7(b) as in effect on July 15, 1991 remained in effect.' for 'if—' and all that follows through clause (ii).

"(G) SPECIAL RULE UNTIL THE INSURANCE FUNDS ACHIEVE THE DESIGNATED RESERVE RATIO.—Until a deposit insurance fund achieves the designated reserve ratio, the Corporation may limit the maximum assessment on insured depository institutions under the risk-based assessment system authorized under paragraph (1) to not less than 10 basis points above the average assessment on insured depository institutions under that system.

"(3) SPECIAL RULE FOR RECAPITALIZING UNDERCAPITALIZED FUNDS.—

"(A) IN GENERAL.—Except as provided in paragraph (2)(F), if the reserve ratio of any deposit insurance fund is less than the designated reserve ratio under paragraph (2)(A)(iv), the Board of Directors shall set semiannual assessment rates for members of that fund—

"(i) that are sufficient to increase the reserve ratio for that fund to the designated reserve ratio not later than 1 year after such rates are set; or

"(ii) in accordance with a schedule promulgated by the Corporation under subparagraph (B).

"(B) RECAPITALIZATION SCHEDULES.—For purposes of subparagraph (A)(ii), the Corporation shall by regulation promulgate a schedule that specifies, at semiannual intervals, target reserve ratios for that fund, culminating in a reserve ratio that is equal to the designated reserve ratio not later than 15 years after the date on which the schedule is implemented.

"(C) AMENDING SCHEDULE.—The Corporation may, by regulation, amend a schedule promulgated under subparagraph (B), but such amendments may not extend the date specified in subparagraph (B).

"(D) APPLICATION TO SAIF MEMBERS.—This paragraph shall become applicable to Savings Association Insurance Fund members on January 1, 1998.

"(4) SEMIANNUAL PERIOD DEFINED.—For purposes of this section, the term 'semiannual period' means a period beginning on January 1 of any calendar year and ending on June 30 of the same year, or a period beginning on July 1 of any calendar year and ending on December 31 of the same year.

"(5) RECORDS TO BE MAINTAINED.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of the institution's semiannual assessments. No insured depository institution shall be required to retain those records for that purpose for a period of more than 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured depository institution and the Corporation over the amount of any assessment, the depository institution shall retain the records until final determination of the issue.".

(b) CERTIFIED STATEMENTS AND PAYMENT PROCEDURES.—Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended to read as follows:

"(c) CERTIFIED STATEMENTS; PAYMENTS.—

"(1) CERTIFIED STATEMENTS REQUIRED.—

"(A) IN GENERAL.—Each insured depository institution shall file with the Corporation a certified statement containing such information as the Corporation may require for determining the institution's semiannual assessment.

"(B) FORM OF CERTIFICATION.—The certified statement required under subparagraph (A) shall—

"(i) be in such form and set forth such supporting information as the Board of Directors shall prescribe; and

"(ii) be certified by the president of the depository institution or any other officer designated by its board of directors or trustees that to the best of his or her knowledge and belief, the statement is true, correct and complete, and in accordance with this Act and regulations issued hereunder.

"(2) PAYMENTS REQUIRED.—

"(A) IN GENERAL.—Each insured depository institution shall pay to the Corporation the semiannual assessment imposed under subsection (b).

"(B) FORM OF PAYMENT.—The payments required under subparagraph (A) shall be made in such manner and at such time or times as the Board of Directors shall prescribe by regulation.

"(3) NEWLY INSURED INSTITUTIONS.—To facilitate the administration of this section, the Board of Directors may waive the requirements of paragraphs (1) and (2) for the semiannual period in which a depository institution becomes insured.".

12 USC 1817 note.

(c) REGULATIONS.—To implement the risk-based assessment system required under section 7(b) of the Federal Deposit Insurance

Act (as amended by subsection (a)), the Federal Deposit Insurance Corporation shall— Federal Register, publication.

(1) provide notice of proposed regulations in the Federal Register, not later than December 31, 1992, with an opportunity for comment on the proposal of not less than 120 days; and

(2) promulgate final regulations not later than July 1, 1993.

(d) AUTHORITY TO PRESCRIBE REGULATIONS AND DEFINITIONS.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following:

"(f) AUTHORITY TO PRESCRIBE REGULATIONS AND DEFINITIONS.—Except to the extent that authority under this Act is conferred on any of the Federal banking agencies other than the Corporation, the Corporation may—

"(1) prescribe regulations to carry out this Act; and

"(2) by regulation define terms as necessary to carry out this Act.".

(e) CONFORMING AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 5(d)(3)(B)— 12 USC 1815.

(A) by striking "average assessment base" and inserting "deposits"; and

(B) by striking "shall—" and all that follows through "(iii) shall be treated" and inserting "shall be treated";

(2) in section 7(a)(5) by striking "and for the computation of assessments provided in subsection (b) of this section"; 12 USC 1817.

(3) in section 7 by amending subsection (d) to read as follows:

"(d) CORPORATION EXEMPT FROM APPORTIONMENT.—Notwithstanding any other provision of law, amounts received pursuant to any assessment under this section and any other amounts received by the Corporation shall not be subject to apportionment for the purposes of chapter 15 of title 31, United States Code, or under any other authority."; and

(4) in the last sentence of section 8(q) by striking "upon" and inserting "with respect to". 12 USC 1818.

(f) TRANSITION TO NEW ASSESSMENT SYSTEM.—To carry out the amendments made by this section, the Corporation may promulgate regulations governing the transition from the assessment system in effect on the date of enactment of this Act to the assessment system required under the amendments made by this section. 12 USC 1817 note.

(g) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall become effective on the earlier of— 12 USC 1817 note.

(1) 180 days after the date on which final regulations promulgated in accordance with subsection (c) become effective; or

(2) January 1, 1994.

SEC. 303. RESTRICTIONS ON INSURED STATE BANK ACTIVITIES.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 23 the following new section:

"SEC. 24. ACTIVITIES OF INSURED STATE BANKS. 12 USC 1831a note.

"(a) IN GENERAL.—After the end of the 1-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, an insured State bank may not engage as principal in any type of activity that is not permissible for a national bank unless—

"(1) the Corporation has determined that the activity would pose no significant risk to the appropriate deposit insurance fund; and

"(2) the State bank is, and continues to be, in compliance with applicable capital standards prescribed by the appropriate Federal banking agency.

"(b) INSURANCE UNDERWRITING.—

"(1) IN GENERAL.—Notwithstanding subsection (a), an insured State bank may not engage in insurance underwriting except to the extent that activity is permissible for national banks.

"(2) EXCEPTION FOR CERTAIN FEDERALLY REINSURED CROP INSURANCE.—Notwithstanding any other provision of law, an insured State bank or any of its subsidiaries that provided insurance on or before September 30, 1991, which was reinsured in whole or in part by the Federal Crop Insurance Corporation may continue to provide such insurance.".

"(c) EQUITY INVESTMENTS BY INSURED STATE BANKS.—

"(1) IN GENERAL.—An insured State bank may not, directly or indirectly, acquire or retain any equity investment of a type that is not permissible for a national bank.

"(2) EXCEPTION FOR CERTAIN SUBSIDIARIES.—Paragraph (1) shall not prohibit an insured State bank from acquiring or retaining an equity investment in a subsidiary of which the insured State bank is a majority owner.

"(3) EXCEPTION FOR QUALIFIED HOUSING PROJECTS.—

"(A) EXCEPTION.—Notwithstanding any other provision of this subsection, an insured State bank may invest as a limited partner in a partnership, the sole purpose of which is direct or indirect investment in the acquisition, rehabilitation, or new construction of a qualified housing project.

"(B) LIMITATION.—The aggregate of the investments of any insured State bank pursuant to this paragraph shall not exceed 2 percent of the total assets of the bank.

"(C) QUALIFIED HOUSING PROJECT DEFINED.—As used in this paragraph—

"(i) QUALIFIED HOUSING PROJECT.—The term 'qualified housing project' means residential real estate that is intended to primarily benefit lower income people throughout the period of the investment.

"(ii) LOWER INCOME.—The term 'lower income' means income that is less than or equal to the median income based on statistics from State or Federal sources.

"(4) TRANSITION RULE.—

"(A) IN GENERAL.—The Corporation shall require any insured State bank to divest any equity investment the retention of which is not permissible under this subsection as quickly as can be prudently done, and in any event before the end of the 5-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991.

"(B) TREATMENT OF NONCOMPLIANCE DURING DIVESTMENT.—With respect to any equity investment held by any insured State bank on the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991 which was lawfully acquired before such date, the bank shall be deemed not to be in violation of the prohibition in

this subsection on retaining such investment so long as the bank complies with the applicable requirements established by the Corporation for divesting such investments.

"(d) SUBSIDIARIES OF INSURED STATE BANKS.—

"(1) IN GENERAL.—After the end of the 1-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, a subsidiary of an insured State bank may not engage as principal in any type of activity that is not permissible for a subsidiary of a national bank unless—

"(A) the Corporation has determined that the activity poses no significant risk to the appropriate deposit insurance fund; and

"(B) the bank is, and continues to be, in compliance with applicable capital standards prescribed by the appropriate Federal banking agency.

"(2) INSURANCE UNDERWRITING PROHIBITED.—

"(A) PROHIBITION.—Notwithstanding paragraph (1), no subsidiary of an insured State bank may engage in insurance underwriting except to the extent such activities are permissible for national banks.

"(B) CONTINUATION OF EXISTING ACTIVITIES.—Notwithstanding subparagraph (A), a well-capitalized insured State bank or any of its subsidiaries that was lawfully providing insurance as principal in a State on November 21, 1991, may continue to provide, as principal, insurance of the same type to residents of the State (including companies or partnerships incorporated in, organized under the laws of, licensed to do business in, or having an office in the State, but only on behalf of their employees resident in or property located in the State), individuals employed in the State, and any other person to whom the bank or subsidiary has provided insurance as principal, without interruption, since such person resided in or was employed in such State.

"(C) EXCEPTION.—Subparagraph (A) does not apply to a subsidiary of an insured State bank if—

"(i) the insured State bank was required, before June 1, 1991, to provide title insurance as a condition of the bank's initial chartering under State law; and

"(ii) control of the insured State bank has not changed since that date.

"(e) SAVINGS BANK LIFE INSURANCE.—

"(1) IN GENERAL.—No provision of this Act shall be construed as prohibiting or impairing the sale or underwriting of savings bank life insurance, or the ownership of stock in a savings bank life insurance company, by any insured bank which—

"(A) is located in the Commonwealth of Massachusetts or the State of New York or Connecticut; and State listing.

"(B) meets the consumer disclosure requirements under section 18(k) with respect to such insurance.

"(2) FDIC FINDING AND ACTION REGARDING RISK.—

"(A) FINDING.—Before the end of the 1-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, the Corporation shall make a finding whether savings bank life insurance activities of insured banks pose or may pose any

significant risk to the insurance fund of which such banks are members.

"(B) ACTIONS.—

"(i) IN GENERAL.—The Corporation shall, pursuant to any finding made under subparagraph (A), take appropriate actions to address any risk that exists or may subsequently develop with respect to insured banks described in paragraph (1)(A).

"(ii) AUTHORIZED ACTIONS.—Actions the Corporation may take under this subparagraph include requiring the modification, suspension, or termination of insurance activities conducted by any insured bank if the Corporation finds that the activities pose a significant risk to any insured bank described in paragraph (1)(A) or to the insurance fund of which such bank is a member.

"(f) COMMON AND PREFERRED STOCK INVESTMENT.—

"(1) IN GENERAL.—An insured State bank shall not acquire or retain, directly or indirectly, any equity investment of a type or in an amount that is not permissible for a national bank or is not otherwise permitted under this section.

"(2) EXCEPTION FOR BANKS IN CERTAIN STATES.—Notwithstanding paragraph (1), an insured State bank may, to the extent permitted by the Corporation, acquire and retain ownership of securities described in paragraph (1) to the extent the aggregate amount of such investment does not exceed an amount equal to 100 percent of the bank's capital if such bank—

"(A) is located in a State that permitted, as of September 30, 1991, investment in common or preferred stock listed on a national securities exchange or shares of an investment company registered under the Investment Company Act of 1940; and

"(B) made or maintained an investment in such securities during the period beginning on September 30, 1990, and ending on November 26, 1991.

"(3) EXCEPTION FOR CERTAIN TYPES OF INSTITUTIONS.—Notwithstanding paragraph (1), an insured State bank may—

"(A) acquire not more than 10 percent of a corporation that only—

"(i) provides directors', trustees', and officers' liability insurance coverage or bankers' blanket bond group insurance coverage for insured depository institutions; or

"(ii) reinsures such policies; and

"(B) acquire or retain shares of a depository institution if—

"(i) the institution engages only in activities permissible for national banks;

"(ii) the institution is subject to examination and regulation by a State bank supervisor;

"(iii) 20 or more depository institutions own shares of the institution and none of those institutions owns more than 15 percent of the institution's shares; and

"(iv) the institution's shares (other than directors' qualifying shares or shares held under or initially acquired through a plan established for the benefit of the

institution's officers and employees) are owned only by the institution.

"(4) TRANSITION PERIOD FOR COMMON AND PREFERRED STOCK INVESTMENTS.—

"(A) IN GENERAL.—During each year in the 3-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, each insured State bank shall reduce by not less than 1/3 of its shares (as of such date of enactment) the bank's ownership of securities in excess of the amount equal to 100 percent of the capital of such bank.

"(B) COMPLIANCE AT END OF PERIOD.—By the end of the 3-year period referred to in subparagraph (A), each insured State bank and each subsidiary of a State bank shall be in compliance with the maximum amount limitations on investments referred to in paragraph (1).

"(5) LOSS OF EXCEPTION UPON ACQUISITION.—Any exception applicable under paragraph (2) with respect to any insured State bank shall cease to apply with respect to such bank upon any change in control of such bank or any conversion of the charter of such bank.

"(6) NOTICE AND APPROVAL.—An insured State bank may only engage in any investment pursuant to paragraph (2) if—

"(A) the bank has filed a 1-time notice of the bank's intention to acquire and retain investments described in paragraph (1); and

"(B) the Corporation has determined, within 60 days of receiving such notice, that acquiring or retaining such investments does not pose a significant risk to the insurance fund of which such bank is a member.

"(7) DIVESTITURE.—

"(A) IN GENERAL.—The Corporation may require divestiture by an insured State bank of any investment permitted under this subsection if the Corporation determines that such investment will have an adverse effect on the safety and soundness of the bank.

"(B) REASONABLE STANDARD.—The Corporation shall not require divestiture by any bank pursuant to subparagraph (A) without reason to believe that such investment will have an adverse effect on the safety and soundness of the bank.

"(g) DETERMINATIONS.—The Corporation shall make determinations under this section by regulation or order.

"(h) ACTIVITY DEFINED.—For purposes of this section, the term 'activity' includes acquiring or retaining any investment.

"(i) OTHER AUTHORITY NOT AFFECTED.—This section shall not be construed as limiting the authority of any appropriate Federal banking agency or any State supervisory authority to impose more stringent restrictions.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The 13th undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 330) is amended by striking ": *Provided, however,* That no Federal reserve bank" and inserting ", except that the Board of Governors of the Federal Reserve System may limit the activities of State member banks and subsidiaries of State member banks in a manner consistent with section 24 of the Federal Deposit Insurance Act. No Federal reserve bank".

SEC. 304. RESTRICTIONS ON REAL ESTATE LENDING.

(a) IN GENERAL.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(o) REAL ESTATE LENDING.—

"(1) UNIFORM REGULATIONS.—Not more than 9 months after the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, each appropriate Federal banking agency shall adopt uniform regulations prescribing standards for extensions of credit that are—

"(A) secured by liens on interests in real estate; or

"(B) made for the purpose of financing the construction of a building or other improvements to real estate.

"(2) STANDARDS.—

"(A) CRITERIA.—In prescribing standards under paragraph (1), the agencies shall consider—

"(i) the risk posed to the deposit insurance funds by such extensions of credit;

"(ii) the need for safe and sound operation of insured depository institutions; and

"(iii) the availability of credit.

"(B) VARIATIONS PERMITTED.—In prescribing standards under paragraph (1), the appropriate Federal banking agencies may differentiate among types of loans—

"(i) as may be required by Federal statute;

"(ii) as may be warranted, based on the risk to the deposit insurance fund; or

"(iii) as may be warranted, based on the safety and soundness of the institutions.

"(3) LOAN EVALUATION STANDARD.—No appropriate Federal banking agency shall adversely evaluate an investment or a loan made by an insured depository institution, or consider such a loan to be nonperforming, solely because the loan is made to or the investment is in commercial, residential, or industrial property, unless such investment or loan may affect the institution's safety and soundness.

"(4) EFFECTIVE DATE.—The regulations adopted under paragraph (1) shall become effective not later than 15 months after the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991. Such regulations shall continue in effect except as uniformly amended by the appropriate Federal banking agencies, acting in concert.".

(b) CONFORMING AMENDMENT.—Section 24(a) of the Federal Reserve Act (12 U.S.C. 371(a)) is amended by striking "such terms," and all that follows through the period and inserting "section 18(o) of the Federal Deposit Insurance Act and such restrictions and requirements as the Comptroller of the Currency may prescribe by regulation or order.".

SEC. 305. IMPROVING CAPITAL STANDARDS.

(a) PERIODIC REVIEW OF CAPITAL STANDARDS GENERALLY.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(o) PERIODIC REVIEW OF CAPITAL STANDARDS.—Each appropriate Federal banking agency shall, in consultation with the other Federal banking agencies, biennially review its capital standards for insured depository institutions to determine whether those stand-

ards require sufficient capital to facilitate prompt corrective action to prevent or minimize loss to the deposit insurance funds, consistent with section 38.".

12 USC 1828 note.

(b) REVIEW OF RISK-BASED CAPITAL STANDARDS.—

(1) IN GENERAL.—Each appropriate Federal banking agency shall revise its risk-based capital standards for insured depository institutions to ensure that those standards—

(A) take adequate account of—

(i) interest-rate risk;

(ii) concentration of credit risk; and

(iii) the risks of nontraditional activities; and

(B) reflect the actual performance and expected risk of loss of multifamily mortgages.

(2) INTERNATIONAL DISCUSSIONS.—The Federal banking agencies shall discuss the development of comparable standards with members of the supervisory committee of the Bank for International Settlements.

(3) DEADLINE FOR PRESCRIBING REVISED STANDARDS.—Each appropriate Federal banking agency shall—

Federal Register, publication.

(A) publish final regulations in the Federal Register to implement paragraph (1) not later than 18 months after the date of enactment of this Act; and

(B) establish reasonable transition rules to facilitate compliance with those regulations.

(4) DEFINITIONS.—For purposes of this subsection, the terms "appropriate Federal banking agency", "Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(c) CONFORMING AMENDMENT DEFINING FEDERAL BANKING AGENCIES.—Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding at the end the following:

"(z) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' means the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.".

SEC. 306. SAFEGUARDS AGAINST INSIDER ABUSE.

(a) RECODIFICATION OF CURRENT LAW RESTRICTING EXTENSIONS OF CREDIT TO INSIDERS.—Section 22(h) of the Federal Reserve Act (12 U.S.C. 375b) is amended to read as follows:

"(h) EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS.—

"(1) IN GENERAL.—No member bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any related interest of such a person, except to the extent permitted under paragraphs (2), (3), (4), and (6).

"(2) PREFERENTIAL TERMS PROHIBITED.—A member bank may extend credit to its executive officers, directors, or principal shareholders, or to any related interest of such a person, only if the extension of credit—

"(A) is made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank; and

"(B) does not involve more than the normal risk of repayment or present other unfavorable features.

"(3) PRIOR APPROVAL REQUIRED.—A member bank may extend credit to a person described in paragraph (1) in an amount that, when aggregated with the amount of all other outstanding extensions of credit by that bank to each such person and that person's related interests, would exceed an amount prescribed by regulation of the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) only if—

"(A) the extension of credit has been approved in advance by a majority vote of that bank's entire board of directors; and

"(B) the interested party has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit.

"(4) AGGREGATE LIMIT ON EXTENSIONS OF CREDIT TO ANY EXECUTIVE OFFICER OR PRINCIPAL SHAREHOLDER.—A member bank may extend credit to any executive officer or principal shareholder, or to any related interest of such a person, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by that bank to that person and that person's related interests, would not exceed the limits on loans to a single borrower established by section 5200 of the Revised Statutes. For purposes of this paragraph, section 5200 of the Revised Statutes shall be deemed to apply to a State member bank as if the State member bank were a national banking association.

"(5) [Reserved.]

"(6) OVERDRAFTS BY EXECUTIVE OFFICERS AND DIRECTORS PROHIBITED.—

"(A) IN GENERAL.—If any executive officer or director has an account at the member bank, the bank may not pay on behalf of that person an amount exceeding the funds on deposit in the account.

"(B) EXCEPTIONS.—Subparagraph (A) does not prohibit a member bank from paying funds in accordance with—

"(i) a written preauthorized, interest-bearing extension of credit specifying a method of repayment; and

"(ii) a written preauthorized transfer of funds from another account of the executive officer or director at that bank.

"(7) [Reserved.]

"(8) EXECUTIVE OFFICER, DIRECTOR, OR PRINCIPAL SHAREHOLDER OF CERTAIN AFFILIATES TREATED AS EXECUTIVE OFFICER, DIRECTOR, OR PRINCIPAL SHAREHOLDER OF MEMBER BANK.—For purposes of this subsection, any executive officer, director, or principal shareholder (as the case may be) of any bank holding company of which the member bank is a subsidiary, or of any other subsidiary of that company, shall be deemed to be an executive officer, director, or principal shareholder (as the case may be) of the member bank.

"(9) DEFINITIONS.—For purposes of this subsection:

"(A) COMPANY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'company' means any corporation, partnership, business or other trust, association, joint venture,

pool syndicate, sole proprietorship, unincorporated organization, or other business entity.

"(ii) EXCEPTIONS.—The term 'company' does not include—

"(I) an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act); or

"(II) a corporation the majority of the shares of which are owned by the United States or by any State.

"(B) CONTROL.—A person controls a company or bank if that person, directly or indirectly, or acting through or in concert with 1 or more persons—

"(i) owns, controls, or has the power to vote 25 percent or more of any class of the company's voting securities;

"(ii) controls in any manner the election of a majority of the company's directors; or

"(iii) has the power to exercise a controlling influence over the company's management or policies.

"(C) EXECUTIVE OFFICER.—A person is an 'executive officer' of a company or bank if that person participates or has authority to participate (other than as a director) in major policymaking functions of the company or bank.

"(D) EXTENSION OF CREDIT.—A member bank extends credit by making or renewing any loan, granting a line of credit, or entering into any similar transaction as a result of which a person becomes obligated (directly or indirectly, or by any means whatsoever) to pay money or its equivalent to the bank.

"(E) [Reserved.]

"(F) PRINCIPAL SHAREHOLDER.—The term 'principal shareholder' means any person that directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than 10 percent of any class of voting securities of a member bank or company. For purposes of paragraph (4), if a member bank has its main banking office in a city, town, or village with a population of less than 30,000, the preceding sentence shall apply with '18 percent' substituted for '10 percent'.

"(G) RELATED INTEREST.—A 'related interest' of a person is—

"(i) any company controlled by that person; and

"(ii) any political or campaign committee that is controlled by that person or the funds or services of which will benefit that person.

"(H) SUBSIDIARY.—The term 'subsidiary' has the same meaning as in section 2 of the Bank Holding Company Act of 1956.

"(10) BOARD'S RULEMAKING AUTHORITY.—The Board of Governors of the Federal Reserve System may prescribe such regulations, including definitions of terms, as it determines to be necessary to effectuate the purposes and prevent evasions of this subsection.".

(b) REQUIRING DEPOSITORY INSTITUTIONS TO FOLLOW NORMAL CREDIT UNDERWRITING PROCEDURES WHEN EXTENDING CREDIT TO

INSIDERS.—Section 22(h)(2) of the Federal Reserve Act (12 U.S.C. 375b(2)), as amended by subsection (a), is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) the bank follows credit underwriting procedures that are not less stringent than those applicable to comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.".

(c) APPLYING TO DIRECTORS THE LIMIT ON LOANS TO ONE BORROWER.—Section 22(h)(4) of the Federal Reserve Act (12 U.S.C. 375b(4)), as amended by subsection (a), is amended—

(1) by inserting ", DIRECTOR," after "AGGREGATE LIMIT ON EXTENSIONS OF CREDIT TO ANY EXECUTIVE OFFICER"; and

(2) by inserting ", director," after "A member bank may extend credit to any executive officer".

(d) LIMITING DEPOSITORY INSTITUTION'S AGGREGATE EXTENSIONS OF CREDIT TO INSIDERS.—

(1) IN GENERAL.—Section 22(h)(5) of the Federal Reserve Act (12 U.S.C. 375b(5)), as amended by subsection (a), is amended to read as follows:

"(5) AGGREGATE LIMIT ON EXTENSIONS OF CREDIT TO ALL EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS.—

"(A) IN GENERAL.—A member bank may extend credit to any executive officer, director, or principal shareholder, or to any related interest of such a person, if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by that bank to its executive officers, directors, principal shareholders, and those persons' related interests would not exceed the bank's unimpaired capital and unimpaired surplus.

"(B) MORE STRINGENT LIMIT AUTHORIZED.—The Board may, by regulation, prescribe a limit that is more stringent than that contained in subparagraph (A).

"(C) BOARD MAY MAKE EXCEPTIONS FOR CERTAIN BANKS.—The Board may, by regulation, make exceptions to subparagraph (A) for member banks with less than $100,000,000 in deposits if the Board determines that the exceptions are important to avoid constricting the availability of credit in small communities or to attract directors to such banks. In no case may the aggregate amount of all outstanding extensions of credit to a bank's executive officers, directors, principal shareholders, and those persons' related interests be more than 2 times the bank's unimpaired capital and unimpaired surplus.".

(2) CONFORMING AMENDMENT.—Section 22(h)(1) of the Federal Reserve Act (12 U.S.C. 375b(1)), as amended by subsection (a), is amended by inserting "(5)," after "(4),".

(e) PROHIBITING INSIDERS FROM ACCEPTING UNAUTHORIZED EXTENSIONS OF CREDIT.—Section 22(h)(7) of the Federal Reserve Act (12 U.S.C. 375b(7)), as amended by subsection (a), is amended to read as follows:

"(7) PROHIBITION ON KNOWINGLY RECEIVING UNAUTHORIZED EXTENSION OF CREDIT.—No executive officer, director, or prin-

cipal shareholder shall knowingly receive (or knowingly permit any of that person's related interests to receive) from a member bank, directly or indirectly, any extension of credit not authorized under this subsection.".

(f) APPLYING UNIFORM RULES TO ALL COMPANIES CONTROLLING DEPOSITORY INSTITUTIONS.—Section 22(h)(8) of the Federal Reserve Act (12 U.S.C. 375b(8)), as amended by subsection (a), is amended by striking "bank holding".

(g) APPLYING SAFEGUARDS TO INSIDER TRANSACTIONS WITH DEPOSITORY INSTITUTION'S SUBSIDIARIES.—Section 22(h)(9)(E) of the Federal Reserve Act (12 U.S.C. 375b(9)(E)), as amended by subsection (a), is amended to read as follows:

"(E) MEMBER BANK.—The term 'member bank' includes any subsidiary of a member bank.".

(h) APPLYING UNIFORM RULES TO ALL PRINCIPAL SHAREHOLDERS.—Section 22(h)(9)(F) of the Federal Reserve Act (12 U.S.C. 375b(9)(F)), as amended by subsection (a), is amended by striking the last sentence.

(i) LIMITING SAVINGS ASSOCIATIONS' EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS.—Section 11(b)(1) of the Home Owners' Loan Act (12 U.S.C. 1468(b)(1)) is amended by striking "Section 22(h)" and inserting "Subsections (g) and (h) of section 22".

(j) PREVENTING SAVINGS ASSOCIATIONS FROM MAKING PREFERENTIAL EXTENSIONS OF CREDIT THROUGH CORRESPONDENT INSTITUTIONS.—Section 106(b)(2)(H)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(H)(i)) is amended by inserting ", a savings bank, and a savings association (as those terms are defined in section 3 of the Federal Deposit Insurance Act)" after "mutual savings bank".

(k) LIMITING STATE NONMEMBER BANK'S EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS; CLARIFYING THE PROHIBITION ON PREFERENTIAL EXTENSIONS OF CREDIT TO INSIDERS.—Section 18(j) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)) is amended to read as follows:

"(j) RESTRICTIONS ON TRANSACTIONS WITH AFFILIATES AND INSIDERS.—

"(1) TRANSACTIONS WITH AFFILIATES.—

"(A) IN GENERAL.—Sections 23A and 23B of the Federal Reserve Act shall apply with respect to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank.

"(B) AFFILIATE DEFINED.—For the purpose of subparagraph (A), any company that would be an affiliate (as defined in sections 23A and 23B) of a nonmember insured bank if the nonmember insured bank were a member bank shall be deemed to be an affiliate of that nonmember insured bank.

"(2) EXTENSIONS OF CREDIT TO OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS.—Subsections (g) and (h) of section 22 of the Federal Reserve Act shall apply with respect to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank.

"(3) AVOIDING EXTRATERRITORIAL APPLICATION TO FOREIGN BANKS.—

"(A) TRANSACTIONS WITH AFFILIATES.—Paragraph (1) shall not apply with respect to a foreign bank solely because the foreign bank has an insured branch.

"(B) EXTENSIONS OF CREDIT TO OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS.—Paragraph (2) shall not apply with respect to a foreign bank solely because the foreign bank has an insured branch, but shall apply with respect to the insured branch.

"(C) FOREIGN BANK DEFINED.—For purposes of this paragraph, the term 'foreign bank' has the same meaning as in section 1(b)(7) of the International Banking Act of 1978.".

12 USC 375b note.

(l) EFFECTIVE DATE.—The amendments made by this section shall become effective upon the earlier of—

(1) the date on which final regulations under subsection (m)(1) become effective; or

(2) 150 days after the date of enactment of this Act.

12 USC 375b note.

(m) REGULATIONS.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System shall, not later than 120 days after the date of enactment of this Act, promulgate final regulations to implement the amendments made by this section, other than the amendments made by subsections (i) and (k).

(2) LIMITING EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS.—The Federal Deposit Insurance Corporation and Director of the Office of Thrift Supervision shall each, not later than 120 days after the date of enactment of this Act, promulgate final regulations prescribing the maximum amount that a nonmember insured bank or insured savings association (as the case may be) may lend under section 22(g)(4) of the Federal Reserve Act, as made applicable to those institutions by subsections (k) and (i), respectively.

12 USC 375b note.

(n) EXISTING TRANSACTIONS NOT AFFECTED.—The amendments made by this section do not affect the validity of any extension of credit or other transaction lawfully entered into on or before the effective date of those amendments.

12 USC 375b note.

(o) REPORTING OF CREDIT BY EXECUTIVE OFFICERS AND DIRECTORS.—An executive officer or director of an insured depository institution, a bank holding company, or a savings and loan holding company, the shares of which are not publicly traded, shall report annually to the board of directors of the institution or holding company the outstanding amount of any credit that was extended to such executive officer or director and that is secured by shares of the institution or holding company.

SEC. 307. FDIC BACK-UP ENFORCEMENT AUTHORITY.

Section 8(t) of the Federal Deposit Insurance Act (12 U.S.C. 1818(t)) is amended to read as follows:

"(t) AUTHORITY OF FDIC TO TAKE ENFORCEMENT ACTION AGAINST INSURED DEPOSITORY INSTITUTIONS AND INSTITUTION-AFFILIATED PARTIES.—

"(1) RECOMMENDING ACTION BY APPROPRIATE FEDERAL BANKING AGENCY.—The Corporation, based on an examination of an insured depository institution by the Corporation or by the appropriate Federal banking agency or on other information, may recommend in writing to the appropriate Federal banking agency that the agency take any enforcement action authorized under section 7(j), this section, or section 18(j) with respect to any insured depository institution or any institution-affiliated party. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

"(2) FDIC'S AUTHORITY TO ACT IF APPROPRIATE FEDERAL BANKING AGENCY FAILS TO FOLLOW RECOMMENDATION.—If the appropriate Federal banking agency does not, before the end of the 60-day period beginning on the date on which the agency receives the recommendation under paragraph (1), take the enforcement action recommended by the Corporation or provide a plan acceptable to the Corporation for responding to the Corporation's concerns, the Corporation may take the recommended enforcement action if the Board of Directors determines, upon a vote of its members, that—

"(A) the insured depository institution is in an unsafe or unsound condition;

"(B) the institution is engaging in unsafe or unsound practices, and the recommended enforcement action will prevent the institution from continuing such practices; or

"(C) the institution's conduct or threatened conduct (including any acts or omissions) poses a risk to the deposit insurance fund, or may prejudice the interests of the institution's depositors.

"(3) EFFECT OF EXIGENT CIRCUMSTANCES.—

"(A) AUTHORITY TO ACT.—The Corporation may, upon a vote of the Board of Directors, and after notice to the appropriate Federal banking agency, exercise its authority under paragraph (2) in exigent circumstances without regard to the time period set forth in paragraph (2).

"(B) AGREEMENT ON EXIGENT CIRCUMSTANCES.—The Corporation shall, by agreement with the appropriate Federal banking agency, set forth those exigent circumstances in which the Corporation may act under subparagraph (A).

"(4) CORPORATION'S POWERS; INSTITUTION'S DUTIES.—For purposes of this subsection—

"(A) the Corporation shall have the same powers with respect to any insured depository institution and its affiliates as the appropriate Federal banking agency has with respect to the institution and its affiliates; and

"(B) the institution and its affiliates shall have the same duties and obligations with respect to the Corporation as the institution and its affiliates have with respect to the appropriate Federal banking agency.

"(5) REQUESTS FOR FORMAL ACTIONS AND INVESTIGATIONS.—

"(A) SUBMISSION OF REQUESTS.—A regional office of an appropriate Federal banking agency (including a Federal Reserve bank) that requests a formal investigation of or civil enforcement action against an insured depository institution shall submit the request concurrently to the chief officer of the appropriate Federal banking agency and to the Corporation.

"(B) AGENCIES REQUIRED TO REPORT ON REQUESTS.—Each appropriate Federal banking agency shall report semiannually to the Corporation on the status or disposition of all requests under subparagraph (A), including the reasons for any decision by the agency to approve or deny such requests.".

SEC. 308. INTERBANK LIABILITIES.

(a) REDUCING SYSTEMIC RISKS POSED BY LARGE BANK FAILURES.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 22 the following new section:

"INTERBANK LIABILITIES

12 USC 371b-2.

"SEC. 23. (a) PURPOSE.—The purpose of this section is to limit the risks that the failure of a large depository institution (whether or not that institution is an insured depository institution) would pose to insured depository institutions.

"(b) AGGREGATE LIMITS ON INSURED DEPOSITORY INSTITUTIONS' EXPOSURE TO OTHER DEPOSITORY INSTITUTIONS.—The Board shall, by regulation or order, prescribe standards that have the effect of limiting the risks posed by an insured depository institution's exposure to any other depository institution.

"(c) EXPOSURE DEFINED.—

"(1) IN GENERAL.—For purposes of subsection (b), an insured depository institution's 'exposure' to another depository institution means—

"(A) all extensions of credit to the other depository institution, regardless of name or description, including—

"(i) all deposits at the other depository institution;

"(ii) all purchases of securities or other assets from the other depository institution subject to an agreement to repurchase; and

"(iii) all guarantees, acceptances, or letters of credit (including endorsements or standby letters of credit) on behalf of the other depository institution;

"(B) all purchases of or investments in securities issued by the other depository institution;

"(C) all securities issued by the other depository institution accepted as collateral for an extension of credit to any person; and

"(D) all similar transactions that the Board by regulation determines to be exposure for purposes of this section.

"(2) EXEMPTIONS.—The Board may, at its discretion, by regulation or order, exempt transactions from the definition of 'exposure' if it finds the exemptions to be in the public interest and consistent with the purpose of this section.

"(3) ATTRIBUTION RULE.—For purposes of this section, any transaction by an insured depository institution with any person is a transaction with another depository institution to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that other depository institution.

"(d) INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(e) RULEMAKING AUTHORITY; ENFORCEMENT.—The Board may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out the purpose of this section. The appropriate Federal banking agency shall enforce compliance with those regulations under section 8 of the Federal Deposit Insurance Act.".

12 USC 371b-2 note.

(b) TRANSITION RULES.—The Board shall prescribe reasonable transition rules to facilitate compliance with section 23 of the Federal Reserve Act (as added by subsection (a)).

(c) EFFECTIVE DATE.—The amendment made by this section shall become effective 1 year after the date of enactment of this Act. 12 USC 371b-2 note.

Subtitle B—Coverage

SEC. 311. DEPOSIT AND PASS-THROUGH INSURANCE.

(a) EXCLUSION OF CERTAIN OBLIGATIONS FROM DEPOSIT INSURANCE COVERAGE.—

(1) IN GENERAL.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended by adding at the end the following new paragraph:

"(8) CERTAIN INVESTMENT CONTRACTS NOT TREATED AS INSURED DEPOSITS.—

"(A) IN GENERAL.—A liability of an insured depository institution shall not be treated as an insured deposit if the liability arises under any insured depository institution investment contract between any insured depository institution and any employee benefit plan which expressly permits benefit-responsive withdrawals or transfers.

"(B) DEFINITIONS.—For purposes of subparagraph (A)—

"(i) BENEFIT-RESPONSIVE WITHDRAWALS OR TRANSFERS.—The term 'benefit-responsive withdrawals or transfers' means any withdrawal or transfer of funds (consisting of any portion of the principal and any interest credited at a rate guaranteed by the insured depository institution investment contract) during the period in which any guaranteed rate is in effect, without substantial penalty or adjustment, to pay benefits provided by the employee benefit plan or to permit a plan participant or beneficiary to redirect the investment of his or her account balance.

"(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

"(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974; and

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986.".

(2) EXCLUSION OF OBLIGATIONS FROM TREATMENT AS DEPOSITS FOR OTHER PURPOSES.—Section 7(b)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(6)) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) any liability of the insured depository institution which is not treated as an insured deposit pursuant to section 11(a)(8).".

(b) INSURANCE OF DEPOSITS.—

(1) INSURED AMOUNTS PAYABLE.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) (as amended by subsection (a)(1) of this section) is amended by striking "(a)(1)" and all that follows through paragraph (1) and inserting the following:

"(a) DEPOSIT INSURANCE.—

"(1) INSURED AMOUNTS PAYABLE.—

"(A) IN GENERAL.—The Corporation shall insure the deposits of all insured depository institutions as provided in this Act.

"(B) NET AMOUNT OF INSURED DEPOSIT.—The net amount due to any depositor at an insured depository institution shall not exceed $100,000 as determined in accordance with subparagraphs (C) and (D).

"(C) AGGREGATION OF DEPOSITS.—For the purpose of determining the net amount due to any depositor under subparagraph (B), the Corporation shall aggregate the amounts of all deposits in the insured depository institution which are maintained by a depositor in the same capacity and the same right for the benefit of the depositor either in the name of the depositor or in the name of any other person, other than any amount in a trust fund described in section 7(i)(1).

"(D) COVERAGE ON PRO RATA OR 'PASS-THROUGH' BASIS.—

"(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of determining the amount of insurance due under subparagraph (B), the Corporation shall provide deposit insurance coverage with respect to deposits accepted by any insured depository institution on a pro rata or 'pass-through' basis to a participant in or beneficiary of an employee benefit plan (as defined in section 11(a)(8)(B)(ii)), including any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(ii) EXCEPTION.—After the end of the 1-year period beginning on the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, the Corporation shall not provide insurance coverage on a pro rata or 'pass-through' basis pursuant to clause (i) with respect to deposits accepted by any insured depository institution which, at the time such deposits are accepted, may not accept brokered deposits under section 29.

"(iii) COVERAGE UNDER CERTAIN CIRCUMSTANCES.—Clause (ii) shall not apply with respect to any deposit accepted by an insured depository institution described in such clause if, at the time the deposit is accepted—

"(I) the institution meets each applicable capital standard; and

"(II) the depositor receives a written statement from the institution that such deposits at such institution are eligible for insurance coverage on a pro rata or 'pass-through' basis.".

(2) CERTAIN RETIREMENT ACCOUNTS.—Section 11(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)) is amended to read as follows:

"(3) CERTAIN RETIREMENT ACCOUNTS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act relating to the amount of deposit insurance available for the account of any 1 depositor, deposits in an insured depository institution made in connection with—

"(i) any individual retirement account described in section 408(a) of the Internal Revenue Code of 1986;

"(ii) subject to the exception contained in paragraph (1)(D)(ii), any eligible deferred compensation plan described in section 457 of such Code; and

"(iii) any individual account plan defined in section 3(34) of the Employee Retirement Income Security Act, and any plan described in section 401(d) of the Internal Revenue Code of 1986, to the extent that participants and beneficiaries under such plan have the right to direct the investment of assets held in individual accounts maintained on their behalf by the plan,

shall be aggregated and insured in an amount not to exceed $100,000 per participant per insured depository institution.

"(B) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of subparagraph (A), the amount aggregated for insurance coverage under this paragraph shall consist of the present vested and ascertainable interest of each participant under the plan, excluding any remainder interest created by, or as a result of, the plan.".

(3) CERTAIN TRUST FUNDS.—Section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) is amended to read as follows:

"(i) INSURANCE OF TRUST FUNDS.—

"(1) IN GENERAL.—Trust funds held on deposit by an insured depository institution in a fiduciary capacity as trustee pursuant to any irrevocable trust established pursuant to any statute or written trust agreement shall be insured in an amount not to exceed $100,000 for each trust estate.

"(2) INTERBANK DEPOSITS.—Trust funds described in paragraph (1) which are deposited by the fiduciary depository institution in another insured depository institution shall be similarly insured to the fiduciary depository institution according to the trust estates represented.

"(3) REGULATIONS.—The Board of Directors may prescribe such regulations as may be necessary to clarify the insurance coverage under this subsection and to prescribe the manner of reporting and depositing such trust funds.".

(4) EXPANDED COVERAGE BY REGULATION.— 12 USC 1821 note.

(A) REVIEW OF COVERAGE.—For the purpose of prescribing regulations, during the 1-year period beginning on the date of the enactment of this Act, the Board of Directors shall review the capacities and rights in which deposit accounts are maintained and for which deposit insurance coverage is provided by the Corporation.

(B) REGULATIONS.—After the end of the 1-year period referred to in subparagraph (A), the Board of Directors may prescribe regulations that provide for separate insurance coverage for the different capacities and rights in which deposit accounts are maintained if a determination is made by the Board of Directors that such separate insurance coverage is consistent with—

(i) the purpose of protecting small depositors and limiting the undue expansion of deposit insurance coverage; and

(ii) the insurance provisions of the Federal Deposit Insurance Act.

(C) DELAYED EFFECTIVE DATE FOR REGULATIONS.—No regulation prescribed under subparagraph (B) may take effect

before the 2-year period beginning on the date of the enactment of this Act.

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)) is amended by striking "(m)(1)" and all that follows through paragraph (1) and inserting the following: "(m) INSURED DEPOSIT.—

"(1) IN GENERAL.—Subject to paragraph (2), the term 'insured deposit' means the net amount due to any depositor for deposits in an insured depository institution as determined under sections 7(i) and 11(a).".

(B) Section 11(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)(A)) is amended by striking "his deposit shall be insured" and inserting "such depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed a depositor in such custodial capacity separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in clause (ii), (iii), (iv), or (v) and the deposit of any such depositor shall be insured in an amount not to exceed $100,000 per account".

(C) The 2d subparagraph of section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended by striking "(b)" and inserting "(B)".

12 USC 1821 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) and paragraphs (2) and (3) of subsection (b) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

(2) APPLICATION TO TIME DEPOSITS.—

(A) CERTAIN DEPOSITS EXCLUDED.—Except with respect to the amendment referred to in paragraph (3), the amendments made by subsections (a) and (b) shall not apply to any time deposit which—

(i) was made before the date of enactment of this Act; and

(ii) matures after the end of the 2-year period referred to in paragraph (1).

(B) ROLLOVERS AND RENEWALS TREATED AS NEW DEPOSIT.—Any renewal or rollover of a time deposit described in subparagraph (A) after the date of the enactment of this Act shall be treated as a new deposit which is not described in such subparagraph.

(3) EFFECTIVE DATE FOR AMENDMENT RELATING TO CERTAIN EMPLOYEE PLANS.—

(A) Section 11(a)(1)(B) of the Federal Deposit Insurance Act (as amended by subsection (b)(1) of this section) shall take effect on the earlier of—

(i) the date of the enactment of this Act; or

(ii) January 1, 1992.

(B) Section 11(a)(3)(A) of the Federal Deposit Insurance Act (as amended by subsection (b)(2) of this section) shall take effect on the earlier of the dates described in clauses (i) and (ii) of subparagraph (A) with respect to plans described in clause (ii) of such section.

12 USC 1821 note.

(d) INFORMATIONAL STUDY.—

(1) IN GENERAL.—The Federal Deposit Insurance Corporation, in conjunction with such consultants and technical experts as the Corporation determines to be appropriate, shall conduct a study of the cost and feasibility of tracking the insured and uninsured deposits of any individual and the exposure, under any Act of Congress or any regulation of any appropriate Federal banking agency, of the Federal Government with respect to all insured depository institutions.

(2) ANALYSIS OF COSTS AND BENEFITS.—The study under paragraph (1) shall include detailed, technical analysis of the costs and benefits associated with the least expensive way to implement the system.

(3) SPECIFIC FACTORS TO BE STUDIED.—As part of the study under paragraph (1), the Corporation shall investigate, review, and evaluate—

(A) the data systems that would be required to track deposits in all insured depository institutions;

(B) the reporting burdens of such tracking on individual depository institutions;

(C) the systems which exist or which would be required to be developed to aggregate such data on an accurate basis;

(D) the implications such tracking would have for individual privacy; and

(E) the manner in which systems would be administered and enforced.

(4) FEDERAL RESERVE BOARD SURVEY.—As part of the informational study required under paragraph (1), the Board of Governors of the Federal Reserve System shall conduct, in conjunction with other Federal departments and agencies as necessary, a survey of the ownership of deposits held by individuals including the dollar amount of deposits held, the type of deposit accounts held, and the type of financial institutions in which the deposit accounts are held.

(5) ANALYSIS BY FDIC.—The results of the survey under paragraph (4) shall be provided to the Federal Deposit Insurance Corporation before the end of the 1-year period beginning on the date of the enactment of this Act for analysis and inclusion in the informational study.

(6) REPORT TO CONGRESS.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Federal Deposit Insurance Corporation shall submit to the Congress a report containing a detailed statement of findings made and conclusions drawn from the study conducted under this section, including such recommendations for administrative and legislative action as the Corporation determines to be appropriate.

SEC. 312. FOREIGN DEPOSITS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 40 (as added by preceding provisions of this Act) the following new section:

"SEC. 41. PAYMENTS ON FOREIGN DEPOSITS PROHIBITED. 12 USC 1831r.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Corporation, the Board of Governors of the Federal Reserve System, the Resolution Trust Corporation, any other agency, department, and instrumentality of the United States, and any corporation

owned or controlled by the United States may not, directly or indirectly, make any payment or provide any assistance, guarantee, or transfer under this Act or any other provision of law in connection with any insured depository institution which would have the direct or indirect effect of satisfying, in whole or in part, any claim against the institution for obligations of the institution which would constitute deposits as defined in section 3(l) but for subparagraphs (A) and (B) of section 3(l)(5).".

"(b) EXCEPTION.—Subsection (a) shall not apply to any payment, assistance, guarantee, or transfer made or provided by the Corporation if the Board of Directors determines in writing that such action is not inconsistent with any requirement of section 13(c).

"(c) DISCOUNT WINDOW LENDING.—No provision of this section shall be construed as prohibiting any Federal Reserve bank from making advances or otherwise extending credit pursuant to the Federal Reserve Act to any insured depository institution to the extent that such advance or extension of credit is consistent with the conditions and limitations imposed under section 10B of such Act.".

SEC. 313. PENALTY FOR FALSE ASSESSMENT REPORTS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended by adding at the end the following new paragraph:

"(5) PENALTY FOR FAILURE TO MAKE ACCURATE CERTIFIED STATEMENT.—

"(A) FIRST TIER.—Any insured depository institution which—

"(i) maintains procedures reasonably adapted to avoid any inadvertent error and, unintentionally and as a result of such an error, fails to submit the certified statement under paragraph (1) or (2) within the period of time required under paragraph (1) or (2) or submits a false or misleading certified statement; or

"(ii) submits the statement at a time which is minimally after the time required in such paragraph,

shall be subject to a penalty of not more than $2,000 for each day during which such failure continues or such false and misleading information is not corrected. The institution shall have the burden of proving that an error was inadvertent or that a statement was inadvertently submitted late.

"(B) SECOND TIER.—Any insured depository institution which fails to submit the certified statement under paragraph (1) or (2) within the period of time required under paragraph (1) or (2) or submits a false or misleading certified statement in a manner not described in subparagraph (A) shall be subject to a penalty of not more than $20,000 for each day during which such failure continues or such false and misleading information is not corrected.

"(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), if any insured depository institution knowingly or with reckless disregard for the accuracy of any certified statement described in paragraph (1) or (2) submits a false or misleading certified statement under paragraph (1) or (2), the Corporation may assess a penalty of not more than $1,000,000 or not more than 1 percent of the total assets of

the institution, whichever is less, per day for each day during which the failure continues or the false or misleading information in such statement is not corrected.

"(D) ASSESSMENT PROCEDURE.—Any penalty imposed under this paragraph shall be assessed and collected by the Corporation in the manner provided in subparagraphs (E), (F), (G), and (I) of section 8(i)(2) (for penalties imposed under such section) and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such section.

"(E) HEARING.—Any insured depository institution against which any penalty is assessed under this paragraph shall be afforded an agency hearing if the institution submits a request for such hearing within 20 days after the issuance of the notice of the assessment. Section 8(h) shall apply to any proceeding under this subparagraph.".

(b) INSURED CREDIT UNIONS.—Section 202(d)(2) of the Federal Credit Union Act (12 U.S.C. 1782(d)(2)) is amended to read as follows:

"(2) PENALTY FOR FAILURE TO MAKE ACCURATE CERTIFIED STATEMENT OR TO PAY DEPOSIT OR PREMIUM.—

"(A) FIRST TIER.—Any insured credit union which—

"(i) maintains procedures reasonably adapted to avoid any inadvertent error and, unintentionally and as a result of such an error, fails to submit any certified statement under subsection (b)(1) within the period of time required or submits a false or misleading certified statement under such subsection; or

"(ii) submits the statement at a time which is minimally after the time required,

shall be subject to a penalty of not more than $2,000 for each day during which such failure continues or such false and misleading information is not corrected. The insured credit union shall have the burden of proving that an error was inadvertent or that a statement was inadvertently submitted late.

"(B) SECOND TIER.—Any insured credit union which—

"(i) fails to submit any certified statement under subsection (b)(1) within the period of time required or submits a false or misleading certified statement in a manner not described in subparagraph (A); or

"(ii) fails or refuses to pay any deposit or premium for insurance required under this title,

shall be subject to a penalty of not more than $20,000 for each day during which such failure continues, such false and misleading information is not corrected, or such deposit or premium is not paid.

"(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), if any insured depository institution knowingly or with reckless disregard for the accuracy of any certified statement under subsection (b)(1) or submits a false or misleading certified statement under such subsection, the Corporation may assess a penalty of not more than $1,000,000 or not more than 1 percent of the total assets of the institution, whichever is less, per day for each day during which the failure continues or the false or misleading information in such statement is not corrected.

"(D) ASSESSMENT PROCEDURE.—Any penalty imposed under this paragraph shall be assessed and collected by the Corporation in the manner provided in section 206(k)(2) (for penalties imposed under such section) and any such assessment (including the determination of the amount of the penalty) shall be subject to the provisions of such section.

"(E) HEARING.—Any insured depository institution against which any penalty is assessed under this paragraph shall be afforded an agency hearing if the institution submits a request for such hearing within 20 days after the issuance of the notice of the assessment. Section 206(j) shall apply to any proceeding under this subparagraph.

"(F) SPECIAL RULE FOR DISPUTED PAYMENTS.—No penalty may be assessed for the failure of any insured credit union to pay any deposit or premium for insurance if—

"(i) the failure is due to a dispute between the credit union and the Board over the amount of the deposit or premium which is due from the credit union; and

"(ii) the credit union deposits security satisfactory to the Board for payment of the deposit or insurance premium upon final determination of the dispute.".

Subtitle C—Demonstration Project and Studies

12 USC 1811 note.

SEC. 321. FEASIBILITY STUDY ON AUTHORIZING INSURED AND UNINSURED DEPOSIT ACCOUNTS.

(a) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall study the feasibility of authorizing insured depository institutions to offer both insured and uninsured deposit accounts to customers.

(b) FACTORS TO CONSIDER.—In conducting the study required under subsection (a), the Corporation shall consider the following factors:

(1) The risk a 2-window deposit system would pose to the deposit insurance system.

(2) The disclosure standards which would be necessary to prevent customer confusion over the insured status of deposits and fraudulent or misleading practices with respect to such insured status.

(3) The extent to which accounting standards would have to be revised or changed.

(4) The manner in which a 2-window deposit plan could be implemented with the least disruption to the stability of, and the confidence of consumers in, the banking system.

(c) REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Corporation shall submit a report to the Congress containing the Corporation's findings and conclusions with respect to the study under subsection (a) and any recommendations for legislative or administrative action the Corporation may determine to be appropriate.

12 USC 1811 note.

SEC. 322. PRIVATE REINSURANCE STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Board of Directors of the Federal Deposit Insurance Corporation, in consultation with the Secretary of the Treasury and individuals from the private sector with expertise in private insurance, private reinsurance, depository

institutions, or economics, shall conduct a study of the feasibility of establishing a private reinsurance system.

(2) PROJECT.—The study conducted under this subsection shall include a demonstration project consisting of a simulation, by a sample of private reinsurers and insured depository institutions, of the activities required for a private reinsurance system, including—

(A) establishment of a pricing structure for risk-based premiums;

(B) formulation of insurance or reinsurance contracts; and

(C) identification and collection of information necessary to evaluate and monitor the risks in insured depository institutions.

(3) ACTUAL REINSURANCE TRANSACTIONS.—The Federal Deposit Insurance Corporation may engage in actual reinsurance transactions as part of a demonstration project conducted under paragraph (2).

(b) REPORT.—

(1) IN GENERAL.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Federal Deposit Insurance Corporation shall submit to the Congress a report on the study conducted under this section.

(2) CONTENTS.—The report under this subsection shall include—

(A) an analysis and review of the project conducted under subsection (a)(2);

(B) conclusions regarding the feasibility of a private reinsurance system;

(C) recommendations regarding whether—

(i) such a system should be restricted to depository institutions over a certain asset size;

(ii) similar systems are feasible for depository institutions or groups of depository institutions of a lesser asset size; and

(iii) public policy goals can be satisfied by such systems; and

(D) recommendations for administrative and legislative action that may be necessary to establish such systems.

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Payment System Risk Reduction

SEC. 401. FINDINGS AND PURPOSE.

12 USC 4401.

The Congress finds that—

(1) many financial institutions engage daily in thousands of transactions with other financial institutions directly and through clearing organizations;

(2) the efficient processing of such transactions is essential to a smoothly functioning economy;

(3) such transactions can be processed most efficiently if, consistent with applicable contractual terms, obligations among financial institutions are netted;

(4) such netting procedures would reduce the systemic risk within the banking system and financial markets; and

(5) the effectiveness of such netting procedures can be assured only if they are recognized as valid and legally binding in the event of the closing of a financial institution participating in the netting procedures.

12 USC 4402.

SEC. 402. DEFINITIONS.

For purposes of this subtitle—

(1) BROKER OR DEALER.—The term 'broker or dealer' means—

(A) any company that is registered or licensed under Federal or State law to engage in the business of brokering, underwriting, or dealing in securities in the United States; and

(B) to the extent consistent with this title, as determined by the Board of Governors of the Federal Reserve System, any company that is an affiliate of a company described in subparagraph (A) and that is engaged in the business of entering into netting contracts.

(2) CLEARING ORGANIZATION.—The term "clearing organization" means a clearinghouse, clearing association, clearing corporation, or similar organization—

(A) that provides clearing, netting, or settlement services for its members and—

(i) in which all members other than the clearing organization itself are financial institutions or other clearing organizations; or

(ii) which is registered as a clearing agency under the Securities Exchange Act of 1934; or

(B) that performs clearing functions for a contract market designated pursuant to the Commodity Exchange Act.

(3) COVERED CLEARING OBLIGATION.—The term "covered clearing obligation" means an obligation of a member of a clearing organization to make payment to another member of a clearing organization, subject to a netting contract.

(4) COVERED CONTRACTUAL PAYMENT ENTITLEMENT.—The term "covered contractual payment entitlement" means—

(A) an entitlement of a financial institution to receive a payment, subject to a netting contract from another financial institution; and

(B) an entitlement of a member of a clearing organization to receive payment, subject to a netting contract, from another member of a clearing organization of a covered clearing obligation.

(5) COVERED CONTRACTUAL PAYMENT OBLIGATION.—The term "covered contractual payment obligation" means—

(A) an obligation of a financial institution to make payment, subject to a netting contract to another financial institution; and

(B) a covered clearing obligation.

(6) DEPOSITORY INSTITUTION.—The term "depository institution" means—

(A) a depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (other than clause (vii));

(B) a branch or agency as defined in section 1(b) of the International Banking Act of 1978;

(C) a corporation chartered under section 25(a) of the Federal Reserve Act; or

(D) a corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under section 25 of the Federal Reserve Act.

(7) FAILED FINANCIAL INSTITUTION.—The term "failed financial institution" means a financial institution that—

(A) fails to satisfy a covered contractual payment obligation when due;

(B) has commenced or had commenced against it insolvency, liquidation, reorganization, receivership (including the appointment of a receiver), conservatorship, or similar proceedings; or

(C) has generally ceased to meet its obligations when due.

(8) FAILED MEMBER.—The term "failed member" means any member that—

(A) fails to satisfy a covered clearing obligation when due,

(B) has commenced or had commenced against it insolvency, liquidation, reorganization, receivership (including the appointment of a receiver), conservatorship, or similar proceedings, or

(C) has generally ceased to meet its obligations when due.

(9) FINANCIAL INSTITUTION.—The term "financial institution" means a broker or dealer, a depository institution, a futures commission merchant, or any other institution as determined by the Board of Governors of the Federal Reserve System.

(10) FUTURES COMMISSION MERCHANT.—The term "futures commission merchant" means a company that is registered or licensed under Federal law to engage in the business of selling futures and options in commodities.

(11) MEMBER.—The term "member" means a member of or participant in a clearing organization, and includes the clearing organization.

(12) NET ENTITLEMENT.—The term "net entitlement" means the amount by which the covered contractual payment entitlements of a financial institution or member exceed the covered contractual payment obligations of the institution or member after netting under a netting contract.

(13) NET OBLIGATION.—The term "net obligation" means the amount by which the covered contractual payment obligations of a financial institution or member exceed the covered contractual payment entitlements of the institution or member after netting under a netting contract.

(14) NETTING CONTRACT.—

(A) IN GENERAL.—The term "netting contract"—

(i) means a contract or agreement between 2 or more financial institutions or members, that—

(I) is governed by the laws of the United States, any State, or any political subdivision of any State, and

(II) provides for netting present or future payment obligations or payment entitlements (including liquidation or close-out values relating to the obligations or entitlements) among the parties to the agreement; and

(ii) includes the rules of a clearing organization.

(B) INVALID CONTRACTS NOT INCLUDED.—The term "netting contract" does not include any contract or agreement that is invalid under or precluded by Federal commodities law.

12 USC 4403.

SEC. 403. BILATERAL NETTING.

(a) GENERAL RULE.—Notwithstanding any other provision of law, the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract.

(b) LIMITATION ON OBLIGATION TO MAKE PAYMENT.—The only obligation, if any, of a financial institution to make payment with respect to covered contractual payment obligations to another financial institution shall be equal to its net obligation to such other financial institution, and no such obligation shall exist if there is no net obligation.

(c) LIMITATION ON RIGHT TO RECEIVE PAYMENT.—The only right, if any, of a financial institution to receive payments with respect to covered contractual payment entitlements from another financial institution shall be equal to its net entitlement with respect to such other financial institution, and no such right shall exist if there is no net entitlement.

(d) PAYMENT OF NET ENTITLEMENT OF FAILED FINANCIAL INSTITUTION.—The net entitlement of any failed financial institution, if any, shall be paid to the failed financial institution in accordance with, and subject to the conditions of, the applicable netting contract.

(e) EFFECTIVENESS NOTWITHSTANDING STATUS AS FINANCIAL INSTITUTION.—This section shall be given effect notwithstanding that a financial institution is a failed financial institution.

12 USC 4404.

SEC. 404. CLEARING ORGANIZATION NETTING.

(a) GENERAL NETTING RULE.—Notwithstanding any other provision of law, the covered contractual payment obligations and covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract.

(b) LIMITATION OF OBLIGATION TO MAKE PAYMENT.—The only obligation, if any, of a member of a clearing organization to make payment with respect to covered contractual payment obligations arising under a single netting contract to any other member of a clearing organization shall be equal to its net obligation arising under that netting contract, and no such obligation shall exist if there is no net obligation.

(c) LIMITATION ON RIGHT TO RECEIVE PAYMENT.—The only right, if any, of a member of a clearing organization to receive payment with respect to a covered contractual payment entitlement arising under a single netting contract from other members of a clearing organization shall be equal to its net entitlement arising under that netting contract, and no such right shall exist if there is no net entitlement.

(d) ENTITLEMENT OF FAILED MEMBERS.—The net entitlement, if any, of any failed member of a clearing organization shall be paid to the failed member in accordance with, and subject to the conditions of, the applicable netting contract.

(e) OBLIGATIONS OF FAILED MEMBERS.—The net obligation, if any, of any failed member of a clearing organization shall be determined

in accordance with, and subject to the conditions of, the applicable netting contract.

(f) LIMITATION ON CLAIMS FOR ENTITLEMENT.—A failed member of a clearing organization shall have no recognizable claim against any member of a clearing organization for any amount based on such covered contractual payment entitlements other than its net entitlement.

(g) EFFECTIVENESS NOTWITHSTANDING STATUS AS MEMBER.—This section shall be given effect notwithstanding that a member is a failed member.

SEC. 405. PREEMPTION. 12 USC 4405.

No stay, injunction, avoidance, moratorium, or similar proceeding or order, whether issued or granted by a court, administrative agency, or otherwise, shall limit or delay application of otherwise enforceable netting contracts in accordance with sections 403 and 404.

SEC. 406. RELATIONSHIP TO OTHER PAYMENTS SYSTEMS. 12 USC 4406.

This subtitle shall have no effect by implication or otherwise on the validity or legal enforceability of a netting arrangement of any payment system which is not subject to this subtitle.

SEC. 407. NATIONAL EMERGENCIES. 12 USC 4407.

The provisions of this subtitle may not be construed to limit the authority of the President under the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.) or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

Subtitle B—Right to Financial Privacy Act of 1978

SEC. 411. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(f)(2) (12 U.S.C. 3412(f)(2))—

(A) by inserting "for civil actions under section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, or for forfeiture under sections 981 or 982 of title 18, United States Code" after "purposes"; and

(B) by adding at the end the following new sentence: "No agency or department so transferring such records shall be deemed to have waived any privilege applicable to those records under law.";

(2) in section 1113(h)(1)(A) (12 U.S.C. 3413(h)(1)(A)), by striking "the financial institution in possession of such records" and inserting "a financial institution (whether or not such proceeding, investigation, examination, or inspection is also directed at a customer)";

(3) in section 1113(h)(4) (12 U.S.C. 3413(h)(4)) by striking "the financial institution in possession of such records" and inserting "a financial institution (whether or not such proceeding, investigation, examination, or inspection is also directed at a customer)"; and

(4) in section 1113(l) (12 U.S.C. 3413(l)), by adding after paragraph (2) the following new sentence:

"No supervisory agency which transfers any such record under this subsection shall be deemed to have waived any privilege applicable to that record under law.".

Subtitle C—Final Settlement Payment Procedure

SEC. 416. FINAL SETTLEMENT PAYMENT PROCEDURE.

Section 11(d)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)) is amended to read as follows:

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The Corporation may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determinations of claims and review of such determination.

"(B) FINAL SETTLEMENT PAYMENT PROCEDURE.—

"(i) IN GENERAL.—In the handling of receiverships of insured depository institutions, to maintain essential liquidity and to prevent financial disruption, the Corporation may, after the declaration of an institution's insolvency, settle all uninsured and unsecured claims on the receivership with a final settlement payment which shall constitute full payment and disposition of the Corporation's obligations to such claimants.

"(ii) FINAL SETTLEMENT PAYMENT.—For purposes of clause (i), a final settlement payment shall be payment of an amount equal to the product of the final settlement payment rate and the amount of the uninsured and unsecured claim on the receivership; and

"(iii) FINAL SETTLEMENT PAYMENT RATE.—For purposes of clause (ii), the final settlement payment rate shall be a percentage rate reflecting an average of the Corporation's receivership recovery experience, determined by the Corporation in such a way that over such time period as the Corporation may deem appropriate, the Corporation in total will receive no more or less than it would have received in total as a general creditor standing in the place of insured depositors in each specific receivership.

"(iv) CORPORATION AUTHORITY.—The Corporation may undertake such supervisory actions and promulgate such regulations as may be necessary to assure that the requirements of this section can be implemented with respect to each insured depository institution in the event of its insolvency.".

Subtitle D—Miscellaneous Committees, Studies, and Reports

SEC. 421. AMENDMENTS RELATING TO FEDERAL RESERVE BOARD RESERVE REQUIREMENTS.

(a) STUDY ON PAYMENT OF IMPUTED EARNINGS ON STERILE RESERVES TO INSURANCE FUNDS.—The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the National Credit Union Administration shall jointly—

(1) conduct a study on the feasibility of assessing Federal Reserve banks an amount equal to the imputed earnings on reserves held at such banks by insured depository institutions under section 19(b) of the Federal Reserve Act; and

(2) assess the likely beneficial and adverse effects such an assessment would have on the Federal reserve banks, the deposit insurance funds, the insured depository institutions, and the Federal payment system, including a comparison of the effects on each such subject of the study.

(b) REPORT TO CONGRESS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the National Credit Union Administration shall jointly submit a report to the Congress on the findings and conclusions made with respect to the study under subsection (a), together with any recommendation for any legislative or administrative action which such agencies may determine to be appropriate.

(c) REPORT OF DISSENTING VIEWS.—Any agency described in subsections (a) and (b) which does not concur in the findings, conclusions, or recommendations referred to in subsection (b) or has additional findings, conclusions, or recommendations which were not included in the report may submit a report to the Congress describing—

(1) the reasons why the agency does not concur in the findings, conclusions, or recommendations referred to in subsection (b); and

(2) such additional findings, conclusions, or recommendations.

SEC. 422. PERMANENT AUTHORIZATION OF CREDIT STANDARDS BOARD.

(a) IN GENERAL.—Section 1205 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1818 note) is amended by adding at the end the following new subsection:

"(f) FEDERAL ADVISORY COMMITTEE ACT DOES NOT APPLY.—The Federal Advisory Committee Act shall not apply with respect to the Committee.".

(b) CHAIRPERSON.—Section 1205(b)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1818 note) is amended to read as follows:

"(3) CHAIRPERSON.—The Chairperson of the Committee shall be designated by the President from among the members appointed under paragraph (1)(F).". President.

Subtitle E—Utilization of Private Sector

SEC. 426. UTILIZATION OF PRIVATE SECTOR.

Section 11(d)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(2)) is amended by adding at the end the following new subparagraph:

"(K) UTILIZATION OF PRIVATE SECTOR.—In carrying out its responsibilities in the management and disposition of assets from insured depository institutions, as conservator, receiver, or in its corporate capacity, the Corporation shall utilize the services of private persons, including real estate and loan portfolio asset management, property management, auction marketing, and brokerage services, if such services are available in the private sector and the Corporation determines utilization of such services is practicable, efficient, and cost effective.".

SEC. 427. REPORTING.

Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by adding at the end the following new subsection:

"(h) ADDITIONAL REPORTS.—

"(1) IN GENERAL.—In addition to the reports required under subsections (a), (b), and (c), the Corporation shall submit to Congress not later than April 30 and October 31 of each year, a semiannual report on the activities and efforts of the Corporation for the 6-month period ending on the last day of the month prior to the month in which such report is required to be submitted.

"(2) CONTENTS OF REPORT.—Each semiannual report required under this subsection shall include the following information with respect to the Corporation's assets and liabilities and the assets and liabilities of institutions for which the Corporation serves as a conservator or receiver:

"(A) A statement of the total book value of all assets held or managed by the Corporation at the beginning and end of the reporting period.

"(B) A statement of the total book value of such assets which are under contract to be managed by private persons and entities at the beginning and end of the reporting period.

"(C) The number of employees of the Corporation at the beginning and end of the reporting period.

"(D) A statement of the total amount expended on private contractors for the management of such assets.

"(E) A statement of the efforts of the Corporation to maximize the efficient utilization of the resources of the private sector during the reporting period and in future reporting periods and a description of the policies and procedures adopted to ensure adequate competition and fair and consistent treatment of qualified third parties seeking to provide services to the Corporation.".

Subtitle F—Emergency Assistance for Rhode Island

SEC. 431. EMERGENCY LOAN GUARANTEE.

(a) IN GENERAL.—

(1) PROVISION FOR GUARANTEE.—Subject to the terms and conditions established by or under this subsection, the Secretary of the Treasury shall guarantee the repayment of any amount not to exceed $180,000,000 borrowed by the State of Rhode Island and Providence Plantations (hereafter in this section referred to as the "State of Rhode Island"), or the Depositors Economic Protection Corporation established by such State, to expedite the repayment of depositors at State-chartered banks and credit unions in receivership in such State and to facilitate the resolution of such receiverships.

(2) LOAN COLLATERAL REQUIRED AS CONDITION FOR GUARANTEE.—The Secretary of the Treasury may not guarantee the repayment of any amount under paragraph (1) unless the amount of any loan for which the guarantee is sought is fully secured as follows:

(A) A first lien on assets held or controlled by the Depositors Economic Protection Corporation and the proceeds from the sale of such assets, are irrevocably pledged to the extent necessary to provide collateral for the guarantee.

(B) If the liens and assets described in subparagraph (A) are insufficient to fully secure the guarantee, then a first lien on any assets held or controlled by the State of Rhode Island or any instrumentality of the State of Rhode Island and the proceeds from the sale of such assets, are irrevocably pledged to the extent necessary to provide collateral for the guarantee.

(C) If the liens and assets described in subparagraphs (A) and (B) are insufficient to fully secure the guarantee, then any revenue from the State sales tax which is dedicated to the Depositors Economic Protection Corporation under the law of the State of Rhode Island in excess of the amount necessary to pay principal and interest on any obligation of the State or the Corporation issued before the date of the loan is irrevocably dedicated to the extent necessary to provide collateral for the guarantee.

(3) GUARANTEE FEES.—The Secretary may assess and collect with respect to loans guaranteed under this subsection an annual guarantee fee computed daily at a rate which may not exceed one-half of 1 percent of the outstanding principal amount of the guaranteed loan.

(4) PLEDGE OF CERTAIN INCOME FOR REPAYMENT.—The Secretary may not guarantee under this section the repayment of any loan proposed to be made to the Depositors Economic Protection Corporation unless, for each fiscal year of the Depositors Economic Protection Corporation, all rents, issues, profits, products, proceeds, revenues, and other income (including insurance proceeds and condemnation awards) received by the Corporation from, or attributable to, the assets pledged to the United States in accordance with this subsection, in excess of the amount necessary to pay the interest, or principal and

interest on any loan to the Corporation guaranteed under paragraph (1) that is payable in such fiscal year are irrevocably pledged to be deposited into a sinking fund or defeasance fund maintained by the Corporation and are irrevocably pledged and dedicated to the repayment of the principal of such guaranteed loan in the inverse order of the maturity of such principal installments.

(5) INVESTMENT GRADE RATING.—The Secretary may not guarantee under this section the repayment of any loan proposed to be made to the State of Rhode Island or the Depositors Economic Protection Corporation unless each such proposed loan has received a rating (for purposes of which the collateral securing the guarantee is considered to be securing the loan) of—

(A) the highest investment grade from a nationally recognized statistical rating organization;

(B) not less than 1 less than the investment grade rating from 2 nationally recognized statistical rating organizations; or

(C) not less than 2 less than the highest investment grade from 2 nationally recognized statistical rating organizations to the extent that—

(i) a rating of not less than 1 less than the highest investment grade rating from 2 nationally recognized statistical rating organization has not been achieved through the use of all of the collateral listed in subsection (a)(2)(A) and the available collateral under subparagraph (B) or (C) of subsection (a)(2) at the time of the State of Rhode Island's request for the loan guarantee; and

(ii) representatives of the State of Rhode Island and the Secretary are able to agree upon the lesser grade rating based on changes negotiated to other terms of this subtitle, including the purchase of bond insurance.

(6) TERMS.—

(A) IN GENERAL.—The guarantee provided for in this subsection shall be with respect to a loan which—

(i) is made not more than 1 year after the date of enactment of this Act;

(ii) will mature not later than 8 years after the date of such loan; and

(iii) is scheduled to be repaid in equal installments of principal during the last 4 years of the repayment term of such loan.

(B) AUTHORITY TO VARY TIME PERIODS.—The Secretary and the duly authorized representative of the State of Rhode Island may, by mutual agreement, modify any durational requirement specified in subparagraph (A).

(7) ADDITIONAL TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, the terms and conditions of any loan guarantee under this section shall be established by mutual agreement of the Secretary of the Treasury and the duly authorized representative of the State of Rhode Island.

(b) APPROPRIATION OF AMOUNTS.—There are hereby appropriated to the Secretary of the Treasury such sums as may be necessary for any fiscal year to meet the obligation of the United States under subsection (a)(1).

Subtitle G—Qualified Thrift Lender Test Improvements

Qualified Thrift Lender Reform Act of 1991.

SEC. 436. SHORT TITLE.

12 USC 1461 note.

This subtitle may be cited as the "Qualified Thrift Lender Reform Act of 1991".

SEC. 437. ADJUSTMENT OF COMPLIANCE PERIODS FOR PURPOSES OF QUALIFIED THRIFT LENDER TEST.

Section 10(m)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(1)(B)) (as in effect on July 1, 1991) is amended to read as follows:

> "(B) the savings association's qualified thrift investments continue to equal or exceed 65 percent of the savings association's portfolio assets on a monthly average basis in 9 out of every 12 months.".

SEC. 438. INCREASE IN AMOUNT OF LIQUID ASSETS EXCLUDABLE FROM PORTFOLIO ASSETS.

Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) (as in effect on July 1, 1991) is amended by striking "10 percent" and inserting "20 percent".

SEC. 439. ADDITIONAL INVESTMENTS INCLUDED IN DEFINITION OF QUALIFIED THRIFT ASSETS.

Section 10(m)(4)(C) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)) (as in effect on July 1, 1991) is amended—

(1) by adding at the end of clause (ii) the following new subclause:

> "(VI) Shares of stock issued by any Federal home loan bank."; and

(2) by adding at the end of clause (iii) the following new subclause:

> "(VII) Shares of stock issued by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.".

SEC. 440. PRUDENT DIVERSIFICATION OF ASSETS.

(a) IN GENERAL.—Section 10(m)(4)(C)(iii)(VI) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(iii)(VI)) (as in effect on July 1, 1991) is amended by striking "5 percent" and inserting "10 percent".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(m)(4)(C)(iv) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(iv)) (as in effect on July 1, 1991) is amended by striking "15 percent" and inserting "20 percent".

SEC. 441. CONSUMER LENDING BY FEDERAL SAVINGS ASSOCIATIONS.

(a) PERCENTAGE ADJUSTMENT.—Section 5(c)(2)(D) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(D)) is amended in the second sentence by striking "30 percent" and inserting "35 percent".

(b) LOANS TO ORIGINAL OBLIGOR.—Section 5(c)(2)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(B)) is amended by inserting before the period at the end the following: ", provided however, that no amount in excess of 30 percent of the assets may be invested in loans made directly by the association to the original obligor, and

the association does not pay finder, referral, or other fees, directly or indirectly, to a third party.".

Subtitle H—Prohibition on Entering Secrecy Agreements and Protective Orders

SEC. 446. PROHIBITION ON ENTERING INTO SECRECY AGREEMENTS AND PROTECTIVE ORDERS.

Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following new subsection:

"(s) PROHIBITION ON ENTERING SECRECY AGREEMENTS AND PROTECTIVE ORDERS.—The Corporation may not enter into any agreement or approve any protective order which prohibits the Corporation from disclosing the terms of any settlement of an administrative or other action for damages or restitution brought by the Corporation in its capacity as conservator or receiver for an insured depository institution.".

Subtitle I—Bank and Thrift Employee Provisions

12 USC 1821 note.

SEC. 451. CONTINUATION OF HEALTH PLAN COVERAGE IN CASES OF FAILED FINANCIAL INSTITUTIONS.

(a) CONTINUATION COVERAGE.—The Federal Deposit Insurance Corporation—

(1) shall, in its capacity as a successor of a failed depository institution (whether acting directly or through any bridge bank), have the same obligation to provide a group health plan meeting the requirements of section 602 of the Employee Retirement Income Security Act of 1974 (relating to continuation coverage requirements of group health plans) with respect to former employees of such institution as such institution would have had but for its failure, and

(2) shall require that any successor described in subsection (b)(1)(B)(iii) provide a group health plan with respect to former employees of such institution in the same manner as the failed depository institution would have been required to provide but for its failure.

(b) DEFINITIONS.—For purposes of this section—

(1) SUCCESSOR.—An entity is a successor of a failed depository institution during any period if—

(A) such entity holds substantially all of the assets or liabilities of such institution, and

(B) such entity is—

(i) the Federal Deposit Insurance Corporation,

(ii) any bridge bank, or

(iii) an entity that acquires such assets or liabilities from the Federal Deposit Insurance Corporation or a bridge bank.

(2) FAILED DEPOSITORY INSTITUTION.—The term "failed depository institution" means any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act) for which a receiver has been appointed.

(3) BRIDGE BANK.—The term "bridge bank" has the meaning given such term by section 11(i) of the Federal Deposit Insurance Act.

(c) NO PREMIUM COSTS IMPOSED ON FDIC.—Subsection (a) shall not be construed as requiring the Federal Deposit Insurance Corporation to incur, by reason of this section, any obligation for any premium under any group health plan referred to in such subsection.

(d) EFFECTIVE DATE.—This section shall apply to plan years beginning on or after the date of the enactment of this Act, regardless of whether the qualifying event under section 603 of the Employee Retirement Income Security Act of 1974 occurred before, on, or after such date.

Subtitle J—Sense of the Congress Regarding the Credit Crisis

SEC. 456. CREDIT CRUNCH.

(a) FINDINGS.—The Congress finds that—

(1) during the past year and a half a credit crunch of crisis proportions has taken hold of the economy and grown increasingly severe, particularly for real estate;

(2) to date the credit crisis has shown no sign of improvement with its effects being felt broadly throughout the Nation as business failures soar, financial institutions weaken, real estate values decline, and State and local property tax bases further erode;

(3) approximately $200,000,000,000 of the nearly $400,000,000,000 in commercial real estate loans now held by commercial banks are coming due within the next 2 years;

(4) banks for a variety of reasons, are reluctant to renew these maturing real estate loans;

(5) both pension funds in the United States, with assets of nearly $2,000,000,000,000, and a stronger and more active secondary market for commercial real estate debt and equity could play a more significant role in providing liquidity and credit to the real estate and banking sectors of the economy;

(6) many regulatory practices encourage banks to reduce their real estate lending without regard to long-term historical risk; and

(7) the stability of real estate has suffered during the past decade first from tax rules that in 1981 stimulated excessive investment in real estate, and then in 1986 when rules were adopted that discourage capital investment in real estate, artificially eroding real estate values.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) immediate and carefully-coordinated action should be taken by the Congress and the President to arrest the credit crisis referred to in subsection (a) and provide a healthy and efficient marketplace that works for owners, lenders, and investors; and

(2) that efforts should be undertaken to explore measures that—

(A) modernize and simplify the rules that apply to pension investment in real estate to remove unnecessary barriers to pension funds seeking to invest in real estate;

(B) strengthen the secondary market for commercial real estate debt and equity by removing arbitrary obstacles to private forms of credit enhancement;

(C) restore balance to the regulatory environment by considering the impact of risk-based capital standards on commercial, multifamily and single-family real estate; ending mark-to-market, liquidation-based, appraisals; encouraging loan renewals; and, fully communicating the supervisory policy to bank examiners in the field; and

(D) rationalize the tax system for real estate owners and operators by modifying the passive loss rules and encouraging loan restructures.

Subtitle K—Aquisition of Insolvent Savings Associations

SEC. 461. ACQUISITION OF INSOLVENT SAVINGS ASSOCIATIONS.

Section 4(i) of the Bank Holding Company Act (12 U.S.C. 1843(i)) is amended by adding at the end the following new paragraph:

"(3) ACQUISITION OF INSOLVENT SAVINGS ASSOCIATIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this Act, any qualified savings association which became a federally chartered stock company in December of 1986 and which is acquired by any bank holding company without Federal financial assistance after June 1, 1991, and before March 1, 1992, and any subsidiary of any such association, may after such acquisition continue to engage within the home State of the qualified savings association in insurance agency activities in which any Federal savings association (or any subsidiary thereof) may engage in accordance with the Home Owners' Loan Act and regulations pursuant to such Act if the qualified savings association or subsidiary thereof was continuously engaged in such activity from June 1, 1991, to the date of the acquisition.

"(B) DEFINITION OF QUALIFIED SAVINGS ASSOCIATION.—For purposes of this paragraph, the term 'qualified savings association' means any savings association that—

"(i) was chartered or organized as a savings association before June 1, 1991;

"(ii) had, immediately before the acquisition of such association by the bank holding company referred to in subparagraph (A), negative tangible capital and total insured deposits in excess of $3,000,000,000; and

"(iii) will meet all applicable regulatory capital requirements as a result of such acquisition.".

Subtitle L—Creditability of Service

SEC. 466. CREDITABILITY OF SERVICE.

(a) CHAPTER 83.—Section 8332 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(n) Any employee who—

"(1) served in a position in which the employee was excluded from coverage under this subchapter because the employee was covered under a retirement system established under section 10 of the Federal Reserve Act; and

"(2) transferred without a break in service to a position to which the employee was appointed by the President, with the advice and consent of the Senate, and in which position the employee is subject to this subchapter,

shall be treated for all purposes of this subchapter as if any service that would have been creditable under the retirement system established under section 10 of the Federal Reserve Act was service performed while subject to this subchapter if any employee and employer deductions, contributions or rights with respect to the employee's service are transferred from such retirement system to the Fund.".

(b) CHAPTER 84.—Section 8411 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(g) Any employee who—

"(1) served in a position in which the employee was excluded from coverage under this subchapter because the employee was covered under a retirement system established under section 10 of the Federal Reserve Act; and

"(2) transferred without a break in service to a position to which the employee was appointed by the President, with the advice and consent of the Senate, and in which position the employee is subject to this subchapter,

shall be treated for all purposes of this subchapter as if any service that would have been creditable under the retirement system established under section 10 of the Federal Reserve Act was service performed while subject to this subchapter if any employee and employer deductions, contributions or rights with respect to the employee's service are transferred from such retirement system to the Fund.".

(c) APPLICABILITY.—The amendment made by this section shall apply with respect to any individual who transfers to a position in which he or she is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, on or after October 1, 1991. 5 USC 8332 note.

Subtitle M—Other Miscellaneous Provisions

SEC. 471. PROVIDING SERVICES TO INSURED DEPOSITORY INSTITUTIONS.

Section 21A of the Home Owners' Loan Act (12 U.S.C. 1441a) is amended by adding at the end the following:

"(q) CONTINUATION OF OBLIGATION TO PROVIDE SERVICES.—No person obligated to provide services to an insured depository institution at the time the Resolution Trust Corporation is appointed conservator or receiver for the institution shall fail to provide those services to any person to whom the right to receive those services was transferred by the Resolution Trust Corporation after August 9, 1989, unless the refusal is based on the transferee's failure to comply with any material term or condition of the original obligation. This subsection does not limit any authority of the Resolution Trust Corporation as conservator or receiver under section 11(e) of the Federal Deposit Insurance Act.".

SEC. 472. REAL ESTATE APPRAISALS.

(a) CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended by adding at the end the following new subsection:

"(e) AUTHORITY OF THE APPRAISAL SUBCOMMITTEE.—The Appraisal Subcommittee shall not set qualifications or experience requirements for the States in licensing real estate appraisers, including a de minimus standard. Recommendations of the Subcommittee shall be nonbinding on the States.".

(b) USE OF STATE CERTIFIED AND STATE LICENSED APPRAISERS.—

(1) EFFECTIVE DATE FOR USE.—Section 1119(a)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(a)(1)) is amended by striking "July 1, 1991" and inserting "December 31, 1992".

(2) EXTENSION OF EFFECTIVE DATE.—Section 1119(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(b)) is amended—

(A) in the first sentence, by striking "leading to inordinate delays" and inserting ", or in any geographical political subdivision of a State, leading to significant delays"; and

(B) in the second sentence, by striking "inordinate" and inserting "significant".

(c) OMB STUDY OF DE MINIMUS STANDARDS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Management and Budget shall conduct a study of whether there is a need to establish de minimus levels for commercial real estate.

SEC. 473. EMERGENCY LIQUIDITY.

Section 13 of the Federal Reserve Act (12 U.S.C. 343) is amended in the third paragraph by striking "of the kinds and maturities made eligible for discount for member banks under other provisions of this Act".

SEC. 474. DISCRIMINATION AGAINST REORGANIZED DEBTORS.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

"(9) A Federal banking agency may not, by regulation or otherwise, designate, or require an insured institution or an affiliate to designate, a corporation as highly leveraged or a transaction with a corporation as a highly leveraged transaction solely because such corporation is or has been a debtor or bankrupt under title 11, United States Code, if, after confirmation of a plan of reorganization, such corporation would not otherwise be highly leveraged.".

12 USC 1828 note.

SEC. 475. PURCHASED MORTGAGE SERVICING RIGHTS.

(a) IN GENERAL.—Notwithstanding section 5(t)(4) of the Home Owners' Loan Act, each appropriate Federal banking agency shall determine, with respect to insured depository institutions for which it is the appropriate Federal regulator, the amount of readily marketable purchased mortgage servicing rights that may be included in calculating such institution's tangible capital, risk-based capital, or leverage limit, if—

(1) such servicing rights are valued at not more than 90 percent of their fair market value; and

(2) the fair market value of such servicing rights is determined not less often than quarterly.

(b) DEFINITION.—For purposes of this section, the terms "appropriate Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 476. LIMITATION ON SECURITIES PRIVATE RIGHTS OF ACTION.

The Securities Exchange Act of 1934 is amended by inserting after section 27 (15 U.S.C. 78aa) the following new section:

"SPECIAL PROVISION RELATING TO STATUTE OF LIMITATIONS ON PRIVATE CAUSES OF ACTION

"SEC. 27A. (a) EFFECT ON PENDING CAUSES OF ACTION.—The limitation period for any private civil action implied under section 10(b) of this Act that was commenced on or before June 19, 1991, shall be the limitation period provided by the laws applicable in the jurisdiction, including principles of retroactivity, as such laws existed on June 19, 1991. 15 USC 78aa-1.

"(b) EFFECT ON DISMISSED CAUSES OF ACTION.—Any private civil action implied under section 10(b) of this Act that was commenced on or before June 19, 1991—

"(1) which was dismissed as time barred subsequent to June 19, 1991, and

"(2) which would have been timely filed under the limitation period provided by the laws applicable in the jurisdiction, including principles of retroactivity, as such laws existed on June 19, 1991,

shall be reinstated on motion by the plaintiff not later than 60 days after the date of enactment of this section.".

SEC. 477. MODIFIED SMALL BUSINESS LENDING DISCLOSURE. 12 USC 251.

The Federal Reserve Board shall collect and publish, on an annual basis, information on the availability of credit to small businesses. The information shall, to the extent practicable—

(1) include information on commercial loans to small businesses, agricultural loans to small farms, and loans to minority-owned small businesses;

(2) be given for categories of small businesses determined by annual sales and for small businesses in existence for less than 1 year; and

(3) be given for each geographic region of the United States.

In collecting the information, the Federal Reserve Board shall take into consideration the need to minimize reporting costs, if any, on financial institutions.

New York.

SEC. 478. SPECIAL INSURED DEPOSITS.

For purposes of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the deposits of the Freedom National Bank of New York and the deposits of Community National Bank and Trust Company of New York that—

(1) were deposited by a charitable organization as such term is defined by New York State law, or by a religious organization; and

(2) were deposits of such bank on the date of its closure by the Office of the Comptroller of the Currency,

shall be fully insured notwithstanding any other provisions of the Federal Deposit Insurance Act.

Subtitle N—Severability

12 USC 1811 note.

SEC. 481. SEVERABILITY.

If any provision of this Act, or any application of any provision of this Act to any person or circumstance, is held invalid, the remainder of the Act, and the application of any remaining provision of the Act to any other person or circumstance, shall not be affected by such holding.

TITLE V—DEPOSITORY INSTITUTION CONVERSIONS

SEC. 501. MERGERS AND ACQUISITIONS OF INSURED DEPOSITORY INSTITUTIONS DURING CONVERSION MORATORIUM.

(a) IN GENERAL.—Section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)) is amended to read as follows:

"(3) OPTIONAL CONVERSIONS SUBJECT TO SPECIAL RULES ON DEPOSIT INSURANCE PAYMENTS.—

"(A) CONVERSIONS ALLOWED.—

"(i) IN GENERAL.—Notwithstanding paragraph (2)(A) and subject to the requirements of this paragraph, any insured depository institution may participate in a transaction described in clause (ii), (iii), or (iv) of paragraph (2)(B) with the prior written approval of the responsible agency under section 18(c)(2).

"(ii) HOLDING COMPANY SUBSIDIARIES.—If, in connection with any transaction referred to in clause (i), the acquiring, assuming, or resulting depository institution is a Bank Insurance Fund member which is a subsidiary of a bank holding company, the prior written approval of the Board shall be required for such transaction in addition to the approval of any agency referred to in clause (i).

"(B) ASSESSMENTS ON DEPOSITS ATTRIBUTABLE TO FORMER DEPOSITORY INSTITUTION.—

"(i) ASSESSMENTS BY SAIF.—In the case of any acquiring, assuming, or resulting depository institution which is a Bank Insurance Fund member, that portion of the average assessment base of such member for any semiannual period which is equal to the adjusted attributable deposit amount (determined under subparagraph (C) with respect to the transaction) shall—

"(I) be subject to assessment at the assessment rate applicable under section 7 for Savings Association Insurance Fund members;

"(II) not be taken into account for purposes of any assessment under section 7 for Bank Insurance Fund members; and

"(III) be treated as deposits which are insured by the Savings Association Insurance Fund.

"(ii) ASSESSMENTS BY BIF.—In the case of any acquiring, assuming, or resulting depository institution which is a Savings Association Insurance Fund member, that portion of the average assessment base of such member for any semiannual period which is equal to the adjusted attributable deposit amount (determined under subparagraph (C) with respect to the transaction) shall—

"(I) be subject to assessment at the assessment rate applicable under section 7 for Bank Insurance Fund members;

"(II) not be taken into account for purposes of any assessment under section 7 for Savings Association Insurance Fund members; and

"(III) be treated as deposits which are insured by the Bank Insurance Fund.

"(C) DETERMINATION OF ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT.—The adjusted attributable deposit amount which shall be taken into account for purposes of determining the amount of the assessment under subparagraph (B) for any semiannual period by any acquiring, assuming, or resulting depository institution in connection with a transaction under subparagraph (A) is the amount which is equal to the sum of—

"(i) the amount of any deposits acquired by the institution in connection with the transaction (as determined at the time of such transaction);

"(ii) the total of the amounts determined under clause (iii) for semiannual periods preceding the semiannual period for which the determination is being made under this subparagraph; and

"(iii) the amount by which the sum of the amounts described in clauses (i) and (ii) would have increased during the preceding semiannual period (other than any semiannual period beginning before the date of such transaction) if such increase occurred at a rate equal to the annual rate of growth of deposits of the acquiring, assuming, or resulting depository institution minus the amount of any deposits acquired through the acquisition, in whole or in part, of another insured depository institution.

"(D) DEPOSIT OF ASSESSMENT.—That portion of any assessment under section 7 which—

"(i) is determined in accordance with subparagraph (B)(i) shall be deposited in the Savings Association Insurance Fund; and

"(ii) is determined in accordance with subparagraph (B)(ii) shall be deposited in the Bank Insurance Fund.

"(E) CONDITIONS FOR APPROVAL, GENERALLY.—

"(i) FACTORS TO BE CONSIDERED; APPROVAL PROCESS.—In reviewing any application for a proposed transaction under subparagraph (A), the responsible agency (and, in the event the acquiring, assuming, or resulting depository institution is a Bank Insurance Fund member which is a subsidiary of a bank holding company, the Board) shall follow the procedures and consider the factors set forth in section 18(c).

"(ii) INFORMATION REQUIRED.—An application to engage in any transaction under this paragraph shall contain such information relating to the factors to be considered for approval as the responsible agency or Board may require, by regulation or by specific request, in connection with any particular application.

"(iii) NO TRANSFER OF DEPOSIT INSURANCE PERMITTED.—This paragraph shall not be construed as authorizing transactions which result in the transfer of any insured depository institution's Federal deposit insurance from 1 Federal deposit insurance fund to the other Federal deposit insurance fund.

"(iv) MINIMUM CAPITAL.—The responsible agency, and the appropriate Federal banking agency for any depository institution holding company, shall disapprove any application for any transaction under this paragraph unless each such agency determines that the acquiring, assuming, or resulting depository institution, and any depository institution holding company which controls such institution, will meet all applicable capital requirements upon consummation of the transaction.

"(F) CERTAIN INTERSTATE TRANSACTIONS.—The Board may not approve any transaction under subparagraph (A) in which the acquiring, assuming, or resulting depository institution is a Bank Insurance Fund member which is a subsidiary of a bank holding company unless the Board determines that the transaction would comply with the requirements of section 3(d) of the Bank Holding Company Act of 1956 if, at the time of such transaction, the Savings Association Insurance Fund member involved in such transaction was a State bank that the bank holding company was applying to acquire.

"(G) EXPEDITED APPROVAL OF ACQUISITIONS.—

"(i) IN GENERAL.—Any application by a State nonmember insured bank to acquire another insured depository institution that is required to be filed with the Corporation by subparagraph (A) or any other applicable law or regulation shall be approved or disapproved in writing by the Corporation before the end of the 60-day period beginning on the date such application is filed with the Corporation.

"(ii) EXTENSIONS OF PERIOD.—The period for approval or disapproval referred to in clause (i) may be extended for an additional 30-day period if the Corporation determines that—

"(I) an applicant has not furnished all of the information required to be submitted; or

"(II) in the Corporation's judgment, any material information submitted is substantially inaccurate or incomplete.

"(H) ALLOCATION OF COSTS IN EVENT OF DEFAULT.—If any acquiring, assuming, or resulting depository institution is in default or danger of default at any time before this paragraph ceases to apply, any loss incurred by the Corporation shall be allocated between the Bank Insurance Fund and the Savings Association Insurance Fund, in amounts reflecting the amount of insured deposits of such acquiring, assuming, or resulting depository institution assessed by the Bank Insurance Fund and the Savings Association Insurance Fund, respectively, under subparagraph (B).

"(I) SUBSEQUENT APPROVAL OF CONVERSION TRANSACTION.—This paragraph shall cease to apply if—

"(i) after the end of the 5-year period referred to in paragraph (2)(A), the Corporation approves an application by any acquiring, assuming, or resulting depository institution to treat the transaction described in subparagraph (A) as a conversion transaction; and

"(ii) the acquiring, assuming, or resulting depository institution pays the amount of any exit and entrance fee assessed by the Corporation under subparagraph (E) of paragraph (2) with respect to such transaction.

"(J) ACQUIRING, ASSUMING, OR RESULTING DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term 'acquiring, assuming, or resulting depository institution' means any insured depository institution which—

"(i) results from any transaction described in paragraph (2)(B)(ii) and approved under this paragraph;

"(ii) in connection with a transaction described in paragraph (2)(B)(iii) and approved under this paragraph, assumes any liability to pay deposits of another insured depository institution; or

"(iii) in connection with a transaction described in paragraph (2)(B)(iv) and approved under this paragraph, acquires assets from any insured depository institution in consideration of the assumption of liability for any deposits of such institution.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) to section 5(d)(3)(C) of the Federal Deposit Insurance Act shall apply with respect to semiannual periods beginning after the date of the enactment of this Act. 12 USC 1815 note.

(c) TRANSITION RULE FOR SAVINGS ASSOCIATIONS ACQUIRING BANKS.—Section 5(c) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) TRANSITION RULE FOR SAVINGS ASSOCIATIONS ACQUIRING BANKS.—

"(A) IN GENERAL.—If, under section 5(d)(3) of the Federal Deposit Insurance Act, a savings association acquires all or substantially all of the assets of a bank that is a member of the Bank Insurance Fund, the Director may permit the

savings association to retain any such asset during the 2-year period beginning on the date of the acquisition.

"(B) EXTENSION.—The Director may extend the 2-year period described in subparagraph (A) for not more than 1 year at a time and not more than 2 years in the aggregate, if the Director determines that the extension is consistent with the purposes of this Act.".

SEC. 502. MERGERS, CONSOLIDATIONS, AND OTHER ACQUISITIONS AUTHORIZED.

(a) FEDERAL SAVINGS ASSOCIATIONS.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following new subsection:

"(t) MERGERS, CONSOLIDATIONS, AND OTHER ACQUISITIONS AUTHORIZED.—

"(1) IN GENERAL.—Subject to sections 5(d)(3) and 18(c) of the Federal Deposit Insurance Act and all other applicable laws, any Federal savings association may acquire or be acquired by any insured depository institution.

"(2) EXPEDITED APPROVAL OF ACQUISITIONS.—

"(A) IN GENERAL.—Any application by a savings association to acquire or be acquired by another insured depository institution which is required to be filed with the Director under section 5(d)(3) of the Federal Deposit Insurance Act or any other applicable law or regulation shall be approved or disapproved in writing by the Director before the end of the 60-day period beginning on the date such application is filed with the agency.

"(B) EXTENSION OF PERIOD.—The period for approval or disapproval referred to in subparagraph (A) may be extended for an additional 30-day period if the Director determines that—

"(i) an applicant has not furnished all of the information required to be submitted; or

"(ii) in the Director's judgment, any material information submitted is substantially inaccurate or incomplete.

"(3) ACQUIRE DEFINED.—For purposes of this subsection, the term 'acquire' means to acquire, directly or indirectly, ownership or control through a merger or consolidation or an acquisition of assets or assumption of liabilities, provided that following such merger, consolidation, or acquisition, an acquiring insured depository institution may not own the shares of the acquired insured depository institution.

"(4) REGULATIONS.—

"(A) REQUIRED.—The Director shall prescribe such regulations as may be necessary to carry out paragraph (1).

"(B) EFFECTIVE DATE.—The regulations required under subparagraph (A) shall—

"(i) be prescribed in final form before the end of the 90-day period beginning on the date of the enactment of this subsection; and

"(ii) take effect before the end of the 120-day period beginning on such date.

"(5) LIMITATION.—No provision of this section shall be construed to authorize a national bank or any subsidiary thereof to engage in any activity not otherwise authorized under the

National Bank Act or any other law governing the powers of a national bank.".

(b) NATIONAL BANKS.—Chapter 1 of title LXII of the Revised Statutes of the United States (12 U.S.C. 5133 et seq.) is amended by adding at the end the following new section:

"SEC. 5156A. MERGERS, CONSOLIDATIONS, AND OTHER ACQUISITIONS AUTHORIZED. 12 USC 215c.

"(a) IN GENERAL.—Subject to sections 5(d)(3) and 18(c) of the Federal Deposit Insurance Act and all other applicable laws, any national bank may acquire or be acquired by any insured depository institution.

"(b) EXPEDITED APPROVAL OF ACQUISITIONS.—

"(1) IN GENERAL.—Any application by a national bank to acquire or be acquired by another insured depository institution which is required to be filed with the Comptroller of the Currency by section 5(d)(3) of the Federal Deposit Insurance Act or any other applicable law or regulation shall be approved or disapproved in writing by the agency before the end of the 60-day period beginning on the date such application is filed with the agency.

"(2) EXTENSIONS OF PERIOD.—The period for approval or disapproval referred to in paragraph (1) may be extended for an additional 30-day period if the Comptroller of the Currency determines that—

"(A) an applicant has not furnished all of the information required to be submitted; or

"(B) in the Comptroller's judgment, any material information submitted is substantially inaccurate or incomplete.

"(c) RULE OF CONSTRUCTION.—No provision of this section shall be construed as authorizing a national bank or a subsidiary of a national bank to engage in any activity not otherwise authorized under this Act or any other law governing the powers of national banks.

"(d) ACQUIRE DEFINED.—For purposes of this section, the term 'acquire' means to acquire, directly or indirectly, ownership or control through a merger or consolidation or an acquisition of assets or assumption of liabilities, provided that following such merger, consolidation, or acquisition, an acquiring insured depository institution may not own the shares of the acquired insured depository institution.".

Approved December 19, 1991.

LEGISLATIVE HISTORY—S. 543 (H.R. 3768):

HOUSE REPORTS: Nos. 102-330 accompanying H.R. 3768 (Comm. on Banking, Finance and Urban Affairs) and 102-407 (Comm. of Conference).
SENATE REPORTS: No. 102-167 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Nov. 13, 14, 18, 19, 21, considered and passed Senate.
Nov. 21, H.R. 3768 considered and passed House.
Nov. 23, S. 543 considered and passed House, amended, in lieu of H.R. 3768.
Nov. 26, House agreed to conference report.
Nov. 27, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Dec. 19, Presidential statement.

Public Law 102-243
102d Congress

An Act

Dec. 20, 1991
[S. 1462]

To amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Telephone Consumer Protection Act of 1991.
47 USC 609 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Consumer Protection Act of 1991".

47 USC 227 note.

SEC. 2. FINDINGS.

The Congress finds that:

(1) The use of the telephone to market goods and services to the home and other businesses is now pervasive due to the increased use of cost-effective telemarketing techniques.

(2) Over 30,000 businesses actively telemarket goods and services to business and residential customers.

(3) More than 300,000 solicitors call more than 18,000,000 Americans every day.

(4) Total United States sales generated through telemarketing amounted to $435,000,000,000 in 1990, a more than four-fold increase since 1984.

(5) Unrestricted telemarketing, however, can be an intrusive invasion of privacy and, when an emergency or medical assistance telephone line is seized, a risk to public safety.

(6) Many consumers are outraged over the proliferation of intrusive, nuisance calls to their homes from telemarketers.

(7) Over half the States now have statutes restricting various uses of the telephone for marketing, but telemarketers can evade their prohibitions through interstate operations; therefore, Federal law is needed to control residential telemarketing practices.

(8) The Constitution does not prohibit restrictions on commercial telemarketing solicitations.

(9) Individuals' privacy rights, public safety interests, and commercial freedoms of speech and trade must be balanced in a way that protects the privacy of individuals and permits legitimate telemarketing practices.

(10) Evidence compiled by the Congress indicates that residential telephone subscribers consider automated or prerecorded telephone calls, regardless of the content or the initiator of the message, to be a nuisance and an invasion of privacy.

(11) Technologies that might allow consumers to avoid receiving such calls are not universally available, are costly, are unlikely to be enforced, or place an inordinate burden on the consumer.

(12) Banning such automated or prerecorded telephone calls to the home, except when the receiving party consents to receiving the call or when such calls are necessary in an emergency

situation affecting the health and safety of the consumer, is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.

(13) While the evidence presented to the Congress indicates that automated or prerecorded calls are a nuisance and an invasion of privacy, regardless of the type of call, the Federal Communications Commission should have the flexibility to design different rules for those types of automated or prerecorded calls that it finds are not considered a nuisance or invasion of privacy, or for noncommercial calls, consistent with the free speech protections embodied in the First Amendment of the Constitution.

(14) Businesses also have complained to the Congress and the Federal Communications Commission that automated or prerecorded telephone calls are a nuisance, are an invasion of privacy, and interfere with interstate commerce.

(15) The Federal Communications Commission should consider adopting reasonable restrictions on automated or prerecorded calls to businesses as well as to the home, consistent with the constitutional protections of free speech.

SEC. 3. RESTRICTIONS ON THE USE OF TELEPHONE EQUIPMENT.

(a) AMENDMENT.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 227. RESTRICTIONS ON THE USE OF TELEPHONE EQUIPMENT. 47 USC 227.

"(a) DEFINITIONS.—As used in this section—

"(1) The term 'automatic telephone dialing system' means equipment which has the capacity—

"(A) to store or produce telephone numbers to be called, using a random or sequential number generator; and

"(B) to dial such numbers.

"(2) The term 'telephone facsimile machine' means equipment which has the capacity (A) to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or (B) to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper.

"(3) The term 'telephone solicitation' means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message (A) to any person with that person's prior express invitation or permission, (B) to any person with whom the caller has an established business relationship, or (C) by a tax exempt nonprofit organization.

"(4) The term 'unsolicited advertisement' means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission.

"(b) RESTRICTIONS ON THE USE OF AUTOMATED TELEPHONE EQUIPMENT.—

"(1) PROHIBITIONS.—It shall be unlawful for any person within the United States—

"(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of

the called party) using any automatic telephone dialing system or an artificial or prerecorded voice—

"(i) to any emergency telephone line (including any '911' line and any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency);

"(ii) to the telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment; or

"(iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call;

"(B) to initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order by the Commission under paragraph (2)(B);

"(C) to use any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine; or

"(D) to use an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.

"(2) REGULATIONS; EXEMPTIONS AND OTHER PROVISIONS.—The Commission shall prescribe regulations to implement the requirements of this subsection. In implementing the requirements of this subsection, the Commission—

"(A) shall consider prescribing regulations to allow businesses to avoid receiving calls made using an artificial or prerecorded voice to which they have not given their prior express consent; and

"(B) may, by rule or order, exempt from the requirements of paragraph (1)(B) of this subsection, subject to such conditions as the Commission may prescribe—

"(i) calls that are not made for a commercial purpose; and

"(ii) such classes or categories of calls made for commercial purposes as the Commission determines—

"(I) will not adversely affect the privacy rights that this section is intended to protect; and

"(II) do not include the transmission of any unsolicited advertisement.

"(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,

"(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater, or

"(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

"(c) PROTECTION OF SUBSCRIBER PRIVACY RIGHTS.—

"(1) RULEMAKING PROCEEDING REQUIRED.—Within 120 days after the date of enactment of this section, the Commission shall initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. The proceeding shall—

"(A) compare and evaluate alternative methods and procedures (including the use of electronic databases, telephone network technologies, special directory markings, industry-based or company-specific 'do not call' systems, and any other alternatives, individually or in combination) for their effectiveness in protecting such privacy rights, and in terms of their cost and other advantages and disadvantages;

"(B) evaluate the categories of public and private entities that would have the capacity to establish and administer such methods and procedures;

"(C) consider whether different methods and procedures may apply for local telephone solicitations, such as local telephone solicitations of small businesses or holders of second class mail permits;

"(D) consider whether there is a need for additional Commission authority to further restrict telephone solicitations, including those calls exempted under subsection (a)(3) of this section, and, if such a finding is made and supported by the record, propose specific restrictions to the Congress; and

"(E) develop proposed regulations to implement the methods and procedures that the Commission determines are most effective and efficient to accomplish the purposes of this section.

"(2) REGULATIONS.—Not later than 9 months after the date of enactment of this section, the Commission shall conclude the rulemaking proceeding initiated under paragraph (1) and shall prescribe regulations to implement methods and procedures for protecting the privacy rights described in such paragraph in an efficient, effective, and economic manner and without the imposition of any additional charge to telephone subscribers.

"(3) USE OF DATABASE PERMITTED.—The regulations required by paragraph (2) may require the establishment and operation of a single national database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations, and to make that compiled list and parts thereof available for purchase. If the Commission determines to require such a database, such regulations shall—

"(A) specify a method by which the Commission will select an entity to administer such database;

"(B) require each common carrier providing telephone exchange service, in accordance with regulations prescribed by the Commission, to inform subscribers for telephone exchange service of the opportunity to provide notification,

in accordance with regulations established under this paragraph, that such subscriber objects to receiving telephone solicitations;

"(C) specify the methods by which each telephone subscriber shall be informed, by the common carrier that provides local exchange service to that subscriber, of (i) the subscriber's right to give or revoke a notification of an objection under subparagraph (A), and (ii) the methods by which such right may be exercised by the subscriber;

"(D) specify the methods by which such objections shall be collected and added to the database;

"(E) prohibit any residential subscriber from being charged for giving or revoking such notification or for being included in a database compiled under this section;

"(F) prohibit any person from making or transmitting a telephone solicitation to the telephone number of any subscriber included in such database;

"(G) specify (i) the methods by which any person desiring to make or transmit telephone solicitations will obtain access to the database, by area code or local exchange prefix, as required to avoid calling the telephone numbers of subscribers included in such database; and (ii) the costs to be recovered from such persons;

"(H) specify the methods for recovering, from persons accessing such database, the costs involved in identifying, collecting, updating, disseminating, and selling, and other activities relating to, the operations of the database that are incurred by the entities carrying out those activities;

"(I) specify the frequency with which such database will be updated and specify the method by which such updating will take effect for purposes of compliance with the regulations prescribed under this subsection;

"(J) be designed to enable States to use the database mechanism selected by the Commission for purposes of administering or enforcing State law;

"(K) prohibit the use of such database for any purpose other than compliance with the requirements of this section and any such State law and specify methods for protection of the privacy rights of persons whose numbers are included in such database; and

"(L) require each common carrier providing services to any person for the purpose of making telephone solicitations to notify such person of the requirements of this section and the regulations thereunder.

"(4) CONSIDERATIONS REQUIRED FOR USE OF DATABASE METHOD.—If the Commission determines to require the database mechanism described in paragraph (3), the Commission shall—

"(A) in developing procedures for gaining access to the database, consider the different needs of telemarketers conducting business on a national, regional, State, or local level;

"(B) develop a fee schedule or price structure for recouping the cost of such database that recognizes such differences and—

"(i) reflect the relative costs of providing a national, regional, State, or local list of phone numbers of

subscribers who object to receiving telephone solicitations;

"(ii) reflect the relative costs of providing such lists on paper or electronic media; and

"(iii) not place an unreasonable financial burden on small businesses; and

"(C) consider (i) whether the needs of telemarketers operating on a local basis could be met through special markings of area white pages directories, and (ii) if such directories are needed as an adjunct to database lists prepared by area code and local exchange prefix.

"(5) PRIVATE RIGHT OF ACTION.—A person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may, if otherwise permitted by the laws or rules of court of a State bring in an appropriate court of that State—

"(A) an action based on a violation of the regulations prescribed under this subsection to enjoin such violation,

"(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater, or

"(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of the regulations prescribed under this subsection. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

"(6) RELATION TO SUBSECTION (B).—The provisions of this subsection shall not be construed to permit a communication prohibited by subsection (b).

"(d) TECHNICAL AND PROCEDURAL STANDARDS.—

"(1) PROHIBITION.—It shall be unlawful for any person within the United States—

"(A) to initiate any communication using a telephone facsimile machine, or to make any telephone call using any automatic telephone dialing system, that does not comply with the technical and procedural standards prescribed under this subsection, or to use any telephone facsimile machine or automatic telephone dialing system in a manner that does not comply with such standards; or

"(B) to use a computer or other electronic device to send any message via a telephone facsimile machine unless such person clearly marks, in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual.

"(2) TELEPHONE FACSIMILE MACHINES.—The Commission shall revise the regulations setting technical and procedural stand- Regulations.

ards for telephone facsimile machines to require that any such machine which is manufactured after one year after the date of enactment of this section clearly marks, in a margin at the top or bottom of each transmitted page or on the first page of each transmission, the date and time sent, an identification of the business, other entity, or individual sending the message, and the telephone number of the sending machine or of such business, other entity, or individual.

"(3) ARTIFICIAL OR PRERECORDED VOICE SYSTEMS.—The Commission shall prescribe technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone. Such standards shall require that—

"(A) all artificial or prerecorded telephone messages (i) shall, at the beginning of the message, state clearly the identity of the business, individual, or other entity initiating the call, and (ii) shall, during or after the message, state clearly the telephone number or address of such business, other entity, or individual; and

"(B) any such system will automatically release the called party's line within 5 seconds of the time notification is transmitted to the system that the called party has hung up, to allow the called party's line to be used to make or receive other calls.

"(e) EFFECT ON STATE LAW.—

"(1) STATE LAW NOT PREEMPTED.—Except for the standards prescribed under subsection (d) and subject to paragraph (2) of this subsection, nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits—

"(A) the use of telephone facsimile machines or other electronic devices to send unsolicited advertisements;

"(B) the use of automatic telephone dialing systems;

"(C) the use of artificial or prerecorded voice messages; or

"(D) the making of telephone solicitations.

"(2) STATE USE OF DATABASES.—If, pursuant to subsection (c)(3), the Commission requires the establishment of a single national database of telephone numbers of subscribers who object to receiving telephone solicitations, a State or local authority may not, in its regulation of telephone solicitations, require the use of any database, list, or listing system that does not include the part of such single national datebase that relates to such State.

"(f) ACTIONS BY STATES.—

"(1) AUTHORITY OF STATES.—Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in a pattern or practice of telephone calls or other transmissions to residents of that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such calls, an action to recover for actual monetary loss or receive $500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to

an amount equal to not more than 3 times the amount available under the preceding sentence.

"(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

"(3) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

"(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

"(5) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(6) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

"(7) LIMITATION.—Whenever the Commission has instituted a civil action for violation of regulations prescribed under this section, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.

"(8) DEFINITION.—As used in this subsection, the term 'attorney general' means the chief legal officer of a State.".

(b) CONFORMING AMENDMENT.—Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by striking "Except as provided" and all that follows through "and subject to the provisions" and inserting "Except as provided in sections 223 through 227, inclusive, and subject to the provisions".

47 USC 227 note.

(c) DEADLINE FOR REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—The Federal Communications Commission shall prescribe regulations to implement the amendments made by this section not later than 9 months after the date of enactment of this Act.

(2) EFFECTIVE DATE.—The requirements of section 228 of the Communications Act of 1934 (as added by this section), other than the authority to prescribe regulations, shall take effect one year after the date of enactment of this Act.

SEC. 4. AM RADIO SERVICE.

47 USC 331.

Section 331 of the Communications Act of 1934 is amended—

(1) in the heading of such section, by inserting "AND AM RADIO STATIONS" after "TELEVISION STATIONS";

(2) by inserting "(a) VERY HIGH FREQUENCY STATIONS.—" after "SEC. 331."; and

(3) by adding at the end the following new subsection:

"(b) AM RADIO STATIONS.—It shall be the policy of the Commission, in any case in which the licensee of an existing AM daytime-only station located in a community with a population of more than 100,000 persons that lacks a local full-time aural station licensed to that community and that is located within a Class I station primary service area notifies the Commission that such licensee seeks to provide full-time service, to ensure that such a licensee is able to place a principal community contour signal over its entire community of license 24 hours a day, if technically feasible. The Commission shall report to the appropriate committees of Congress within 30 days after the date of enactment of this Act on how it intends to meet this policy goal.".

Reports.

Approved December 20, 1991.

LEGISLATIVE HISTORY—S. 1462:

SENATE REPORTS: No. 102-178 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Nov. 7, considered and passed Senate.

Nov. 26, considered and passed House, amended.

Nov. 27, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 20, Presidential statement.

PRIVATE LAWS

FIRST SESSION, ONE HUNDRED SECOND CONGRESS

Private Law 102-1
102d Congress

An Act

Dec. 11, 1991
[S. 159]

For the relief of Maria Erica Bartski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Maria Erica Bartski shall be issued a visa and admitted to the United States for permanent residence upon filing an application for a visa and payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)). No natural parent, brother, or sister, if any, of Maria Erica Bartski shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 11, 1991.

Private Law 102-2
102d Congress

An Act

Dec. 12, 1991
[H.R. 635]

For the relief of Abby Cooke.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR ABBY COOKE.

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Abby Cooke, the widow of a citizen of the United States, shall be considered to be an immediate relative within the meaning of section 201(b) of such Act, and the provisions of section 204 of such Act shall not be applicable in this case.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Abby Cooke applies to the Attorney General for relief pursuant to such subsection within 2 years after the date of the enactment of this Act.

Approved December 12, 1991.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED SECOND CONGRESS

PERSIAN GULF CONFLICT—CONGRESSIONAL SUPPORT FOR PRESIDENT AND ARMED FORCES

Jan. 18, 1991
[S. Con. Res. 2]

Whereas the President of the United States, with the authorization of Congress, has ordered military action against Iraq in an effort to force Iraqi Armed Forces from occupied Kuwait;
Whereas 415,000 men and women of the United States Armed Forces are now involved in armed conflict;
Whereas 158,000 members of the Reserves and National Guard have been called to active duty since August 22 and may become involved in armed conflict; and
Whereas Congress and the American people have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities.

(b) The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery.

Agreed to January 18, 1991.

JOINT SESSION

Jan. 24, 1991
[H. Con. Res. 46]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 29, 1991, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to January 24, 1991.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Feb. 6, 1991
[H. Con. Res. 59]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 6, 1991, it stand adjourned until 12 o'clock meridian on Tuesday, February 19, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 7, 1991, or Friday, February 8, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand in recess or adjournment until 2:30 post meridiem on Tuesday, February 19, 1991, or until 12 o'clock meridian on the second day after Members

are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to February 6, 1991.

Feb. 21, 1991
[H. Con. Res. 44]

AMERICAN FLAG DISPLAY—SUPPORT FOR U.S. TROOPS IN PERSIAN GULF

Whereas the people of the United States strongly support the nearly 500,000 United States troops stationed in the Persian Gulf region;
Whereas keeping troop morale high is an indispensible key to victory; and
Whereas the American flag is a patriotic symbol of both the United States and the values of its people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress calls on the people of the United States to display the American flag in show of support for the United States troops stationed in the Persian Gulf region.

Agreed to February 21, 1991.

Mar. 5, 1991
[H. Con. Res. 83]

JOINT SESSION

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, March 6, 1991, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to March 5, 1991.

Mar. 20, 1991
[H. Con. Res. 45]

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST—CAPITOL ROTUNDA CEREMONIES

Whereas the United States Holocaust Memorial Council has designated April 7 through April 14, 1991, and April 26 through May 3, 1992, as "Days of Remembrance of Victims of the Holocaust": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used for ceremonies as part of the commemoration of the days of remembrance of

victims of the Holocaust. The ceremonies shall be conducted on April 11, 1991, from 8 o'clock ante meridiem until 3 o'clock post meridiem and on April 30, 1992, from 8 o'clock ante meridiem until 3 o'clock post meridiem. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to March 20, 1991.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Mar. 22, 1991
[H. Con. Res. 106]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, March 22, 1991, it stand adjourned until 12 o'clock meridian on Tuesday, April 9, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, March 22 or Saturday, March 23, 1991, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 2:30 post meridiem on Tuesday, April 9, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to March 22, 1991.

DALAI LAMA—WELCOMING CEREMONY

Apr. 11, 1991
[H. Con. Res. 115]

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol may be used on April 18, 1991, from 10:30 o'clock ante meridiem until 12:30 o'clock post meridiem, for a ceremony of welcome for the Dalai Lama. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 2. The transcript of proceedings of the ceremony shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number, there shall be printed, for the use of the Joint Committee on printing, such number of copies of the document as does not exceed a cost of $3,000.

Agreed to April 11, 1991.

Apr. 17, 1991
[S. Con. Res. 22]

AMERICAN INDIAN VETERANS—CONGRESSIONAL APPRECIATION

Whereas, American Indians, of various Indian tribes across the nation, have a long, proud and distinguished tradition of service in the Armed Forces of the United States;

Whereas, American Indians have historically served in the Armed Forces of the United States in numbers which far exceed their representation in the population of the United States;

Whereas, American Indians have lost their lives in the service of their nation, and in the cause of peace, including Operations Desert Storm and Desert Shield; and

Whereas, American Indians currently deployed in the Persian Gulf have continued this proud and courageous tradition of service in the Armed Forces of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. APPRECIATION.

The Congress expresses its appreciation to:

(1) all American Indian veterans for their long, proud, and distinguished tradition of service in the Armed Forces of the United States;

(2) all American Indian service men and women currently or heretofore deployed in the Persian Gulf region as part of Operations Desert Shield and Desert Storm; and

(3) the families of American Indian service men and women and members of Indian tribes nationwide who have supported their loved ones through traditional ceremonies and have prayed for the safety and continued strength of all American forces and Allied partners.

SEC. 2. CONDOLENCES.

The Congress expresses its condolences to the families whose loved ones have made the ultimate sacrifice in the service of their nation and in the cause of peace.

Agreed to April 17, 1991.

Apr. 24, 1991
[S. Con. Res. 31]

ADJOURNMENT—SENATE

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 25, 1991, or Friday, April 26, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 12 o'clock meridian, or until such time as may be specified by the Majority Leader or his designee in the motion to adjourn or recess, on Monday, May 6, 1991, or Tuesday, May 7, 1991, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Republican Leader of the Senate, shall notify the Members of

the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

Agreed to April 24, 1991.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH—CAPITOL GROUNDS PROGRAM

Apr. 25, 1991
[H. Con. Res. 138]

Resolved by the House of Representatives (the Senate concurring), That on May 1, 1991, the Secretary of Health and Human Services, acting through such organizations as the Secretary may designate, may present a program on the Capitol grounds in connection with National Physical Fitness and Sports Month. Preparations for the program shall be carried out in accordance with such conditions as the Architect of the Capitol and the Capitol Police Board may prescribe, except that non-Federal sponsors shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event. For the purposes of this resolution, the sponsors of the program are authorized to erect on the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the program and are authorized to make any arrangements that may be required to carry out the program.

Agreed to April 25, 1991.

DISTRICT OF COLUMBIA—1991 SPECIAL OLYMPICS TORCH RELAY

May 16, 1991
[S. Con. Res. 34]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 17, 1991, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1991 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

Agreed to May 16, 1991.

May 21, 1991
[H. Con. Res. 155]

ASSASSINATION OF RAJIV GANDHI—CONGRESSIONAL CONDOLENCE

Whereas the former Prime Minister of India, Rajiv Gandhi, was assassinated in a bomb attack at a May 21 election rally in the southern Indian town of Sriperumbudur;

Whereas more than ten other people were reportedly killed in the incident;

Whereas the attack has occurred while the Indian people are participating in national elections;

Whereas these elections reflect a long tradition of democratic government in India, which has conducted free and fair elections periodically since independence in 1947;

Whereas former Prime Minister Gandhi was a friend of the United States, as well as a strong proponent and an effective spokesman on behalf of Indian democracy;

Whereas the former Prime Minister demonstrated compassion to his fellow man and devotion to the service of others; and

Whereas during Rajiv Gandhi's tenure as Prime Minister, relations between the United States and India flourished: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its profound regret on the assassination of Rajiv Gandhi and the deaths of others in the bombing attack in the town of Sriperumbudur;

(2) offers its sympathy to the people of India, to the Gandhi family, and to the family members of others who were killed;

(3) reaffirms its support for the democratic process in India;

(4) strongly condemns this wanton act of terrorism; and

(5) expresses its confidence that this tragedy will not undermine the strength and vibrancy of Indian democracy.

Agreed to May 21, 1991.

May 22, 1991
[H. Con. Res. 121]

FEDERAL BUDGET—FISCAL YEARS 1992–1996

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1992.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1992, including the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1992, 1993, 1994, 1995, and 1996:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $850,400,000,000.
Fiscal year 1993: $909,800,000,000.
Fiscal year 1994: $966,300,000,000.
Fiscal year 1995: $1,025,700,000,000.
Fiscal year 1996: $1,079,800,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.
Fiscal year 1993: $88,600,000,000.
Fiscal year 1994: $94,400,000,000.
Fiscal year 1995: $100,600,000,000.
Fiscal year 1996: $107,100,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,269,300,000,000.
Fiscal year 1993: $1,272,700,000,000.
Fiscal year 1994: $1,300,800,000,000.
Fiscal year 1995: $1,341,700,000,000.
Fiscal year 1996: $1,407,400,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,201,600,000,000.
Fiscal year 1993: $1,212,100,000,000.
Fiscal year 1994: $1,234,400,000,000.
Fiscal year 1995: $1,209,100,000,000.
Fiscal year 1996: $1,276,900,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1992: $351,200,000,000.
Fiscal year 1993: $302,300,000,000.
Fiscal year 1994: $268,100,000,000.
Fiscal year 1995: $183,400,000,000.
Fiscal year 1996: $197,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,982,200,000,000.
Fiscal year 1993: $4,353,200,000,000.
Fiscal year 1994: $4,696,600,000,000.
Fiscal year 1995: $4,955,800,000,000.
Fiscal year 1996: $5,226,600,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1992: $15,400,000,000.
Fiscal year 1993: $15,600,000,000.
Fiscal year 1994: $15,500,000,000.
Fiscal year 1995: $15,600,000,000.
Fiscal year 1996: $15,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appro-

priate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1992: $114,200,000,000.
Fiscal year 1993: $118,000,000,000.
Fiscal year 1994: $121,400,000,000.
Fiscal year 1995: $125,600,000,000.
Fiscal year 1996: $129,800,000,000.

(8) SECONDARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1992: $83,800,000,000.
Fiscal year 1993: $87,200,000,000.
Fiscal year 1994: $90,700,000,000.
Fiscal year 1995: $94,400,000,000.
Fiscal year 1996: $98,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1992: $415,000,000,000.
Fiscal year 1993: $371,000,000,000.
Fiscal year 1994: $343,400,000,000.
Fiscal year 1995: $259,200,000,000.
Fiscal year 1996: $270,800,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1992: $875,500,000,000.
Fiscal year 1993: $1,013,800,000,000.
Fiscal year 1994: $1,167,500,000,000.
Fiscal year 1995: $1,335,900,000,000.
Fiscal year 1996: $1,517,700,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $318,800,000,000.
Fiscal year 1993: $341,000,000,000.
Fiscal year 1994: $365,200,000,000.
Fiscal year 1995: $389,700,000,000.
Fiscal year 1996: $415,600,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $246,800,000,000.
Fiscal year 1993: $257,200,000,000.
Fiscal year 1994: $266,800,000,000.
Fiscal year 1995: $276,000,000,000.
Fiscal year 1996: $284,700,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.
(B) Outlays, $295,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.
(B) Outlays, $292,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $289,100,000,000.
(B) Outlays, $291,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $292,000,000,000.
(B) Outlays, $292,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $300,600,000,000.
(B) Outlays, $297,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $21,900,000,000.
(B) Outlays, $17,900,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1993:

(A) New budget authority, $22,000,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $7,200,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1994:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $19,100,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $7,500,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.
Fiscal year 1995:
(A) New budget authority, $21,600,000,000.
(B) Outlays, $19,700,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.
Fiscal year 1996:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $20,000,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1992:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $16,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $4,500,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1992:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $19,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $20,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $20,200,000,000.
(B) Outlays, $19,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $20,400,000,000.

(B) Outlays, $20,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $20,900,000,000.
(B) Outlays, $21,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1992:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $7,500,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $7,300,000,000.
(D) New primary loan guarantee commitments, $7,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $14,100,000,000.
(C) New direct loan obligations, $7,100,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $6,800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $6,800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1992:
(A) New budget authority, $105,900,000,000.
(B) Outlays, $104,900,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $66,600,000,000.
(E) New secondary loan guarantee commitments, $83,400,000,000.

Fiscal year 1993:
(A) New budget authority, $57,500,000,000.
(B) Outlays, $53,800,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $69,200,000,000.
(E) New secondary loan guarantee commitments, $86,800,000,000.
Fiscal year 1994:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $30,100,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $71,800,000,000.
(E) New secondary loan guarantee commitments, $90,200,000,000.
Fiscal year 1995:
(A) New budget authority, $20,900,000,000.
(B) Outlays, −$42,100,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $74,500,000,000.
(E) New secondary loan guarantee commitments, $93,900,000,000.
Fiscal year 1996:
(A) New budget authority, $17,700,000,000.
(B) Outlays, −$38,400,000,000.
(C) New direct loan obligations, $3,000,000,000.
(D) New primary loan guarantee commitments, $77,300,000,000.
(E) New secondary loan guarantee commitments, $97,600,000,000.
(8) Transportation (400):
Fiscal year 1992:
(A) New budget authority, $34,600,000,000.
(B) Outlays, $33,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $37,800,000,000.
(B) Outlays, $35,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $39,900,000,000.
(B) Outlays, $34,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $42,300,000,000.
(B) Outlays, $35,300,000,000.
(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $45,300,000,000.
(B) Outlays, $37,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1992:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $6,200,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1992:
(A) New budget authority, $53,100,000,000.
(B) Outlays, $47,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $52,600,000,000.
(B) Outlays, $50,600,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $49,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $49,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $53,400,000,000.
(B) Outlays, $47,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1992:
(A) New budget authority, $83,100,000,000.
(B) Outlays, $83,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $93,000,000,000.
(B) Outlays, $92,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $102,100,000,000.
(B) Outlays, $100,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $112,200,000,000.
(B) Outlays, $110,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:

(A) New budget authority, $124,500,000,000.
(B) Outlays, $123,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):
Fiscal year 1992:
(A) New budget authority, $120,100,000,000.
(B) Outlays, $116,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $131,500,000,000.
(B) Outlays, $128,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $145,500,000,000.
(B) Outlays, $141,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $161,800,000,000.
(B) Outlays, $157,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $180,900,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):
Fiscal year 1992:
(A) New budget authority, $222,200,000,000.
(B) Outlays, $180,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $230,200,000,000.
(B) Outlays, $188,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $241,200,000,000.
(B) Outlays, $198,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $254,100,000,000.
(B) Outlays, $207,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $266,900,000,000.
(B) Outlays, $216,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1992:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $8,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $9,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $9,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $10,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $8,400,000,000.
(B) Outlays, $11,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1992:
(A) New budget authority, $34,300,000,000.
(B) Outlays, $34,000,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $18,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $35,700,000,000.
(B) Outlays, $35,400,000,000.
(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $35,800,000,000.
(B) Outlays, $37,000,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $19,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $36,400,000,000.
(B) Outlays, $36,200,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $20,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $37,000,000,000.
(B) Outlays, $35,900,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $21,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1992:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $13,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $14,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $14,700,000,000.
(B) Outlays, $15,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1992:
(A) New budget authority, $11,600,000,000.

(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $11,900,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $13,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1992:
(A) New budget authority, $235,400,000,000.
(B) Outlays, $235,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $253,000,000,000.
(B) Outlays, $253,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $268,800,000,000.
(B) Outlays, $268,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $280,400,000,000.
(B) Outlays, $280,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $292,500,000,000.
(B) Outlays, $292,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:
Fiscal year 1992: $312,800,000,000.
Fiscal year 1993: $337,900,000,000.
Fiscal year 1994: $357,000,000,000.
Fiscal year 1995: $369,900,000,000.
Fiscal year 1996: $380,700,000,000.
(20) Allowances (920):
Fiscal year 1992:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$13,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $0.
(B) Outlays, −$1,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $0.
(B) Outlays, −$1,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $0.
(B) Outlays, −$1,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $0.
(B) Outlays, −$1,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1992:
(A) New budget authority, −$34,400,000,000.
(B) Outlays, −$33,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$35,000,000,000.
(B) Outlays, −$35,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$33,900,000,000.
(B) Outlays, −$33,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:

(A) New budget authority, −$34,500,000,000.
(B) Outlays, −$34,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, −$35,000,000,000.
(B) Outlays, −$35,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

SEC. 7. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—
(1) from time to time the United States Government should sell assets to nongovernment buyers; and
(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of allocations and points of order under sections 302, 311, 601, 602, and 605 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under section 302, 311, 601, 602, 604, or 605 of that Act.

(c) DEFINITIONS.—For purposes of this section—
(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and
(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

SEC. 8. ACCOUNTING TREATMENT OF SOCIAL SECURITY REVENUES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in section 5 of this concurrent resolution on the budget are consistent with the assumption that if the Congress adopts legislation to provide for a more gradual period of transition to the changes in benefit computation rules enacted in the Social Security amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries), or any other legislation affecting these levels in section 5, that such legislation shall include other changes to Social Security outlays and revenues to ensure that the annual Social Security surpluses that accrue to the Social Security Trust Fund are not reduced.

(b) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the baseline levels.

(c) DEFINITIONS.—For purposes of this section—
(1) the terms "Social Security revenues" and "Social Security outlays" shall have the same meaning as under title III of the Congressional Budget and Impoundment Control Act of 1974; and
(2) no provision of any bill or resolution, or any amendment

thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of Social Security revenues unless such provision changes the income tax treatment of Social Security benefits.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES IN ACCORDANCE WITH PROVISIONS OF THE SUMMIT AGREEMENT.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(b) ECONOMIC RECOVERY INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery initiatives for unemployment compensation or other, related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of

the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND PHASING-IN OF HEALTH INSURANCE COVERAGE FOR ALL AMERICANS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(d) EXPAND ACCESS TO EARLY CHILDHOOD DEVELOPMENT SERVICES FOR LOW-INCOME PRE-SCHOOLERS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to expand access to early childhood development services for low-income pre-schoolers within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a

conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(e) TO FUND SURFACE TRANSPORTATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for surface transportation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously-passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels, and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

SEC. 10. SENSE OF THE SENATE IN SUPPORT OF CHILDREN AND THE FAMILY.

It is the sense of the Senate that if a surtax on the income of millionaires is enacted, then the revenue generated by such a surtax will be used to offset a commensurate increase in direct tax assistance to families, which will include increasing dependent exemptions and tax credits for children.

SEC. 11. VETERANS' PROGRAMS.

It is the sense of the Senate that—

(1) veterans' programs are a top national priority and that there are critical needs, particularly in the area of veterans medical care which must be addressed; and

(2) the Committees on Appropriations should, while acting within the limits of the discretionary caps, give maximum consideration to veterans' benefit programs.

SEC. 12. REVISED FISCAL YEAR 1991 AGGREGATES AND ALLOCATIONS IN THE HOUSE.

(a) GENERAL AUTHORITY.—To ensure that enforcement of the Congressional Budget Act of 1974 in the House of Representatives is consistent with the discretionary caps and pay-as-you-go provisions of the Budget Enforcement Act of 1990, the Chairman of the Committee on the Budget of the House of Representatives may submit to the House revised budget aggregates for fiscal year 1991 and revised allocations under section 302(a) of the Congressional Budget Act of 1974 for fiscal year 1991.

(b) BUDGET AGGREGATES AND ALLOCATIONS.—Revised budget aggregates and revised allocations submitted pursuant to subsection (a) shall be considered, in the House, for purposes of the Congressional Budget Act of 1974 only, as budget aggregates and allocations contained in the most recently agreed to concurrent resolution on the budget for fiscal year 1991.

(c) EFFECT ON SUBDIVISIONS AND THE CONSIDERATION OF MEASURES.—If the Chairman of the Committee on the Budget of the House of Representatives submits to the House revised budget aggregates and allocations for fiscal year 1991 pursuant to subsection (a)—

(1) committees of the House shall not be required to file subdivisions of such allocations under section 302(b) of the Congressional Budget Act of 1974; and

(2) in the House, with respect to measures providing new budget authority, new entitlement authority, or new credit authority for fiscal year 1991—

(A) section 302(c) of the Congressional Budget Act of 1974 shall not apply; and

(B) the references in sections 302(f) and 401(b)(2) to allocations pursuant to section 302(b) shall be deemed to be references to the revised allocations under section 302(a) as filed by the Chairman.

Agreed to May 22, 1991.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

May 23, 1991
[H. Con. Res. 157]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 23, 1991, it stand adjourned until noon on Wednesday, May 29, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns on Thursday, May 23, or Friday, May 24, 1991, pursuant to a motion made by the Majority Leader, or his designee, it stand adjourned until 2 p.m. on Monday, June 3, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to May 23, 1991.

June 14, 1991
[H. Con. Res. 142]

INTERNATIONAL OLYMPIC COMMITTEE—1998 WINTER OLYMPIC GAMES

Whereas the International Olympic Committee will meet on June 15, 1991, at Birmingham, England, to consider the selection of a site for the 1998 winter Olympic games;

Whereas Salt Lake City, Utah, has been selected by the United States Olympic Committee as the United States candidate for the 1998 winter Olympic games;

Whereas it is the consensus of the Members of Congress of the United States that the designation by the International Olympic Committee of Salt Lake City, Utah, as the site of the 1998 winter Olympic games would be a great honor for all the people of the United States; and

Whereas the people of Utah, who symbolize the heart of America's pioneer spirit, and who have for a number of years fully supported the effort to bring the winter Olympic games to the United States, have fashioned their Olympic bid with the goal of establishing the world's finest winter sports center based upon Olympic ideals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the International Olympic Committee be advised that the Congress of the United States would welcome the holding of the 1998 winter Olympic games in Salt Lake City, Utah, the site so designated by the United States Olympic Committee; and be it further

Resolved, That the Congress of the United States expresses the sincere hope that Salt Lake City, Utah, will be selected as the site for the 1998 winter Olympic games, and pledges its cooperation and support of their successful fulfillment in the highest sense of the Olympic tradition.

Agreed to June 14, 1991.

June 25, 1991
[H. Con. Res. 173]

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring), That, the Greater Washington Soap Box Derby Association ("Association") shall be permitted to sponsor a public event, soap

box derby races, on the Capitol grounds on July 13, 1991, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate. Such event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event. For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the event. The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event.

Agreed to June 25, 1991.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

June 26, 1991
[H. Con. Res. 175]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, June 27, 1991, it stand adjourned until noon on Tuesday, July 9, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, June 28, 1991, Saturday, June 29, 1991, Sunday, June 30, 1991, Monday, July 1, 1991, or Tuesday, July 2, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the Majority Leader or his designee in the motion to adjourn or recess, on Monday, July 8, 1991, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to June 26, 1991.

PRESIDENT GEORGE BUSH—PORTRAIT BUST UNVEILING CEREMONY

June 26, 1991
[S. Con. Res. 49]

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is au-

thorized to use the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush at 2:30 p.m. on June 27, 1991. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

Agreed to June 26, 1991.

Aug. 1, 1991
[S. Con. Res. 39]

"THE DOME OF THE UNITED STATES CAPITOL: AN ARCHITECTURAL HISTORY"—SENATE PRINT

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "The Dome of the United States Capitol: An Architectural History", as prepared by the Office of the Architect of the Capitol.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 15,000 copies for the use of the Senate and the House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

Agreed to August 1, 1991.

Aug. 2, 1991
[H. Con. Res. 151]

"COLUMBUS IN THE CAPITOL"—HOUSE PRINT

Resolved by the House of Representatives (the Senate concurring), That the volume entitled "Columbus in the Capitol" prepared pursuant to House Concurrent Resolution 275, One Hundred First Congress, shall be printed as a House document. In addition to the usual number, there shall be printed 123,000 copies of the document, of which 88,000 copies shall be for the use of the House of Representatives, 20,000 copies shall be for the use of the Senate, and 15,000 copies shall be for the use of the Joint Committee on Printing.

Agreed to August 2, 1991.

Aug. 2, 1991
[S. Con. Res. 36]

FEDERAL CIVILIAN EMPLOYEES—OPERATION DESERT SHIELD/DESERT STORM CONTRIBUTIONS

Whereas American and Allied forces were resoundingly successful in carrying out their mandate to liberate Kuwait pursuant to United Nations Security Council resolutions;

Whereas a key factor in bringing that outcome about was the transporting of over 500,000 United States troops, almost half a million tons of ammunition, and approximately 100,000 motorized vehicles to the Persian Gulf region, representing the most massive

movement of troops, supplies, and materiel that the world has ever seen, and which could not have been achieved without the tireless efforts of this Nation's Federal civilian employees;

Whereas more than 4,000 Federal civilian employees were relocated to work in the Persian Gulf theater of operations, over 20,000 Federal civilian employees were called to active duty as reservists, and thousands of other Federal civilian employees in the United States and around the world contributed to the war effort in ways too many to enumerate;

Whereas Federal civilian employees, despite seemingly insurmountable logistical problems, unrelenting pressure, and severe time constraints, successfully accomplished what this Nation asked of them in a manner consistent with the highest standards of excellence and professionalism; and

Whereas Federal civilian employees are truly among the unsung heroes in Operation Desert Shield and Operation Desert Storm: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby—

(1) expresses its deepest gratitude to this Nation's Federal civilian employees for their contributions to Operation Desert Shield and Operation Desert Storm; and

(2) commends and congratulates this Nation's Federal civilian employees on a job superbly done.

Agreed to August 2, 1991.

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Aug. 2, 1991
[S. Con. Res. 59]

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Friday, August 2, 1991, Saturday, August 3, 1991, or Sunday, August 4, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9:30 a.m. on Tuesday, September 10, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the House of Representatives adjourns on Friday, August 2, 1991, or Saturday, August 3, 1991, Sunday, August 4, 1991, or Monday, August 5, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until noon on Wednesday, September 11, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to August 2, 1991.

Oct. 1, 1991
[S. Con. Res. 63]

ENROLLMENT CORRECTIONS—S. 868

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 868), to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike out "section 1413" and insert "section 3013".

(2) In section 2(b)(1), strike out "section 1631(a)" and insert "section 3231(a)".

(3) In section 2(b)(2), strike out "section 1631(a)(2)" and insert "section 3231(a)(2)".

(4) In section 2(c), strike out "section 1711(a)" and insert "section 3511(a)".

(5) In section 4, strike out "section 2014(b)(2)(A)(i)" and insert "section 4214(b)(2)(A)(i)".

(6) In section 5, strike out "section 2011(4)" and insert "section 4211(4)".

(7) In section 6, strike out "section 1780(a)" and insert "section 3680(a)".

(8) strike out "section 1795" each place it appears and insert "section 3695".

Agreed to October 1, 1991.

Oct. 4, 1991
[H. Con. Res. 172]

"OUR AMERICAN GOVERNMENT"—HOUSE PRINT

Resolved by the House of Representatives (the Senate concurring), That a revised edition of the booklet entitled "Our American Government" shall be printed as a House document. In addition to the usual number, there shall be printed 560,000 copies of the document, of which 443,000 copies shall be for the use of the House of Representatives, 103,000 copies shall be for the use of the Senate, and 14,000 copies shall be for the use of the Joint Committee on Printing.

Agreed to October 4, 1991.

Oct. 16, 1991
[H. Con. Res. 219]

ENROLLMENT CORRECTION—H.R. 2622

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2622) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed to make the following

correction, namely, after the words "section 2401(c) had not been enacted" in the paragraph headed "PAYMENT TO THE POSTAL SERVICE FUND", strike the words "not to exceed 2.2 cents per piece".

Agreed to October 16, 1991.

MONGOLIA—DEMOCRATIC ELECTIONS

Oct. 17, 1991
[S. Con. Res. 21]

Whereas the people of Mongolia had the first multiparty elections of their seventy year history in July of 1990 and have taken great strides toward a multiparty, pluralistic and democratic government;

Whereas the newly elected government of Mongolia has pledged to continue a peaceful transition to a democratic government and has committed to accept and implement free market and free trade principles;

Whereas the Congressional leadership welcomed the President of the newly elected government on his first State visit to the United States in January;

Whereas President Bush has requested the granting of Most Favored Nation status to The Mongolian People's Republic;

Whereas Mongolia has asked for economic assistance to bolster its movement toward democracy and economic reform, and the Executive Branch has responded by providing development and food assistance for fiscal year 1991 and has proposed similar assistance for fiscal year 1992; and

Whereas Mongolia presents the world with an admirable example of the peaceful conversion to free world values and democratic principles: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) hereby offers its congratulations to the people of Mongolia for a generally free and fair election process and looks forward to growth and development of United States-Mongolia relations on issues of mutual interest, such as regional stability, trade, and human rights;

(2) commends the political leaders and parties of Mongolia that worked together to achieve the creation of democratic pluralism and free market institutions and urges the United States Government to continue to grant all appropriate economic and technical assistance to Mongolia and its people; and

(3) welcomes the people of Mongolia into the Community of free nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and requests that he further transmit such copy to the Government of Mongolia.

Agreed to October 17, 1991.

Nov. 15, 1991
[H. Con. Res. 161]

MOTION PICTURES—ONE-HUNDREDTH ANNIVERSARY

Whereas in the late 19th century inventors around the world focused on discovering a means of artificially reproducing movement so that it appeared to viewers that they were actually seeing the movement as it occurred;

Whereas this discovery led to the emergence of the art and science of motion pictures through the work of many creators in the United States and other countries;

Whereas during this period the technology necessary to create motion pictures was perfected in a series of exciting American inventions, which included the development of the kinetograph and kinetoscope by Thomas Edison and W.K.L. Dickson, and the perfection of strip film by George Eastman;

Whereas the cycle of invention, innovation and improvement continued without pause during the 1890's with the construction of Thomas Edison's first film studio, dubbed the "Black Maria", and in 1893 a series of technological innovations marked a turning point in the development of the motion picture;

Whereas the first commercial presentation of Edison's kinetoscope by the Holland Brothers in New York City demonstrated the public's fascination with motion pictures, and as the demand for kinetoscope films grew, Edison's invention was marketed internationally;

Whereas motion pictures have the power to touch our hearts, souls, and imaginations, and shape our hopes, dreams, and even our national consciousness;

Whereas the motion picture serves as America's ambassador to the world, conveying American values, beliefs, styles, and attitudes, transforming world culture with its potent images and making the global village a reality;

Whereas motion picture production is not only art but also one of America's most successful creative enterprises; and

Whereas the motion picture has entrenched our cultural heritage with unforgettable characters who have become American icons, from Harold Lloyd, Charlie Chaplin, and the Marx Brothers to the immortal Garbo and the eternal Lillian Gish, from Bogie and Bacall, John Wayne, Sidney Poitier and Cicely Tyson to Indiana Jones, E.T., and the thousands of other larger-than-life men and women who commanded the silver screen, and from these legends are precious film moments that are forever etched in our memories and imaginations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) all Americans should have the opportunity to celebrate the 100th anniversary of film in 1993 with exhibitions, festivals, educational programs and other forms of observance; and

(2) the Nation's media art centers should be recognized as having a leadership role in implementing and coordinating national centennial celebrations and in organizing other events relating to the 100th anniversary of this great American art form.

Agreed to November 15, 1991.

CHINA—HUMAN RIGHTS VIOLATIONS

Nov. 21, 1991
[H. Con. Res. 216]

Whereas the Government of the People's Republic of China maintains up to 5,000 prison, labor reform, reeducation, and juvenile detention facilities holding a large number of political prisoners, including thousands of young men and women jailed after that government's June 1989 suppression of the prodemocracy movement in China;

Whereas many Chinese prisoners are sent to Chinese prisons without any judicial hearing whatsoever and others are forced to stay on after their sentences expire;

Whereas forced labor is an integral part of the Chinese prison system, and Chinese prisoners are forced to labor under extremely inhumane and dangerous conditions with little or no compensation for their work;

Whereas the recent investigations by Harry Wu, a former Chinese political prisoner, and by independent human rights organizations such as Asia Watch, clearly demonstrate that Chinese prisons seek to export forced labor products to the United States, and have devised numerous methods to evade United States laws;

Whereas numerous Chinese government publications explicitly describe the export of forced labor products, and encourage all Chinese prisons to sell their products on the international market;

Whereas Chinese forced labor exports threaten American jobs in many sectors of the United States economy, including the shoe, toy, garment, handtool, and electronics industries; and

Whereas China's $10,000,000,000 trade surplus with the United States in 1990 can be partly attributed to Chinese forced labor exports: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress finds that the Government of the People's Republic of China—

(1) systematically exploits the labor of prisoners in the Chinese gulag to produce cheap products for export;

(2) detains many prisoners past the expiration of their sentences in violation of internationally recognized human rights; and

(3) holds many prisoners in conditions that fall below international standards for the treatment of prisoners.

(b) The Congress—

(1) urges the Government of the People's Republic of China to—

(A) allow international inspections of places of detention that are suspected of producing export goods in order to ensure that such production does not take place;

(B) release the texts of any government directives, regulations, or policies regarding the exportation of products made in Chinese prisons, other than the October 10, 1991, joint declaration by the Chinese Ministry of Foreign Economic Relations and the Chinese Ministry of Justice banning prison-made exports;

(C) detail publicly the steps it will take to enforce the joint declaration of October 10, 1991, and any other policy

prohibiting forced labor exports, at all levels of the Chinese government and Chinese prison system; and

(D) vigorously reform the Chinese political, judicial, penal, and economic systems so that Chinese citizens are not jailed for their political and religious beliefs, all Chinese citizens accused of crimes receive fair and open trials, Chinese prisoners are adequately compensated for their work, and workplace conditions in Chinese prisons are safe and humane; and

(2) urges the Government of Hong Kong, and the governments of other nations through which Chinese products are transhipped, to prohibit the importation of Chinese forced labor products and to investigate thoroughly trading companies suspected of dealing in prison-made goods.

Agreed to November 21, 1991.

Nov. 23, 1991
[H. Con. Res. 188]

SYRIAN JEWS—DENIAL OF RIGHTS

Whereas the estimated 4,000 Jews in Syria are deprived of their internationally recognized human rights to freedom of emigration and movement;

Whereas Syrian Jews who wish to leave the country must post an onerous monetary deposit and leave family members behind as assurance for their return;

Whereas the restrictions on emigration and movement on Syrian Jews violate the International Covenant on Civil and Political Rights, to which Syria is a signatory;

Whereas Syrian Jews are restricted in the extent of their contact with their families outside Syria;

Whereas the Syrian secret police (Mukhabarat) engage in 24 hour a day surveillance of the Jewish quarter in Damascus, keep a file on every Jewish person, monitor all contacts between Jews and foreigners, and read mail and wiretap phone conversations of Syrian Jews;

Whereas some members of the Syrian Jewish community have been arrested on mere suspicion of intention to leave Syria and are imprisoned without trial, often tortured, and held incommunicado;

Whereas families of those Syrian Jews who succeed in fleeing the country are subject to imprisonment and torture;

Whereas there are at present 6 Syrian Jews in prison for attempting to leave Syria, 2 of which have been incarcerated since 1987; and

Whereas Syrian President Hafez al-Assad has ignored the repeated efforts of the United States President, the State Department, and Members of Congress to secure the freedom of emigration for the Syrian Jewish community: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns Syria's continuing denial of Syrian Jews' internationally recognized rights to freedom of emigration and movement and calls upon the Syrian Government to—

(A) immediately grant Syrian Jews the right to emigrate freely without imposing any tax, levy, fine, or other fee (other than the standard fee for administrative expenses); and

(B) release all Syrian Jewish prisoners who are imprisoned for their attempts to exercise their internationally recognized rights to freedom of emigration and movement;

(2) urges the President to encourage the allies and trading partners of the United States to make similar pleas to the Syrian Government on behalf of Syrian Jews' right to emigrate freely; and

(3) urges the President to seek a United Nations investigation on the present condition of Syrian Jews and the status of respect for internationally recognized human rights in Syria.

Agreed to November 23, 1991.

MIDDLE EAST—PEACE CONFERENCE PARTICIPANTS

Nov. 26, 1991
[H. Con. Res. 226]

Whereas Israel, its Arab neighbors, and the Palestinian people stand to gain the most from peace, which can be achieved only through direct negotiations;

Whereas President Bush declared, in his March 6, 1991, address to the Nation before a joint session of Congress, that any solution to the Middle East conflict must provide for security and recognition for all states in the region, including Israel, and for the legitimate political rights of the Palestinian people, thus fulfilling "the twin tests of fairness and security";

Whereas on October 18, 1991, Secretary of State James A. Baker III and Soviet Foreign Minister Boris Pankin issued invitations to a Middle East peace conference to begin in Madrid, Spain, on October 30, 1991;

Whereas on the 30th of October 1991, in Madrid, Spain, a peace conference was convened for the purpose of launching direct bilateral negotiations leading to a comprehensive peace settlement that includes normalization of relations, bilateral peace treaties, full diplomatic relations, and cooperation on regional issues;

Whereas this conference involved the first-ever direct talks between Israel and all of its Arab neighbors;

Whereas cooperation on regional issues is an essential component of a peace settlement;

Whereas the United States is committed to safeguarding Israel's security, recognizing the legitimate political rights of Palestinian people, and achieving an end to the Arab-Israeli conflict through a two-track approach of direct negotiations between Israel and the Arab states and Israel and the Palestinian people, based on United Nations Security Council Resolutions 242 and 338; and

Whereas the resumption of full diplomatic relations between Israel and the Soviet Union has made it possible for the Soviet Union to play a constructive role in the peace process: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the participants in the Middle East peace conference convened in Madrid for their willingness to take this first step toward peace, and encourages the participants to continue to overcome their distrust and enmity in the pursuit of mutual security and the peaceful resolution of all regional disputes;

(2) commends the President for his support of the peace process, commends the Secretary of State for his determination and diplomatic skill in bringing the parties to the Arab-Israeli conflict to the negotiating table, and encourages the President and the Secretary of State to continue their active roles in facilitating direct negotiations among the parties;

(3) commends Israel and the Soviet Union for resuming diplomatic relations, which were severed after the 1967 Six Day War; and

(4) affirms its unwavering support of the peace process and its strong hope that the discussions begun in Madrid will lead to a just, lasting, and comprehensive peace in the Middle East.

Agreed to November 26, 1991.

Nov. 26, 1991
[H. Con. Res. 249]

ENROLLMENT CORRECTION—H.R. 1724

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1724) to provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary, the Clerk of the House of Representatives shall make the following correction:

Strike section 3(a)(3) of the bill and insert the following:

"(3) Section 102(f)(3)(A) of the Emergency Unemployment Compensation Act of 1991 is amended to read as follows:

" '(A) IN GENERAL.—If any individual has a benefit year which ends after February 28, 1991, such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of the first week following November 16, 1991.' "

Agreed to November 26, 1991.

Nov. 26, 1991
[S. Con. Res. 78]

VIETNAM—TRIAL OF DR. NGUYEN

Whereas the normalization of relations with the Socialist Republic of Vietnam and the potential lifting of the economic embargo depend in part on that nation taking certain steps related to the recognition of certain human rights;

Whereas Dr. Nguyen Dan Que is a nonviolent advocate for human

rights and democracy in the Socialist Republic of Vietnam;
Whereas Dr. Nguyen Dan Que's right to free expression is guaranteed by Article 19 of the Universal Declaration of Human Rights;
Whereas Dr. Nguyen Dan Que has been imprisoned for 12 of the last 13 years and has for 14 years suffered from ill health;
Whereas Dr. Nguyen has finally been charged with treason and trying to overthrow the Vietnamese government;
Whereas Dr. Nguyen is scheduled to go on trial on November 29, 1991; and
Whereas numerous international human rights organizations have called for the release of Dr. Nguyen: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Dr. Nguyen Dan Que should be accorded a fair and impartial trial as is his right under Articles 10 and 11 of the Universal Declaration of Human Rights;

(2) to ensure fairness and impartiality during his impending trial, international observers should be permitted access to all court proceedings and evidence; and

(3) if Dr. Nguyen is merely guilty of nonviolently expressing his views regarding human rights, he should be released immediately.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the following persons: the Permanent Representative of Vietnam to the United Nations, the Speaker of the Vietnamese National Assembly, the Foreign Minister and the Prime Minister of the Socialist Republic of Vietnam, as well as the Secretary of State and the President of the United States.

Agreed to November 26, 1991.

IRAQ—HUMANITARIAN ASSISTANCE

Nov. 27, 1991
[H. Con. Res. 168]

Whereas the suffering of Iraqi citizens, especially children, continues as verified by studies by the International Study Team led by representatives of Harvard University, by the United Nations, and by UNICEF in conjunction with representatives of Tufts University, and by reports of relief agencies working in Iraq;
Whereas infant and child mortality rates in Iraq reportedly have doubled since Iraq's invasion of Kuwait;
Whereas acute shortages of food and essential medicine, poor sanitation, and lack of clean drinking water have placed a substantial portion of Iraq's population of 18,000,000 at risk to water-borne diseases;
Whereas the Iraqi health care system is operating at a fraction of its former capacity;
Whereas the United States Government and the United Nations Security Council have established a mechanism to provide relief to Iraq through United Nations Security Council Resolutions 706 and 712;
Whereas Saddam Hussein is responsible for the continuing suffering

of Iraqi citizens because of his continued intransigence in not cooperating with United Nations Security Council Resolutions, his refusal to allow equitable distribution of food and medicines, and his obstruction of the delivery of humanitarian assistance by the United Nations and private relief agencies; and

Whereas the condition of Iraqi children is an international humanitarian concern that must be addressed immediately: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns Saddam Hussein for refusing to comply with United Nations Security Council Resolutions 706 and 712, preventing an equitable distribution of food and medicine to the Iraqi people, and blocking the delivery of humanitarian assistance by the United Nations and private relief agencies;

(2) commends the President and the United Nations Security Council for their efforts to address humanitarian concerns in Iraq through United Nations Security Council Resolutions 706 and 712 and supports their continued effort to gain Iraqi compliance with these resolutions; and

(3) urges the President, consistent with United Nations Security Council Resolutions 706 and 712, to explore alternatives under the auspices of the United Nations to utilize and mobilize resources necessary to get an adequate supply of food and medicine to the vulnerable populations of Iraq, especially children.

Agreed to November 27, 1991.

Nov. 27, 1991
[H. Con. Res. 260]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House and Senate adjourn on the calendar day of Wednesday, November 27, 1991, in accordance with this resolution, they stand adjourned until 11:55 a.m. on Friday, January 3, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. That when the Congress convenes on January 3, 1992, for the second session of the One Hundred Second Congress, the House shall not conduct organizational or legislative business and when it adjourns on that day, it stand adjourned until noon on Wednesday, January 22, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Congress convenes on January 3, 1992, for the second session of the One Hundred Second Congress, the Senate shall not conduct any organizational or legislative business and when it recesses or adjourns on that day, it stand in recess or adjournment until 11:30 a.m. on Tuesday, January 21, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this

concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to November 27, 1991.

PROCLAMATIONS

Proclamation 6219 of October 30, 1990

Refugee Day, 1990

By the President of the United States of America
A Proclamation

Ever since the first Europeans came to this country in search of freedom and opportunity, America has been viewed as a safe haven and a source of hope for millions of people around the globe. We take tremendous pride in our leading efforts to assist refugees, and we continue to cherish the great and generous spirit embodied by our magnificent Statue of Liberty. As Emma Lazarus wrote in her timeless sonnet to the famed Mother of Exiles, "from her beacon-hand glows worldwide welcome."

Over the years, the United States has held its doors open to those seeking refuge from tyranny and persecution, and we have encouraged other free nations to do the same. We have proudly received in this country thousands of individuals who—though they arrived with scarcely more than the clothes on their backs—have not only built new lives for themselves and for their families but also made extraordinary contributions to our society. At the same time, we have also worked to overcome those conditions that compel many refugees to flee their homelands. For example, we have steadfastly defended the universal cause of freedom and justice, asserting our conviction that no one should live in fear because of his or her race, nationality, religion, or political beliefs. We have also strived to promote peace and economic development in countries beset by poverty and strife.

Despite such efforts, however, the population of refugees in the world has increased dramatically during the past few years to its present total of more than 15,000,000 people. Thus, we remain firmly committed to assisting refugees and to advancing respect for individual dignity and human rights around the world. As we continue our own efforts, we call on other nations to increase their assistance to refugees in need. The sad plight of refugees has been brought home to us once again in recent weeks as we have seen hundreds of thousands of refugees fleeing Saddam Hussein's naked aggression in Kuwait and his brutal policies at home.

The Congress, by Senate Joint Resolution 375, has designated October 30, 1990, as "Refugee Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 30, 1990, as Refugee Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6220 of October 30, 1990

National Awareness Month for Children With Cancer, 1990

By the President of the United States of America
A Proclamation

Thanks to the dramatic progress that has been made in early diagnosis and treatment of the disease, young cancer victims and their families no longer need to relinquish their dreams for the future. In many cases, advances in science and technology are bringing hope and healing where there once was only fear and loss.

According to the Department of Health and Human Services, the number of child deaths from cancer in the United States declined by 36 percent between 1973 and 1987—a significant change in a relatively short period of time. Today three out of every four children diagnosed with Hodgkin's disease are being cured. Since 1960, our ability to treat other serious forms of cancer such as Wilm's tumor and non-Hodgkin's lymphoma has improved markedly—nearly 50 percent more children are living for at least five years after diagnosis. The Department also reports that the number of children surviving acute lymphocytic leukemia has risen by 25 percent since 1974.

Nevertheless, despite such encouraging progress, cancer continues to be the leading cause of death by disease among children between the ages of 3 and 14. Families facing the specter of childhood cancer need the best possible medical care and emotional support we can provide. Many need financial help as well. Every family touched by childhood cancer needs the support of its relatives, neighbors, teachers, and clergy. Parents need the understanding and compassion of their employers, and brothers and sisters of young cancer victims need special consideration, both at home and in school. Young cancer patients themselves need every opportunity to express and pursue the fresh, unjaded dreams that are the hallmark of childhood.

Many private organizations and government agencies throughout the United States are working to meet the needs of children with cancer. The National Cancer Institute (NCI), operating within the Department of Health and Human Services, is the Federal Government's principal agency for cancer research. In cooperation with universities and research institutes throughout the Nation, the NCI is engaged in treatment studies for 14 types of childhood cancer. Yielding new and refined methods of treatment, these studies are helping to improve the prognoses for many young cancer victims. For example, many children whose bone cancer, in the past, might have required the amputation of an arm or leg can now benefit from surgical techniques that allow them to keep their limbs without diminished chances of survival.

In addition to advances in research and technology, rehabilitation programs are likewise helping to improve the quality of life enjoyed by young cancer patients. Recent breakthroughs in our understanding of the brain and nervous system, for example, are making it possible for many of those who must use artificial limbs to control them by brain impulses.

Hundreds of private voluntary organizations at both the national and local levels—including the American Cancer Society, the Candlelighters Childhood Cancer Foundation, the Leukemia Society of America, and the Ronald McDonald Foundation—are helping parents and children to cope with the emotional and financial stresses created by cancer treatment and rehabilitation. Through the generosity of these and other groups, young cancer patients and their parents may obtain free air travel to treatment centers; parents may benefit from low-cost lodging while their little one is receiving treatment far from home; and youngsters themselves may have the opportunity to spend time at a special summer camp or to see an earnest wish fulfilled.

This month we recognize the dedication and hard work of all those scientists, health care professionals, and volunteers who are working to overcome childhood cancer and to assist its victims. We also reaffirm our admiration and support for the courageous youngsters and parents who struggle with this disease.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1990 as National Awareness Month for Children with Cancer. I encourage all Americans to observe this month through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6221 of November 2, 1990

For a National Day of Prayer, November 2, 1990

By the President of the United States of America
A Proclamation

Throughout American history, the people of this Nation have depended on Almighty God for guidance and wisdom. Both Scripture and experience confirm that the Lord hears the prayers of those who place their trust in Him. Time and again, in peril and uncertainty, doubt and decision, we Americans have turned to God in prayer and, in so doing, found strength and direction.

Today the United States and, indeed, all civilized countries are being challenged by a dictator who would brazenly deny the sovereignty of other nations in order to achieve regional hegemony and to wield undue influence over the global economy. Iraqi forces continue to occupy neighboring Kuwait, terrorizing that nation's citizens in an affront to international law and fundamental standards of morality. Scores of U.S. civilians and citizens of other nations continue to be held hostage under inhuman conditions in both Kuwait and Iraq. Thousands have been made refugees fleeing from aggression in Kuwait and brutality in Iraq. To deter further aggression, thousands of American

service men and women have been deployed and remain on duty in the demanding climate of the Persian Gulf region. They, too, face considerable hardship and danger. We are grateful for the loyalty, devotion to duty, and sacrifices of the members of our Armed Forces. Yet we know that military strength alone cannot save a nation or bring it prosperity and peace; as the Scripture speaks, "Unless the Lord watches over the city, the watchman stays awake in vain." With these grave concerns before us, we do well to recall as a Nation the power of faith and the efficacy of prayer.

The Psalmist proclaimed: "God is our refuge and strength, a very present help in trouble." Today let us turn to Him, both as individuals and as a Nation, to ask for His continued mercy and guidance. Let us pray for peace in the Persian Gulf, and let us ask the Lord to protect all those Americans and citizens of other nations, who are working to uphold the universal cause of freedom and justice half a world away from home. May it please the Lord to grant all leaders of nations involved in this crisis the wisdom and courage to work towards its just and speedy resolution.

The Congress, by House Joint Resolution 673, has authorized and requested the President to issue a proclamation designating November 2, 1990, as a National Day of Prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 2, 1990, as a National Day of Prayer for American service personnel and American civilians stationed or held hostage in the Persian Gulf region. I urge all Americans to pause on this day to pray for these individuals and their families. I ask that prayer be made for the commanders of American military forces in the region and leaders in other nations that have deployed military forces in the Middle East to stop this aggression. I also urge the American people and their elected representatives to give thanks to God for His mercy and goodness and humbly to ask for His continued help and guidance in all our endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6222 of November 3, 1990

National Week To Commemorate the Victims of the Famine in Ukraine, 1932–1933

By the President of the United States of America
A Proclamation

During the brutal famine that struck the Ukrainian Soviet Socialist Republic from 1932 to 1933, more than seven million men, women, and children died of starvation. Tragically—and to the horror of all those who cherish the blessings of life and liberty—this deadly famine was

not caused by drought or by failed harvests. Rather, it resulted from a cruel and deliberate effort to destroy the spirit and the will of the Ukrainian people.

Between 1932 and 1933 the Government of the Union of Soviet Socialist Republics, under the leadership of Joseph Stalin, willfully permitted and even encouraged mass starvation in Ukraine. In an effort to enforce the collectivization of agriculture and to eliminate resistance to Moscow's rule by terror, Soviet authorities not only seized Ukrainian farmers' 1932 crop but also prevented desperately needed aid from reaching impoverished villages.

The United States Commission on the Ukraine Famine, mandated by the Congress to study this terrible tragedy and to expand public knowledge of it, has substantiated the belief that the famine was indeed the result of deliberate policies of the Soviet Government of that time. After months of hearings, eyewitness testimony, and the careful consideration of other documentation, the Commission concluded: "There is no doubt that large numbers of inhabitants of the Ukrainian SSR and the North Caucasus Territory starved to death in a man-made famine in 1932–1933, caused by the seizure of the 1932 crop by Soviet authorities."

This year the Central Committee of the Ukrainian Communist Party acknowledged that the famine was caused and sustained by Stalin and his associates. The current Soviet Government, led by President Gorbachev, has begun to confront the terrible legacy of Stalin and his era. It has begun to take important initial steps toward filling in the "blank pages" of Soviet history and ensuring the respect for human rights and human dignity that is essential to prevent such events from ever happening again. These steps are important, and they are encouraging.

As the United States Commission on the Ukraine Famine asserted, it is hoped that the lessons learned through this terrible tragedy, including "the concealment of criminal policies by those who perpetrate them," might provide insights which can be of use in confronting the challenges of similar events. This week, in commemorating the Ukraine famine, we reaffirm our determination to do just that.

The Congress, by Senate Joint Resolution 329, has designated the week of November 3 through November 10, 1990, as "National Week to Commemorate the Victims of the Famine in Ukraine, 1932–1933." The Congress has also requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 3 through November 10, 1990, as National Week to Commemorate the Victims of the Famine in Ukraine, 1932–1933. I call upon the people of the United States to observe this week with appropriate programs, ceremonies, and activities that express our continued determination to uphold the God-given and inalienable rights and dignity of all human beings.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6223 of November 8, 1990

To Designate Nicaragua as a Beneficiary Country for Purposes of the Caribbean Basin Economic Recovery Act

By the President of the United States of America
A Proclamation

1. Section 212 of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2702), as amended, authorizes the President to designate the countries, territories, or successor political entities thereto that will be beneficiary countries for the purposes of the CBERA (19 U.S.C. 2701 *et seq.*). Such countries are entitled to duty-free entry of eligible articles imported directly therefrom into the customs territory of the United States. Nicaragua has expressed its desire to be so designated and its intention to take steps to comply with all of the necessary criteria set forth in the CBERA.

2. Pursuant to section 212(b) of the CBERA (19 U.S.C. 2702(b)), I have determined that the designation of Nicaragua as a beneficiary country will be in the national security interest of the United States, and have reported such determination to the Congress with the reasons therefor. In addition, pursuant to section 212(a) of the CBERA (19 U.S.C. 2702(a)), I have notified the House of Representatives and the Senate of my intention to designate Nicaragua as a beneficiary country and have communicated to them the considerations entering into my decision. Accordingly, pursuant to section 212(b) of the CBERA, and after taking into account the factors enumerated in section 212(c) of the CBERA (19 U.S.C. 2702(c)), I hereby designate Nicaragua as a beneficiary country for purposes of the CBERA.

3. Section 604 of the Trade Act of 1974 (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 211 through 213 of the Caribbean Basin Economic Recovery Act, as amended by the Caribbean Basin Economic Recovery Expansion Act of 1990, and section 604 of the Trade Act of 1974, do proclaim that:

(1) In order to designate Nicaragua as a beneficiary country for the purposes of the CBERA, general note 3(c)(v)(A) to the HTS, listing those countries designated as beneficiary countries under the CBERA, is modified by inserting in alphabetical sequence "Nicaragua".

(2) The modifications made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, in the customs territory of the United States on or after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord nineteen hundred and ninety, and

of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6224 of November 9, 1990

National Women Veterans Recognition Week, 1990

By the President of the United States of America
A Proclamation

Each November 11, on the anniversary of the signing of the armistice that ended World War I, we pause as a Nation to express our respect and gratitude for veterans of the United States Armed Forces. Today more than one million women stand among this group of distinguished Americans. Indeed, women have served our country with pride, skill, and courage in every overseas combat theater of every conflict since World War I. It is therefore fitting that we mark the week beginning on the anniversary of Armistice Day as a special time to honor America's women veterans.

Serving in every branch of the Armed Forces and in a variety of challenging occupations, women have made vital contributions to our national security. In peacetime as well as in times of conflict and peril, they have demonstrated exemplary devotion to our country and to the principles for which it stands. Many have put themselves in harm's way to help ensure the success of our Nation's military operations. Some have been wounded, and others have given their lives, in the line of duty.

During recent years, the role of women in the Armed Forces has grown. With it has grown public appreciation for the talent, patriotism, and expertise that female military personnel bring to their work. Last December, many Americans noted the important contribution women made to Operation Just Cause, the superbly planned and executed mission to defend the cause of freedom and democratic government in Panama. Today, on the other side of the world, women are among those American troops who are deterring aggression on the sands and off the shores of Saudi Arabia. To these women, and to those who have gone before them in service to our country, we pay a grateful tribute.

In recognition of those women who have volunteered for service in the United States Armed Forces, the Congress, by Senate Joint Resolution 307, has designated November 11 through November 17, 1990, as "National Women Veterans Recognition Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 11 through November 17, 1990, as National Women Veterans Recognition Week. I encourage all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6225 of November 9, 1990

National Philanthropy Day, 1990

By the President of the United States of America
A Proclamation

Henry David Thoreau once observed that "the virtue we appreciate, we to some extent appropriate." We therefore do well to recognize the thoughtfulness and generosity of all those Americans who devote their time, talent, and material resources to philanthropic organizations and activities. By celebrating their many contributions to society, we reaffirm the spirit of voluntary giving and service to others that is one of our Nation's greatest strengths.

Our Nation's history provides ample evidence of the power of individual initiative and voluntary service to others. For example, private donors and individual volunteers have helped to expand educational, recreational, and employment opportunities for our youth; they have established and maintained specialized programs for senior citizens and persons with disabilities; and they have helped to promote the public health and safety. These Americans have also supplied our churches and other religious institutions with valuable material support.

Each day more and more Americans are becoming engaged in philanthropic activities. During 1989 alone, an estimated 75 percent of all households in the United States contributed to charitable organizations, giving a total of nearly $96 billion. In addition to such generous financial contributions, many Americans are giving of another precious commodity: their time. Through nonprofit philanthropic organizations across the United States, concerned citizens are donating billions of volunteer hours to others.

On National Philanthropy Day, we proudly express our respect and appreciation for all those Americans who devote their time, energy, and material resources to philanthropic endeavors. Our entire country benefits from their magnanimity and hard work, and all of us can be inspired by their example.

In recognition of those who conduct and support the work of our Nation's philanthropic organizations, the Congress, by Senate Joint Resolution 293, has designated November 16, 1990, as "National Philanthropy Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 16, 1990, as National Philanthropy Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6226 of November 13, 1990

American Education Week, 1990

By the President of the United States of America
A Proclamation

While a sound education is a great and lasting treasure in its own right, it is also vital to the advancement of individuals and nations. Through their educational experiences, young people develop the knowledge and skills needed to become innovative, productive citizens. They also gain an understanding of our Nation's history and an appreciation for our rights and responsibilities as members of a free and democratic society. Thus, if the United States is to remain a free, strong, and prosperous country, one that is competitive in the rapidly changing global marketplace, our educational system must be marked by excellence.

Our success in strengthening America's educational system may be measured by our progress toward the six national education goals established last year following my Education Summit with the Nation's Governors. First, by the year 2000, all American children must start school ready to learn. High school graduation rates must increase to 90 percent. American students must demonstrate competence in five critical subjects with their progress assessed in grades 4, 8, and 12, and they must rank first in the world in science and mathematics. Every American adult must be literate and possess the skills—including the technical skills—necessary to compete in the global economy. Finally, every school in the United States must be safe, disciplined, and drug-free. These goals form a binding standard of excellence for our Nation's schools, a standard that both animates and guides our ongoing efforts to revitalize American education.

In July, I joined with the Nation's Governors in establishing the National Education Goals Panel, which will measure and report progress toward these crucial objectives. Achieving our national education goals is not, however, a job for panel members and government officials alone. Ensuring a high-quality education for every American will depend on the personal commitment and sustained cooperation of all Americans—parents, teachers, students, local school administrators, business leaders, and elected officials, as well as the general public.

Because education is a lifelong process of learning, growth, and discovery, our ability to achieve excellence in the Nation's schools begins at home. What goes on in the classroom is only part of a child's educational experience, and parents have primary responsibility for what—and how—their children learn. Parents can contribute substantially to the quality of our educational system by taking active interest in their

youngsters' homework and academic progress; by participating in parent-teacher organizations; and by insisting on fair and effective local school boards. Government can encourage parental involvement by expanding choice in education.

At home, in the classroom, in public office, and in the community at large, all of us can and must work toward achieving our national education goals. Each of us is accountable for the quality of American education, and each of us has a vital stake in its future. This week let us reaffirm our determination to make excellence, once again and always, the hallmark of American education.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning November 11, 1990, as American Education Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6227 of November 13, 1990

Geography Awareness Week, 1990

By the President of the United States of America
A Proclamation

From the vast, frozen tundra of the Arctic to the exotic reaches of South American rain forests, the world in which we live is a beautiful and fascinating place. As varied as the climates, terrain, and natural resources found on our planet, however, are the peoples who inhabit it.

Americans who lack fundamental knowledge of the world's peoples and their surroundings cannot fully appreciate or enjoy Earth's diversity and splendor. On a larger scale, the lack of even elementary geographic knowledge among many Americans places our entire Nation at a disadvantage in matters of foreign policy and international commerce.

Geography has been a pivotal factor in the social, economic, and political development of virtually every country in the world. Thus the study of geography is not only exciting but also essential to understanding history and to participating successfully in today's global community. We Americans cannot formulate or maintain effective foreign policies, trade strategies, and business practices if the physical characteristics and cultural and political boundaries of the world are unfamiliar to us. We cannot respond effectively to dramatic changes around the globe if we do not fully comprehend the location and significance of such events. Moreover, our ability to promote international understanding and cooperation depends, in large part, on our ability to understand the

languages, customs, and beliefs of other peoples, as well as the physical circumstances in which they live.

Despite the importance of public awareness of world geography, statistics indicate that many Americans lack basic knowledge in this field. For example, a survey sponsored by the Federal Government found that many of the Nation's 12th graders do not know that the Mississippi River flows into the Gulf of Mexico. The Department of Education reports that one-third of all adults in the United States cannot name any of the countries that belong to the North Atlantic Treaty Organization, and a National Governors' Association report approximately two years ago indicated that one in seven adults could not locate the United States on a globe. Although such findings underscore the dire need to improve general knowledge of the subject, geography as a distinct discipline has been disappearing from academic curricula around the country.

Fortunately, however, the Administration and the Nation's Governors are working to revitalize America's educational system through efforts that include renewed emphasis on the basics. By raising our expectations and reaffirming the value of learning—including the study and mastery of elementary geography—we can better equip young Americans for the challenges and opportunities of the future.

To focus attention on the importance of the study and mastery of geography, the Congress, by Senate Joint Resolution 323, has designated the week of November 11 through November 17, 1990, as "Geography Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 11 through November 17, 1990, as Geography Awareness Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6228 of November 13, 1990

To Suspend Indefinitely the Import Quota on Cotton Comber Waste

By the President of the United States of America
A Proclamation

1. Presidential Proclamation No. 2351 of September 20, 1939, issued pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624) (the Act), limited the total quantity of cotton waste that may be entered in any 12-month period beginning September 20 in any year and provided country-specific allocations of such

quantity. This action was taken in order that the entry of cotton waste would not render or tend to render ineffective, or materially interfere with, the programs with respect to cotton undertaken by the Department of Agriculture.

2. In accordance with section 22 of the Act, the Secretary of Agriculture has advised me that he has reason to believe that the quantitative restrictions on imports of cotton comber waste, wherever classified in the Harmonized Tariff Schedule of the United States (HTS), should be terminated or modified because the circumstances requiring the imposition of the restrictions have changed and the quota is being underutilized.

3. Based upon this advice, I directed the United States International Trade Commission (the Commission) to initiate an investigation under section 22(d) of the Act (7 U.S.C. 624(d)) to determine whether the quota on cotton comber waste should be terminated or modified, including globalizing country quota allocations, eliminating the staple length restrictions on cotton used to make cotton comber waste, or distinguishing between bleached and unbleached cotton comber waste, or whether the quota should otherwise be adjusted to take account of circumstances that have changed since the quota was proclaimed.

4. After reviewing the facts and taking into account the report of the Commission based upon the investigation that it conducted, I have determined that the circumstances requiring the current import quotas on cotton comber waste do not exist at this time. Accordingly, I find that the quantitative restrictions imposed under section 22 of the Act on all imported cotton comber waste should be suspended indefinitely, and that the staple length restrictions on cotton comber waste should be eliminated.

5. Section 604 of the Trade Act of 1974 (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 22 of the Act and section 604 of the Trade Act of 1974 (19 U.S.C. 2483), do hereby proclaim that:

(1) In subheading 9904.30.50 of the HTS, the title of quota quantity column (A), "Minimum Quota for certain comber wastes", is modified to read "Quota for cotton comber waste".

(2) In subheading 9904.30.50 of the HTS, the title of quota quantity column (B), "Unreserved Quota", is modified to read "Quota for other cotton wastes".

(3) In subheading 9904.30.50 of the HTS, the quota quantity column (C), with its title "Total Quota", is stricken.

(4) U.S. Note 3(b) to subchapter IV of chapter 99 of the HTS is deleted, and the words "See U.S. note 3(b) of this subchapter" in subheading 9904.30.50 of the HTS are deleted.

(5) The quantitative restrictions on imports of cotton comber waste, as provided under subheading 9904.30.50 of the HTS, as revised, are hereby suspended indefinitely.

(6) Proclamation No. 2351 is superseded to the extent inconsistent with this proclamation.

(7) This proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6229 of November 14, 1990

Thanksgiving Day, 1990

By the President of the United States of America
A Proclamation

In the first Presidential Thanksgiving Day proclamation, George Washington observed that "it is the Duty of all Nations to acknowledge the Providence of Almighty God, to obey his Will, to be grateful for his Benefits, and humbly to implore His Protection and Favor." As a people who have long enjoyed unparalleled material prosperity and the priceless blessings of peace and freedom, we Americans cannot fail to fulfill this great, yet joyous, duty. Thus, we pause each year on Thanksgiving Day to express our gratitude for the goodness and generosity of our Creator and to ask His continued protection and guidance in all our endeavors, both as individuals and as a Nation.

The observance of Thanksgiving was a cherished tradition in America long before George Washington called his countrymen "to the service of that great and glorious Being who is the beneficent Author of all the good that was, that is, or that will be." Indeed, we trace the tradition of giving thanks back to some of the earliest settlers in this country—not only the Pilgrims at Plymouth but also early colonists at Jamestown, New Amsterdam, and St. Augustine. With hands clasped in prayer and hearts full of gratitude, these men and women gave public thanks to God for having been sustained through times of hardship and peril.

William Bradford's account of the experience of the settlers at Plymouth Colony is not only a moving description of the trials of emigration to a wilderness but also captures their profound faith and contains a timeless exhortation to succeeding generations:

> Being thus passed the vast ocean . . . they had now no friends to welcome them, nor inns to entertain or refresh their weatherbeaten bodies, no houses or much less towns to repair to. . . . And for the season it was winter, and they that know the winters of that country know them to be sharp and violent. . . . Besides, what could they see but a hideous and desolate wilderness? . . . Neither could they, as it were, go to the top of Pisgah, to view from this wilderness a more goodly country to feed their hopes, for which way soever they turned their eyes (save upwards to the heavens) they could have little solace or con-

tent. . . . What could now sustain them but the spirit of God and His grace? They cried to the Lord, and He heard their voice, and looked on their adversity. Let them therefore praise the Lord, because He is good, and His mercies endure for ever.

The historic observance of a day of thanksgiving at Plymouth in 1621 was one of many occasions on which our ancestors paused to acknowledge their dependence on the mercy and favor of Divine Providence. Today, on this Thanksgiving Day, likewise observed during a season of celebration and harvest, we have added cause for rejoicing: the seeds of democratic thought sown on these shores continue to take root around the world. In Central and Eastern Europe, in Latin America, and elsewhere, courageous men and women are beginning to reap the blessings of freedom and self-government. Peoples who once suffered under the heavy yoke of totalitarianism have begun to claim the liberty to which all are heirs.

Our gratitude for the rights and opportunities we enjoy as Americans may be measured by how carefully we use and preserve these gifts, as when we cultivate in our children a love of freedom and an understanding of the responsibilities that freedom demands of us. We tend the precious blossom of our liberty when we recall the example of our ancestors and strive to ensure that our own lives are firmly rooted in faith. Like our forebears, we must cherish the values and beliefs that are the foundation of strong, loving families and caring communities and recognize the importance of learning and hard work, because these are the wellspring of progress and prosperity.

The great freedom and prosperity with which we have been blessed is cause for rejoicing—and it is equally a responsibility. Indeed, Scripture tells us that much will be asked of those to whom much has been given. Our "errand in the wilderness," begun more than 350 years ago, is not yet complete. Abroad, we are working toward a new partnership of nations. At home, we seek lasting solutions to the problems facing our Nation and pray for a society "with liberty and justice for all," the alleviation of want, and the restoration of hope to all our people.

This Thanksgiving, as we enjoy the company of family and friends, let us gratefully turn our hearts to God, the loving Source of all Life and Liberty. Let us seek His forgiveness for our shortcomings and transgressions and renew our determination to remain a people worthy of His continued favor and protection. Acknowledging our dependence on the Almighty, obeying His Commandments, and reaching out to help those who do not share fully in this Nation's bounty is the most heartfelt and meaningful answer we can give to the timeless appeal of the Psalmist: "O give thanks to the Lord for He is good; for his steadfast love endures forever."

Finally, on this Thanksgiving Day, let us also remember all those Americans abroad who labor to advance the ideals for which this great Nation stands. Whether Peace Corps volunteers or military or diplomatic personnel, these selfless individuals often accept great personal risks and sacrifices to serve our country. Let us remember, in particular, those Americans held hostage and members of the Armed Forces serving in the Persian Gulf region. On this day, let us pray for their well-being and their safe return to the United States. And let us be thankful that such fine men and women are still willing to answer the call of duty to country and to defend the cause of liberty.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby call upon the American people to observe Thursday, November 22, 1990, as a National Day of Thanksgiving and to gather together in homes and places of worship on that day of thanks to affirm by their prayers and their gratitude the many blessings God has bestowed upon us.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6230 of November 14, 1990

National American Indian Heritage Month, 1990

By the President of the United States of America
A Proclamation

Long before European explorers set foot on the North American continent, this great land had been cultivated and cherished by generations of American Indians. Unbeknownst to their fellowman halfway around the world, these Native peoples had developed rich, thriving cultures, as well as their own systems of social order. They also possessed a wealth of acquired wisdom and skills in hunting, tracking, and farming—knowledge and skills that would one day prove to be invaluable to traders and settlers from Europe.

Today Americans of all ages recognize the many outstanding achievements of this country's original inhabitants and their descendants. Young and old alike know the story of Sacajawea, the Shoshone woman who helped to guide Lewis and Clark on their historic expedition and, in so doing, helped to open the door to the Great West. The giant redwood trees protected in a number of our national parks bear the name of Sequoia, in honor of the great Cherokee leader who taught thousands of Indians to read and write and, in so doing, helped to unite and strengthen the Cherokee Nation. We also recall the achievements of Charles Curtis, the proud descendant of Native Americans who served this country not only as a member of Congress but also as Vice President. However, such celebrated examples constitute only a small portion of the rich, centuries-old heritage of American Indians. Indeed, each of the many tribes that have inhabited this great land boasts a long and fascinating legacy of its own.

Last year, when signing into law the "National Museum of the American Indian Act," I noted that our Nation would be moving forward with a new and deeper understanding of the diverse heritage of Native Americans. Like the many educational and cultural events currently being held across the country in observance of National American Indian Heritage Month, the development of a national museum dedicated to the preservation of American Indian history, art, language, litera-

ture, anthropology, and culture will help to enhance public awareness of—and appreciation for—these proud peoples.

During National American Indian Heritage Month, as we celebrate the fascinating history and time-honored traditions of Native Americans, we also look to the future. Our Constitution affirms a special relationship between the Federal Government and Indian tribes and—despite a number of conflicts, inequities, and changes over the years—our unique government-to-government relationship has endured. In recent years, we have strengthened and renewed this relationship. Today we reaffirm our support for increased Indian control over tribal government affairs, and we look forward to still greater economic independence and self-sufficiency for Native Americans.

The Congress, by Public Law 101–343, has designated November 1990 as "National American Indian Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1990 as National American Indian Heritage Month. I encourage all Americans and their elected representatives at the Federal, State, and local levels to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6231 of November 14, 1990

National Farm-City Week, 1990

By the President of the United States of America
A Proclamation

For nearly four decades, we Americans have observed National Farm-City Week in honor of this country's farmers and all those who play a role in the production and distribution of U.S. agricultural goods. It is fitting that this week coincides with our annual celebration of Thanksgiving, a time when Americans traditionally give thanks for our many blessings—including our abundant supplies of safe, wholesome, and affordable foodstuffs.

American farmers are the most enterprising and efficient in the world. Constituting less than 2 percent of our population, these men and women feed the other 98 percent—and millions of people around the globe as well. Nowhere else does such a small percentage of a nation's population feed so many.

These hardworking Americans are assisted in their efforts, however, by millions of people in urban areas—by researchers who develop improved methods and technology for farming; by the manufacturers and suppliers of equipment, seeds, and fertilizers; by those who transport

and process raw agricultural goods; and by retailers who distribute and sell finished farm products to consumers. Viewed in its broadest sense, agriculture is one of our Nation's largest employers, involving the storage, transportation, processing, distribution, and merchandising of U.S. agricultural products. Millions of Americans earn their living in farming and agriculture-related industries.

The rural and urban ties we celebrate during National Farm-City Week are steadily being strengthened as more and more American farmers begin to supply not only food and fiber but also raw materials for industrial use. These materials include biodegradable plastics, alternative fuels and fuel additives, as well as printing inks and newsprint. The development of these and other products is contributing to the creation of new and diverse agro-industries.

The Americans who work in our Nation's thriving agricultural sector make an invaluable contribution to the well-being of our families and to the economic strength of the entire country. During this special season, as we prepare to share a traditional Thanksgiving dinner with our loved ones, we do well to recognize all those who bring this Nation's agricultural bounty from field to table.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of November 16 through November 22, 1990, as National Farm-City Week. I call upon all Americans, in rural areas and cities alike, to join in recognizing the accomplishments of our Nation's farmers and of all those who cooperate in producing the abundance of agricultural goods that enrich and strengthen the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6232 of November 15, 1990

National Federation of the Blind Day, 1990

By the President of the United States of America
A Proclamation

Since its founding half a century ago, the National Federation of the Blind has been a leading advocate for Americans affected by severe visual loss. Its administrators, staff, and supporters know that persons who are blind possess not only the desire but also the ability to lead full, independent, and productive lives, and they have encouraged all Americans to recognize this fact as well.

Through an effective community outreach program, the Federation has been working to enhance the public image of blind Americans and to promote real equality of opportunity for these members of our society. This outreach program includes television and radio appearances by

Federation members, public presentations, and the distribution of educational materials. In addition, the Federation produces monthly and quarterly publications that serve as a valuable source of news and information on issues affecting Americans with impaired eyesight.

If the United States is to remain a strong and prosperous country, one that is competitive in the rapidly changing global marketplace, we must utilize the talent, creativity, and skill of all our citizens. Helping more blind Americans to enter this country's social and economic mainstream is, therefore, not only a moral imperative but also a wise investment in our Nation's future. On July 26, I was pleased to sign into law the Americans with Disabilities Act of 1990. The world's first comprehensive declaration of equality for persons with disabilities, this legislation prohibits employers covered by the Act from discriminating against qualified applicants or employees on the basis of a disability; it guarantees persons with disabilities access to public accommodations, such as offices, hotels, and shopping centers; and it calls for improved access to transportation, State and local government services, and telecommunications as well. This legislation—like the efforts of the National Federation of the Blind—reflects our commitment to ensuring equality of opportunity for all Americans.

In recognition of the Federation and its outstanding work, the Congress, by House Joint Resolution 667, has designated November 16, 1990, as "National Federation of the Blind Day" and has authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 16, 1990, as National Federation of the Blind Day. I encourage all Americans to observe this day through appropriate programs and activities that reaffirm our appreciation of the rights, needs, and abilities of persons who are blind.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6233 of November 16, 1990

National Military Families Recognition Day, 1990

By the President of the United States of America

A Proclamation

A great portion of our Nation's military strength is derived from our proud and courageous military families. Each of us gains untold strength and inspiration through our loved ones; for the men and women who serve in the United States Armed Forces, however, the love and support of family are indispensable when striving to endure the risks and sacrifices that are a frequent part of military life.

Through the steadfast physical and emotional support of their loved ones, members of our Armed Forces find much of the personal strength and motivation needed to complete arduous and sometimes hazardous assignments. Service members on duty far from home are ever grateful for the thoughts, prayers, and letters of their loved ones. Like millions of their fellow Americans around the world, the members of the Armed Forces are also uplifted and inspired by the extraordinary patriotism and perseverance of their families.

Our Nation's military families not only provide invaluable support to their loved ones in the Armed Forces but also frequently share in the sacrifices they must make in the line of duty. Spouses, parents, children, and siblings must often cope with long hours of separation and worry. Frequent moves, which can be particularly hard on youngsters, are a fact of military life. Those moves can take a family across the country or even around the world, where parents and children must adjust to cultural differences as well as new jobs and new schools. Nevertheless, despite these and other challenges, America's military families have always displayed remarkable faith, resourcefulness, and determination. As representatives of the United States around the world, they have served our country well and with pride, and all of us can be grateful for their example.

The Nation's military services have long acknowledged the importance of families and have thus established special programs and support systems to assist the close relatives of military personnel. Recently the families of those service men and women taking part in Operation Desert Shield have also received generous support through individual volunteers, local community groups, and private industry. Patriotic Americans across the country and around the world have demonstrated their support and rendered assistance to military families through countless heartwarming gestures. This week we reaffirm the importance of such generous efforts and unite in offering a heartfelt salute to all of our Nation's military families.

The Congress, by House Joint Resolution 566, has designated November 19, 1990, as "National Military Families Recognition Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 19, 1990, as National Military Families Recognition Day. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities in honor of U.S. military families throughout the world. I also urge the people of the United States to pause in their homes, churches, synagogues, and other suitable places on this day to pray in a special manner for those military families whose loved ones are stationed in the Persian Gulf region.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6234 of November 20, 1990

National Adoption Week, 1990

By the President of the United States of America
A Proclamation

During the holiday season that begins on Thanksgiving, our thoughts turn toward home and family. At this special time of year, most of us can recall warm memories of past family gatherings as we look forward to being reunited once again with our dearest relatives and other loved ones. Tragically, however, thousands of American youngsters will not be able to enjoy this festive and holy season with a family of their own—these are children waiting to be adopted.

Each year, some 60,000 waiting children do find permanent, loving homes in the United States. Each year, many infants are given the chance for full and happy lives when their biological mothers choose adoption over abortion. Nevertheless, an estimated 30,000 children who are legally available for adoption still wait in foster care for permanent families. Many of these children have special needs—they are children with physical, mental, or emotional disabilities; they are older or minority children; and they are children with siblings who need to be adopted by the same family. Regardless of the individual needs they may have, all of these waiting children are eager to love and to be loved by a family of their own.

An act of faith, courage, and generosity, adoption benefits everyone it touches: the youngster who needs and desires a lasting home and loving family; the expectant mother who, for whatever reason, cannot keep her child; and the prospective parents who long to open their hearts and their homes to adoptive children. However, despite the many benefits of adoption, thousands of children continue to wait.

In both the public and private sectors, we must continue working to eliminate daunting legal, financial, and attitudinal barriers to adoption. Toward that end, my Administration has developed proposals to help individuals meet the financial commitment involved in adopting children with special needs. We are also taking steps to encourage interested Federal employees to adopt.

During National Adoption Week, we gratefully recognize all those Americans who have joined in the effort to find permanent homes for waiting children—the counselors, social workers, attorneys, legislators, volunteers, employers, media professionals, and members of the clergy who devote their time, skills, and resources to encouraging adoption. This week let us also express our admiration and pledge our support for those courageous and selfless women who choose life for their unborn children. Finally, let us also remember those precious youngsters who, on this very day, wait to be adopted—let us renew our determination to help them gain the sense of security and belonging that they so desperately need and deserve.

To promote public awareness of adoption, the Congress, by Senate Joint Resolution 362, has designated the period commencing on November 18, 1990, and ending on November 24, 1990, as "National Adoption

Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 18 through November 24, 1990, as National Adoption Week. I urge all Americans to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6235 of November 20, 1990

National Family Caregivers Week, 1990

By the President of the United States of America
A Proclamation

Traditionally, the American family has both symbolized and fostered the values that are at the heart of any truly strong and caring society—values such as faithfulness, commitment, and respect and concern for others. During National Family Caregivers Week, as we celebrate the American family and its ability to care for its members, we also reaffirm the importance of those values to us as individuals and as a Nation.

Each day millions of Americans provide various forms of assistance to relatives incapacitated by age, illness, or disability. In addition to home nursing care and companionship, these family caregivers may provide physically impaired loved ones with financial support, transportation, and help with shopping, cooking, and daily household maintenance. Their generous and devoted labors are invaluable to the relative who might otherwise be forced to live in an institutional setting.

Through their dedicated efforts, family caregivers not only help ill and elderly loved ones to maintain their dignity and independence but also provide wonderful examples of the love and commitment that are the essence of family life. This week we proudly salute these hardworking men and women.

The Congress, by House Joint Resolution 525, has designated the week of November 18 through November 24, 1990, as "National Family Caregivers Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 18 through November 24, 1990, as National Family Caregivers Week. I encourage the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and ninety,

and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6236 of December 6, 1990

National Poison Prevention Week, 1991

By the President of the United States of America
A Proclamation

As we mark the 30th observance of National Poison Prevention Week, we can take pride in the success of this important annual public awareness campaign. Since our first observance of National Poison Prevention Week in 1962, the number of deaths by poisoning among children under the age of five has declined significantly. The U.S. Consumer Product Safety Commission reports that in 1961, poisoning claimed the lives of 450 youngsters. By 1987, that number had dropped to 31. Nevertheless, because the death of even one child by accidental poisoning is intolerable, we must continue efforts aimed at education and prevention.

The Poison Prevention Week Council, a coalition of 36 national organizations that are determined to stop accidental poisonings, coordinates National Poison Prevention Week activities. In addition to distributing valuable information, the Council encourages local poison control centers, pharmacies, public health departments, and other concerned parties to conduct poison prevention programs in their communities. The Consumer Product Safety Commission, which each year provides a member to serve as Secretary of the Poison Prevention Week Council, helps to lead this important public health campaign. Thus, it is a truly national campaign, enlisting the combined energy and resources of government officials, health care professionals, educators, business and industry leaders, media representatives, and members of private voluntary organizations.

Poison prevention activities such as those highlighted this week have helped to save lives, but there is more to do. Each year more than half a million children are exposed to potentially poisonous medicines or household chemicals. It is therefore vital that we continue to remind parents, grandparents, and other adults about the risks of childhood poisoning and the ways tragic accidents can be prevented. Simple safety measures—such as using child-resistant closures and keeping potentially harmful substances out of the reach of children—can save lives.

To encourage the American people to learn more about the dangers of accidental poisonings and to take more preventative measures, the Congress, by joint resolution approved September 26, 1961 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March of each year as "National Poison Prevention Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning March 17, 1991, as

National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies and activities and by learning how to prevent accidental poisonings among children.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6237 of December 7, 1990

Wright Brothers Day, 1990

By the President of the United States of America
A Proclamation

When Orville and Wilbur Wright's hand-crafted airplane lifted off the windswept beach near Kitty Hawk, North Carolina, on December 17, 1903, only a handful of men and perhaps a few startled sea gulls witnessed the world's first controlled, manned flight in a heavier-than-air, mechanically propelled aircraft. Nevertheless, this brief bold flight changed the course of history. With the success of their daring experiment, Orville and Wilbur Wright ushered in the age of aviation.

From the time they experimented with airplane models and wind tunnels at their small workshop in Dayton, Ohio, until the end of their celebrated careers, the Wright brothers demonstrated qualities shared by all great pioneers and inventors. Eager to learn and determined to succeed, they engaged in hours of intense study and painstaking trial, calculation, and design. As individuals they were confident, methodical, and brilliantly intuitive engineers.

Shortly after the Wrights began their experiments, they found that the small amount of data previously collected by others was unreliable. Consequently, they conducted their own basic research, literally writing the book on fundamental aerodynamics. Eventually, the Wrights used their carefully acquired knowledge to build a machine so far ahead of its day that they even had to design and build their own motor, one that was both powerful and lightweight.

The Wrights' diligent and enlightened approach to their work was the key to their success. Wilbur once remarked: "If a man is in too big a hurry to give up an error, he is liable to give up some truth with it, and in accepting the arguments of the other man, he is sure to get some error with it . . . . After I get a hold of a truth I hate to lose it again, and I like to sift all the truth out before I give up an error." Such intellectual openness and tenacity—coupled with courage, creativity, and perseverance—enabled the Wright brothers to defy both the skepticism of friends and the force of gravity as they launched the age of controlled human flight.

We live in a world transformed by the work of the Wright brothers, and in this age of sophisticated air and space travel, their first flight still stands as one of the most extraordinary achievements of the 20th

century. With optimism and daring, restless ingenuity and hard work, Orville and Wilbur Wright broke the tethers binding man to Earth and joined the ranks of those great pioneers and inventors who have helped to make the United States a mighty and prosperous Nation. As we recall the Wrights' seminal contributions to aviation, each of us can take inspiration from their example.

The Congress, by a joint resolution approved December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), has designated the 17th day of December of each year as "Wright Brothers Day" and requested the President to issue annually a proclamation commemorating this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 17, 1990, as Wright Brothers Day. I call upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6238 of December 10, 1990

Human Rights Day, Bill of Rights Day, and Human Rights Week, 1990

By the President of the United States of America
A Proclamation

The first ten amendments to our Constitution, collectively known as the Bill of Rights, were intended as an additional safeguard to the liberty of Americans, which the Constitution already afforded great protection through its ingenious structure. As we enter the bicentennial year of our Bill of Rights, we celebrate more than the great freedom and security this document symbolizes for the American people—we also celebrate its seminal role in the advancement of respect for human dignity and individual liberty around the world.

In its Universal Declaration of Human Rights, adopted on December 10, 1948, the United Nations General Assembly affirmed to all mankind the noble ideals enshrined in our Bill of Rights. Noting that "recognition of the inherent dignity and of the equal and unalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world," signatories to the Declaration agreed to respect freedom of thought, freedom of association, as well as freedom of religion and belief. They also recognized an individual's right to own property, either alone or in association with others, and declared that "everyone has the right to participate in his government, directly or through freely chosen representatives." Stating that "human rights should be protected by the rule of law," signatories to the Declaration proclaimed this historic document "a common standard of achievement for all peoples and all nations."

That standard was reaffirmed and strengthened in 1975, when the United States, Canada, and 33 European states joined in adopting the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE). Participating states also recognized the right of self-determination and agreed to grant ethnic minorities equality before the law.

Recent events testify to the CSCE's effectiveness in advancing our goal of universal compliance with the human rights and humanitarian provisions of the Helsinki Final Act. The elimination of physical and ideological barriers that once divided postwar Europe dramatically illustrates the progress that has been made in promoting respect for human rights, building mutual trust, reducing the risk of conflict, and encouraging the development of democracy. Last month, the signing of the Charter of Paris—which added to existing CSCE principles new and sweeping commitments to political pluralism, free elections, free enterprise, and the rule of law—underscored its signatories' determination to consolidate and to build upon recent gains. Indeed, with the Charter of Paris we welcomed the emergence of a new transatlantic partnership of nations based on a mutual commitment to upholding human rights and the rule of law.

However, while we celebrate the remarkable developments reflected in the recent Charter of Paris, we must resist the notion that our work is now virtually finished. Tragically, in some countries, persecution of ethnic minorities, religious oppression, and restrictions on freedom of speech, information, and travel violate fundamental standards of morality and the letter and spirit of international human rights agreements.

The United States will continue to denounce contraventions of the Universal Declaration of Human Rights and will press for constructive change. And, at times, it is necessary to take a stand against aggression. Iraq's brutal subjugation and despoiling of Kuwait constitute an assault on the basic human values and freedoms we commemorate this week; thus the United States and other members of the world community are coalesced in an effort to achieve the complete and unconditional withdrawal of Iraqi forces from Kuwait. The United States also continues to assist the world's emerging democracies, not only in Europe, but also in Asia, Africa, and Latin America.

The documents we celebrate this week—the Bill of Rights, the Universal Declaration of Human Rights, and the more recent Helsinki accords—derive their value and promise from the timeless, immutable truths they contain and our solemn commitment to upholding them. As we reflect on the historic significance of these documents, let us vow to ensure that they remain meaningful guarantees of individual dignity and liberty.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 10, 1990, as Human Rights Day and December 15, 1990, as Bill of Rights Day and call upon all Americans to observe the week beginning December 10, 1990, as Human Rights Week.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of December, in the year of our Lord nineteen hundred and ninety, and

of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Warren E. Burger

Proclamation 6239 of December 10, 1990

American Red Cross Month, 1991

By the President of the United States of America
A Proclamation

Millions of people around the Nation and the world take comfort in knowing that, wherever the bright banner of the American Red Cross flies, help is close at hand. For well over a century, this respected humanitarian organization has enabled individuals and their communities to cope with crisis.

While the Red Cross is most often associated with major emergencies such as those caused by floods, earthquakes, and military conflict, it also brings aid to those whose plight may never make the headlines—such as victims of industrial accidents, hunger, and house fires. The lifesaving activities of the Red Cross may vary, but in every case its staff and volunteers bring swift, compassionate assistance to needy persons without regard to race, religion, or national origin.

During a typical year, the Red Cross may respond to some 50,000 disastrous incidents, helping people not only to survive but also to rebuild.

While the work of the Red Cross in the face of disaster has been outstanding, its day-to-day efforts aimed at emergency prevention and preparedness have been equally remarkable. Today some 1.1 million trained Red Cross volunteers work at more than 2,700 chapters throughout the United States. These dedicated men and women help to instruct youths and adults alike in first aid, cardiopulmonary resuscitation, and water safety. In addition, the Red Cross is a leader in the campaign to stop the spread of AIDS. Across the country, trained Red Cross volunteers are teaching the public about this deadly disease and how it is prevented.

The Red Cross is also helping to prevent the spread of AIDS by ensuring the safety of our blood supply. Each year the Red Cross collects more than 6 million units of blood—half of the Nation's blood supply. Every unit of blood must pass seven tests to ensure its safety for transfusion. As a result of such careful screening, the Nation's blood supply is safer now than it has ever been.

The Red Cross, which formed the National Bone Marrow Donor Registry in 1986, also maintains a national registry of more than 20,000 volunteer donors of rare blood types and conducts vital research on blood at its Holland laboratory. The Red Cross also renders vital tissue transplantation services to help some 49,000 Americans a year live longer, fuller lives.

With so many American service men and women currently stationed abroad, the importance of the Red Cross' work in behalf of U.S. military personnel is more apparent than ever. For members of the Armed Services at both domestic and overseas military installations, the Red Cross provides valuable information, referral services, and emergency communications.

Through its outstanding humanitarian services, the American Red Cross has earned the respect and appreciation of millions of people throughout the United States and around the world. This month we gratefully salute its dedicated staff and volunteers.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of March 1991 as American Red Cross Month. I urge all Americans to continue their generous support of the Red Cross and its chapters nationwide.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of December, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6240 of December 18, 1990

National Law Enforcement Training Week, 1991

By the President of the United States of America

A Proclamation

The duty of law enforcement officers to protect the lives and property of their fellow Americans and to maintain civil order while upholding the constitutional rights of individuals is one that requires continuing, high-quality professional training. Imparting the knowledge and skills that officers need to fulfill their duties safely and effectively, training constitutes an essential part of law enforcement.

Law enforcement officers often face complex crimes and violent criminals. Meeting the challenges posed by drug trafficking, organized crime, and other forms of illicit activity therefore demands ongoing, comprehensive training. This training must be multidisciplinary, encompassing not only law, self-defense, and the use of firearms but also first aid, forensics, and the physical and social sciences. Because law enforcement training covers such diverse and interesting fields of study, it underscores the many rewarding career opportunities available to Americans who would like to contribute to their communities through police work or related disciplines.

This week we gratefully salute the dedicated, hardworking men and women who conduct and participate in law enforcement training. Their commitment to excellence and their determination to uphold the law help to ensure the preservation of our freedom and security.

The Congress, by Public Law 101–372, has designated the week of January 6 through January 12, 1991, as "National Law Enforcement Training Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of January 6 through January 12, 1991, as National Law Enforcement Training Week. I urge all Americans to observe this week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of young people of career opportunities in law enforcement and related disciplines.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of December, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6241 of January 11, 1991

National Sanctity of Human Life Day, 1991

By the President of the United States of America

A Proclamation

On January 21, the United States will observe a Federal holiday honoring the birth of the Reverend Dr. Martin Luther King, Jr. In his efforts to end legal segregation in America, Dr. King believed that achieving peace and goodwill among all peoples depends on obedience to the will of God and the affirmation of the sacredness of all human life. "Every man is somebody," Dr. King said, "because he is a child of God."

It is this conviction—the recognition that all people are made in the image of their Creator—which guides our observance of National Sanctity of Human Life Day and our efforts to reaffirm in our Nation the sanctity of human life in all its stages.

For more than two hundred years, America has been the home of freedom. Our national commitment to fundamental human rights—the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness"—was eloquently proclaimed in the Declaration of Independence and has been reaffirmed countless times in legislative halls; in a free and unfettered press; on battlefields around the world; and, most important, in our hearts.

Despite this deep national commitment, however, there have been times when realities have not lived up to our ideals. The United States was once a land of slavery and racial segregation. For far too long, many persons with disabilities have not been able to participate fully in the mainstream of American life. And the prevalence of abortion on demand in America calls into question our respect for the fundamental right to life.

The tragedy of abortion in America affects two persons, mother and child. While sincere persons may disagree, my position is that the lives of both must be cherished and protected. We must recognize the dignity and worth of every human being in our laws, as well as in our hearts. Abortion robs America of a portion of its future and denies preborn children the chance to grow, to contribute, and to enjoy a full life with all its challenges and opportunities.

Scientific advances reinforce the belief that unborn children are persons, entitled to medical care and legal protection. We must turn from abortion to loving alternatives such as adoption. All levels of government and all sectors of society should promote policies that encourage alternatives such as adoption and make adopting easier for families who want children and will give them loving homes, particularly children with special needs.

Across America, many people are involved in efforts to protect unborn children and to assist pregnant women in need. Through their compassion, generosity, and hard work, they are helping to ensure that the value of every human life is never forgotten. We hope and pray for the day when the principle of life's sanctity will guide both private thought and public policy on this question throughout our Nation.

On this occasion we also recall with gratitude and thanks to Almighty God the millions of Americans whose work in many and various ways likewise upholds our fundamental belief in the sanctity of human life. Members of the health professions and scientists work for cures to dread diseases and to alleviate the suffering of the ill and infirm. Parents, teachers, and community leaders work together towards ending the scourge of drugs. And volunteers throughout our Nation visit the sick, the elderly, and the lonely; care for the dying; help children in need; and bring joy to the lives of many of our fellow citizens.

In affirming the sanctity of life, we realize the highest ideals of our country. We deny our very heritage when we do not. Today, mindful of our heritage and our convictions, let us not only resolve to uphold the sanctity of human life but also work to promote policies that affirm our highest ideals as a Nation. All stages of human life are precious; all demand recognition of their sanctity.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 20, 1991, as National Sanctity of Human Life Day. I call on all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and the dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6242 of January 14, 1991

Martin Luther King, Jr., Federal Holiday, 1991

By the President of the United States of America
A Proclamation

In commemorating the anniversary of the birth of the Reverend Dr. Martin Luther King, Jr., we celebrate the cause to which he dedicated his life. More than a struggle to end bigotry and segregation in the United States—although that alone would be ample reason to honor him—Martin Luther King's great purpose was an effort "to make real the promises of democracy."

With characteristic eloquence, Dr. King told his countrymen, "In spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this Nation will rise up and live out the true meaning of its creed." By working to fulfill for all Americans the promise of life, liberty, and happiness expressed in the Declaration of Independence, Martin Luther King helped to bring our country closer to the ideal envisioned at its founding.

Inspiring Martin Luther King's appeals for racial equality was a strong faith—faith in Almighty God, faith in the future, and faith in the ultimate triumph of truth and justice. A gifted preacher who often quoted from Scripture, King believed that America must uphold its promise of liberty and opportunity for all because prejudice and discrimination obscure the reality that all people are made in the image of their Creator.

The faith that animated Martin Luther King's efforts to uphold the God-given dignity and worth of every individual was nurtured in him from childhood. The son of a Baptist minister, King was clearly inspired by the example of his parents and their quiet nobility and determination.

The family is still, as King once observed, "the main educational agency of mankind." Thus, we must begin with the family if we are to ensure that our children "live in a nation where they will not be judged by the color of their skin but by the content of their character." We give our children the tools needed to build a bright future when we give them love and attention and help them to develop a sense of personal responsibility and self-esteem, as well as an appreciation for the value of learning and hard work. Finally, we must instill in our children a sense of hope and higher purpose, helping them to recognize—as did Martin Luther King—the power of prayer and the rewards of basic human goodness. As Dr. King once said, "Intelligence plus character—that is the goal of true education. The complete education gives one not only power of concentration but worthy objectives upon which to concentrate."

Throughout his adult life, Martin Luther King concentrated on efforts to overcome bitterness and division and to fulfill the American dream for all members of our society. He taught all of us important lessons about faith, sacrifice, perseverance, and optimism. Today we recall those lessons and renew our determination to promote racial harmony and equality of opportunity in the United States.

By Public Law 98–144, the third Monday in January of each year has been designated as a legal public holiday.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Monday, January 21, 1991, as the Martin Luther King, Jr., Federal Holiday.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6243 of February 1, 1991

For a National Day of Prayer, February 3, 1991

By the President of the United States of America
A Proclamation

As one Nation under God, we Americans are deeply mindful of both our dependence on the Almighty and our obligations as a people He has richly blessed. From our very beginnings as a Nation, we have relied upon God's strength and guidance in war and peace. Entrusted with the holy gift of freedom and allowed to prosper in its great light, we have a responsibility to serve as a beacon to the world—to use our strength and resources to help those suffering in the darkness of tyranny and repression.

Today the United States is engaged in a great struggle to uphold the principles of national sovereignty and international order and to defend the lives and liberty of innocent people. It is an armed struggle we made every possible effort to avoid through extraordinary diplomatic efforts to resolve the matter peacefully, yet—given no choice by a ruthless dictator who would wield political and economic hegemony over other nations through force and terror—it is a struggle we wage with conviction and resolve. Our cause is moral and just.

However confident of our purpose, however determined to prevail, we Americans continue to yearn for peace and for the safety of our service men and women in the Persian Gulf. With these great hopes in mind, I ask all Americans to unite in humble and contrite prayer to Almighty God. May it please our Heavenly Father to look upon this Nation, judging not our worthiness but our need, and to grant us His continued strength and guidance. May He watch over and support the courageous members of our Armed Forces, their loving families, as well as the forces of those nations that have joined the coalition to liberate Kuwait and to deter further Iraqi aggression.

Today, as we turn our hearts toward Heaven, let us also pray especially for those brave and selfless military personnel who have earned their final rest in the arms of God. Let us ask Him to strengthen and console their families, and let us also remember all those innocent civilians, wherever they may be, who have been affected by this conflict.

"All this being done, in sincerity and truth," as President Lincoln once wrote, "Let us then rest humbly in the hope authorized by the Divine teachings, that the united cry of the Nation will be heard on high, and answered . . ." by Almighty God, our refuge and strength, our rock and our salvation.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim February 3, 1991, as a National Day of Prayer. I ask that Americans gather in homes and places of worship to pray for the members of Operation Desert Storm; for their families; and for all those innocent persons, wherever they may be, who suffer as a result of the conflict in the Persian Gulf. I ask that prayer be made for American military commanders in the region and for the forces of other nations that have joined in the coalition to liberate Kuwait. I also urge the American people and their elected representatives to give thanks to God for His mercy and goodness and humbly to ask for His continued help and guidance in all our endeavors. Let us pray this day, and every day hereafter, for peace. And may God keep this country as one great Nation under Him forever.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6244 of February 4, 1991

To Amend the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. In Proclamation 5758 of December 24, 1987, the President determined, pursuant to sections 502(b)(7), 502(c)(7), and 504 of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2462(b)(7), 2462(c)(7), and 2464), that it was appropriate to provide for the suspension of preferential treatment under the Generalized System of Preferences (GSP) for articles that are eligible for such treatment and that are imported from Chile. Such suspension was the result of a Presidential determination that Chile had not taken and was not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)).

2. After a review of the current situation in Chile, I have determined that Chile has taken or is taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act. Further, pursuant to sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), and after taking into account the factors set forth in such sections, I have determined that it is appropriate to terminate the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Chile

and to redesignate Chile as a beneficiary developing country for purposes of the GSP.

3. Pursuant to section 504 of the 1974 Act (19 U.S.C. 2464), the President may withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)). I have determined, pursuant to section 504(a) of the 1974 Act, that Chile should not receive preferential tariff treatment under the GSP with respect to certain eligible articles.

4. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 501, 502, 504, and 604 of the 1974 Act, do proclaim that:

(1) In order to redesignate Chile as a beneficiary developing country for purposes of the GSP, general note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by inserting in alphabetical order in the list of independent countries "Chile".

(2) In order to provide that Chile should not be treated as a beneficiary developing country with respect to certain eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for each of the HTS provisions enumerated in section A of the Annex to this proclamation is modified by deleting from such subcolumn for such HTS provisions the symbol "A" in parentheses, and by inserting the symbol "A*" in lieu thereof.

(3) In order to provide that Chile should not be treated as a beneficiary developing country with respect to certain eligible articles for purposes of the GSP, general note 3(c)(ii)(D) to the HTS is modified as provided in section B of the Annex to this proclamation.

(4) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5) The amendments made by this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

ANNEX

Modifications to the HTS

Effective as to articles entered on or after the date of publication of this proclamation in the **Federal Register**

Section A. For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete the symbol "A" and insert "A*" in lieu thereof:

7402.00.00	7403.13.00	7403.22.00
7403.11.00	7403.19.00	7403.23.00
7403.12.00	7403.21.00	7403.29.00

Section B. General note 3(c)(ii)(D) is modified—

(a) by adding in numerical sequence the following HTS provisions and countries set opposite them:

7402.00.00	Chile	7403.13.00	Chile	7403.22.00	Chile
7403.11.00	Chile	7403.19.00	Chile	7403.23.00	Chile
7403.12.00	Chile	7403.21.00	Chile	7403.29.00	Chile

(b) by adding, in alphabetical order, "Chile" opposite HTS subheading 1005.90.20.

Proclamation 6245 of February 4, 1991

To Amend the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. In Proclamation 5617 of March 6, 1987, the President determined, pursuant to sections 502(c)(7) and 504 of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2462(c)(7) and 2464), that it was appropriate to provide for the suspension of preferential treatment under the Generalized System of Preferences (GSP) for articles that are eligible for such treatment and that are imported from Paraguay. In Proclamation 5955 of April 13, 1989, the President determined, pursuant to sections 502(b)(7), 502(c)(7), and 504 of the 1974 Act (19 U.S.C. 2462(b)(7), 2462(c)(7), and 2464), that it was appropriate to provide for the suspension of preferential treatment under the GSP for articles that are eligible for such treatment and that are imported from the Central African Republic. Such suspensions were the result of Presidential determinations that Paraguay and the Central African Republic had not taken and were not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)).

2. After a review of the current situation in Paraguay and the Central African Republic, I have determined that Paraguay and the Central African Republic have taken or are taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act. Further, pursuant to sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), and after taking into account the factors set forth in such sections, I have determined that it is appropriate to terminate the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Paraguay or the Central African Republic and to redesignate Paraguay and the Central African Republic as beneficiary developing countries for purposes of the GSP.

3. Section 504(c)(6) of the 1974 Act provides that section 504(c) of the 1974 Act shall not apply to any beneficiary developing country that the President determines, based on the considerations described in sections 501 and 502(c) of the 1974 Act, to be a least-developed beneficiary developing country. Accordingly, after taking into account the considerations in sections 501 and 502(c) of the 1974 Act, I have determined that it is appropriate to restore the prior designation of the redesignated beneficiary developing country of the Central African Republic as a least-developed beneficiary developing country.

4. Pursuant to sections 502(a), (b), and (c) of the 1974 Act (19 U.S.C. 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Namibia as a beneficiary developing country for purposes of the GSP.

5. Title II of the Customs and Trade Act of 1990 (the 1990 Act) (Public Law No. 101–382, 104 Stat. 629, 655) made certain conforming changes to the GSP, as enacted by Title V of the 1974 Act (19 U.S.C. 2461 *et seq.*). To clarify the preferential tariff treatment accorded under the GSP, I have determined that it is necessary to modify provisions of the general notes to the Harmonized Tariff Schedule of the United States (HTS) to conform to the amendments to the 1974 Act made by the 1990 Act.

6. Section 503(c)(1) of the 1974 Act (19 U.S.C. 2463(c)(1)) provides that the President may not designate certain specified categories of import-sensitive articles as eligible articles under the GSP. Section 503(c)(1)(A) of the 1974 Act provides that textile and apparel articles that are subject to textile agreements are import-sensitive. Pursuant to sections 504(a) and 604 of the 1974 Act (19 U.S.C. 2464(a) and 2483), I am acting to modify the HTS to remove from eligibility under the GSP those articles that have become subject to textile agreements and to make certain conforming changes in the HTS.

7. In order to make certain technical corrections to the HTS to clarify my determinations in Proclamation 6123 of April 26, 1990, and Proclamation 6152 of June 29, 1990, I have determined that it is appropriate to modify general note 3(c)(ii)(D) to the HTS, enumerating those articles from specified beneficiary developing countries that are ineligible for preferential tariff treatment under the GSP, and to modify the Rates of Duty 1-Special subcolumn for HTS subheadings 8512.40.40 and 8708.21.00.

8. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 501, 502, 504, and 604 of the 1974 Act and Title II of the 1990 Act, do proclaim that:

(1) In order to redesignate Paraguay and the Central African Republic and to designate Namibia as beneficiary developing countries for purposes of the GSP, general note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by

inserting in alphabetical order in the list of independent countries "Paraguay", "Central African Republic", and "Namibia".

(2) In order to provide for the designation of the Central African Republic as a least-developed beneficiary developing country, general note 3(c)(ii)(B) to the HTS, listing those countries designated as least-developed beneficiary countries, is modified by inserting in alphabetical order "Central African Republic".

(3) In order to make certain conforming changes in the HTS to reflect amendments to the GSP made by the 1990 Act, general note 3(c)(ii) to the HTS is modified as set forth in section A of the Annex to this proclamation.

(4) In order to remove from eligibility under the GSP an article that has become subject to textile agreements, and to make certain conforming changes in the HTS, the HTS is modified as provided in section B of the Annex to this proclamation.

(5) In order to make certain technical corrections to the HTS to reflect prior Presidential determinations concerning the GSP, the HTS is modified as provided in section C of the Annex to this proclamation.

(6) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(7)(a) The amendments made by paragraph (5) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1990.

(b) The amendments made by paragraph (3) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(c) The amendments made by paragraphs (1), (2), and (4) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

ANNEX

Modifications to the HTS

Section A. Effective as to articles entered on or after October 1, 1990.

(1) General note 3(c)(ii)(B) to the HTS is modified by inserting immediately after "article" the phrase "which is the growth, product or manufacture of one of the countries designated as a least-developed beneficiary developing country", by striking out the phrase "one of the countries designated as a least-developed beneficiary developing", by inserting after "from" the word "such", and by striking out "it" and inserting "such article" in lieu thereof.

(2) General note 3(c)(ii)(C) is modified—

(a) by striking out the phrase "Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (c)(ii)(A) of this note, it", and by inserting the phrase "Whenever an eligible article which is the growth, product, or manufacture of a designated beneficiary developing country listed in subdivision (c)(ii)(A) of this note is imported into the customs territory of the United States directly from such country or territory, such article" in lieu thereof.

(b) by adding at the end thereof the following new sentence: "No article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone simple combining or packing operations, or mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.".

Section B. Effective as to articles entered on or after the date of publication of this proclamation in the **Federal Register.**

(1) HTS subheadings 6307.90.87 and 6307.90.95 are superseded by the following new subheadings set forth in columnar format, with the material in such columns inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

	[Other made up...:]			
	[Other:]			
	[Other:]			
"6307.90.86	Surgical towels; cotton towels of pile or tufted construction; pillow shells, of cotton	7%	Free (B,E*,IL) 4.9% (CA)	40%
6307.90.94	Other	7%	Free (A,B,E*,IL) 4.9% (CA)	40%"

(2) Conforming changes:

(a) Any staged reduction of a rate of duty set forth in HTS subheading 6307.90.95 that was proclaimed by the President before the effective date of this proclamation and would otherwise take effect after the effective date of this proclamation shall also apply to the corresponding duty rate in HTS subheadings 6307.90.86 and 6307.90.94.

(b) HTS subheading 9902.57.01 is modified by striking out "6307.90.95" and inserting "6307.90.94" in lieu thereof.

Section C. Effective as to articles entered on or after July 1, 1990.

(1) General note 3(c)(ii)(D) to the HTS is modified—

(a) by striking out the word "Mexico" appearing immediately after "8509.90.20 Mexico" and by inserting "8512.40.40 Mexico" in lieu thereof; and

(b) by striking out the word "Mexico" appearing immediately after "8544.51.80 Mexico" and by inserting "8708.21.00 Mexico" in lieu thereof.

(2) HTS subheading 8512.40.40 and 8708.21.00 are each modified by striking out the symbol "A," in the Rates of Duty 1-Special subcolumn for such subheadings and inserting "A*," in lieu thereof.

Proclamation 6246 of February 5, 1991

National Visiting Nurse Associations Week, 1991

By the President of the United States of America
A Proclamation

Visiting Nurse Associations have provided high-quality, affordable health care services to homebound Americans for more than 100 years. The dedicated men and women who carry on the work of these independently operated, voluntary associations make it possible for patients to obtain needed care while remaining in familiar, comfortable surroundings, among family and friends. In so doing, visiting nurse pro-

fessionals bring to their work a warm, personal touch as well as valuable knowledge and skills.

Over the years Americans have come to equate Visiting Nurse Associations with reliable home health care for persons recuperating from illness or injury, for persons incapacitated by physical or mental disabilities, for the terminally ill, and for those suffering from chronically disabling diseases. These associations offer a wide range of medical care and support services—including specialized nursing, nutritional counseling, homemaker and home health aide services, as well as speech, physical, and occupational therapy. As nonprofit, community-based organizations, Visiting Nurse Associations not only stay attuned to the particular needs of individuals and families but also help to mitigate rising health care costs.

This week we gratefully recognize the important contribution that Visiting Nurse Associations make to our Nation's health care system. We also honor the generous, hardworking men and women who serve their fellow Americans through these valued organizations.

The Congress, by Public Law 101–468, has designated the week beginning February 17, 1991, as "National Visiting Nurse Associations Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning February 17, 1991, as National Visiting Nurse Associations Week. I invite all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6247 of February 7, 1991

American Heart Month, 1991

By the President of the United States of America
A Proclamation

In recent years, we have learned much about what we can do to avoid heart attack, stroke, and other forms of cardiovascular disease. For example, we know how important it is to discourage use of tobacco products, particularly among young Americans. We also know that controlling blood pressure, following a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Although significant progress has been made in the struggle to overcome cardiovascular disease, we must not become complacent. Heart attack, stroke, and other forms of cardiovascular disease continue to

claim the lives of nearly 1 million Americans every year—one American approximately every 32 seconds.

Nearly 68 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. Contrary to widely held assumptions, heart disease does not occur primarily in old age; studies show that 5 percent of all heart attacks occur in people younger than age 40 and more than 45 percent occur in people younger than age 65.

Women as well as men are at risk. Heart attack is the number one killer of American women, surpassing even breast cancer and lung cancer. Almost half of the more than 500,000 persons who die each year of heart attack are women.

While statistics tell us much about the prevalence of cardiovascular disease in the United States, they cannot measure the pain and suffering endured by victims and their families. Heart attack and other forms of heart and blood vessel disease also inflict a heavy toll on our Nation in terms of health care costs and lost productivity. The annual costs of related medical services and lost work due to disability total in the billions of dollars.

Since 1948, the Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association, a private nonprofit organization, have spent millions of dollars on educational programs and research into cardiovascular disease. The American Heart Association estimates that it has invested more than $900 million in research since it became a national voluntary health organization in the late 1940s. That great investment has been made possible by the generosity of the American people and the dedicated efforts of more than 3 million volunteers.

During American Heart Month we recognize the importance of such ongoing efforts in the public and private sectors. We also reaffirm our commitment to overcoming cardiovascular disease.

The Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of February 1991 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6248 of February 7, 1991

National Women and Girls in Sports Day, 1991

By the President of the United States of America
A Proclamation

More than 100 years ago, the first university department of physical education for women was established at Oberlin College. It was not until 1972, however, that Federal law required colleges receiving government funds to provide equitable athletic programs for women. Since then, more and more women have begun to participate in organized sports—not only at the collegiate level but at every competitive level.

During the past decade alone, the number of women taking part in intercollegiate sports has increased by nearly 50 percent to 158,000—or 30 percent of the total number of college students in sports. Girls' participation in public high school sports programs more than doubled during this time.

Both individual and team sports help young women to develop their leadership and communication skills, as well as their athletic talents. And participation in sports helps promote good health. Indeed, today many female athletes—who have reached great heights through their determination and self-discipline—serve as outstanding role models for both boys and girls.

Americans are proud of their countrywomen who have earned international acclaim as world-class athletes, and I am pleased that eight members of the President's Council on Physical Fitness and Sports are women. These achievements underscore the commitment to excellence and the capacity to excel demonstrated by female athletes throughout the United States.

The Congress, by House Joint Resolution 30, has designated February 7, 1991, as "National Women and Girls in Sports Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim February 7, 1991, as National Women and Girls in Sports Day. I urge all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6249 of February 11, 1991

Save Your Vision Week, 1991

By the President of the United States of America
A Proclamation

During this "Decade of the Brain," which is dedicated to enhancing public awareness of the benefits of neuroscience research, our observance of Save Your Vision Week is particularly appropriate. Our senses—the precious gifts of sight, touch, hearing, taste, and smell—link the mind to the outside world, enabling us to enjoy all the wonders of creation. As a "window" for the brain, our eyesight merits special care and protection.

Tragically, thousands of Americans suffer vision loss each year—vision loss that might have easily been prevented. One simple and highly effective way to prevent vision loss is through periodic eye examinations by a licensed professional. A thorough examination by an eye care professional can lead to early detection of eye disease and allow time for successful treatment.

Glaucoma is one potentially blinding eye disease that can be controlled and treated effectively if detected early. Regrettably, however, glaucoma remains the leading cause of blindness in older Americans because many fail to have their eyes tested for the disease before it has permanently damaged their vision. Black Americans over age 40 need to be especially vigilant, since glaucoma has been shown to affect this group more frequently and at an earlier age than it does others.

Regular eye examinations are absolutely critical for persons with diabetes. Treatment is usually available that can help those with diabetic eye disease to avoid extreme vision loss. As in the case of glaucoma, these treatments are most effective when the condition is detected early.

Children also need early and regular eye examinations. Even the healthiest of children may have an unsuspected visual problem that requires prompt attention. A routine checkup can identify such a disorder in time for effective treatment.

In addition to regular eye examinations, all of us can avoid vision loss by protecting ourselves against eye injuries. At home as well as in the workplace, one should wear a face mask, goggles, or safety glasses when working with potentially harmful chemicals or machinery. Whenever possible, athletes participating in contact sports or other potentially hazardous activities should also wear protective eyewear. Contact lens wearers should always handle and clean their lenses carefully, in accordance with the directions of their eye care professional. Finally, from an early age, children should be taught the fundamentals of eye safety—and one of the best ways we can teach them is by good example.

To encourage Americans to cherish and protect their vision, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has authorized and requested the President to proclaim the first week of March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of March 3 through March 9, 1991, as Save Your Vision Week. I urge all Americans to participate in this observance by making eye care and eye safety an important part of their lives. I also encourage eye care professionals, the media, and all public and private organizations committed to the goal of sight conservation to join in activities that make Americans more aware of the steps they can take to protect their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6250 of February 14, 1991

Lithuanian Independence Day, 1991

By the President of the United States of America
A Proclamation

From the days of Mindaugas to modern times, Lithuanians have cherished the freedom that is the common inheritance of all mankind. Thus, on February 16, 1918, when they realized their long-denied dream of independence, the people of Lithuania celebrated the renewal of a centuries-old national tradition and the promise of a future free from foreign domination.

Tragically, however, Lithuania's independence was short-lived. Under secret protocols to the infamous Molotov-Ribbentrop pact, signed by the foreign ministers of the Soviet Union and Nazi Germany in 1939, the independent Baltic States of Lithuania, Latvia, and Estonia were consigned to foreign occupation and conquest. In June 1940, less than 1 year later, Red Army troops invaded Lithuania and its neighbors, effectively annexing those nations to the Soviet Union.

The United States has never recognized the forcible incorporation of Lithuania and the other Baltic States into the U.S.S.R., and we have consistently supported the Baltic peoples' right to determine and control their own future. On this 73rd anniversary of Lithuanian independence, we reaffirm our support for the just aspirations of the Lithuanian people. Their current struggle to assert their legitimate rights through the peaceful efforts of democratically elected representatives compels our sympathy and support.

The Lithuanian people have used the democratic process in what they hoped would be a peaceful, disciplined effort to gain recognition of their right to independence. Soviet authorities responded in January with the use of force, killing at least 20 people and injuring hundreds of others. The United States has condemned as inexcusable that action against a peaceful and democratically elected government, and we have called on the Soviets to eschew further use of intimidation and violence in the Baltic States. We urge the Soviets to pursue constructive negotiations with the elected representatives of the Lithuanian

people who have expressed their will overwhelmingly through the nationwide referendum of February 9.

The courageous peoples of the Baltic States have acted with dignity and restraint in the face of grave challenges, and the thoughts and prayers of the American people remain with them.

To demonstrate our common cause with freedom, the Congress, by House Joint Resolution 606, has designated February 16, 1991, as "Lithuanian Independence Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim February 16, 1991, as Lithuanian Independence Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our support of the just aspirations of all peoples for liberty and self-determination.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6251 of February 21, 1991

National Parents and Teachers Association Week, 1991

By the President of the United States of America
A Proclamation

Parents play a singularly influential role in the educational development of their children. Indeed, parents' encouragement and example are far more important factors than a family's social and economic background. Research clearly shows that the interest parents demonstrate in their youngster's daily studies and other school activities can significantly enhance that child's academic performance.

By bringing parents together in an ongoing partnership with teachers and school administrators, the Parents and Teachers Association (PTA) provides an effective means for parents to participate in the education of their children. Because every child, every school, and every community is unique, local PTAs can be an ideal vehicle for meeting specific goals and needs.

The sustained involvement and cooperation of parents are vital if we are to reach our six National Education Goals and ensure that every American has the opportunity to acquire a high quality education. Local PTA groups enable parents to express their concerns and ideas regarding their children's education, and this week we proudly salute these valued organizations.

In recognition of the contributions of PTA organizations across America, the Congress, by Senate Joint Resolution 364 (Public Law 101–643), has designated the third week of February 1991 as "National Parents

and Teachers Association Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning February 17, 1991, as National Parents and Teachers Association Week. I urge all Americans to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of Feb, in the year of our Lord nineteen hundred and 91, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6252 of February 21, 1991

Commemoration of the Bicentennial of U.S.-Portugal Relations

By the President of the United States of America
A Proclamation

On February 21, 1791, the United States Senate approved President Washington's nomination of Colonel David Humphreys as the first U.S. Minister to Portugal, thereby establishing diplomatic relations between our two countries. Since that time, the governmental, commercial, and cultural ties between the United States and Portugal have grown and prospered.

Mutually beneficial ties between the United States and Portugal began to take shape long before President Washington agreed to formal recognition of our friendship. Indeed, Portugal was among the nations that led the way to the European discovery and exploration of America: during the 15th and early 16th centuries, Portugal was the center for bold navigational advances that permitted transoceanic travel; there, men such as Christopher Columbus and Juan Rodríguez Cabrillo developed the knowledge and skills that made possible their historic journeys along these shores. The history of America would not be the same were it not for the contributions of the intrepid Portuguese people.

Since the early years of our Republic, Portugal has been a welcome friend. Even before the establishment of formal diplomatic ties, Portugal extended to American shipping the protection of its navy against the Barbary pirates, who were a major threat to U.S. commerce. Soon after diplomatic ties were established, our two countries developed active trade and commercial relations. With seafaring traditions strong in both countries, the Azores played a key role in facilitating trade and commerce, allowing for the provisioning of whaling vessels and other ships. Today our Consulate in the Azores is the oldest active U.S. consular post in the world.

Beginning in the 19th century, over the oceanic bridge provided by the Azores, thousands of Portuguese men and women emigrated to the

United States, enriching our history and culture. The deep cultural and familial ties that were subsequently established between the United States and Portugal are reinforced today by our mutual devotion to democratic ideals and the rule of law. Joining with the United States as a founding member of the North Atlantic Treaty Organization in 1949, Portugal has remained a steadfast ally and a valued partner in efforts to promote global security.

On this occasion, as we celebrate the 200th anniversary of U.S.-Portugal relations, let us rededicate ourselves to strengthening cooperation between our two countries in promoting the ideals of peace and freedom.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim February 21, 1991, as a day of commemoration of the 200th anniversary of U.S.-Portugal relations. I encourage all Americans to observe this day with appropriate programs, ceremonies, and activities in recognition of the enduring friendship between the United States and Portugal.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6253 of February 21, 1991

National Doctors Day, 1991

By the President of the United States of America
A Proclamation

More than the application of science and technology, medicine is a special calling, and those who have chosen this vocation in order to serve their fellowman understand the tremendous responsibility it entails. Referring to the work of physicians, Dr. Elmer Hess, a former president of the American Medical Association, once wrote: "There is no greater reward in our profession than the knowledge that God has entrusted us with the physical care of His people. The Almighty has reserved for Himself the power to create life, but He has assigned to a few of us the responsibility of keeping in good repair the bodies in which this life is sustained." Accordingly, reverence for human life and individual dignity is both the hallmark of a good physician and the key to truly beneficial advances in medicine.

The day-to-day work of healing conducted by physicians throughout the United States has been shaped, in large part, by great pioneers in medical research. Many of those pioneers have been Americans. Indeed, today we gratefully remember physicians such as Dr. Daniel Hale Williams and Dr. Charles Drew, who not only advanced their respective fields but also brought great honor and pride to their fellow Black Americans. We pay tribute to doctors such as Albert Sabin and Jonas Salk, whose vaccines for poliomyelitis helped to overcome one of

the world's most dread childhood diseases. We also recall the far-reaching humanitarian efforts of Americans such as Dr. Thomas Dooley, as well as the forward-looking labors of pioneers such as members of the National Institutes of Health, who are helping to lead the Nation's fight against AIDS, cancer, and other life-threatening diseases. These and other celebrated American physicians have enabled mankind to make significant strides in the ongoing struggle against disease.

However, in addition to the doctors whose names we easily recognize, there are countless others who carry on the quiet work of healing each day in communities throughout the United States—indeed, throughout the world. Common to the experience of each of them, from the specialist in research to the general practitioner, are hard work, stress, and sacrifice. All those Americans who serve as licensed physicians have engaged in years of study and training, often at great financial cost. Most endure long and unpredictable hours, and many must cope with the conflicting demands of work and family life.

As we recognize our Nation's physicians for their leadership in the prevention and treatment of illness and injury, it is fitting that we pay special tribute to those who serve as members of the Armed Forces and Reserves and are now deployed in support of Operation Desert Storm. Whether they carry the tools of healing into the heat of battle or stand duty at medical facilities in the Persian Gulf and elsewhere, these dedicated physicians—along with thousands of nurses and other medical personnel—are vital to the success of our mission. We salute them for their courage and sacrifice, and we pray for their safety. We also pray for all those who come in need of their care.

In honor of America's physicians, the Congress, by Senate Joint Resolution 366 (Public Law 101–473), has designated March 30, 1991, as "National Doctors Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 30, 1991, as National Doctors Day. I encourage all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6254 of March 1, 1991

In Commemoration of the 30th Anniversary of the United States Peace Corps

By the President of the United States of America
A Proclamation

The generous spirit of the American people has produced in this country a great and long-standing tradition of voluntary service. During the

past three decades, that tradition has been carried on with dramatic and far-reaching effect by the members of the United States Peace Corps.

Established in 1961 to reach out to foreign countries and to help meet their urgent needs for skilled manpower, the Peace Corps has brought a wealth of practical assistance to individuals and communities throughout the world. Since 1961, more than 125,000 Americans have served as Peace Corps volunteers in more than 100 countries. Peace Corps volunteers have not only helped to fill immediate and dire human needs but also helped to promote sustainable, long-term development in areas such as agriculture, business, education, urban development, health care, and the environment. They have done so by combining valuable material aid with efforts to help others gain the knowledge and skills needed to help themselves.

As Peace Corps volunteers well know, the needs of people in the world's emerging democracies and less developed nations are not simply material. In addition to the physical hunger found in some impoverished nations, there exists among many peoples an intense hunger for peace, hope, and opportunity—for genuine social and economic development that is rooted in respect for human rights and human potential. Recognizing the dignity and worth of all peoples and determined to help needy individuals help themselves, Peace Corps volunteers have served as influential emissaries of hope and goodwill. Accordingly, their generous humanitarian efforts have helped to foster mutual understanding and respect between the people of the United States and citizens of other countries.

Today the Peace Corps continues to expand its programs and activities throughout the world, including new programs in such countries as Mongolia, Poland, Hungary, Czechoslovakia, Namibia, and others.

Respected for its work around the world, the Peace Corps also conducts a number of valuable programs here at home. For example, through programs such as World Wise Schools and Peace Corps Fellows/USA, Peace Corps volunteers are helping children in every State of our Nation to learn more about the world in which we live.

I am pleased to note that more and more Americans from all walks of life are joining in the work of the Peace Corps, whether as part of its diverse group of volunteers or through its growing partnerships with the public and private sectors. This trend is a tribute to the many past achievements of the Peace Corps, and it is a promising sign of more to come.

The Congress, by Senate Joint Resolution 76, has authorized and requested the President to issue a proclamation commemorating the 30th anniversary of the United States Peace Corps and commending its members for their generous service to humanity.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby urge all Americans to observe March 1, 1991—the 30th anniversary of the United States Peace Corps—with appropriate programs, ceremonies, and activities designed to honor Peace Corps volunteers, past and present, for their many contributions to our country and to the universal cause of peace and human progress.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6255 of March 1, 1991

Federal Employees Recognition Week, 1991

By the President of the United States of America
A Proclamation

The strength and effectiveness of the United States Government depends, in great part, on the knowledge, dedication, and skill of Federal employees. Whether they serve here at home or in posts abroad, employees of the Federal Government contribute substantially to the social, political, and economic stability of our Nation and to the protection of U.S. interests around the world.

Each and every American benefits daily, in numerous ways, from the work of Federal employees. It is these dedicated public servants who issue Social Security checks, ensure the safety of food and medicine, investigate possible cures for disease, promote the safety of our highways and air travel, and lead the fight against illicit drug trafficking. Federal employees also provide vital support to the members of our Armed Forces and, in so doing, help to guarantee our national security and military preparedness. The recent success of Operation Desert Storm underscores our debt to the able and loyal work of Federal employees.

This week we express both our pride in public service and our appreciation for all those men and women who serve their fellow Americans as Federal employees.

The Congress, by Senate Joint Resolution 51, has designated the week beginning March 4, 1991, as "Federal Employees Recognition Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning March 4, 1991, as Federal Employees Recognition Week. I call upon all Americans to observe this week with appropriate ceremonies and activities, in grateful recognition of the dedicated service provided to the Nation by employees of the Federal Government.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6256 of March 4, 1991

Vermont Bicentennial Day, 1991

By the President of the United States of America
A Proclamation

On March 4, 1791, the Republic of Vermont became the 14th State in our Union—the first to join the original thirteen. The Vermont State motto, "Freedom and Unity," is a fitting tribute to the history of the State and to the character of its people. Long before Vermont entered the Union, its inhabitants demonstrated great devotion to those ideals, ideals on which the United States is founded.

In our Nation's War for Independence, as in every great struggle for freedom since, Vermonters made distinguished contributions. Today, Ethan Allen and his Green Mountain Boys, tenacious fighters who played decisive roles at the Battles of Bennington and Ticonderoga, are remembered among America's great Revolutionary War heroes. Their fierce love for the land and their fervent devotion to the cause of freedom and independence were shared by hundreds of other settlers from the region that became our 14th State.

Vermont's dedication to freedom was also evident in its first constitution—written in 1777, it forbade slavery and adopted universal male suffrage. Indeed, by the beginning of the Civil War, in which it played a major role, Vermont had a long-standing reputation as one of the most firmly abolitionist States. The 16 Vermont regiments dispatched to the Union Army during the Civil War represented the highest number of troops per capita of any State. Vermonters not only fought bravely for the preservation of the Union and for an end to slavery, they also made vital contributions at the pivotal Battle of Cedar Creek.

Over the years, countless other Vermonters have made outstanding contributions to our country. Distinguished natives of the Green Mountain State include the eloquent Stephen Douglas, remembered by many for his forceful arguments during the historic Lincoln-Douglas debates; the inventor, Thomas Davenport; Presidents Calvin Coolidge and Chester Arthur; and Warren R. Austin, the first United States Representative to the United Nations.

Today, Vermonters take just pride in their heritage as a State committed to the ideals of freedom and unity. That heritage goes hand in hand with a rich legacy of growth and development. Beloved by millions of visitors for its breathtaking mountains and unspoiled beauty, Vermont is also home to a number of vital industries, ranging from electronics to agricultural production.

In recognition of Vermont's contributions to the United States and in commemoration of its Bicentennial, the Congress, by Senate Joint Resolution 58, has designated March 4, 1991, as "Vermont Bicentennial Day," and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 4, 1991, as Vermont Bicentennial Day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6257 of March 7, 1991

For National Days of Thanksgiving, April 5–7, 1991

By the President of the United States of America
A Proclamation

As the Psalmist wrote, "O give thanks to the Lord for He is gracious, for His mercy endures for ever." Almighty God has answered the prayers of millions of people with the liberation of Kuwait and the end of offensive operations in the Persian Gulf region. As we prepare to welcome home our courageous service men and women and join in the joyful celebrations of the Kuwaiti people, it is fitting that we give thanks to our Heavenly Father, our help and shield, for His mercy and protection.

Asking Him to judge not our worthiness but our need and protection, and knowing that the Lord gives victory "not by might, nor by power," we prayed for a swift and decisive victory and for the safety of our troops. Clearly, the United States and our coalition partners have been blessed with both. We thank the Lord for His favor, and we are profoundly grateful for the relatively low number of allied casualties, a fact described by the commanding general as "miraculous." Nevertheless, because each and every human life is precious, because the massive scale of Operation Desert Storm must never diminish the loss of even one service member, we also remember and pray for all those who made the ultimate sacrifice in this conflict. May the Lord welcome all who have fallen into the glory of Heaven, and may He strengthen and console their families in their hour of need. May it also please our Heavenly Father to grant a full recovery to those military personnel wounded in action.

We also give thanks for the remarkable unity of our people throughout this conflict—a unity marked by heartfelt and generous support for our troops in the field and, in the American tradition, respect for the rights of those who dissent. May our Nation emerge from this conflict stronger and more united, to face as one united people the challenges and opportunities before us.

As we unite in thanksgiving to Almighty God, let us pray in a special way for the innocent men, women, and children—wherever they may be—who have suffered as a result of the conflict in the Gulf. Recalling the words of President Wilson shortly after World War I, let us seek forgiveness for any "errors of act or purpose" and pray for God's help and guidance on the way that lies ahead. May the resolution of remaining questions and concerns, especially the return of all prisoners of war and the freeing of those who are detained, be as timely and as certain as this victory in battle.

Finally, seeing before us the promise of a safer, more peaceful world—one marked by respect for the rule of law—let us offer all these entreaties in a spirit of faith, humility, and gratitude, seeking reconciliation with all peoples. In so doing, we recall the timeless prayer found in Scripture:

> Thine, O Lord, is the greatness, and the power, and the glory . . . for all that is in the heaven and in the earth is Thine . . . and Thou reignest over all . . . in Thine hand is power and might; and in Thine hand it is to make great, and to give strength unto all. Now therefore, our God, we thank Thee and praise Thy glorious Name.

As the Psalmist wrote, "Come behold the works of the Lord . . . He makes wars to cease to the end of the earth."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim April 5–7, 1991, as National Days of Thanksgiving. I ask that Americans gather in homes and places of worship to give thanks to Almighty God for the liberation of Kuwait, for the blessings of peace and liberty, for our troops, our families, and our Nation. In addition, I direct that the flag of the United States be flown on all government buildings, I urge all Americans to display the flag, and I ask that bells across the country be set ringing at 3:00 p.m. (eastern daylight savings time) on April 7, 1991, in celebration of the liberation of Kuwait and the end of hostilities in the Persian Gulf.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6258 of March 8, 1991

National School Breakfast Week, 1991

By the President of the United States of America
A Proclamation

For more than two decades, the School Breakfast Program has helped to promote the health and well-being of our Nation's schoolchildren. By helping to ensure that youngsters enter the classroom with the energy and stamina needed to be eager and attentive students, this important child nutrition program has also contributed to the success of America's educational system.

The School Breakfast Program began in 1966 as a pilot project that provided funding for meals for schoolchildren in low-income areas and in areas where children had to travel long distances to school. In 1975, the Program was permanently established, and funding was made available to all schools. Today approximately four million children in more than 38,000 schools receive nutritious morning meals through the School Breakfast Program.

Parents and educators across the country endorse the School Breakfast Program because they believe that it improves youngsters' ability to learn. For the same reason, States have sought to expand the Program in their schools, and some mandate participation.

Federal officials are proud to work with State leaders, educators, food service professionals, parents, and others in making the School Breakfast Program available to our children. Their cooperative efforts are a wonderful example of a successful partnership between Federal and State governments and local communities. They also play an important role in meeting our first National Education Goal: ensuring that, by the year 2000, all children in America start school ready to learn.

In recognition of the School Breakfast Program, the Congress, by House Joint Resolution 98, has designated the week of March 4 through March 10, 1991, as "National School Breakfast Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate the week of March 4 through March 10, 1991, as National School Breakfast Week. I urge all Americans to observe this week in honor of those individuals at the Federal, State, and local levels whose efforts contribute so much to the success of this valuable program.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6259 of March 12, 1991

Irish-American Heritage Month, 1991

By the President of the United States of America
A Proclamation

Each ethnic group in America has made unique contributions to the ever-unfolding story of the United States. This month, as we celebrate the life of Saint Patrick, the beloved Apostle of Ireland, we also celebrate the hardy character, the rich cultural heritage, and the many valuable contributions of Irish-Americans.

By 1776, the year that opened the first chapter in the dramatic history of our Republic, some 300,000 Irish citizens had emigrated to the United States. Many of these courageous individuals played crucial roles in America's War for Independence. Indeed, nine of the men who signed the Declaration of Independence were of Irish origin, as was Commodore John Barry, the first naval commander commissioned by the Continental Congress. Irish-Americans serving in a division of George Washington's forces known as the Pennsylvania Line were so impressive, they moved General Henry Lee to note that it "might with more propriety had been called the Line of Ireland."

Since Irish-Americans not only helped to win America's Independence but also helped to fashion a system of government for our young Nation, it seems fitting that an Irish-born architect, James Hoban, designed the White House and assisted in the building of the United States Capitol. These magnificent structures have symbolized freedom and democracy to generations of men and women around the world.

Today the distinct "Line of Ireland" can still be traced throughout American culture. American literature, for example, has been greatly enriched by the contributions of gifted Irish-American writers such as Eugene O'Neill and Edwin O'Connor. Throughout the arts—and throughout education, government, business, science, and agriculture—talented men and women of Irish descent continue to merit the honor we give to them and to their ancestors. Indeed, in recent years, renewed immigration from Ireland and the revival of interest by all Americans in their roots have led to an increasingly vibrant Irish-American culture. The dramatic expansion of university courses in Irish studies and the countless annual Saint Patrick's Day parades held throughout the United States all attest to the continued vigor of the Irish-American heritage.

In tribute to all Irish-Americans, the Congress, by Public Law 101–418, has designated March 1991 as "Irish-American Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 1991 as Irish-American Heritage Month. I encourage all Americans to learn more about the contributions Irish-Americans have made to our country and to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6260 of March 15, 1991

National Employ the Older Worker Week, 1991

By the President of the United States of America
A Proclamation

Millions of older Americans are both willing and able to put their knowledge and experience to work for our country. Providing greater opportunities for them to do so is not only a wonderful way to demonstrate appreciation for these valued members of our society, it is also a sound investment in America's future. By helping senior citizens to remain in the work force or to pursue second careers after retirement, we can enhance America's competitive edge in the global economy. By encouraging older Americans to share their wisdom and skills as volunteers, we can strengthen and enrich our communities.

Numerous employers already recognize the potential contributions of older men and women, and, today, programs for their hiring, retraining, and job retention are well established across the country. Through a variety of programs—including programs launched as a result of the Older Americans Act of 1965—the Federal Government, State and local agencies, and members of the private sector are promoting meaningful opportunities for older workers. These various public and private efforts not only enable senior citizens to remain active, independent, and productive members of society but also allow our country to benefit from their insight and resourcefulness. Recognizing all of these benefits, I have proposed a liberalization of the Social Security earnings test in the Fiscal Year 1992 budget. If enacted, this proposal would allow older workers to continue to earn more income after age 65 before having their Social Security benefits reduced.

To focus public attention on the accomplishments and the potential of older workers, the Congress, by House Joint Resolution 133, has designated the week of March 10 through March 16, 1991 as "National Employ the Older Worker Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate the week of March 10 through March 16, 1991, as National Employ the Older Worker Week. I urge the Nation's public officials, leaders in business and labor, and voluntary organizations to provide meaningful opportunities for older workers. I also encourage all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6261 of March 19, 1991

National County Government Week, 1991

By the President of the United States of America
A Proclamation

Although many Americans are just beginning to understand its special role in our Federal system, county government has a long and rich history in the United States. In fact, it is one of the oldest forms of local government in America, existing before many States and cities. Colonists divided part of Virginia into eight shires or counties as early as 1634, and the first counties in Massachusetts were formed in 1643. Today approximately 98 percent of the Nation's people reside in counties.

During the 1800s and the early part of this century, the primary functions of county government involved the administration of justice, law enforcement, and the building and maintenance of roads. In recent dec-

ades, however, the responsibilities of county government have grown enormously.

The duties of our Nation's county governments now range from the preservation of public safety to environmental protection. While every county is unique, these government entities direct housing and community development programs; they maintain parks, airports, and transit systems; and they work to solve area-wide problems such as air and water pollution, solid waste disposal, and drug trafficking. For many ill, elderly, and low-income Americans, the county is often the only available source of help in obtaining health care and other social services. The National Association of Counties reports that county governments, employing more than 2.9 million people, spent almost $111 billion in 1990 to provide services to the public.

National County Government Week is a fitting time to reaffirm the continued importance of a strong partnership between City, County, State, and Federal Government—particularly in areas such as education, transportation, and the fight against drug abuse. In recent years, more and more Americans have realized what many have known all along: that the answer to many of the problems before us can be found, not in bigger Federal Government, but in effective local leadership and cooperation between citizens and public officials at all levels. Indeed, we know that government closest to the people is truly government "of the people, by the people, and for the people." This is the essence of federalism and democracy, and it is the key to meeting many of the challenges and opportunities before our country.

In recognition of the Nation's county governments, the Congress, by Public Law 101–470, has designated the week of April 7 through April 13, 1991, as "National County Government Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 7 through April 13, 1991, as National County Government Week. I call upon the American people and their elected representatives at all levels of government to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6262 of March 20, 1991

Education Day, U.S.A., 1991

By the President of the United States of America
A Proclamation

Today our Nation is engaged in a campaign that must not and, I believe, will not fail—a concerted, State-by-State effort to revitalize our schools and to reach our six National Education Goals by the year 2000. These goals include: ensuring that every child starts school ready to learn; raising the graduation rate to at least 90 percent; ensuring that American students are competent in five critical subjects with their progress assessed in grades 4, 8, and 12; ranking first in the world in science and mathematics achievement; ensuring that every American adult is literate and possesses the knowledge and skills—including the technical skills—necessary to compete in the global economy; and making all our schools safe, disciplined, and drug free.

Achieving these goals is essential if our children are to acquire the knowledge and skills needed to enjoy rich, full lives and to become productive, successful participants in our society. However, if the application of one's knowledge and skills is to be truly fruitful and rewarding, it cannot be divorced from high moral purpose. In the hands of those who lack fundamental moral direction, these powerful tools can readily become useless—or even destructive. Therefore, we must continue to recognize the importance of moral instruction as we seek excellence in American education.

Public as well as private institutions of learning have both an obligation and a proper interest in advancing principles of ethical conduct and moral virtue. Teachers who demonstrate, by word and example, the importance of such qualities as truthfulness, fair play, tolerance, and respect for human life are among the best role models a child can have.

However, moral education begins at home, in the guidance parents provide for their children, and in religious institutions, where we learn of God's law and God's love. The worldwide Lubavitch movement, under the leadership of Rabbi Menachem Schneerson, has underscored the importance of moral education, as well as the primary role of parents and religious institutions in promoting high standards of personal character and conduct in our society.

By equipping our children with the light of moral instruction and the strong staff of traditional family values, we help to guarantee them safe passage on their life's journey. As Scripture says, "Train up a child in the way he should go, and, when he is old, he will not depart from it."

Moral education is vital, not only to the personal well-being of our children, but also to the preservation of civil order and justice. Our Nation's Judeo-Christian heritage, affirmed in its founding documents and in the traditional values that remain the heart of America, goes hand in hand with the success of this great yet precious experiment in self-government. Thus, moral education in keeping with that heritage is one of the most important and enduring investments we can make in the future of our children and the Nation. As Daniel Webster once noted:

> If we work upon marble, it will perish; if on brass, time will efface it; if we rear temples, they will crumble into dust; but if we work upon immortal minds, and imbue them with principles, with the just fear of God and love of our fellow men, we engrave on those tablets something that will brighten to all eternity.

The Congress, by House Joint Resolution 104, has designated March 26, 1991, as "Education Day, U.S.A." and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 26, 1991, as Education Day, U.S.A. I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6263 of March 21, 1991

National Medal of Honor Day, 1991

By the President of the United States of America
A Proclamation

While all of America's combat veterans have earned our abiding respect and gratitude, we honor in a special way those who have demonstrated exceptional heroism on the field of battle. The Medal of Honor, our country's highest military decoration, has been awarded to 3,440 Americans since the Civil War. During times of armed conflict, these individuals distinguished themselves through brave and selfless actions that were far above and beyond the call of duty.

The Medal of Honor is a poignant reminder of the tremendous price that some Americans have been willing to pay to protect the lives and liberty of others. Indeed, the courageous and loving sacrifices of our Medal of Honor recipients tell us a great deal about the value of freedom and the principles on which this Nation is founded.

A number of those principles were recently at stake in the Persian Gulf region. We Americans are very proud of the U.S. service men and women who have taken part in the successful international effort to liberate Kuwait and to deter unprovoked aggression. They bravely answered the call to duty, knowing full well the costs it might entail, and each of them embodies the determined spirit of our Nation's combat veterans.

In his stirring poem, "A Psalm of Life," Henry Wadsworth Longfellow wrote: "Lives of great men all remind us/we can make our lives sublime/and, departing, leave behind us/footprints on the sands of time." The U.S. troops who recently served along the sands and off the shores

of Saudi Arabia follow a long line of Americans who have boldly stepped forward to defend the universal cause of freedom. Today, as we offer a special tribute to our most distinguished combat veterans, the Medal of Honor recipients, we can be thankful for the extraordinary example they set.

The Congress, by Public Law 101–564, has designated March 25, 1991, as "National Medal of Honor Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 25, 1991, as National Medal of Honor Day, a day dedicated to all Medal of Honor recipients. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6264 of March 25, 1991

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 1991

By the President of the United States of America
A Proclamation

The peoples of the United States and Greece enjoy a rich friendship based on strong ties of kinship and culture—ties fortified by our common devotion to the ideals of freedom and democracy. Our shared values and mutual interests make the celebration of Greek independence on March 25 a significant event for all Americans.

Although we celebrate on this occasion events that took place just 170 years ago, the values shared by the peoples of Greece and the United States are rooted far deeper in history. Indeed, it was the ancient Greeks who, with their profound observations of human nature and their seminal experiments in civil order and justice, enkindled the light of democratic thought among men. Our Nation's Founders were well-schooled in classical languages and Greek literature, and the ideas of Solon, Plato, Aristotle, and other Greek philosophers and statesmen greatly influenced their own. Indeed, in his historic treatise on the Rights of Man, Thomas Paine wrote: "What Athens was in miniature, America will be in magnitude. The one was the wonder of the ancient world; the other is becoming the admiration and model of the present." His words reflect the inspiration and insight that this Nation's Founders derived from the ancient Greek city-states as they worked to establish an enduring representative democracy in America.

Widely regarded as the "cradle of democracy," Greece stands today as a strong ally of the United States, aligned with us by its commitment to freedom and human rights. As partners in the NATO Alliance, we have

worked together to defend democratic ideals and to promote the collective security of Europe. Recently Greece also cooperated with the United States and other nations in the historic coalition effort to uphold the rule of law and to liberate Kuwait from ruthless aggression. The people of Greece can take pride in their country's role in this endeavor, carried out in enforcement of resolutions of the United Nations Security Council.

Today, as we join in commemorating the 170th anniversary of Greek independence, we celebrate the continued friendship between the Greek and American peoples. We also give thanks, knowing that the light of democratic ideals continues to grow in strength and brilliance around the world.

In recognition of the 170th anniversary of Greek Independence, the Congress, by Senate Joint Resolution 59, has designated March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 25, 1991, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I urge all Americans to join in appropriate ceremonies and activities in honor of the Greek people and Greek independence.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6265 of March 25, 1991

Women's History Month, 1991

By the President of the United States of America
A Proclamation

During Women's History Month we celebrate the many unique and vital contributions that women have made to our Nation. While this month is dedicated to all American women, we pay special tribute to those who have earned a noted place in history. We recall with admiration and respect women who were first in their fields, including Dr. Elizabeth Blackwell, the first woman in the United States to receive a medical degree; Elizabeth Ann Seton and Emma Hart Willard, who were pioneers in education; Anne Macy Sullivan and Helen Keller, who advanced the training of the blind and other persons with disabilities; and Sophia Heath, who helped open doors for women in commercial aviation as well as in sports. We gratefully remember humanitarians such as Clara Barton, founder of the American Red Cross, and we proudly celebrate the artistic and literary genius of women like Mary Cassatt and Flannery O'Connor. We also remember with fondness

women like Clare Boothe Luce and Pearl Bailey, who not only earned respect for their public service and diplomacy but also endeared themselves to millions through their wit, generosity, and contagious love of life and learning. These are just a few of the many women who have made lasting contributions to the United States, but their celebrated achievements underscore how every aspect of our national life has been enriched by the creativity, energy, and leadership of women.

As we recognize the many outstanding contributions that women have made to American history and culture, we acknowledge with special gratitude the role women have played in upholding the principles on which the United States is founded. During the mid-19th century, women like Harriet Tubman and Harriet Beecher Stowe become heroines of the struggle against slavery; women such as Lucretia Mott and Elizabeth Cady Stanton also advocated the abolition of slavery as they championed woman's suffrage. Of course, who can forget the quiet determination of Rosa Parks, whose courage and resolve in the face of bigotry gave heart to an entire social movement. Each of these women and countless others worked to fulfill America's promise of liberty and justice for all.

Today women continue to defend and to promote the ideals on which this Nation is founded. Indeed, history will show that those American women who served in the recent struggle to liberate Kuwait helped not only to deter ruthless aggression but also to build a new world order based on respect for human rights and the rule of law.

Advancing to new and ever greater positions of responsibility in virtually every field, women continue to uphold the American ideals of liberty, equality, and justice. Most important, however, because it is within the family that our Nation's most cherished values and traditions are passed from one generation to the next, women help to preserve our American heritage by nurturing in their children faith, moral values, and a sense of civic duty. Thus, as we celebrate the achievements of noted women in American history, let us also acknowledge with pride and gratitude the contributions that so many unsung heroines have made to our country through the institutions of family and community life.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 1991 as Women's History Month. I call upon all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6266 of March 29, 1991

National Safe Boating Week, 1991

By the President of the United States of America
A Proclamation

Providing means of irrigation, transportation, and energy production, the waterways of the United States have played an instrumental role in the development of American agriculture, commerce, and industry. Over the years, however, our country's most beautiful and accessible waterways have also become important centers of recreation. Indeed, it is estimated that, during this year alone, more than 19 million recreational boats will navigate America's lakes, rivers, and coastal waters.

While boating can be a wonderful source of recreation, improperly handled watercraft can be dangerous or even deadly. Tragically, approximately 900 persons die each year in boating-related accidents on our Nation's waterways. Because most accidents can be prevented, the United States Coast Guard and other government agencies are working with volunteer organizations around the country to educate the boating public and to make safety the first priority of all who use the Nation's waterways.

During National Safe Boating Week, proclaimed annually at the start of the summer boating season, recreational boaters are urged to accept the responsibility to "Know Before You Go." Every pilot should have thorough knowledge of his or her vessel and the rules and courtesies of navigation. All boaters should know the marine environment in which they will be operating, as well as the prevailing and forecasted weather conditions in the area. Making safety the first priority also requires that boaters be prepared to respond, immediately and effectively, to any hazardous situation that may arise; it requires that all persons using watercraft be equipped with life jackets; and, of course, it requires that no one operate a watercraft while under the influence of alcohol or drugs.

By emphasizing safety first, we can put tragic boating accidents behind us and enjoy more fully the beauty and excitement of the open water.

In recognition of the need to promote safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 161), as amended, has authorized and requested the President to proclaim annually the week commencing on the first Sunday in June as "National Safe Boating Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning June 2, 1991, as National Safe Boating Week. I encourage the Governors of the States and Puerto Rico and officials of other areas subject to the jurisdiction of the United States to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6267 of April 3, 1991

National Former Prisoner of War Recognition Day, 1991 and 1992

By the President of the United States of America
A Proclamation

The recent war in the Persian Gulf resulted in a great and historic victory for the United States and its coalition partners. While we celebrate the liberation of Kuwait and the triumphant return of our courageous troops, we also pause to remember, with solemn pride and appreciation, those service members who bore heavy costs in this conflict. Among them are Americans who were held as prisoners of war.

The worst kinds of treatment brought out the best in those American service men and women who were captured during the fighting in the Persian Gulf region. Each upheld the high standards of courage and conduct that we have come to expect of our military personnel. Their faith in Almighty God, their love of family, and their deep sense of patriotism and self-discipline have been an inspiration to us all.

The recent experiences of U.S. service members captured in the Persian Gulf offer a poignant reminder of the tragic circumstances endured by thousands of American POWs throughout our Nation's history. During World War II, the Korean conflict, the Vietnam War, and other conflicts, many American prisoners of war were subjected to brutal treatment and torture by their captors in violation of fundamental standards of morality and international law. Many did not survive. Yet, despite the suffering inflicted by their captors, American POWs have demonstrated an unfailing devotion to duty, honor, and country. Their bravery will never be forgotten by the American people.

In 1985, the Congress directed the Department of Defense to issue a special medal to all former American prisoners of war. Through the Prisoner of War Medal, as well as our observance of "National Former Prisoner of War Recognition Day," we recognize those American service members and veterans who have been subjected to capture. Recalling the experiences of these Americans, we also renew our commitment to securing the release of any U.S. servicemen and civilians who may still be held against their will, to obtaining the fullest possible accounting of the missing, and to repatriation of all recoverable American remains.

The Congress, by Public Law 102–23, has designated April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day" and has authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim April 9, 1991, and April 9, 1992, as National Former Prisoner of War Recognition Day. I call upon all Americans to join in remembering former American prisoners of war and their families, who have suffered at the hands of our enemies. I also call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6268 of April 12, 1991

Cancer Control Month, 1991

By the President of the United States of America
A Proclamation

During Cancer Control Month we pause to celebrate the progress that has been made in the fight against this disease. Since all Americans can better protect themselves from the threat of cancer, this observance includes concerted public awareness campaigns designed to disseminate lifesaving information about the prevention, early detection, and treatment of cancer.

This year we mark the 20th anniversary of the National Cancer Act, which rallied the entire Nation behind efforts to focus increased attention on this disease. Every year since 1971, more and more Americans have survived the crucial first 5 years following a cancer diagnosis without recurrence. Thanks to improved early detection and more effective treatments, most of these patients are considered cured. Today half of all cancer patients can look forward to reaching this milestone.

However, we know that these statistics would reflect even greater improvement if more cancers were found in their early, highly treatable stages. Currently, two-thirds of patients with melanoma and with cancers of the breast, mouth, colon, cervix, and prostate reach the 5-year, disease-free mark. The reason is simple: these cancers can usually be found by regular, periodic physical examinations and by appropriate cancer screening tests. Although people can and should examine themselves for the early signs of many types of cancer, a physician's judgment—often based on the use of sophisticated testing equipment—is also required.

Although improved early detection and treatment is cause for hope, prevention is still the most effective way to control cancer. Research conducted and funded by the National Cancer Institute has been refining our understanding of cancer and giving us new strategies for preventing the disease.

Through simple behavioral and dietary changes, every American can reduce his or her risk of developing cancer. Smoking accounts for about 30 percent of all cancer deaths, and a disproportionate number of these are among members of minority groups. By "breaking the habit," smokers can significantly reduce their risk of developing cancer.

Diet is another area in which individuals can take control of their health. Studies of the relationship between diet and cancer make it clear that a diet high in fiber and low in fat protects against certain kinds of cancer. The American Cancer Society's Great American Food

Fight Against Cancer is a concerted effort to bring related diet and food preparation information to every American.

Employers and insurers can also contribute to cancer prevention efforts by offering incentives for smoking cessation, exercise, and weight loss and by providing health education and cancer screening programs in the workplace.

Two decades of intensified research have borne fruit in every aspect of our national effort to reduce the toll cancer takes on our society. This month, all Americans are urged to learn more about recent strides in the fight against cancer and to take advantage of them. At the same time, every American is encouraged to see a doctor and dentist regularly.

In 1938, the Congress passed a joint resolution (52 Stat. 148, 36 U.S.C. 150) requesting the President to issue an annual proclamation declaring April to be Cancer Control Month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of April 1991 as Cancer Control Month. I invite the Governors of the fifty States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the American flag, to issue similar proclamations. I also ask health care professionals, insurance companies, the communications and food industries, community groups, and individual citizens to join in continuing the progress made in fighting cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6269 of April 12, 1991

Points of Light National Celebration of Community Service

By the President of the United States of America
A Proclamation

Marked by a sense of hope and renewal, Spring is a fitting time to honor the millions of Americans who engage in voluntary service to others. Across the United States, people of every age, race, and walk of life are taking direct and consequential action to help solve serious social problems such as drug abuse, illiteracy, and homelessness. These Americans are planting the seeds of positive change in their communities and sowing a rich crop for the future.

Voluntary service in America takes a variety of forms. Countless Americans give of their time individually. In addition, millions of Americans now volunteer through innovative corporate programs and special school-based projects. And there are those generous individuals who work on behalf of major nonprofit organizations and local charities. During this National Celebration of Community Service, we salute all of these caring citizens.

This nationwide observance underscores the fact that everyone has a gift to give—that every act of kindness counts. For example, in Polk, Nebraska, a group of third grade students telephones homebound senior citizens each day, offering a bright source of companionship and cheer. The founders of the "Midnight Basketball" program in Hyattsville, Maryland, contribute to the struggle against crime and delinquency by offering late-night sports activities and tutorial sessions for disadvantaged youngsters. Through the "Let's Help" program in Topeka, Kansas, volunteers provide needy families with literacy training, job counseling, and advice on parenting, as well as food and financial support. All of these volunteers and others, the brilliant "Points of Light" that reflect our national conscience and illuminate our country's social landscape, are making a profound difference.

Every American has something to contribute, and none should be content until we have found a way to serve. To be of service is not only to meet someone else's needs, it is not only to fulfill one of our primary responsibilities as citizens and neighbors—it is to find the joy and meaning in life that come only from selflessness and giving.

Today more and more Americans have come to see that any definition of a successful life must include serving others. So many of our citizens are beginning to recognize the talents, resources, and interests they have to share. Let us salute all those Americans who carry on the time-honored tradition of voluntary service, and let us strengthen our own commitment to enriching the lives of others—and our own—through service.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the period of April 15 through April 26, 1991, as Points of Light National Celebration of Community Service. This special tribute to the spirit of service in America and to the millions of Americans who embody that spirit encompasses traditional National Volunteer Week events and numerous other activities in which all Americans—young and old alike—are encouraged to engage. I ask all Americans to join in saluting and thanking our Nation's volunteers, as well as the organizations—religious, governmental, business, and private nonprofit—that support and participate in community service. I also encourage every American to observe this week with appropriate events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6270 of April 15, 1991

National Farm Safety Week, 1991

By the President of the United States of America
A Proclamation

The men and women who work in America's agricultural sector make a vital contribution to our Nation's well-being. By providing consumers with a variety of high-quality food and fiber at reasonable costs, they help to keep our work force strong and healthy and, in so doing, help to maintain the Nation's economic productivity and competitiveness. Because we count on farmers and ranchers for so much, both as individuals and as a Nation, it is fitting that we observe National Farm Safety Week—a concerted public awareness campaign aimed at promoting their health and safety.

Over the years much has been done to improve the safety of agricultural production. Advances in science and technology and increased attention to avoiding safety risks have made farms and ranches safer places to work. Moreover, dedicated professionals and volunteers have been working together to promote health and safety in rural communities. These efforts are reflected by a welcome downturn in farm accident rates.

Unfortunately, however, while important strides have been made in reducing the risks of farming and ranching, agricultural production remains one of our most hazardous industries, with an accident death rate that is more than four times the average of all industries. More must be done to reduce the toll of farm-related accidents.

Most accidents on the Nation's farms and ranches can be prevented by sensible measures that involve little extra time, effort, or expense. For example, farmers and ranchers can reduce their risk of serious injury and illness by following manufacturers' instructions on the use of chemicals and machinery and by utilizing protective apparel and safety equipment when the job calls for it. Children should be kept away from hazardous machinery, and all family members and employees should be trained in safety procedures and first aid.

For generations, the men and women who work on our Nation's farms and ranches have endured long hours of tough, physical labor. However, they have continually met the challenges of their vocation with determination and pride—and with unparalleled success. During National Farm Safety Week, let us resolve to make excellence in health and safety another one of America's great farming traditions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 15 through September 21, 1991, as National Farm Safety Week. I urge all who live and work on our Nation's farms and ranches to make the preservation of personal health and safety an integral part of their daily activities. I also urge them to protect their children, not only by instruction in safety habits, but also by setting an example of carefulness and by avoiding needless risks. I also call upon organizations that serve agricultural producers to strengthen their support for rural health

and safety programs, and I encourage all Americans to observe this week with appropriate activities as we express our appreciation for the many contributions that men and women in agriculture make to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6271 of April 17, 1991

Pan American Day and Pan American Week, 1991

By the President of the United States of America
A Proclamation

Just two months ago the Caribbean island nation of Haiti enjoyed, after decades of dictatorship, the inauguration of a President chosen in free, secure, and credible elections. This milestone in the history of Haiti marked yet another significant stride toward a completely democratic Western Hemisphere. Indeed, with the principal exception of Castro's Cuba, the nations of the Americas are experiencing a great resurgence of democracy. From Tierra del Fuego to Hudson Bay, from the Lesser Antilles to the Galápagos, courageous and determined peoples are reaping the blessings of liberty and self-government.

Today, after several successive free elections in the vast majority of countries in the hemisphere, the nations of the Americas have an historic opportunity to set an example of sustained and effective representative democracy and economic development. Indeed, it seems fitting that the hemisphere of George Washington and Toussaint L'Ouverture, of Thomas Jefferson and Simon Bolivar, of James Madison and Jose de San Martin, should help to lead the way to a freer, more prosperous future for all mankind.

The devotion to democratic ideals shared by the peoples of the Americas forms the cornerstone of the unique international alliance whose anniversary we celebrate this week. Just over a century ago, the nations of this hemisphere established the International Union of American Republics, later known as the Pan American Union. Today its successor, the Organization of American States, is working to promote transitions from dictatorship to democracy throughout the hemisphere.

Signatories to the OAS Charter, adopted in 1948, expressed their conviction that "the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent . . . of a system of individual liberty and social justice based on respect for the essential rights of man." After a century of partnership, we know that the proudest days of the inter-American community have been those when it has faithfully upheld these ideals. Accordingly, the United States will continue working to promote respect for human rights and the rule of law throughout the region.

Through the OAS Charter, members of the inter-American community also agreed to "promote, by cooperative action, their economic, social, and cultural development." To help achieve this goal, I have proposed the Enterprise for the Americas Initiative, which will promote free and fair trade, investment, debt reduction, and growth, as well as environmental protection, in Latin America and the Caribbean. In addition, we will implement the commitments of the Cartagena Declaration. Illicit drug trafficking and violence pose a grave threat to the stability of nations as well as to the freedom and safety of millions of individuals throughout the Americas. The United States remains firmly committed to working with other members of the inter-American community in the areas of interdiction, law enforcement, and crop substitution.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, April 14, 1991, as Pan American Day and the week of April 14 through April 20, 1991, as Pan American Week. I urge the Governors of the fifty States and the Commonwealth of Puerto Rico, and officials of other areas under the flag of the United States, to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6272 of April 17, 1991

Jewish Heritage Week, 1991 and 1992

By the President of the United States of America
A Proclamation

The Jewish people share a rich and vibrant heritage, one that has endured through the ages, even through exile and dark periods of systematic persecution. That great and abiding heritage has had a profound influence on the character of the United States. Thus, it is with great pleasure that millions of Americans join with their Jewish friends and neighbors in celebrating Jewish Heritage Week.

The American way of life—indeed, the development of all Western civilization—has been shaped, in large part, by the laws and teachings recorded in the Old Testament and Judaic tradition. Our forefathers' declaration of the unalienable rights of individuals was rooted in the biblically supported belief that all people are created equal, in the image of the Almighty. The principles of ethical and moral conduct that form the basis of American civil order and the foundation of any truly free and just society stem from the commandments given by God to Moses. Accordingly, through their efforts to preserve Judaic law and tradition, American Jews help to ensure that our Nation's moral heritage is continually strengthened and renewed. For example, the traditional observance of Shavuot, which recalls the giving of the law on Mount Sinai,

offers a powerful reminder of the relationship between respect for the word of God and the preservation of civil peace and liberty.

Through the observance of Shavuot and other special days, Jews affirm both their faith and their identity as a people. As the recent celebration of Passover reminds us, that faith has been tested, and proved, time and again in the history of the Jewish people.

The Jewish people have been subjected to a number of great trials during this century alone. On Yom HaShoah, Holocaust Memorial Day, Jews recall the Nazi atrocities that claimed the lives of 6 million of their fellow Jews, as well as the lives of millions of other men, women, and children in Europe during World War II. By joining in this commemoration, and in remembrance of the Warsaw Ghetto Uprising, we are reminded of the enduring faith and courage of the Jewish people.

Jews have played a vital role in our country's history since colonial times. Many were active in supporting the Revolutionary War and in the settling of new lands and cities during America's westward expansion. Jewish men, women, and children also formed part of each great wave of immigration to these shores. Today, Jews continue to contribute in virtually every aspect of American life.

As we celebrate the many contributions that Jewish men and women have made to our Nation, we also reaffirm the deep friendship between the United States and Israel. The founding of the modern State of Israel following the Holocaust is further testimony to the faith, determination, and industry of the Jewish people.

The Congress, by House Joint Resolution 134, has designated the week of April 14 through April 21, 1991, and the week of May 3 through May 10, 1992, as "Jewish Heritage Week" and has authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the weeks of April 14 through April 21, 1991, and May 3 through May 10, 1992 as Jewish Heritage Week. I encourage all Americans to join in observing these occasions with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6273 of April 18, 1991

National Education First Week, 1991

By the President of the United States of America
A Proclamation

Labor and learning precede every inch of human progress. That is why improving our Nation's educational system must be a priority for all

Americans. If our citizens are to have the knowledge and skills needed to enjoy full, productive lives, our schools must achieve excellence.

Recognizing our responsibility to nourish the young minds that enter the Nation's classrooms, and knowing that this country cannot have a first-class economy without a world-class education system, the Nation's Governors and I have established six National Education Goals for the year 2000. They include: ensuring that every child starts school ready to learn; raising the graduation rate to at least 90 percent; ensuring that our students demonstrate competency in five core subjects in grades 4, 8, and 12; ranking first in the world in science and math; ensuring that every American adult is literate and possesses the skills, including the technical skills, needed to compete in the global economy; and, finally, making all of our schools safe, disciplined, and drug free. Achieving these goals will require the sustained cooperation of parents, educators, public officials, and the community at large.

While the Federal Government can and will serve as a catalyst for excellence, pointing the way forward and helping schools to meet higher standards, success will require the concerted efforts of parents, educators, and local government leaders. Because competition breeds quality, we can begin by expanding choice and accountability in education. Parents have primary responsibility for the education of their children, and they should have a genuine say in what, where, and how their children learn. Teachers should be able to enjoy greater flexibility in the classroom, and local school systems should act to utilize the talent and experience of persons who want to teach but are prohibited by cumbersome regulations. However, since the best measure of our schools is not how many resources we put into them but what outcomes are achieved, we must hold ourselves accountable for results, verifying what works and what does not.

We must also work together to ensure that our children dwell in an environment that is conducive to learning. Such an environment includes schools that are safe, disciplined, and drug free. However, because what goes on in school is only part of a child's educational experience, we must also maintain in our homes and neighborhoods an atmosphere that encourages learning and rewards diligent effort. Parents are their children's first and most influential teachers, and they can help to make ours a more literate Nation by reading to and with their little ones; by taking an active interest in their youngsters' homework and academic progress; and by demonstrating through example the joys of lifelong learning.

Local libraries and museums, business and civic groups, and members of the media can assist parents by offering high-quality educational programs and activities designed to ignite the natural curiosity of children. Indeed, by sparking the imaginations of our students, by ensuring that our schools tend the light of learning with utmost care and expertise, we can build a brighter future for all Americans.

The Congress, by House Joint Resolution 197, has designated the week of April 15 through April 21, 1991, as "National Education First Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 15 through April 21,

1991, as National Education First Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6274 of April 22, 1991

Earth Day, 1991

By the President of the United States of America
A Proclamation

During the two decades that have passed since our Nation first observed Earth Day, we have made great strides in restoring and protecting our environment. Through our firm commitment and our substantial investment, we have improved significantly the quality of our air, land, and water resources. The United States leads the world in environmental protection, and we intend to keep it that way.

Our accomplishments during the past year are a special source of pride. During 1990 the United States was instrumental in strengthening the Montreal Protocol on Substances That Deplete the Ozone Layer. A total phaseout of chlorofluorocarbons, or CFCs, was adopted in July as part of a package of amendments to the Protocol. The United States also signed the Basel Convention, which requires that transboundary shipments of hazardous wastes be conducted in an environmentally sound manner. We expanded the world's leading global climate change research program, and we took several domestic policy actions, including an ambitious reforestation initiative, that will reduce harmful emissions that can contribute to the "greenhouse effect." In November, I signed into law important amendments to the Clean Air Act—amendments based, in large part, on a proposal that I submitted to the Congress in July 1989. That proposal helped to break a 13-year legislative logjam. The new Clean Air Act will reduce risks of cancer, respiratory disease, and other health problems; it will limit damage to crops, forests, parks, lakes, and streams; and it will help to reduce smog in our Nation's cities.

On Earth Day 1990 and, indeed, throughout the year, millions of Americans participated in activities that underscore how individuals can make a difference in cleaning up and protecting the environment. Today countless Americans are changing their daily habits to reflect a renewed sense of environmental stewardship, and many businesses are working to apply new, environmentally conscious methods of operation. As we celebrate Earth Day 1991, we affirm, once again, the importance of public education and individual action to further progress in environmental protection. This is a good opportunity to remind our-

selves and our neighbors of both our responsibilities toward the environment and the rewards of meeting them.

Every American can make a difference at the grassroots level. For example, we can recycle bottles, paper, and used motor oil, and we can help to conserve energy by driving less and by adjusting the thermostats in our homes and offices.

Observed in the glorious new light of spring, Earth Day should inspire us to treat this magnificent yet fragile planet with commensurate care and attention. Recognizing our obligation toward future inhabitants of this earthly home, and knowing that global problems have local solutions, let us make a renewed personal commitment to protecting the environment and to using our resources wisely.

To increase public awareness of the need for active participation in environmental protection, the Congress, by Senate Joint Resolution 119, has designated April 22, 1991, as "Earth Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim April 22, 1991, as Earth Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities designed to promote greater understanding of ecological issues. I also ask all Americans to set an example of environmental stewardship in their daily activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6275 of April 22, 1991

National Crime Victims' Rights Week, 1991

By the President of the United States of America
A Proclamation

In the Nation's ongoing fight against crime, statistics tell only part of the story. More than a violation of the law, every crime is a violation of the rights, property, person, or trust of another human being. Thus, behind every tally of offenses ranging from misdemeanors to aggravated felonies are innocent victims—individuals and families who must be recognized in the administration of justice.

Almost 35 million Americans become victims of crime each year. In addition to the physical scars and the financial losses that many suffer, crime victims experience emotional trauma as well. Their self-confidence is shaken; their sense of security shattered.

Since 1982, when the President's Task Force on Victims of Crime helped to focus greater public attention on the rights and needs of these individuals, great progress has been made in efforts to assist

crime victims and their families. Indeed, a nationwide movement led by thousands of concerned citizens—many of them crime victims themselves—has helped to promote timely restitution and healing for victims of crime. Working at the grass-roots level to provide counseling and support, a wide range of professionals and volunteers are helping these individuals to recover what losses they can and to reclaim their sense of dignity and security.

Nearly every State, as well as the Federal Government, has passed legislation to ensure the fair treatment of crime victims. The Crime Control Act of 1990 set forth, for the first time, a Federal Crime Victims' Bill of Rights. Forty-five States also have a Crime Victims' Bill of Rights to ensure that victims' needs are considered during criminal proceedings.

Almost every State, as well as the Federal Government, also supports programs to compensate and to assist victims of crime. These programs are financed, for the most part, not by innocent taxpayers, but by convicted offenders through criminal fines and penalties.

Recognizing the suffering of victims and their families, we are also committed at the Federal level to crime prevention. Earlier this year I proposed the Comprehensive Violent Crime Control Act of 1991, which, if enacted, will strengthen our Nation's criminal justice system and ensure that those who threaten the lives of others are held accountable for their actions. We must also continue to educate the public about ways to minimize their risk of victimization.

Through public and private efforts at the national, State, and local level, we are making great strides in the fight against crime and in the effort to ensure fair, compassionate treatment of victims and their families. This week, let us gratefully recognize all those who work, often as volunteers, in behalf of crime victims: law enforcement officers, health care professionals, attorneys, counselors, members of the clergy, and countless other concerned citizens. Let us also honor all those who are working to win the fight against crime and reaffirm our determination to uphold America's promise of liberty and justice for all.

The Congress, by Senate Joint Resolution 16, has designated the week of April 21 through April 27, 1991, as "National Crime Victims' Rights Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 21 through April 27, 1991, as National Crime Victims' Rights Week. I urge all Americans to join in honoring those who work in behalf of crime victims and their families. I also encourage all Americans to learn about ways that they can help to prevent crime and to assist its victims in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6276 of April 22, 1991

National Arbor Day, 1991

By the President of the United States of America
A Proclamation

America's forests are an integral part of the global ecosystem and one of this Nation's greatest natural resources. Providing generations of Americans with lumber, fuel, and with many other valuable materials, these magnificent lands have helped us to build a strong and prosperous Nation. The natural habitat for many forms of wildlife, they have also provided watershed protection and grazing range. Yet these lands have provided more than tangible goods essential for survival—the sublime beauty and serenity of our forests have also refreshed the spirits of many a visitor.

As important as the Nation's forests have been to us and to our ancestors, we have not always used them with commensurate care. Indeed, it was only a little more than 100 years ago that Americans began to realize that the heavy demand for wood products was depleting the Nation's trees at an alarming rate.

In 1872, to dramatize the need to replenish America's dwindling tree supply, concerned residents of Nebraska observed the first Arbor Day. Julius Sterling Morton, the prominent Nebraska politician who later became our third Secretary of Agriculture, was instrumental in encouraging other States to follow suit.

Arbor Day was set aside specifically for the planting of trees. More than a source of beauty and of valuable timber, food, and paper products, trees help to prevent soil erosion; they improve air quality by limiting the buildup of carbon dioxide in the atmosphere; and they reduce energy demands by sheltering our homes and businesses from the sun and wind. Thus, Arbor Day tree plantings provide tangible, lasting benefits while reminding every public-spirited citizen of the value of trees and the importance of reforestation efforts—not only in our Nation's parks and wilderness areas but also in tropical forests, rain forests, and wetlands around the world.

On Arbor Day we also recognize the efforts of those who plant and care for trees throughout the year: private and public foresters, members of civic associations, individual volunteers, and students who are aided by their parents and teachers. Today Americans of all ages are setting an example of environmental stewardship by participating in the America the Beautiful Program. Under this program we plan to have up to 10 billion new trees growing in America by the year 2001.

Just as a tree is known by the fruit it bears, we will be judged by our actions—by the way that we use our God-given resources and by the way that we handle our responsibilities toward our fellowman. On Arbor Day let us act to plant and to care for trees. Whether sown in our backyards or in our parks and other public places, their limbs will bear living evidence of our concern for generations to come.

The Congress, by Senate Joint Resolution 64, has authorized and requested the President to issue a proclamation designating the last Friday of April 1991 as "National Arbor Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim April 26, 1991, as National Arbor Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6277 of April 22, 1991

National Trauma Awareness Month, 1991

By the President of the United States of America
A Proclamation

Trauma is a significant public health problem that merits serious attention. The United States Department of Health and Human Services reports that traumatic injuries claim the lives of more than 180,000 Americans each year. Many thousands more are severely or permanently disabled. In addition to inflicting untold pain and suffering upon victims and their families, traumatic injuries also exact a high price from our Nation in terms of health care costs and lost productivity.

While each of us is a potential trauma victim, young Americans and senior citizens are at especially high risk. Traumatic injuries kill six times as many children as cancer, which is the next leading cause of death in children. Traumatic injuries—most often suffered in motor vehicle collisions—cause four out of five deaths among teenagers and young adults. Among persons 75 years of age or older, the death rate due to falls is nearly 12 times the rate in the general population.

Although these statistics are alarming, the vast majority of traumatic injuries result from hazards that can be reduced or prevented. All Americans need to learn more about the conditions and behaviors that can lead to traumatic injuries. By identifying and avoiding risks—in the home, in the workplace, at play, and on the road—we can lead healthier, safer lives.

When trauma does occur, however, proper medical care and rehabilitation also play an important role in reducing deaths and disability. Effective treatment begins with access to emergency services and hospitals that are capable of providing the high level of care needed by trauma victims. Optimal treatment includes rehabilitation programs and follow-up services that facilitate the fullest possible recovery.

Across the country health care professionals, educators, industry leaders, and government officials are working together with concerned citizens to promote greater awareness of traumatic injuries and to encourage the adoption of measures to prevent them. This month we recognize the importance of their efforts.

The Congress, by Public Law 101–471, has designated May 1991 as "National Trauma Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of May 1991 as National Trauma Awareness Month. I urge all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6278 of April 22, 1991

Loyalty Day, 1991

By the President of the United States of America
A Proclamation

Most of us know and prize loyalty as the gift of a longtime friend or colleague. It is the gift of abiding trust and support; bestowed freely, it withstands both the test of time and the sudden, sometimes fierce, trials that accompany every human life.

In the lives of nations as well as individuals, loyalty is marked by confidence in its object and by kinship to the virtues of faith, perseverance, industry, and self-sacrifice. This Nation's great experiment in self-government has endured for more than 200 years because generations of brave and selfless Americans have believed in freedom and have labored and sacrificed to preserve it.

On this Loyalty Day, we are especially mindful of our Nation's service members, past and present. In the spirit of our Founding Fathers, who pledged their lives, their fortunes, and their sacred honor in support of America's independence, these individuals have made a solemn commitment to defend the rights of others. Their loyalty to the ideals on which this Nation is founded has been proved on battlefields around the globe. Indeed, those American military personnel who recently took part in Operation Desert Storm—whether providing invaluable support here at home or serving along the sands and off the shores of Saudi Arabia—left no doubts about the depth of their devotion to freedom. We are grateful to them and to all of America's service members and veterans.

Although we take just pride in the courage and patriotism of our Armed Forces, we know that loyalty and love of country are proved not only in times of conflict and peril but also in the routine trials of everyday life. Each day, across America, millions of unsung heroes and heroines demonstrate their appreciation for the blessings of liberty and their resolve to help preserve our way of life. These loyal Americans are civic association members who work to promote patriotism and good citizenship; they are judges, police officers, and other public offi-

cials who honor their vow to uphold the Constitution; and they are volunteers who help to carry on the American tradition of caring through community service. Parents who labor to build strong, loving homes and youngsters who work hard in school to learn more about our American heritage—they, too, help to keep the United States a good, free, and prosperous Nation.

On this Loyalty Day, observed in the 200th year of our Bill of Rights, let us reflect on the profound faith and convictions that inspired that great document. Let us renew our loyalty to the vision of this country's Founders, so that the United States might always be—as it is written in our Pledge of Allegiance—"one Nation, under God, indivisible, with liberty and justice for all."

To foster loyalty to principles on which the United States is founded, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 369; 36 U.S.C.), has designated May 1 of each year as "Loyalty Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 1, 1991, as Loyalty Day. I call upon all Americans to observe that day with appropriate ceremonies and activities in their homes, in schools, and in other suitable places. I also call upon all Government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6279 of April 23, 1991

Mother's Day, 1991

By the President of the United States of America

A Proclamation

The beloved American humorist, Will Rogers, once said, "Mothers are the only race of people that speak the same tongue. A mother in Manchuria could converse with a mother in Nebraska and never miss a word." It was a remark made with the wry, good-natured wit that was Rogers' trademark. Yet beneath his lighthearted humor was a telling observation about human nature—and about the nature of motherhood in particular.

The language of motherhood is indeed universal. It is the language of unconditional love, spoken throughout history by mothers of every race and every walk of life. Expressed most often through acts of selflessness and generosity, that great love can be read in a mother's eyes, which reveal untold depths of tenderness, worry, and pride in her children. It can be heard in her voice as she soothes a crying infant, as she gives instruction and encouragement to an older child, and as she inquires about the well-being of the young adult who has ventured out on

his or her own. Most of all, that great love is communicated by example.

In the silent language of motherhood, any two mothers may offer each other empathy and reassurance just by exchanging a knowing glance or smile. Yet while the language of motherhood is universal, it is also profoundly intimate, as personal and mysterious as the bond between a woman and the child she has carried in her womb. We seldom understand the depth of a parent's love until we have youngsters of our own—then our mother's lessons and example speak to us with renewed clarity and meaning. Indeed, her words often echo in our hearts as we rear our own children and experience for ourselves the singular joys, frustrations, and concerns that have always been a part of parenting. As we advance in years, we also begin to recognize the extent of our mother's influence upon our character and conduct; reflecting on her many gifts to us—from her firm moral guidance and discipline to her patience and forgiveness—we begin to comprehend the truth that led Abraham Lincoln to declare: "No man is poor who has had a godly mother."

With love of untold strength, mothers nourish and enrich the lives of their children and fortify the tender bonds of family life. In so doing, they also strengthen our communities and Nation. Thus, on this occasion, we gratefully honor all those women who, by virtue of giving birth or through adoption or marriage, are mothers.

On this day especially and on every day of the year, let us convey through word and deed our love for our mothers and our appreciation for all that they have given us. Whether we share those heartfelt sentiments in person, across the miles, or through loving memory, we cannot say too often: "Thanks, Mom, for everything."

In grateful recognition of the contributions that mothers make to their families and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as "Mother's Day" and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim that Sunday, May 12, 1991, be observed as Mother's Day. I urge all Americans to express their love and respect for their mothers on this day; to reflect upon the importance of motherhood to our families and Nation; and to ask for God's blessing upon both. I also direct Federal officials to display the flag of the United States on all Federal buildings, and I encourage all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6280 of April 25, 1991

National Day of Prayer, 1991

By the President of the United States of America
A Proclamation

While we owe constant praise to Almighty God, we Americans have added cause for thanksgiving on this National Day of Prayer because of the recent coalition victory in the Persian Gulf. However, our joy and gratitude are inspired by far more than military triumph; on this special day of prayer held in the 200th year of our Bill of Rights, we give thanks for America's long and abiding legacy of freedom.

During the past 200 years, the ideals enshrined in our Bill of Rights have gained favor around the world. Even where tyrants have sought to rule by repression and terror, the spirit of freedom has endured. This is because, as Alexander Hamilton once noted, "the Sacred Rights of Mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the Hand of the Divinity itself, and can never be erased or obscured by mortal power." Almighty God has granted each of us free will and inscribed in our hearts the unalienable dignity and worth that come from being made in His image.

Because our dignity and freedom are gifts of our Creator, we have a duty to cherish them, always using the latter to choose life and goodness. On this occasion we do well to pray for the wisdom and the resolve to do just that.

As an elevation of the soul's eyes to Heaven, prayer helps us to distinguish between liberty and license—to recognize that which is the grateful exercise of free will and that which is its corruption. Through prayer, we turn our hearts toward their real home and, in so doing, gain a sense of proper direction and higher purpose.

Faith and prayer are as important to guiding the conduct of nations as they are to individuals. We Americans, Abraham Lincoln once wrote, "have been the recipients of the choicest bounties of heaven." A nation so richly blessed has equally great responsibilities. Indeed, we have recently been reminded that "much will be asked of those to whom much has been given." The crucible of war has once again tested our Nation's character, and it has shown us both the need for and the power of prayer.

On this National Day of Prayer, let us acknowledge with heartfelt remorse the many times we have failed to appreciate the Lord's gifts and to obey His Commandments. Giving humble thanks for His mercy, let us vow to fulfill not only our responsibilities but also our potential as one Nation under God. Most important, let us make our prayers pleasing to Him by the regular practice of public and private virtue and by a genuine renewal of America's moral heritage. As Scripture says, "righteousness exalteth a nation, but sin is a reproach to any people."

Since the approval of the joint resolution of the Congress on April 17, 1952, calling for the designation of a specific day to be set aside each year as a National Day of Prayer, recognition of such a day has become a cherished annual event. Each President since then has pro-

claimed a National Day of Prayer annually under the authority of that resolution, continuing a tradition that dates back to the Continental Congress. By Public Law 100–307, the first Thursday in May of each year has been set aside as a National Day of Prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 2, 1991, as a National Day of Prayer. I urge all Americans to gather together on that day in homes and places of worship to pray, each after his or her own manner, for God's continued blessing on our families and our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6281 of April 25, 1991

National Organ and Tissue Donor Awareness Week, 1991 and 1992

By the President of the United States of America
A Proclamation

Through organ and tissue transplantation, thousands of Americans have been given the chance to enjoy fuller, longer lives. For example, bone marrow transplants have brought hope and healing to victims of cancer; new corneas have helped to bring sight to the blind; and the gift of a new heart, lung, or kidney has enabled many gravely ill Americans to gain improved health.

Much has been done in recent years to encourage public support of organ and tissue donation. Millions of Americans have learned about transplants through regional and local donor programs, voluntary health agencies, and the media. Government grants and our national transplantation system have also helped to encourage organ and tissue donation. Many Americans have responded to public awareness campaigns by signing a donor card or by indicating on their driver's licenses their willingness to donate.

However, despite our best efforts and the development of worldwide transplant programs, the waiting list of those in need of donated organs or tissues continues to grow. The Department of Health and Human Services reports that a new name is added to our national waiting list every 30 minutes. As many as 25 percent of the patients waiting for specific organs will die before a well-matched donor is found.

As compelling as these facts are, it is both fitting and proper that we pause to reflect carefully on organ and tissue transplantation. Every donation is a profound act of personal sacrifice and generosity. Every transplant underscores the power of medicine and the precious nature of human life. Because God has granted every person equal dignity and worth, because human life must always be treated with reverence and care, all Americans should give careful thought to becoming organ and

tissue donors. This includes learning the facts about transplantation and discussing any moral and ethical concerns with one's family and doctor.

When pursued in a thoughtful and reverent manner, organ and tissue transplantation is a medical procedure that reflects not only the highly sophisticated nature of our Nation's health care system but also the traditional generosity and compassion of the American people.

To promote public awareness of organ and tissue donation, the Congress, by House Joint Resolution 218, has designated the weeks beginning April 21, 1991, and April 19, 1992, as "National Organ and Tissue Donor Awareness Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the weeks of April 21 through April 27, 1991, and April 19 through April 25, 1992, as National Organ and Tissue Donor Awareness Week. I ask health care professionals, public and private service organizations, and all Americans to join in supporting this humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6282 of April 25, 1991

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to Title V of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461 *et seq.*), the President may designate specified articles provided for in the Harmonized Tariff Schedule of the United States (HTS) as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries.

2. Pursuant to section 504(c) of the 1974 Act (19 U.S.C. 2464(c)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the 1974 Act, are subject to limitations on the preferential treatment afforded under the GSP. Pursuant to section 504(c)(5) of the 1974 Act, a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in section 504(c)(1) (after application of paragraph (c)(2)) during the preceding calendar year. Further, pursuant to section 504(d)(2) of the 1974 Act (19 U.S.C. 2464(d)(2)), the President may disregard the limitations provided in section 504(c)(1)(B) with respect to any eligible article if the appraised

value of the total imports of such article into the United States during the preceding calendar year is not in excess of an amount which bears the same ratio to $5,000,000 as the gross national product of the United States for that calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1979.

3. Sections 502(b)(7) and 502(c)(7) of the 1974 Act (19 U.S.C. 2462(b)(7) and 2462(c)(7)) provide that a country that has not taken or is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)), is ineligible for designation as a beneficiary developing country for purposes of the GSP. Pursuant to section 504 of the 1974 Act, the President may withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

4. Pursuant to sections 501, 503(a), and 504(a) of the 1974 Act (19 U.S.C. 2461, 2463(a), and 2464(a)), in order to subdivide and amend the nomenclature of existing provisions of the HTS to modify the GSP, I have determined, after taking into account information and advice received under section 503(a), that the HTS should be modified to adjust the original designation of eligible articles. In addition, pursuant to Title V of the 1974 Act, I have determined that it is appropriate to designate specified articles provided for in the HTS as eligible for preferential tariff treatment under the GSP when imported from designated beneficiary developing countries, and that such treatment for other articles should be terminated. I have also determined, pursuant to sections 504(a), (c)(1), and (c)(2) of the 1974 Act, that certain beneficiary countries should no longer receive preferential tariff treatment under the GSP with respect to certain eligible articles. Further, I have determined, pursuant to section 504(c)(5) of the 1974 Act, that certain countries should be redesignated as beneficiary developing countries with respect to specified previously designated eligible articles. These countries have been previously excluded from benefits of the GSP with respect to such eligible articles pursuant to section 504(c)(1) of the 1974 Act. Last, I have determined that section 504(c)(1)(B) of the 1974 Act should not apply with respect to certain eligible articles pursuant to section 504(d)(2) of the 1974 Act.

5. Pursuant to sections 502(b)(7), 502(c)(7), and 504 of the 1974 Act (19 U.S.C. 2462(b)(7), 2462(c)(7), and 2464), I have determined that it is appropriate to provide for the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Sudan. Such suspension is the result of my determination that Sudan has not taken and is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)).

6. Pursuant to sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Czechoslovakia as a beneficiary developing country for purposes of the GSP.

7. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other Acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to Title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to provide benefits under the GSP to specified designated eligible articles when imported from any designated beneficiary developing country, the HTS is modified as provided in Annex I to this proclamation.

(2)(a) In order to provide benefits under the GSP to specified designated eligible articles when imported from any designated beneficiary developing country, the Rates of Duty 1-Special subcolumn for the HTS subheadings enumerated in Annex II(a)(1) and II(b)(1) is modified by inserting in the parentheses the symbol "A" as provided in such Annexes to this proclamation.

(b) In order to provide benefits under the GSP to a specified designated eligible article and in order that a country should not be treated as a beneficiary developing country with respect to such eligible article for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the HTS subheadings enumerated in Annex II(b)(2) is modified by inserting in the parentheses the symbol "A*" as provided in such Annex to this proclamation.

(c) In order to provide preferential tariff treatment under the GSP to certain countries which have been excluded from the benefits of the GSP for certain eligible articles imported from such countries, following my determination that a country previously excluded from receiving such benefits should again be treated as a beneficiary developing country with respect to such article, the Rates of Duty 1-Special subcolumn for each of the HTS provisions enumerated in Annex II(a)(2) and II(b)(3) to this proclamation is modified: (i) by deleting from such subcolumn for such HTS provisions the symbol "A*" in parentheses, and (ii) by inserting in such subcolumn the symbol "A" in lieu thereof.

(d) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, the Rates of Duty 1-Special subcolumn for each of the HTS provisions enumerated in Annex II(b)(4) to this proclamation is modified: (i) by deleting from such subcolumn for such HTS provisions the symbol "A" in parentheses, and (ii) by inserting in such subcolumn the symbol "A*" in lieu thereof.

(3) In order to provide for the designation of Czechoslovakia as a beneficiary developing country for purposes of the GSP, to provide for the suspension of preferential treatment under the GSP for Sudan, to provide that one or more countries which have not been treated as beneficiary developing countries with respect to an eligible article should be redesignated as beneficiary developing countries with respect to such article for purposes of the GSP, and to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, general note 3(c)(ii) to the HTS is modified as provided in Annex III to this proclamation.

(4) In order to provide for the continuation of previously proclaimed staged reductions on Canadian goods in the HTS provisions modified in Annex I to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex IV to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in such Annex shall be deleted and the rate of duty provided in such Annex inserted in lieu thereof on the dates specified.

(5) In order to provide for the continuation of previously proclaimed staged reductions on products of Israel in the HTS subheadings modified in Annex I to this proclamation, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex V to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "IL" in parentheses for each of the HTS subheadings enumerated in such Annex shall be deleted and the rate of duty provided in such Annex inserted in lieu thereof on the dates specified.

(6) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(7)(a) The amendment made by Annex III(a) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the **Federal Register.**

(b) The amendments made by Annexes I(a), II(a), and III(b) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after May 1, 1991.

(c) The amendments made by Annexes I(b), II(b), and III(c) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991.

(d) The amendments made by Annexes IV and V of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates indicated for the respective Annex columns.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Annex I

Notes:

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following supersedes matter now in the Harmonized Tariff Schedule of the United States (HTS). The subheadings and superior descriptions are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/

Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

(a) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after May 1, 1991.

(1) Subheading 2903.69.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Halogenated...:]			
	[Halogenated...:]			
	[Other:]			
"2903.69.05	3-Bromo-α,α,α-trifluorotoluene; 2-Chloro-5-bromo-α,α,α-trifluoro-toluene; and α-Chloro-3-methyltoluene	9.1%	Free (A,E) 2.8% (IL) 3.6%	15.4¢/kg + 71%"
	[Other:]			
"2903.69.60	Other	9.1%	Free (E) 2.8% (IL) 3.6% (CA)	15.4¢/kg + 71%"

(2) Subheading 2904.90.45 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Sulfonated...:]			
	[Other:]			
"2904.90.15	4-Chloro-3-nitro-α,α,α-trifluorotoluene; 2-Chloro-5-nitro-α,α,α-trifluorotoluene; and 4-Chloro-3,5-dinitro-α,α,α-trifluorotoluene	3.7¢/kg + 15.9%	Free (A,E,IL) 1.4¢/kg + 6.3% (CA)	15.4¢/kg + 51%"
	[Other:]			
	[Aromatic:]			
"2904.90.47	Other	3.7¢/kg + 15.9%	Free (E,IL) 1.4¢/kg + 6.3% (CA)	15.4¢/kg + 51%"

(3) Subheading 2908.10.30 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Halogenated...:]			
	[Derivatives...:]			
"2908.10.15	3-Hydroxy-α,α,α-trifluorotoluene	13.5%	Free (A,CA,E)	15.4¢/kg + 62%"
	[Other:]			
"2908.10.35	Products described in additional U.S. note 3 to section VI	13.5%	Free (CA,E)	15.4¢/kg + 62%"

(4) Subheading 2916.39.10 is superseded by:

	[Unsaturated...:]			
	[Aromatic...:]			
	[Other:]			
"2916.39.04	Benzoic anhydride; tert-Butyl peroxybenzoate; m-Chloroperoxybenzoic acid; p-Nitrobenzoyl chloride; 2-Nitro-m-toluic acid; and 3-Nitro-o-toluic acid	6.7%	Free (CA,E,IL)	15.4¢/kg + 40.5%
2916.39.08	4-Chloro-3-nitrobenzoic acid	6.7%	Free (A,CA,E,IL)	15.4¢/kg + 40.5%"

(5) Subheading 2916.39.30 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Unsaturated...:]			
	[Aromatic...:]			
	[Other:]			
"2916.39.12	4-Chloro-3, 5-dinitrobenzoic acid and its esters	13.5%	Free (A,E,IL) 5.4% (CA)	15.4¢/kg + 57%"
	[Other:]			
	[Other:]			
"2916.39.40	Products described in additional U.S. note 3 to section VI	13.5%	Free (E,IL) 5.4% (CA)	15.4¢/kg + 57%"

(6) Subheading 2916.39.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Unsaturated...:]			
	[Aromatic...:]			
	[Other:]			
"2916.39.16	4-Chlorobenzoic acid	3.7¢/kg + 17.9%	Free (A,E,IL) 1.4¢/kg + 7.1% (CA)	15.4¢/kg + 57%"
	[Other:]			
	[Other:]			
"2916.39.60	Other	3.7¢/kg + 17.9%	Free (E,IL) 1.4¢/kg + 7.1% (CA)	15.4¢/kg + 57%"

(7) Subheading 2921.42.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Amine-function...:]			
	[Aromatic...:]			
	[Aniline...:]			
"2921.42.24	Metanilic acid; and Sulfanilic acid	2.4¢/kg + 18.8%	Free (A,E,IL) 0.9¢/kg + 7.5% (CA)	15.4¢/kg + 60%"
	[Other:]			
	[Other:]			
"2921.42.60	Other	2.4¢/kg + 18.8%	Free (E,IL) 0.9¢/kg + 7.5% (CA)	15.4¢/kg + 60%"

Conforming change: HTS headings 9902.30.28, 9902.30.30 and 9902.30.31 are each modified by striking out "2921.42.50" and inserting "2921.42.60" in lieu thereof.

(8) Subheading 2921.43.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Amine-function...:]			
	[Aromatic...:]			
	[Toluidines...:]			
"2921.43.18	α,α,α-Trifluoro-m-toluidine; α,α,α-Trifluoro-o-toluidine; and α,α,α-Trifluoro-6-chloro-m-toluidine	2.4¢/kg + 18.8%	Free (A,E,IL) 0.9¢/kg + 7.5% (CA)	15.4¢/kg + 60%"
	[Other:]			
"2921.43.60	Other	2.4¢/kg + 0.9¢/kg + 7.5% (CA)	15.4¢/kg + 60%"	

Conforming changes: HTS heading 9902.29.28 is modified by striking out "2921.43.50" and inserting "2921.43.18" in lieu thereof. HTS heading 9902.30.33 is modified by striking out "2921.43.50" and inserting "2921.43.60" in lieu thereof.

(9) Subheading 2924.29.45 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Carboxyamide-function...:]			
	[Cyclic...:]			
	[Other:]			
	[Aromatic:]			
"2924.29.02	Acetanilide	3.7¢/kg + 18.1%	Free (A,E,IL) 1.4¢/kg + 7.2% (CA)	15.4¢/kg + 58%"
	[Other:]			
	[Other:]			
	[Other:]			
"2924.29.47	Other	3.7¢/kg + 18.1%	Free (E,IL) 1.4¢/kg + 7.2% (CA)	15.4¢/kg + 58%"

Conforming changes: HTS heading 9902.30.67 is modified by striking out "2924.29.45" and inserting "2924.29.47" in lieu thereof.

(10) Subheading 8703.10.00 is superseded by:

	[Motor cars...:]			
"8703.10	Vehicles specially designed for traveling on snow; golf carts and similar vehicles:			
8703.10.10	Vehicles specially designed for traveling on snow	2.5%	Free (B,CA,E,IL)	10%
8703.10.50	Other	2.5%	Free (A,B,CA,E,IL)	10%"

(b) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991.

(1) Subheading 0406.10.00 is superseded by:

	[Cheese...:]			
"0406.10	Fresh cheese (including whey cheese), not fermented, and curd:			
0406.10.10	Chongos	10%	Free (A,E,IL) 7% (CA)	35%
0406.10.50	Other	10%	Free (E,IL) 7% (CA)	35%"

(2) Subheading 0701.90.00 is superseded by:

	[Potatoes...:]			
"0701.90	Other:			
0701.90.10	Yellow (Solano) potatoes	0.77¢/kg	Free (A,E,IL) 0.5¢/kg (CA)	1.7¢/kg
0701.90.50	Other	0.77¢/kg	Free (E, IL) 0.5¢/kg (CA)	1.7¢/kg"

(3) Subheading 0710.80.95 is superseded by:

	[Vegetables...:]			
	[Other vegetables:]			
	[Other:]			
	[Reduced in size:]			
"0710.80.93	Okra	17.5%	Free (A,E,IL) 12.2% (CA)	35%
0710.80.97	Other	17.5%	Free (E,IL) 12.2% (CA)	35%"

(4) Subheading 2901.10.20 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Acyclic hydrocarbons:]			
	[Saturated:]			
"2901.10.30	n-Pentane and isopentane	5%	Free (A,CA,E,IL)	25%"
	[Other:]			
"2901.10.40	Derived in whole or in part from petroleum, shale oil or natural gas	5%	Free (CA,E,IL)	25%"

(5) Subheading 2904.90.10 is superseded by:

	[Sulfonated...:]			
	[Other:]			
	"Monochloromononitro-benzenes:			
2904.90.04	o-Nitrochlorobenzene; and p-Nitrochloroben-zene	10%	Free (A,E,IL) 4% (CA)	15.4¢/kg + 59%
2904.90.08	Other	10%	Free (E, IL) 4% (CA)	15.4¢/kg + 59%"

(6) Subheading 2907.29.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Phenols...:]			
	[Polyphenols:]			
	[Other:]			
"2907.29.20	4,4'-Biphenol; and tert-Butylhydroquinone	7.2%	Free (A,CA,E)	15.4¢/kg + 44%"
	[Other:]			
"2907.29.60	Other	7.2%	Free (CA,E)	15.4¢/kg + 44%

Conforming change: HTS heading 9902.30.13 is modified by striking out "2907.29.50" and inserting "2907.29.60" in lieu thereof.

(7) Subheading 2908.90.10 is superseded by:

	[Halogenated...:]			
	[Other:]			
	"Nitrophenols:			
2908.900.04	p-Nitrophenol	8.1%	Free (A,E,IL) 3.2% (CA)	15.4¢/kg + 51.5%
2908.90.08	Other	8.1%	Free (E,IL) 3.2% (CA)	15.4¢/kg + 51.5%"

(8) Subheading 2921.42.60 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Amine-function...:]			
	[Aromatic...:]			
	[Aniline...:]			
"2921.42.23	3,4-Dichloroaniline	2.4¢/kg + 18.8%	Free (A,E,IL) 0.9¢/kg + 7.5% (CA)	15.4¢/kg + 60%"
	[Other:]			
	[Other:]			
"2921.42.70	Other	2.4¢/kg + 18.8%	Free (E,IL) 0.9¢/kg + 7.5% (CA)	15.4¢/kg + 60%"

Conforming change: HTS headings 9902.30.28, 9902.30.30 and 9902.30.31 are each modified by striking out "2921.42.60" and inserting "2921.42.70" in lieu thereof.

(9) Subheading 2924.29.47 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Carboxyamide-function...:]			
	[Cyclic...:]			
	[Other:]			
	[Aromatic:]			
"2924.29.04	2-Methoxy-5-acetamino-N,N-bis(2-acetoxyethyl)aniline	3.7¢/kg+ 18.1%	Free (A,E,IL) 1.4¢/kg + 7.2% (CA)	15.4¢/kg + 58%"
	[Other:]			
	[Other:]			
	[Other:]			
"2924.29.46	Other	3.7¢/kg + 18.1%	Free (E,IL) 1.4¢/kg + 7.2% (CA)	15.4¢/kg + 58%"

Conforming changes: HTS heading 9902.30.67 is modified by striking out "2924.29.47" and inserting "2924.29.46" in lieu thereof.

(10) Subheading 2929.10.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Compounds...:]			
	[Isocyanates:]			
"2929.10.30	3,4-Dichlorophenylisocyanate	2.9¢/kg + 16.2%	Free (A,CA,E,IL)	15.4¢/kg + 52%"
	[Other:]			
2929.10.60	Other	2.9¢/kg + 16.2%	Free (CA,E,IL)	15.4¢/kg + 52%"

Conforming changes: HTS heading 9902.30.71 is modified by striking out "2929.10.50" and inserting "2929.10.60" in lieu thereof.

(11) Subheading 2934.20.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Other hetercyclic...:]			
	[Compounds...:]			
"2934.20.05	N-tert-Butyl-2-benzothiazolesulfenamide	3.7¢/kg + 16.2%	Free (A,E,IL) 1.4¢/kg + 6.4% (CA)	15.4¢/kg + 52%"
	[Other:]			
	[Other:]			
"2934.20.60	Other	3.7¢/kg + 16.2%	Free (E,IL) 1.4¢/kg + 6.4% (CA)	15.4¢/kg + 52%"

(12) Subheading 3205.00.10 is superseded by:

	[Color lakes...:]			
"3205.00.20	Carmine	15%	Free (A,E,IL) 6% (CA)	72%
	Other:			
3205.00.40	Products described in additional U.S. note 3 to section VI	15%	Free (E,IL) 6% (CA)	72%"

Conforming change: The article description for subheading 3205.00.50 shall have the same degree—indentation as new subheading 3205.00.40 above.

(13) Subheading 3817.10.00 is superseded by:

	[Mixed alkylbenzenes...:]			
"3817.10	Mixed alkylbenzenes:			
3817.10.10	Mixed linear alkylbenzenes	1.1¢/kg + 17.3%	Free (E,IL) 0.4¢/kg + 6.9% (CA)	15.4¢/kg + 55%
3817.10.50	Other	1.1¢/kg + 17.3%	Free (A,E,IL) 0.4¢/kg + 6.9% (CA)	15.4¢/kg + 55%"

(14) Subheading 3823.90.29 is superseded by:

	[Prepared binders...:]			
	[Other:]			
	[Other:]			
	[Mixtures...:]			
"3823.90.25	Aqueous mixtures of triphenyl sulfonium chloride, diphenyl (4-phenylthio)phenyl sulfonium chloride and (thiodi-4,1-phenylene)bis-(diphenyl sulfonium) dichloride	3.7¢/kg + 13.6%	Free (A,E,IL) 1.4¢/kg + 5.4% (CA)	3.7¢/kg + 60%
3823.90.27	Other	3.7¢/kg + 13.6%	Free (E,IL) 1.4¢/kg + 5.4% (CA)	3.7¢/kg + 60%"

Conforming changes: HTS heading 9902.29.55 is modified by striking out "3823.90.29" and inserting "3823.90.27" in lieu thereof. HTS heading 9902.38.25 is modified by striking out "3823.90.29" and inserting "3823.90.27" in lieu thereof.

(15) Subheading 5608.90.20 is superseded by:

	[Knotted netting...:]			
	[Other:]			
	[Other:]			
	"Of cotton:			
5608.90.23	Hammocks	16%	Free (A) 4.8% (IL) 11.2% (CA)	90%
5608.90.27	Other	16%	4.8% (IL) 11.2% (CA)	90%"

(16) Subheading 6204.39.40 is superseded by:

	[Women's or girls'...:]			
	[Suit-type jackets...:]			
	[Of other textile...:]			
	"Other:			
6204.39.60	Containing 70 percent or more by weight of silk or silk waste	6.7%	Free (A,E*,IL) 4.6% (CA)	65%
6204.39.80	Other	6.7%	Free (E*,IL) 4.6% (CA)	65%"

(17) Subheading 6204.49.00 is superseded by:

	[Women's or girls'...:]			
	[Dresses:]			
"6204.49	Of other textile materials:			
"6204.49.10	Containing 70 percent or more by weight of silk or silk waste	7.5%	Free (A,E*,IL) 5.2% (CA)	65%
6204.49.50	Other	7.5%	Free (E*,IL) 5.2% (CA)	65%"

Annex II

Modification in the HTS of an Article's Preferential Tariff Treatment under the GSP

(a) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after May 1, 1991:

(1) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A," in alphabetical order:

0202.30.20	1602.42.20	2007.99.20	7013.21.50
0203.22.10	1602.49.20	2007.99.25	7013.31.50
0203.29.20	2007.99.05	6911.10.41	
1602.41.20	2007.99.10	6911.10.45	

(2) For HTS subheading 2935.00.31, in the Rates of Duty 1-Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof.

(b) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991:

(1) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A," in alphabetical order:

0807.10.60	2917.37.00	7013.91.50	8714.92.50
1702.30.40	2929.10.15	7801.10.00	9608.10.00
2208.90.50	3606.90.60	7801.99.90	
2903.61.10	3906.90.50	7901.12.50	
2903.61.30	6912.00.41	8533.10.00	

(2) For HTS 7901.11.00, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A*," in alphabetical order.

(3) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof:

1905.90.90	4818.90.00	8406.19.90	8527.11.11
2005.80.00	7008.00.00	8406.90.90	9006.52.10
2933.19.25	7113.20.21	8419.11.00	9019.20.00
3402.90.30	7605.19.00	8474.20.00	9026.80.60
4013.10.00	7614.90.50	8507.90.40	9031.40.00
4802.51.10	8302.10.90	8516.80.80	9401.90.10
4804.31.60	8406.11.90	8529.90.50	9603.30.40

(4) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete the symbol "A" and insert an "A*" in lieu thereof:

0710.80.70	3207.40.10	4104.31.20	8418.10.00
0802.90.15	3402.90.10	6210.10.20	8428.90.00
1901.90.90	3917.33.00	6307.90.60	8501.40.60
2916.39.15	3926.90.87	7113.19.10	8535.40.00
2929.90.50	4011.91.50	7401.10.00	8520.20.00

Annex III

Modifications to General Note 3(c)(ii) of the HTS

(a) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the *Federal Register*, general note 3(c)(ii)(A) is modified by inserting "Czechoslovakia" in alphabetical order in the enumeration of independent countries.

(b) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after May 1, 1991, general note 3(c)(ii)(D) is modified by deleting "2935.00.31 Yugoslavia" from such note.

(c) Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991:

(1) General note 3(c)(ii)(A) is modified by deleting "Sudan" from the enumeration of independent countries.

(2) General note 3(c)(ii)(B) is modified by deleting "Sudan" from the enumeration of least-developed beneficiary developing countries.

(3) General note 3(c)(ii)(D) is modified—

(i) by deleting the following HTS provisions and the countries set opposite these provisions:

1905.90.90	Mexico	7113.20.21	Dominican Republic	8516.80.80	Mexico
2005.80.00	Thailand	7605.19.00	Venezuela	8527.11.11	Malaysia
2933.19.25	Guatemala	7614.90.50	Venezuela	8529.90.50	Mexico
3402.90.30	Mexico	8302.10.90	Mexico	9006.52.10	Mexico
4013.10.00	Mexico	8406.11.90	Israel	9019.20.00	Mexico
4802.51.10	Mexico	8406.19.90	Israel	9026.80.60	Mexico
4804.31.60	Mexico	8406.90.90	Israel	9031.40.00	Israel
4818.90.00	Mexico	8419.11.00	Israel	9401.90.10	Mexico
7008.00.00	Mexico	8474.20.00	Philippines	9603.30.40	Mexico
		8507.90.40	Mexico		

(ii) by adding in numerical sequence, the following HTS provisions and countries set opposite them:

0710.80.70	Guatemala	3917.33.00	Mexico	7401.10.00	Mexico
0802.90.15	Mexico	3926.90.87	Mexico	7901.11.00	Mexico
1901.90.90	Mexico	4011.91.50	Israel	8418.10.00	Mexico
2916.39.15	India	4104.31.20	Thailand	8428.90.00	Mexico
2929.90.50	Bahamas	6210.10.20	Mexico	8501.40.60	Mexico
3207.40.10	Mexico	6307.90.60	Mexico	8535.40.00	Mexico
3402.90.10	Mexico	7113.19.10	Peru		

(iii) by deleting the following countries opposite the following HTS provisions:

1005.90.20	Chile	1701.11.02	Dominican Republic

(iv) by adding, in alphabetical order, the following countries opposite the following HTS subheadings:

6406.10.65	Dominican Republic	7113.19.50	Israel
		7402.00.00	Mexico

Annex IV

Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

For each of the following subheadings created by Annex I of this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof on the date specified below.

HTS Subheading	1992	1993	1994	1995	1996	1997	1998
0406.10.10	6%	5%	4%	3%	2%	1%	Free
0406.10.50	6%	5%	4%	3%	2%	1%	Free
0701.90.10	0.4¢/kg	0.3¢/kg	0.3¢/kg	0.2¢/kg	0.1¢/kg	Free	Free
0701.90.50	0.4¢/kg	0.3¢/kg	0.3¢/kg	0.2¢/kg	0.1¢/kg	Free	Free
0710.80.93	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free
0710.80.97	10.5%	8.7%	7%	5.2%	3.5%	1.7%	Free
2903.69.05	1.8%	Free	Free	Free	Free	Free	Free
2903.69.60	1.8%	Free	Free	Free	Free	Free	Free
2904.90.04	2%	Free	Free	Free	Free	Free	Free
2904.90.08	2%	Free	Free	Free	Free	Free	Free
2904.90.15	0.7¢/kg + 3.1%	Free	Free	Free	Free	Free	Free
2904.90.47	0.7¢/kg + 3.1%	Free	Free	Free	Free	Free	Free
2908.90.04	1.6%	Free	Free	Free	Free	Free	Free
2908.90.08	1.6%	Free	Free	Free	Free	Free	Free
2916.39.12	2.7%	Free	Free	Free	Free	Free	Free
2916.39.40	2.7%	Free	Free	Free	Free	Free	Free
2916.39.16	0.7¢/kg + 3.5%	Free	Free	Free	Free	Free	Free
2916.39.60	0.7¢/kg + 3.5%	Free	Free	Free	Free	Free	Free

HTS Subheading	1992	1993	1994	1995	1996	1997	1998
2921.42.23	0.4¢/kg + 3.7%	Free	Free	Free	Free	Free	Free
2921.42.24	0.4¢/kg + 3.7%	Free	Free	Free	Free	Free	Free
2921.42.70	0.4¢/kg + 3.7%	Free	Free	Free	Free	Free	Free
2921.43.18	0.4¢/kg + 3.7%	Free	Free	Free	Free	Free	Free
2921.43.60	0.4¢/kg + 3.7%	Free	Free	Free	Free	Free	Free
2924.29.02	0.7¢/kg + 3.6%	Free	Free	Free	Free	Free	Free
2924.29.04	0.7¢/kg + 3.6%	Free	Free	Free	Free	Free	Free
2924.29.46	0.7¢/kg + 3.6%	Free	Free	Free	Free	Free	Free
2934.20.05	0.7¢/kg + 3.2%	Free	Free	Free	Free	Free	Free
2934.20.60	0.7¢/kg + 3.2%	Free	Free	Free	Free	Free	Free
3205.00.20	3%	Free	Free	Free	Free	Free	Free
3205.00.40	3%	Free	Free	Free	Free	Free	Free
3817.10.10	0.2¢/kg + 3.4%	Free	Free	Free	Free	Free	Free
3817.10.50	0.2¢/kg + 3.4%	Free	Free	Free	Free	Free	Free
3823.90.25	0.7¢/kg + 2.7%	Free	Free	Free	Free	Free	Free
3823.90.27	0.7¢/kg + 2.7%	Free	Free	Free	Free	Free	Free
5608.90.23	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free
5608.90.27	9.6%	8%	6.4%	4.8%	3.2%	1.6%	Free
6204.39.60	4%	3.3%	2.6%	2%	1.3%	0.6%	Free
6204.39.80	4%	3.3%	2.6%	2%	1.3%	0.6%	Free
6204.49.10	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free
6204.49.50	4.5%	3.7%	3%	2.2%	1.5%	0.7%	Free

Annex V

Effective with respect to products of Israel which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

For each of the following subheadings created by Annex I of this Proclamation, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol

"IL" in parentheses is deleted and the following rates of duty inserted in lieu thereof on the date specified below.

HTS Subheading	January 1, 1992	January 1, 1995
2903.69.05	0.9%	Free
2903.69.60	0.9%	Free
5608.90.23	1.6%	Free
5608.90.27	1.6%	Free

Proclamation 6283 of April 29, 1991

Law Day, U.S.A., 1991

By the President of the United States of America
A Proclamation

On this Law Day, held in the 200th year of our Bill of Rights, we give thanks for our Nation's enduring legacy of liberty under law. This legacy, ensured by our Constitution and Bill of Rights, has made the name "America" virtually synonymous with freedom.

Ratified and adopted as part of the Constitution in December 1791, the Bill of Rights signalled our Founders' determination to uphold their earlier declaration "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." No other document in the history of mankind has enumerated in a more fruitful manner the fundamental liberties to which all people are heirs.

James Madison once noted that the idea of a Bill of Rights was valuable because "political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free government." Indeed, the principles enshrined in our Bill of Rights have proved to be not only the guiding tenets of American government, but also a model for the world. Two hundred years after this great document was adopted by the Congress, we can behold its seminal role in the advancement of human rights around the world. The United Nations General Assembly affirmed the ideals enshrined in our Bill of Rights when it adopted the Universal Declaration of Human Rights in 1948. Those ideals were also affirmed in the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe.

The ideals set forth in our Bill of Rights and echoed in each of these later documents have triumphed in nations that once bore the heavy yoke of totalitarianism. In emerging democracies around the world, courageous peoples are striving to bring the tender shoots of freedom into full bloom, and they continue to look to America as a guide. Today we know that our ancestors gave freedom not only a name but also a future when they adopted the Bill of Rights.

On this occasion we do well to honor all those Americans who labor and sacrifice to defend our Bill of Rights and the rule of law. Today we salute with special pride and appreciation our courageous military personnel. Yet, in addition to our Armed Forces, many other Americans

work daily to uphold the rule of law; indeed, we owe great thanks to police officers, judges, attorneys, and all those who serve in our Nation's independent judiciary or who otherwise labor to defend our Constitution. Law Day celebrates the efforts of these individuals and reminds each of us of the importance of understanding our rights and meeting our responsibilities as citizens of a free Nation.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, in accordance with Public Law 87–20 of April 7, 1961, do hereby proclaim May 1, 1991, as Law Day, U.S.A. I urge all Americans to observe this day by reflecting upon our rights and our responsibilities under the Constitution. I ask that members of the legal profession, civic associations, and the media, as well as educators, librarians, and government officials, promote the observance of this day through appropriate programs and activities. I also call upon all public officials to display the flag of the United States on all government buildings on this day.

IN WITNESS WHEREOF, I have hereunto set my hand this 29 day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6284 of April 30, 1991

Older Americans Month, 1991

By the President of the United States of America
A Proclamation

People are our Nation's most precious asset, and America's senior citizens are no exception. These men and women constitute a wellspring of acquired wisdom and skill, and it is fitting that our celebration of Older Americans Month, 1991, should have as its theme, "Older Americans: A Great Natural Resource."

Older Americans have charted the course of our Nation throughout most of this century. While many youngsters view the Great Depression and World War II as the stuff of schoolbooks, it was today's senior citizens who experienced these and other defining moments in American history and, through them, helped to shape the world in which we live. With faith, courage, and countless sacrifices on both the home front and the field of battle, these Americans joined our Nation's allies in defeating the tyrannical forces that threatened to destroy an entire continent during World War II. The industry and creativity of today's older Americans later gave America the technological edge needed to put the first man on the moon. Indeed, their ingenuity and hard work have enabled the United States to make many great and historic strides in business, agriculture, and health care.

Today older Americans continue to merit our respect and gratitude. Whether they quietly enrich the lives of their families and friends or engage in paid employment and voluntary community service, senior citizens are an invaluable source of knowledge and experience. Today

many older Americans are remaining in the work force well past the traditional retirement age, and more and more seniors are pursuing second careers. In fact, older Americans are as much a part of our future as they are a part of our past: the contributions that they continue to make in this century will benefit our families and our Nation well into the next.

Over the years older Americans have taught us many powerful lessons about duty, faithfulness, and honor. With those lessons in mind, let us renew our determination to help our senior citizens live with the independence, comfort, and security that they need and deserve. We can begin by reaffirming our support for those public agencies, private organizations, and individuals who work, each and every day of the year, to dispel myths about aging; to protect older Americans from discrimination and exploitation; and to provide long-term health care and other services for seniors with special needs. Their efforts should be a compelling reminder of the respect and gratitude that each of us owes to our society's eldest members.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of May 1991 as Older Americans Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities in honor of our Nation's senior citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6285 of April 30, 1991

National Physical Fitness and Sports Month, 1991

By the President of the United States of America
A Proclamation

Anyone who has ever taken part in sports or other athletic activities knows that doing so is not only fun but also a wonderful way to achieve greater physical fitness. Today there are exciting sports and athletic opportunities to match virtually every personal interest and ability, from running, racquetball, fencing, and skiing to swimming, soccer, aerobic dance, and golf—just to name a few.

Whether they engage in periodic workouts or in favorite individual and team sports—or perhaps all three—Americans who exercise regularly enjoy a host of benefits. In addition to enhancing one's physical strength and agility, athletic activity helps to alleviate many of the effects of stress and aging. People who participate in sports and other forms of exercise also enjoy the profound sense of satisfaction and self-confidence that come from meeting a challenge. In a special way team sports enable participants to develop valuable communication skills, as well as a rewarding sense of cooperation and fellowship.

As more and more Americans discover these and other advantages of regular athletic activity, our communities and Nation benefit as well. Because physically fit persons generally have more energy and stamina, greater athletic activity among our population contributes to greater productivity and performance in the workplace. Because an active, healthy life-style can help to prevent coronary disease and other health problems, increased public participation in sports can also help to keep medical costs down.

Recognizing the many benefits of physical fitness to individuals and to the Nation, I have joined with Arnold Schwarzenegger, Chairman of the President's Council on Physical Fitness and Sports, in declaring the 1990s the "Fitness Decade." Just as it is never too early to nurture good habits in one's children, it is never too late for adults to reap the rewards of regular exercise; hence, we are calling on Americans of all ages to commit to get fit. Everyone can benefit from regular exercise, and everyone can find a sport or other physical activity that meets his or her abilities and interests. This month is a splendid opportunity for all those who have not yet done so to take the first step toward healthier, fuller lives through participation in sports and other forms of exercise.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of May 1991 as National Physical Fitness and Sports Month. I urge all Federal, State, and local government agencies and the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6286 of May 1, 1991

National Day To Commemorate the 200th Anniversary of the Polish Constitution of May 3, 1791

By the President of the United States of America
A Proclamation

On May 3, 1791, declaring their love of "national independence and freedom over life itself," brave Polish patriots adopted a national constitution for their homeland. This document was a resounding declaration of Poles' desire for liberty and self-government—and it was a bold challenge to the foreign powers that had invaded and partitioned their country less than 20 years before.

One of the first written national constitutions in the world, the Polish Constitution of May 3, 1791, was modeled after our own. Even through

the most difficult periods in Poland's history, it has remained a great and cherished symbol of the Polish people's devotion to democratic ideals.

We Americans gladly join in celebrating the 200th anniversary of this historic document because we are united with the Polish people by strong ties of kinship and culture and by a mutual love of liberty. These special bonds were affirmed in the "Declaration on Relations between the United States of America and the Republic of Poland," which President Lech Walesa and I signed on March 20, 1991.

Poles were among the first immigrants to come to these shores in search of freedom and opportunity, and they and their descendants have served and enriched our Nation in countless ways. Since the great Polish heroes Tadeusz Kosciuszko and Kazimierz Pulaski helped to secure the Independence of our fledgling Republic, millions of other men and women of Polish extraction have likewise labored and sacrificed to help ensure the success of America's bold experiment in self-government, always inspiring others by their unshakable faith in God and in the promise of liberty under law.

In Poland, that faith has been tested by decades of often brutal repression. During the late 18th century Poland again fell prey to the expansionist aims of neighboring empires. Early in this century Poland enjoyed only a brief period of independence before being invaded by Nazi Germany and the Soviet Union in 1939. Nevertheless, despite decades of foreign domination and the declaration of martial law as recently as 1981, the people of Poland have held fast to their dream of freedom and self-determination.

Today the faith, courage, and tenacity of the Polish people are finally being rewarded. During the past 2 years the Poles have thrown off the heavy yoke of communism and under a new, democratically elected government have begun working to break the cycle of impoverishment and decline imposed by nearly half a century of totalitarian rule.

The United States wholeheartedly supports the Poles' courageous efforts to establish a free market economy and stable democratic rule in their country. Those efforts have required difficult decisions by the Polish leadership and great sacrifices by all Poles, and the United States has acted to assist Poland's historic transition in many ways.

The United States is proud to stand by our Polish friends as they work to transform their triumph over tyranny into lasting freedom and prosperity. Today we know that the promise of the Polish Constitution of May 3, 1791, is being fulfilled. On the occasion of its 200th anniversary, we salute and congratulate the courageous people of Poland, who have proved, once again, that "Poland is not lost while Poles still live."

The Congress, by House Joint Resolution 669 (Public Law 101–532), has designated May 3, 1991, as a day of commemoration of the 200th anniversary of the Polish Constitution of May 3, 1791, and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 3, 1991, as a day of commemoration of the 200th anniversary of the adoption of the Polish Constitution

of May 3, 1791. I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6287 of May 3, 1991

National Tourism Week, 1991

By the President of the United States of America
A Proclamation

From coast to coast the United States is marked by an abundance of beautiful public parks and fascinating historic landmarks, as well as a variety of recreational and cultural attractions. These features, coupled with the hospitality of our people and the high quality of American travel services and accommodations, make the United States the world's number one tourist destination.

Tourism and business travel not only provide rewarding educational opportunities for individuals but also contribute to the Nation's economic prosperity. The travel and tourism industry is America's second largest private employer, directly or indirectly supporting millions of jobs across the country. According to the United States Department of Commerce, the industry is also our largest export earner. With nearly $350 billion spent annually by all travellers and tourists in the United States, travel and tourism account for about 6.5 percent of our gross national product.

While travel and tourism enrich virtually every community in which they thrive, they are especially important to rural America. More and more, Americans and international visitors are travelling to rural America, not only to explore our forests, parks, and recreation areas, but also to enjoy a respite from the hustle and bustle of urban life. Businesses are beginning to discover the many advantages of holding retreats and seminars in the country. All of this activity brings thousands of dollars into rural economies, benefitting small businesses and entire communities alike.

Both in rural areas and in our cities, the revenue generated by travel and tourism helps to spur needed development—including the building of schools, where children can learn about our Nation's past and acquire the knowledge and skills needed to enjoy a bright future.

Students can benefit significantly from travel in the United States, as can everyone who recognizes it as a wonderful learning opportunity. Indeed, the many historic and cultural landmarks preserved across America help to tell our Nation's story. Monuments and museums, battlefields and nature trails—all trace the rich history of America's native peoples and the immigrants who helped to make this land the home of freedom and opportunity as well. Moreover, in today's shops and mar-

kets, in our courthouses and legislative halls, visitors can see American free enterprise and democracy at work. This year is a most exciting time to rediscover America, since we celebrate the 200th year of our Bill of Rights.

This week, let us honor all those Americans who work in the travel and tourism industry—particularly those who are striving to promote tourism in rural areas and to increase America's share of the world tourism market. Each of us benefits, in so many ways, from their year-round efforts.

The Congress, by Senate Joint Resolution 102, has designated the week beginning on the first Sunday in May as "National Tourism Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of May 5 through May 11, 1991, as National Tourism Week. I call upon the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6288 of May 6, 1991

Asian/Pacific American Heritage Month, 1991 and 1992

By the President of the United States of America
A Proclamation

With characteristic clarity and force, Walt Whitman wrote: "The United States themselves are essentially the greatest poem . . . . Here is not merely a nation but a teeming nation of nations." Those immortal words eloquently describe America's ethnic diversity—a diversity we celebrate with pride during Asian/Pacific American Heritage Month.

The Asian/Pacific American heritage is marked by its richness and depth. The world marvels at the wealth of ancient art and philosophy, the fine craftsmanship, and the colorful literature and folklore that have sprung from Asia and the Pacific islands. Whether they trace their roots to places like Cambodia, Vietnam, Korea, the Philippines, and the Marshall Islands or cherish their identities as natives of Hawaii and Guam, all Asian and Pacific Americans can take pride in this celebration of their heritage.

By preserving the time-honored customs and traditions of their ancestral homelands, Americans of Asian and Pacific descent have greatly enriched our Nation's culture. They have also made many outstanding contributions to American history. Indeed, this country's westward expansion and economic development were greatly influenced by thousands of Chinese and other Asians who immigrated during the 19th

century. Today recent immigrants from South Asia are giving our Nation new appreciation for that region of the world.

Over the years—and often in the face of great obstacles—Asian and Pacific Americans have worked hard to reap the rewards of freedom and opportunity. Many have arrived in the United States after long and arduous journeys, escaping tyranny and oppression with little more than the clothes on their backs. Yet, believing in America's promise of liberty and justice for all and imbued with a strong sense of self-discipline, sacrifice, courage, and honor, they have steadily advanced, earning the respect and admiration of their fellow citizens. Today we give special and long-overdue recognition to the nisei who fought for our country in Europe during World War II. During one of America's darker hours, they affirmed the patriotism and loyalty of Japanese Americans and, in so doing, taught us an important lesson about tolerance and justice.

Time and again throughout our Nation's history, Asian and Pacific Americans have proved their devotion to the ideals of freedom and democratic government. Those ideals animate and guide our policies toward Asia and the Pacific today. The economic dynamism of the Pacific Rim is a crucial source of growth for the global economy, and the United States will continue working to promote economic cooperation and the expansion of free markets throughout the region. The United States also remains committed to the security of our allies and to the advancement of human rights throughout Asia and the Pacific.

The political and economic ties that exist between the United States and countries in Asia and the Pacific are fortified by strong bonds of kinship and culture. All Americans are enriched by those ties, and thus we proudly unite in observing Asian/Pacific American Heritage Month.

The Congress, by House Joint Resolution 173, has designated May 1991 and May 1992 as "Asian/Pacific American Heritage Month" and has authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the months of May 1991 and May 1992 as Asian/Pacific American Heritage Month. I call upon the people of the United States to observe these occasions with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6289 of May 7, 1991

Small Business Week, 1991

By the President of the United States of America
A Proclamation

The freedom we celebrate during this 200th year of our Bill of Rights has enabled the United States to become a strong and prosperous Nation. Able to enjoy the unfettered "pursuit of Happiness" and allowed to reap the fruits of our labor, we Americans have achieved unparalleled levels of innovation and productivity. This week we honor in a special way America's small business men and women—courageous, hardworking individuals who have taken advantage of our Nation's free enterprise system and helped to show that this is, indeed, a land of liberty and opportunity for all.

Each day America's small business man and women help to lead the way in the development of new technology and products and in the improvement of existing goods and services. These industrious leaders also help to create jobs and opportunities for millions of their fellow citizens while promoting the economic development of their communities. In so doing, they demonstrate that individual initiative and private enterprise are keys to advancement for both individuals and nations.

Driven by more than 20 million small businesses, America's thriving free enterprise system serves as a model for the world. Indeed, as nations in Eastern Europe and elsewhere move to restructure their economies—an immense task that will entail many challenges—America's small businesses provide an inspiring example of free market principles in action.

Our Nation's entrepreneurs understand the risks and challenges faced by business owners in a market-driven economy, but they also appreciate the rewards of taking an idea and making it work, creating jobs and meeting a payroll, and contributing to one's community. Today many small business owners contribute to their communities not only through their day-to-day activities but also through corporate philanthropy and voluntary service. Demonstrating that good citizenship is good business, many small business owners and their employees are reaching out to persons in need of a helping hand. These entrepreneurs are among the points of light that reflect our Nation's conscience and illuminate its social landscape.

Because small businesses enrich our lives in so many ways, because their owners and employees have a vital role to play in keeping America competitive, we must continue working to maintain a business climate that is conducive to their success. Doing so will require eliminating government regulations wherever they are counterproductive, offering incentives for investment, and reducing the tax rate on long-term capital gains. It will also require that we continue working for a level playing field in the international marketplace, eliminating barriers to the free flow of goods and services around the world. As they have demonstrated time and again, when given the freedom and the opportunity to put their talent and ideas to work, America's small business men and women not only succeed, they excel.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 5 through May 11, 1991, as Small Business Week. I urge all Americans to join me in saluting our Nation's small business men and women by observing that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6290 of May 10, 1991

Infant Mortality Awareness Day, 1991

By the President of the United States of America
A Proclamation

In the past, this Nation's high rate of infant mortality has stood in tragic contradiction to our enviably high standard of living and to our traditional reverence for human life. Fortunately, however, that unconscionable trend is changing. According to the Department of Health and Human Services, preliminary data indicate that the United States infant mortality rate in 1990 was 9.1 deaths per 1,000 live births—the lowest ever recorded and a substantial reduction over the past decade.

The infant mortality rate is affected by a number of different factors, including the failure of many pregnant women to obtain adequate prenatal care. Although the government cannot fulfill the primary responsibility of parents in caring for their children, public officials at the Federal, State, and local levels have been working together with health care providers and other concerned Americans to help expectant mothers protect the lives of their unborn children through proper nutrition and prenatal care.

Advances in science and technology have enabled us to see how such behaviors as substance abuse and smoking can lead to low birth weights, disability, chronic illness, and early susceptibility to death among infants. Advances in science have also enabled us to save the lives of babies who are born prematurely or who develop dangerous conditions while still in the womb. In an effort to bring this information to pregnant women and to cut existing rates of infant mortality by half in 10 high-risk areas within 5 years, we have launched a national campaign against infant mortality. This includes the "Healthy Start" program, a pilot project that will bring early prenatal care to thousands of low-income mothers while helping to identify which government programs work best.

Each and every human life is precious, and every one deserves care and protection. On this occasion let us renew our determination to ensure that every child in America receives the best possible start in life, beginning with quality prenatal care throughout pregnancy for expectant mothers.

The Congress, by House Joint Resolution 194, has designated May 12, 1991, as "Infant Mortality Awareness Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 12, 1991, as Infant Mortality Awareness Day. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6291 of May 13, 1991

World Trade Week, 1991

By the President of the United States of America
A Proclamation

International trade benefits all who participate. An expansion in trade promotes worldwide prosperity by increasing production and creating jobs.

Open markets and the free movement of goods, services, and capital across international borders are vital to economic growth. Free trade fosters more efficient use of the world's resources, higher real wages for both American and foreign workers, and the production of a wider variety of more affordable, high quality goods for our consumers.

Although the United States, working in concert with other nations, has made progress in dismantling trade barriers, we are still trying to achieve the ideal of free and fair trade. Toward that end, we are striving to bring the Uruguay Round of trade negotiations to a successful conclusion. We are also working to forge a North American Free Trade Agreement, which would establish the largest integrated market on earth—a market of 360 million consumers and an estimated $6 trillion in annual output. Vital to these efforts—and to the success of the Enterprise for the Americas Initiative—is the extension of fast track procedures.

Here at home we see convincing evidence that expanded trade strengthens the economy, thereby creating opportunities for individuals. During the past 5 years, exports have accounted for more than 40 percent of all growth in the U.S. economy. Last year exports supported more than 7 million jobs. Thus, it is fitting that the theme of this year's World Trade Week be "Exports: Generating Jobs for Americans." Indeed, export expansion is perhaps the most effective jobs program that our Nation can establish today.

The triumph of democratic ideals and free market principles in more and more nations around the world has created unprecedented opportunities for American businesspeople and farmers to expand sales

overseas. To take advantage of these new export opportunities, Americans must do what we do best: apply our manufacturing ingenuity, our commitment to service and to the customer, and our expert salesmanship to the challenge of opening new markets abroad. To meet foreign competition, we must redouble our commitment to quality, so that the phrase "Made in America" is automatically associated with "Best in the World."

The United States Government stands ready to help. We are committed to eliminating foreign trade barriers and to opening new markets for American goods, services, investment, and ideas. We have placed a high priority on programs that are designed to provide American business exporters with information and counseling that will assist them in selling overseas. By expanding exports, members of American business and industry will not only increase their profits and their employment rolls but also contribute to improved standards of living for millions of people around the world.

The message of World Trade Week, 1991, is that exports and open markets are vital to future U.S. economic growth. It is a message not just for this week but for every week of the year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 19 through May 25, 1991, as World Trade Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6292 of May 14, 1991

Prayer For Peace, Memorial Day, 1991

By the President of the United States of America
A Proclamation

"What we obtain too cheap, we esteem too lightly," Thomas Paine wrote in 1776, "it is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods, and it would be strange indeed if so celestial an article as freedom should not be highly rated." The war in the Persian Gulf has reminded all Americans of the value of freedom and the price that many brave men and women have been willing to bear for its sake. Neither "summer soldiers" nor "sunshine patriots," the members of Operation Desert Storm did not shrink from service to their country when the dark clouds of armed conflict gathered in the Persian Gulf, and, like the early patriots of whom Thomas Paine wrote, they deserve our respect and thanks. Those who made the ultimate sacrifice in the effort to liberate Kuwait joined a long line of heroes who have given their lives for our country,

and on Memorial Day we remember all of them with solemn pride and heartfelt appreciation.

Whether we engage in quiet prayer or in public ceremony, whether we remember loved ones and neighbors or heroes known only to God, all Americans are united on this day in thanksgiving for the blessings of liberty and for the brave and selfless individuals who have helped to secure them. The sacrifices of those who fell in the Persian Gulf are a fresh and vivid memory, but on this occasion we also remember those who died while serving in places such as Panama, Grenada, Beirut, Korea, and Vietnam. We also honor with undiminished pride and gratitude those who served decades ago, during World Wars I and II.

On Memorial Day, we echo in prayer the fervent hope that these Americans expressed with their very lives: the hope for lasting peace among nations. Knowing that any peace purchased by the surrender of principle can be neither genuine nor enduring, we pray for wisdom and resolve in our efforts to avert future conflicts and to establish a new world order based on respect for human rights and the rule of law. Knowing too that our freedom has been obtained at a very high cost, we also pray that we might remain a people worthy of so precious a gift. Declaring that "the times that try men's souls are over," Thomas Paine wrote: "The world has seen [America] great in adversity . . . and rising in resolve as the storm increased . . . . Let the world then see that she can bear prosperity and that her honest virtue in time of peace is equal to the bravest virtue in time of war."

In recognition of those Americans to whom we pay tribute today, the Congress, by a joint resolution approved on May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate Memorial Day, May 27, 1991, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the members of the media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6293 of May 15, 1991

Emergency Medical Services Week, 1991 and 1992

By the President of the United States of America
A Proclamation

Each year millions of Americans require immediate medical attention for illnesses and injuries. The Department of Health and Human Services reports that, on an average day in the United States, more than 170,000 men, women, and children are injured seriously enough to require professional emergency treatment. Responding to the needs of these Americans are members of the Nation's emergency medical services (EMS) systems.

Members of the Nation's EMS teams help to save thousands of lives each year by providing swift, specialized care for seriously ill and injured persons. The highly dedicated and specially trained paramedics, physicians, nurses, and medical technicians who serve on these teams are supported in their work by a vital network of transport specialists, dispatchers, administrators, and instructors. Thanks to the expertise and the hard work of all of these men and women, Americans are assured high quality emergency medical care.

Today emergency medical care providers are available on a 24-hour basis to anyone who needs immediate medical attention. Both professional and volunteer members of EMS teams respond to calls for help at all hours, often while working under difficult and even hazardous conditions.

In addition to their courageous, lifesaving efforts in the field, EMS personnel have made many important contributions to education and research in trauma care and cardiopulmonary resuscitation. They have also played an integral role in educating the public about accident prevention and wellness. For example, members of the Nation's EMS teams have helped to inform citizens of all ages about the dangers of drunk driving and the need to use automobile safety belts, child restraints, and motorcycle helmets.

This week we proudly salute the Nation's EMS personnel and gratefully acknowledge their outstanding contributions to the health and safety of their fellow Americans.

The Congress, by House Joint Resolution 109, has designated the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week" and has authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of May 12 through May 18, 1991, and the week of May 10 through May 16, 1992, as Emergency Medical Services Week. I call upon all Americans to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and ninety-one,

and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6294 of May 17, 1991

National Maritime Day, 1991

By the President of the United States of America
A Proclamation

Members of the American merchant marine carry on a long and distinguished tradition of service to our country. In addition to promoting the economic development of the United States through trade and commerce, our merchant seafarers have also provided vital support to our Armed Forces during times of conflict.

America's merchant sailors first proved their courage and mettle—and their value in military operations—during the Revolutionary War, when commercial vessels supplemented the 34 ships of the Continental Navy. These merchant vessels virtually immobilized enemy shipping and, in so doing, hastened the end of the war and the beginning of American Independence. During World War II, more than 6,000 of this Nation's civilian seafarers lost their lives as they helped to transport troops and to maintain supply lines to U.S. and Allied forces around the world. Today we are proud to salute the brave merchant mariners who served this Nation during that epic conflict.

Recent events have fostered renewed pride in America's merchant seafarers: providing essential support for Operations Desert Shield and Desert Storm, these individuals played a key role in the liberation of Kuwait. More than 90 percent of the materiel needed by our troops was transported by sea, and merchant vessels carried a significant portion of these goods. In addition to the merchant mariners who served on commercial ships during Operations Desert Shield and Desert Storm, more than 3,000 civilian sailors manned the Ready Reserve Force vessels that are maintained by the Department of Transportation for such contingencies.

The recent coalition victory in the Persian Gulf has demonstrated, once again, the importance of the American merchant marine to maintaining an adequate and reliable sea lift capacity for the United States. It has also underscored the patriotism and the devotion to duty shared by generations of U.S. merchant mariners. On this occasion, we gladly salute our Nation's civilian seafarers, our port terminal operators, and all those who serve in our vital maritime industries.

In recognition of the importance of the U.S. merchant marine, the Congress, by joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH left Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 22, 1991, as National Maritime Day. I encourage all Americans to observe this day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6295 of May 17, 1991

National Huntington's Disease Awareness Month, 1991

By the President of the United States of America
A Proclamation

Appearing without warning, Huntington's disease is a hereditary, progressive, neurodegenerative disorder that gradually robs its victims of their intellect, their emotional well-being, and their control of movement. The Department of Health and Human Services reports that approximately 25,000 people in the United States have this disease, and that another 125,000 are considered at risk of developing it. Each child of an affected parent has a chance of inheriting the Huntington's gene and developing the disease.

The onset of Huntington's disease varies, usually striking after the age of 30, although signs of the disease can appear in children. However, the effects are always tragic: as the disease progresses, its victims suffer increasingly from such symptoms as slurred speech, dementia, and writhing movements known as chorea. Because victims in the later stages of Huntington's disease invariably require total personal care, affected families often bear heavy financial costs in addition to the heartache of watching a mother, father, sibling, or child slowly deteriorate.

Fortunately, however, years of research have helped to increase our understanding of Huntington's disease. Thanks to advances in molecular genetics, individuals at risk can now undergo testing to determine whether they carry a genetic marker or "signpost" for the Huntington's disease gene. Today researchers across the country, supported primarily by the National Institute of Neurological Disorders and Stroke, are continuing their efforts to identify the exact location of this gene. Once the gene is located, they will be able to devise new medical treatments for Huntington's disease and, we hope, ultimately find a cure.

To enhance public awareness of Huntington's disease and to underscore our concern for its victims, the Congress, by Senate Joint Resolution 127, has designated May 1991 as "National Huntington's Disease Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of May 1991 as National Huntington's Disease Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6296 of May 17, 1991

National Defense Transportation Day and National Transportation Week, 1991

By the President of the United States of America
A Proclamation

Our Nation's transportation system has not only enabled the American people to enjoy unparalleled mobility, it has also enabled us to benefit from a high degree of economic prosperity and military preparedness. Facilitating the safe, efficient movement of workers to jobs and goods to markets, our transportation system is vital to the Nation's economic productivity and competitiveness. Allowing for the prompt, large-scale deployment of manpower and equipment, it also ensures our ability to respond effectively to national emergencies.

The recent war in the Persian Gulf underscored both the importance and the effectiveness of America's transportation system. Working with government agencies and with various carriers, thousands of civilians made a substantial contribution to the mobilization of our Armed Forces during Operations Desert Shield and Desert Storm. For example, our oceangoing Ready Reserve Force of ships and our Civil Reserve Air Fleet of commercial airline aircraft were called upon for the first time. At the request of the Department of Defense, the Department of Transportation activated more than 70 Ready Reserve Fleet ships, crewed by U.S. merchant seamen, to assist in the delivery of supplies and equipment to our troops. Under the Civil Reserve Air Fleet program, 26 commercial air carriers made 3,800 flights, carrying some 382,000 people and 163,000 tons of equipment and supplies. Throughout the conflict in the Gulf, our national highway and rail systems likewise provided timely delivery of materials to airports and seaports—including more than 25,000 rail carloads of military equipment and munitions.

As much as we depend on a safe, convenient, and effective transportation system, such a transportation system depends on a sound infrastructure—a network of well-built and well-maintained roads, bridges, airports, seaports, and railroad facilities. Our National Defense Transportation Policy, issued last year, has been designed with this fact in mind. Through this Policy—and through our proposed Surface Transportation Assistance Act of 1991—we will strengthen our investment in the Nation's transportation infrastructure. Wise investment in maintaining and improving this infrastructure will help to create jobs while up-

grading the safety and convenience of our surface, air, and water transportation.

Today we are also working to restructure our transportation system to give State and local governments the flexibility and the tools that they need to meet critical transportation requirements close to home. Achieving these and other goals outlined in our National Transportation Policy will put America well on the way to a secure and prosperous future in our increasingly complex and competitive world.

In recognition of both the importance of transportation and the millions of Americans who work to meet our transportation needs, the Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 160), has requested that the third Friday in May of each year be designated as "National Defense Transportation Day" and, by joint resolution approved May 14, 1962 (36 U.S.C. 166), that the week in which that Friday falls be proclaimed "National Transportation Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Friday, May 17, 1991, as National Defense Transportation Day and the week of May 12 through May 18, 1991, as National Transportation Week. I urge all Americans to observe these occasions with appropriate ceremonies that will give due recognition to the individuals and organizations that build, maintain, and safeguard our Nation's transportation system.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6297 of May 20, 1991

National Foster Care Month, 1991

By the President of the United States of America
A Proclamation

No institution is more important to society than the family. Parents not only have primary responsibility for the physical care of their children, they also have the greatest influence in shaping their character. It is within the inimitable shelter of the family that children first learn the lessons of love and commitment, personal responsibility, and civic duty.

Tragically, some families are unable to provide a minimally acceptable level of care for their children, resulting in the need for temporary or even permanent alternative placement for them. Foster families are the resource used most frequently to provide the loving guardianship and guidance that these unfortunate children need and deserve.

Those Americans who open their hearts and their homes to foster children are making a significant difference in the lives of troubled children and families. Foster parents often provide temporary care and protection for children with complex needs—children who might be

physically or mentally handicapped or suffering from physical or emotional abuse—while child welfare agencies work to help the biological family gain stability and strength. In some cases, foster parents may choose to adopt the youngsters in their care when a permanent home is needed.

National Foster Care Month gives all Americans an opportunity to reflect on the importance of strong families to the future of every child and to the future of our country. It reminds each of us—parents, public officials, religious and community leaders alike—of our responsibility to identify the forces that erode the strength of the family and to develop ways to overcome them. For example, the Department of Health and Human Services reports that many of the problems faced by foster children today stem directly from their parents' substance abuse. Thus, our observance of National Foster Care Month should renew our resolve to win the war against drugs.

This month also provides a special opportunity to recognize the dedication and generosity that foster families and professionals working in the field of foster care demonstrate throughout the year. In the United States more than 250,000 licensed foster families work together with social service providers, law enforcement officials, and others to assist troubled children and families. Their contributions to our communities and to our Nation are invaluable.

The Congress, by House Joint Resolution 154, has designated the month of May 1991 as "National Foster Care Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of May 1991 as National Foster Care Month. I call upon all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6298 of May 21, 1991

National Desert Storm Reservists Day, 1991

By the President of the United States of America

A Proclamation

On this occasion we gratefully salute the members of the National Guard and Reserve forces of the United States—dedicated and highly trained men and women who played a major role in the success of Operation Desert Shield/Desert Storm. Whether they served directly in the Persian Gulf or on military bases in the United States and elsewhere around the world, as members of our Nation's Total Force, these

National Guardsmen and reservists made a vital contribution toward the liberation of Kuwait.

During the course of the war in the Persian Gulf, more than 228,000 members of the Ready Reserve were ordered to active duty. Thousands more volunteered in advance of being called to support the coalition effort. Members of the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve—these men and women were trained and ready to do their jobs. As they have done for all conflicts since colonial times, guardsmen and reservists responded quickly to the call. They promptly assumed a variety of combat missions such as armor, artillery, tactical fighter, tactical reconnaissance, and minesweeping. Their support missions included transportation, medical, airlift, service/supply, civil affairs, intelligence, military police, and communications.

When called to active duty, members of the Ready Reserve were suddenly required to leave behind their families and their careers. As we thank our Desert Storm reservists for the many sacrifices that they have made in behalf of our country, it is fitting that we also honor their loved ones. They too have shown the extraordinary degree of patriotism and courage that we have come to expect of the Nation's military families. National Guard and Reserve units worked in close cooperation with the Active Services to develop a broad-based family support network to assist these new military dependents.

The Nation's employers, educators, and other institutions throughout the private sector have provided strong support and assistance to their reservist employees and students who were called to duty on short notice. The National Committee for Employer Support of the Guard and Reserve, a 4,000-member network of business and civic leader volunteers, has put forth special efforts to help guardsmen and reservists, as well as their employers, to understand their job rights and responsibilities.

In recognition of their vital role in the liberation of Kuwait, the Congress, by Senate Joint Resolution 134, has designated May 22, 1991, as "National Desert Storm Reservists Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 22, 1991, as National Desert Storm Reservists Day. I call upon all Americans to observe this day with appropriate ceremonies and activities in honor of the courageous men and women of the United States Ready Reserve.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6299 of May 23, 1991

Week for the National Observance of the 50th Anniversary of World War II

By the President of the United States of America
A Proclamation

When the United States entered World War II half a century ago, it became engaged in a struggle for the fate of millions of people—and for the future of freedom on Earth. During the period that commemorates the 50th anniversary of this conflict, we do well to study its lessons and to honor all of those Americans who helped to achieve the Allied victory.

Following America's entry into World War II, President Franklin Roosevelt declared that we fought

> to uphold the doctrine that all men are equal in the sight of God . . . . There never has been—there never can be—successful compromise between good and evil. Only total victory can reward the champions of tolerance and decency, freedom and faith.

That unwavering sense of purpose would characterize the actions of all Americans, both on the home front and on the field of battle, as they rallied to defend the cause of freedom.

President Roosevelt aptly described World War II as "the most tremendous undertaking in American history." In homes, schools, and churches across the Nation, on our farms and in our factories, citizens of every age and every walk of life labored and sacrificed to support the Allied military effort. From the Aleutian Islands to the Coral Sea, from the shores of northwest Africa to Anzio, Normandy, and the Rhineland, members of our Armed Forces braved the horrors of battle to defend the lives and liberty of others. Hundreds of thousands of these heroes gave "the last full measure of devotion" in service to our country, and we will never forget them.

Six long years after the war first began, the Allies secured the unconditional surrender of Nazi Germany and Imperial Japan. President Truman noted that the Allied triumph was

> more than a victory of arms. It was a victory of one way of life over another . . . . We know now that the basic proposition of the worth and dignity of man is not a sentimental aspiration or a vain hope or a piece of rhetoric.

Those words are still true today.

We live in a world transformed by World War II. The Allied victory affirmed America's leadership in global affairs, and it led to the formation of the United Nations as a vehicle for promoting international peace and security. Moreover, it contained what President Truman called a "promise to people everywhere who join us in the love of freedom"—a promise that we have begun to see fulfilled with the emergence of democratic governments around the world and with the movement toward a Europe whole and free.

This week, let us remember in prayer all those heroes who gave their lives for the universal cause of freedom during World War II. Let us honor the World War II veterans who are with us today, especially the infirm and the hospitalized, and let us salute the millions of civilians who rallied in support of their efforts. Most important, let us resolve to learn from the past, so that we too might be faithful and effective guardians of liberty.

The Congress, by Public Law 101–491, has designated the week of June 2 through June 8, 1991, as a "Week for the National Observance of the 50th Anniversary of World War II" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of June 2 through June 8, 1991, as a Week for the National Observance of the 50th Anniversary of World War II. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6300 of June 3, 1991

Flag Day and National Flag Week, 1991

By the President of the United States of America
A Proclamation

We call her "Old Glory," but the splendor of our flag is ever new, and the principles for which she stands are timeless. When adopted by the Continental Congress on June 14, 1777, our flag became the symbol of a Nation that was founded on the conviction "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Throughout our Nation's history, brave and selfless Americans have labored and sacrificed to defend these ideals, and in every generation they have given renewed meaning to our flag.

Earlier in this century President Woodrow Wilson noted that the American flag "is the embodiment not of a sentiment but of a history . . . ." Indeed, this is what sets the flag apart from other American symbols—no other standard has been carried into battle by generations of American heroes; no other banner recalls the extraordinary achievements of our farmers and workers; and no other emblem symbolizes to more people what America means to the world. For millions of people around the globe, the Stars and Stripes has been a symbol of freedom, strength, and opportunity—a sign of safe haven and hope for the future. For countless others, it has been a sign of help and comfort—a symbol of the traditional generosity and compassion of the American people toward the poor, the hungry, and the dispossessed.

Although our annual observance of Flag Day is rich in emotion, it is not an exercise in mere sentimentalism. It is a day of proud yet meaningful reflection on our national experience and purpose—an occasion made all the more significant this year by the 200th anniversary of our Bill of Rights and by the outstanding performance of our troops in the liberation of Kuwait.

To commemorate the adoption of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue an annual proclamation calling for its observance and for the display of the flag of the United States on all government buildings. The Congress also requested the President, by joint resolution approved June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim June 14, 1991, as Flag Day, and the week beginning June 9, 1991, as National Flag Week. I direct the appropriate officials of the government to display the flag of the United States on all government buildings during that week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

I also urge the American people to celebrate those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211) as a time to honor America, by having public gatherings and activities at which they can honor their country in an appropriate manner, including publicly reciting the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6301 of June 7, 1991

Establishment of Programs for Special Import Quotas on Upland Cotton and Modification of the Tariff-Rate Quota on Imported Sugars, Syrups, and Molasses

By the President of the United States of America
A Proclamation

1. Section 103B(a)(5)(F) of the Agricultural Act of 1949 (the 1949 Act), as added by section 501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act) (7 U.S.C. 1444–2(a)(5)(F)), requires the President to establish an import quota program which shall provide that, during the period beginning August 1, 1991, and ending July 31, 1996, whenever the Secretary of Agriculture determines and announces that for any consecutive 10-week period, the Friday through Thursday aver-

age price quotation for the lowest-priced United States growth, as quoted for Middling (M) one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of marketing certificates issued to domestic users or exporters for certain documented sales, exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special limited global import quota equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available. Section 103B(a)(5)(F) further provides that such quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement and entered into the United States not later than 180 days after such date and that a special quota period may be established that overlaps any existing quota period, except that a special quota period may not be established under this program if a special quota period has been established under subsection (n) of section 103B.

2. Section 103B(n) of the 1949 Act, as added by section 501 of the 1990 Act (7 U.S.C. 1444–2(n)), requires the President to establish an import quota program which shall provide that whenever the Secretary of Agriculture determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months there shall immediately be in effect a special limited global import quota equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available; provided that if a special quota had been established under this program during the preceding 12 months, the quantity of the quota next established shall be the smaller of 21 days of domestic mill consumption or the quantity required to increase the supply to 130 percent of the demand. Section 103B(n) further provides that such a special quota shall remain in effect for a 90-day period and that a special quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a)(5)(F) of section 103B.

3. I find that the Congress intended the special import quotas required by section 103B of the 1949 Act, as amended, to permit the importation of quantities of upland cotton in addition to any quantities permitted to be imported under any quota on imports of upland cotton established pursuant to the provisions of section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624).

4. By Proclamation No. 6179 of September 13, 1990 (55 FR 38293), the President modified, effective October 1, 1990, the rates of duty and quota limitations applicable to certain imported sugars, syrups, and molasses and, *inter alia,* provided for certain licensing programs for the importation of raw cane sugar described in subheading 1701.11.02 of the Harmonized Tariff Schedule of the United States (HTS) to be used for the production of certain polyhydric alcohols or to be refined and re-exported in refined form or in sugar-containing products.

5. Taking into account the factors cited in Proclamation No. 6179, and in order to alleviate an unintended hardship which may result to participants in the licensing programs authorized thereby with respect to the time limit for filing certain claims for the refund, as drawback, of

customs duties, and in order to correct a technical error that was made in incorporating such tariff modifications in the HTS, I find it appropriate to modify further the provisions of the HTS modified by Proclamation No. 6179.

6. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), requires the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions taken thereunder, including the removal, modification, continuance, or imposition of any import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to the provisions of section 103B of the 1949 Act, as added by section 501 of the 1990 Act, additional U.S. note 2 to chapter 17 of the HTS, and section 604 of the Trade Act of 1974, do hereby proclaim:

(1) In order to establish special import quota programs pursuant to the provisions of subsections (a)(5)(F) and (n) of section 103B of the 1949 Act, as amended, subchapter III of chapter 99 of the HTS is hereby modified by adding U.S. note 6 as provided for in Annex I to this proclamation.

(2) The Secretary of Agriculture and the Secretary of the Treasury may promulgate such regulations as are necessary or appropriate to carry out the special import quota programs established by paragraph (1).

(3) Subheadings 9903.52.00 through 9903.52.20 are inserted in subchapter III of chapter 99 of the HTS, as provided in Annex I to this proclamation, and shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, as of the dates and under the terms set forth in Annex I.

(4) Additional U.S. note 3 to chapter 17 of the HTS and subheading 1701.91 of the HTS are modified as provided in Annex II to this proclamation.

(5) The provisions of this proclamation shall become effective on the day following the date of signature.

(6) Those provisions of proclamation No. 6179 of September 13, 1990, which are inconsistent with the provisions of Annex II of this proclamation are hereby superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES WITH RESPECT TO SPECIAL IMPORT QUOTAS FOR UPLAND COTTON

1. The following new U.S. note is inserted in numerical sequence in subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States:

"6. Special limited global import quotas for upland cotton.—The provisions of this note apply beginning August 1, 1991, to imports of upland cotton as provided in subheadings 9903.52.00 through 9903.52.20.

"(a) Special Upland Cotton Import Quota Based on Northern Europe Prices.—

"(i) Whenever the Secretary of Agriculture determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under section 103B(a)(5)(E) of the Agricultural Act of 1949, as amended, exceeds the Friday through Thursday average price of the five lowest-priced growths of upland cotton, as quoted for Middling one and three-thirty-seconds inch cotton, delivered C.I.F. Northern Europe (Northern Europe price) by more than 1.25 cents per pound, there shall be in effect, as of the effective date of such announcement, a special limited global import quota equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available. During the period when both a price quotation for cotton for shipment no later than August/September of the current calendar year (current shipment price) and a price quotation for cotton for shipment no earlier than October/November of the current calendar year (forward shipment price) are available for such growths, the current shipment price shall be used. An announcement under this clause shall be known as a Special Cotton Quota Announcement.

"(ii) Application.—The quota shall apply to upland cotton purchased not later than 90 days after the effective date of the Secretary's announcement under clause (i) and entered into the United States not later than 180 days after such date.

"(iii) Overlap.—A special quota period may be established that overlaps any existing quota period if required by clause (i), except that a special quota period may not be established under this paragraph if a special quota period has been established under paragraph (b) of this note.

"(iv) The Secretary of Agriculture shall inform the Secretary of the Treasury of the establishment of any special import quota under this paragraph and shall file a notice of such quota with the **Federal Register.**

"(b) Special Upland Cotton Import Quota Based on Spot Market Prices.—

"(i) Whenever the Secretary of Agriculture determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months, there shall immediately be in effect a special limited global import quota equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available. An announcement under this clause shall be known as a Special Limited Global Import Quota Announcement.

"(ii) Quantity if prior quota.—If a special quota has been established under this paragraph during the preceding 12 months, the quantity of the quota next established under this paragraph shall be the smaller of 21 days of domestic mill consumption, calculated as set forth in clause (i), or the quantity required to increase the supply to 130 percent of the demand.

"(iii) Definitions.—As used in clause (ii):

(A) Supply.—The term 'supply' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus

(II) production of the current crop; plus

(III) imports to the latest date available during the marketing year.

(B) Demand.—The term 'demand' means—

(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.

"(iv) Quota entry period.—When a special quota is established under this paragraph, cotton may be entered under the quota during the 90-day period beginning on the effective date of the Secretary of Agriculture's announcement of such quota.

"(v) No overlap.—Notwithstanding clauses (i) through (iv), a special quota period may not be established under this paragraph that overlaps an existing quota period established under this paragraph or a special quota period established under paragraph (a) of this note.

"(vi) The Secretary of Agriculture shall inform the Secretary of the Treasury of the establishment of any special import quota under this paragraph and shall file a notice of such quota with the **Federal Register.**".

2. The following new provisions are inserted in numerical sequence in subchapter III of chapter 99 of the HTS, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", and "Quota Quantity", respectively:

	"Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of *Gossypium hirsutum* cotton, may be entered in conformity with the terms and conditions in U.S. note 6(b) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(b)(i) during the 90-day period following the effective date of such determination and announcement:	
9903.52.00	Purchased and entered pursuant to the Secretary of Agriculture's Special Limited Global Import Quota Announcement	The quantity specified in such announcement
	Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that the cotton is a variety of *Gossypium hirsutum* cotton, and a certification by the importer that such cotton was purchased not later than 90 days after the effective date of the Secretary of Agriculture's announcement of the quota, may be entered in conformity with the terms and conditions in U.S. note 6(a) of this subchapter in such quantities as specified in the determination and announcement by the Secretary of Agriculture in accordance with U.S. note 6(a)(i) during the 180-day period following the effective date of such determination and announcement:	
9903.52.01	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 1	The quantity specified in such announcement
9903.52.02	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 2	The quantity specified in such announcement
9903.52.03	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 3	The quantity specified in such announcement
9903.52.04	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 4	The quantity specified in such announcement
9903.52.05	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 5	The quantity specified in such announcement

9903.52.06	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 6	The quantity specified in such announcement
9903.52.07	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 7	The quantity specified in such announcement
9903.52.08	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 8	The quantity specified in such announcement
9903.52.09	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 9	The quantity specified in such announcement
9903.52.10	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 10	The quantity specified in such announcement
9903.52.11	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 11	The quantity specified in such announcement
9903.52.12	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 12	The quantity specified in such announcement
9903.52.13	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 13	The quantity specified in such announcement
9903.52.14	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 14	The quantity specified in such announcement
9903.52.15	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 15	The quantity specified in such announcement
9903.52.16	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 16	The quantity specified in such announcement
9903.52.17	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 17	The quantity specified in such announcement
9903.52.18	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 18	The quantity specified in such announcement
9903.52.19	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 19	The quantity specified in such announcement
9903.52.20	Purchased and entered pursuant to the Secretary of Agriculture's Special Cotton Quota Announcement Number 20	The quantity specified in such announcement".

ANNEX II

FURTHER MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES WITH RESPECT TO THE TARIFF-RATE QUOTA FOR IMPORTED SUGARS, SYRUPS AND MOLASSES

1. The final sentence of paragraph (a)(i) of additional U.S. note 3 to chapter 17 of the HTS is modified to read as follows:

"Such total amount shall consist of (1) a base quota amount, (2) a quota adjustment amount, and (3) an amount reserved for the importation of specialty sugars as defined by the United States Trade Representative, to be allocated by the United States Trade Representative.".

2. The first sentence of paragraph (b)(iii) of additional U.S. note 3 to chapter 17 of the HTS is modified by striking "paragraph" and inserting "note".

3. The first sentence of paragraph (c)(ii) of additional U.S. note 3 to chapter 17 of the HTS is modified to read as follows:

"A drawback entry and all documents necessary to complete a drawback claim, including those issued by one Customs officer to another, with respect to the refund of any duties imposed under subheadings 1701.11.03, 1701.12.02, 1701.91.22, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12, shall be filed or applied for, as applicable, within 90 days after the date of exportation of the articles on which drawback is claimed, except that any landing certificate required by regulations issued by the United States Customs Service shall be filed within the time limit prescribed therein.".

4. The following new superior text is inserted in chapter 17 of the HTS immediately below subheading 1701.91 in the column entitled "Article Description" (and bracketed matter is included to assist in the understanding of the proclaimed modification):

[1701	Cane . . .:]
	[Other:]
[1701.91	Containing . . .:]
	"Containing added coloring but not containing added flavoring matter:".

5. The article descriptions of subheadings 1701.91.21 and 1701.91.22 of the HTS are each stricken and are reinserted at the level of indentation immediately subordinate to the superior text inserted in the HTS by paragraph (3) above.

Proclamation 6302 of June 10, 1991

Father's Day, 1991

By the President of the United States of America
A Proclamation

During the past few months, as the United States has welcomed home its Persian Gulf veterans, we have spoken frequently of heroes. It is a name we give to individuals of great faith and courage, to those who have inspired us by their selflessness and generosity and by their extraordinary devotion to duty. Today we honor a very special kind of hero: our Nation's dads.

Being a good father begins with unconditional love and a lifelong commitment to others. Yet it also requires virtues that we associate with more celebrated heroes—virtues such as strength, courage, and perseverance. Day after day, a father labors and sacrifices to protect and to provide for his family. Although his love might often go unspoken, it is revealed in countless other ways: in the long hours of work that are devoted to meeting the material needs of his children; in many late

nights of quiet planning and worry; and in his constant efforts to teach, encourage, discipline, and guide.

Between the daily demands and the everyday frustrations of parenting, a father might not feel like a hero, but in the eyes of his children he is very, very special. Youngsters treasure their father's attention and affection, and his presence alone gives them a warm sense of security and reassurance. In him they have a beloved champion and friend.

While many heroes of youth are forgotten over time, a loving and responsible father is a lifelong role model for his children. His lessons have great and lasting value because they center around the things that give our lives dignity and meaning: love and faith, service and self-sacrifice.

No medal could ever convey all of the honor and thanks that are due to our Nation's dads; thus, on this Father's Day, let us pray that God will reward them with His choicest blessings. And whether we do so in person, across the miles, or in loving memory, let each of us remember our own father with renewed appreciation and respect.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972 (36 U.S.C. 142a), do hereby proclaim Sunday, June 16, as Father's Day. I urge all Americans to observe that day with appropriate ceremonies as a mark of appreciation and abiding affection for their fathers. I direct government officials to display the flag of the United States on all Federal Government buildings, and I encourage all Americans to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6303 of June 11, 1991

National Scleroderma Awareness Week, 1991

By the President of the United States of America
A Proclamation

Scleroderma, which literally means "hard skin," is a connective tissue disorder in which excessive amounts of the protein collagen accumulate in the skin. In addition to the skin, scleroderma affects small blood vessels, muscles, and joints. It may also damage internal organs such as the esophagus, lungs, kidneys, and heart.

Although scleroderma can strike men and women of any age, it occurs most often in women during their childbearing years. The disease is often painful, and it may cause disfigurement, disability, and even death. The impact on victims and their families—in terms of both physical and emotional suffering—is enormous.

Fortunately, progress is being made in determining the cause of scleroderma and in developing more effective treatments for the disease. Researchers have developed an animal model that will help them to understand more about the nature and the progression of scleroderma. They have also made an important finding in the discovery of abnormalities in collagen-producing cells, known as fibroblasts, among scleroderma victims. Furthermore, they have found that treatment with specific agents, such as d-penicillamine, may retard the hardening of collagen in the skin.

As is the case with any other disease, it is very important to diagnose scleroderma in its early stages. Timely intervention, coupled with sound treatment, can improve the quality of life enjoyed by people with scleroderma until research yields a cure.

To enhance public awareness of scleroderma, the Congress, by House Joint Resolution 219, has designated the week beginning June 9, 1991, as "National Scleroderma Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning June 9, 1991, as National Scleroderma Awareness Week. I encourage the people of the United States to observe this week with appropriate programs and activities that will enhance their understanding of scleroderma and the need for continued research.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6304 of June 11, 1991

Independence Day, 1991

By the President of the United States of America
A Proclamation

On July 4, 1776, with a firm reliance on the protection of Divine Providence, our Nation's Founders boldly declared America's Independence and affirmed the truth "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." They did so knowing that they risked nothing less than their lives, their fortunes, and their sacred honor. On this occasion, we celebrate that profound act of faith and courage and give thanks for the rich legacy of freedom that this country has enjoyed ever since.

That legacy has enabled us to enjoy unparalleled levels of security and prosperity, and it has inspired millions of people around the world in their own struggles for liberty and self-government. Thus, every picnic and parade, every backyard barbecue and public display of fireworks

that makes the Fourth of July a favorite summer holiday carries deeper symbolism and meaning. Each resonates with the singular joy of a free people.

This year we are particularly grateful for the blessings of liberty because we have been reminded of the price that many brave and selfless individuals have been willing to pay to secure them. Just months ago, when forces led by a brutal tyrant invaded a small, defenseless country—raping, pillaging, and threatening not only the stability of an entire region but also vital interests of all freedom-loving peoples—thousands of courageous Americans answered the call of duty. Our celebration of Independence Day, 1991, is dedicated in a special way to them—to the regulars, reservists, National Guardsmen, and members of the United States Merchant Marine who helped to liberate Kuwait.

Of course, as we honor our Persian Gulf veterans, we also remember in prayer each of their comrades who made the ultimate sacrifice in service to our country. We salute with great pride and gratitude the military personnel who offered vital support for our mission from bases here at home and around the world, and we pay due tribute to all those who have served in the United States Armed Forces.

The Americans who fought tyranny and lawlessness in the Persian Gulf have upheld, once again, the principles that were first affirmed on these shores 215 years ago when our Nation's Founders elected "between submission or the sword." On this Independence Day—a day marked by triumphant homecomings and by the promise of a safer, more peaceful world—it is fitting that we recall the words that Thomas Jefferson wrote shortly before his death on July 4, 1826:

> All eyes are opened, or opening, to the rights of man . . . . These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby ask all Americans to join in celebrating this 215th anniversary of our Nation's Independence with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6305 of June 12, 1991

Pediatric AIDS Awareness Week, 1991

By the President of the United States of America
A Proclamation

Acquired Immune Deficiency Syndrome (AIDS) is always tragic, but especially so among children. According to the U.S. Department of Health and Human Services, 2,800 cases of pediatric AIDS have been reported in this country since 1982. That figure is expected to rise to between 6,000 and 20,000 in the next few years. AIDS is already the ninth leading cause of death among children between the ages of one and four, and it is expected that, during the 1990s, the disease will become an even more significant cause of death among children.

Women who are infected with the human immuno-deficiency (HIV) virus can transmit the virus to their infants during pregnancy or at birth. Currently, about 84 percent of the AIDS cases in children result from perinatal transmission. The outlook for HIV-infected babies is grim. Almost half of these children develop AIDS in their first year, and nearly 70 percent develop AIDS by the end of their second year. The median survival time from diagnosis is 38 months, and it is only 6 months for babies who are diagnosed with AIDS in their first year of life. Moreover, a disproportionate number of HIV-infected mothers are black or Hispanic, poor, or residents of the inner city; many of them will not survive to care for their babies.

As part of their overall fight against AIDS, researchers at the National Institutes of Health are studying ways to prevent transmission of the HIV virus from mother to infant. They are also investigating ways to diagnose the infection in babies at the earliest possible moment. The Federal Government and many private organizations throughout the United States are also working diligently to educate the public about AIDS and to discourage the behaviors that can put parents and their children at risk.

To enhance public awareness of pediatric AIDS, the Congress, by House Joint Resolution 91, has designated the week of June 10 through June 16, 1991, as "Pediatric AIDS Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate the week of June 10 through June 16, 1991, as Pediatric AIDS Awareness Week. I call upon health organizations, the communications media, and the people of the United States to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6306 of June 13, 1991

Baltic Freedom Day, 1991 and 1992

By the President of the United States of America
A Proclamation

During the past year, the long struggle of the Baltic peoples to recover their freedom has been marked by both triumph and tragedy: triumph in their bold calls for liberty and independence; tragedy in the bloody events of January 1991.

The United States and, indeed, all freedom-loving nations have long denounced the infamous Molotov-Ribbentrop pact that led to the forcible incorporation of the independent Baltic States into the Soviet Union. The peoples of both the West and the Baltic States have continued to believe that the freedom of Lithuania, Latvia, and Estonia must and can be restored. Recent events suggest that our hopes have not been misplaced.

In peaceful, democratic referendums, the peoples of Estonia, Latvia, and Lithuania have asserted overwhelmingly their desire for freedom. Toward that aim, they have sought to enter into meaningful negotiations with Moscow about their status. Despite the tragic events of January 1991, which resulted in the deaths of at least 21 Lithuanians and Latvians and many more injured, a dialogue between the Baltic governments and the Soviet Union has begun. We hope that it will bear fruit, and we urge the Soviet Union to move forward with the talks.

However, the United States remains deeply concerned over the continued application of intimidation and force by Soviet authorities. Such actions are incompatible with the process of peaceful change through fair and constructive negotiations.

The United States has never and will never recognize the forcible annexation of the Baltic States by the Soviet Union. I reiterated this policy during my recent meeting with Lithuanian President Landsbergis, Estonian Prime Minister Savisaar, and Latvian Prime Minister Godmanis. This was my sixth meeting with the Baltic leadership during the past 12 months. The Administration will remain in close contact with the Baltic leadership in the months ahead.

As we commemorate "Baltic Freedom Day," we reaffirm our support for the right of the Baltic peoples to live in peace and freedom.

The Congress, by Public Law 102–17, has designated June 14, 1991, and June 14, 1992, as "Baltic Freedom Day" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the days of June 14, 1991, and June 14, 1992, as Baltic Freedom Day. I call upon the people of the United States to observe these days with appropriate ceremonies and activities to reaffirm their commitment to human rights and to freedom and democracy for all oppressed peoples.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of June, in the year of our Lord nineteen hundred and ninety-one, and of

the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6307 of June 24, 1991

Agreement on Trade Relations Between the United States of America and the Republic of Bulgaria

By the President of the United States of America
A Proclamation

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Republic of Bulgaria to conclude an agreement on trade relations between the United States of America and the Republic of Bulgaria.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Bulgaria," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Bulgarian, was signed on April 22, 1991, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections

404, 405, and 604 of the Trade Act of 1974, as amended, do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Republic of Bulgaria, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Bulgaria".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

AGREEMENT ON TRADE RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF BULGARIA

The Government of the United States of America and the Government of the Republic of Bulgaria (hereinafter referred to collectively as "Parties" and individually as "Party"),

Desiring to adopt mutually advantageous and equitable rules governing their trade and to ensure a predictable commercial environment,

Affirming that the evolution of market-based economic institutions and the strengthening of the private sector will aid the development of mutually beneficial trade relations,

Recognizing that the development of bilateral trade will contribute to better mutual understanding and cooperation, and can contribute to the general well-being of the peoples of each Party and promote respect for internationally recognized workers' rights,

Taking into account Bulgaria's membership in the International Monetary Fund and the International Bank for Reconstruction and Development and the prospects for economic reform and restructuring of the economy, and taking into account Bulgaria's request for Contracting Party status in the General Agreement on Tariffs and Trade (hereinafter referred to as "GATT"), and Bulgaria's intention to become a Party to the European Patent Convention of October 1973,

Desiring to create a mutually beneficial framework which will foster the development and expansion of commercial ties between their respective nationals and companies,

Having agreed that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Have agreed as follows:

Article I.—Most Favored Nation and Nondiscriminatory Treatment

1. Each Party shall accord unconditionally to products originating in or exported to the territory of the other Party treatment no less favorable than that accorded to like products originating in or exported to the territory of any third country in all matters relating to:

(a) customs duties and charges of any kind imposed on or in connection with importation or exportation, including the method of levying such duties and charges;

(b) methods of payment for imports and exports, and the international transfer of such payments;

(c) rules and formalities in connection with importation and exportation, including those relating to customs clearance, transit, warehouses and transshipment;

(d) taxes and other internal charges of any kind applied directly or indirectly to imported products; and

(e) laws, regulations and requirements affecting the sale, offering for sale, purchase, transportation, distribution, storage and use of products in the domestic market.

2. Each Party shall accord to products originating in or exported to the territory of the other Party nondiscriminatory treatment with respect to the application of quantitative restrictions and the granting of licenses.

3. Each Party shall accord to imports of products and services originating in the territory of the other Party most-favored-nation treatment with respect to the availability of and access to the currency needed to pay for such imports.

4. The provisions of paragraphs 1 and 2 shall not apply to:

(a) advantages accorded by either Party by virtue of such Party's full membership in a customs union or free trade area;

(b) advantages accorded to adjacent countries for the facilitation of frontier traffic; and

(c) actions by either Party which are required or specifically permitted by the GATT (or by any joint action or decision of the Contracting Parties to the GATT) during such time as such Party is a Contracting Party to the GATT, including advantages accorded to developing countries; equivalent advantages accorded to developing countries under other multilateral agreements; and special advantages accorded by virtue of the GATT.

5. The provisions of paragraph 2 of this Article shall not apply to trade in textiles and textile products.

Article II.—Market Access for Products and Services

1. Each Party shall administer all tariff and nontariff measures affecting trade in a manner which affords, with respect to both third country and domestic competitors, meaningful competitive opportunities for products and services of the other Party.

2. Accordingly, neither Party shall impose, directly or indirectly, on the products of the other Party imported into its territory, internal taxes or charges of any kind in excess of those applied, directly or indirectly, to like domestic products.

3. Each Party shall accord to products originating in the territory of the other Party treatment no less favorable than that accorded to like domestic products in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, storage or use.

4. The charges and measures described in paragraphs 2 and 3 of this Article should not be applied to imported or domestic products so as to afford protection to domestic production.

5. The Parties shall ensure that technical regulations and standards are not prepared, adopted or applied with a view to creating obstacles to international trade. Furthermore, each Party shall accord products imported from the territory of the other Party treatment no less favorable than that accorded to like domestic products and to like products originating in any third country in relation to such technical regulations or standards, including conformity testing and certification.

6. The Government of the Republic of Bulgaria shall accede to the International Convention on the Harmonized Commodity Description and Coding System and shall take all necessary measures to implement such Convention with respect to the Republic of Bulgaria. The Government of the United States of America shall endeavor to provide technical assistance, as appropriate, for the implementation of such measures.

7. The Parties agree to maintain a satisfactory balance of market access opportunities, including through concessions in trade in products and services and through the satisfactory reciprocation of reductions in tariffs and nontariff barriers to trade resulting from multilateral negotiations.

Article III.—General Obligations With Respect to Trade

1. Trade in products and services shall be effected by contracts between nationals and companies of the United States and nationals and companies of the Republic of Bulgaria concluded on the basis of nondiscrimination and in the exercise of their independent commercial judgment and on the basis of customary commercial considerations such as price, quality, availability, delivery and terms of payment.

2. Neither Party shall require or encourage nationals or companies of the United States or nationals or companies of the Republic of Bulgaria to engage in barter or countertrade transactions. Nevertheless, where

nationals or companies decide to resort to barter or countertrade operations, the Parties will encourage them to furnish to each other all necessary information to facilitate the transaction.

Article IV.—Expansion and Promotion of Trade

1. The Parties affirm their desire to expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate the exchange of goods and services and to secure favorable conditions for long-term development and diversification of trade between their respective nationals and companies.

2. The Parties shall take appropriate measures to encourage the expansion of commercial contacts with a view to increasing trade. In this regard, the Government of the Republic of Bulgaria expects that, during the term of this Agreement, nationals and companies of the Republic of Bulgaria shall increase their purchases of products and services from the United States, while the Government of the United States expects that the effect of the Agreement shall be to encourage increased purchases by nationals and companies of the United States of products and services from the Republic of Bulgaria. Toward this end, the Parties shall publicize this Agreement and ensure that it is made available to all interested parties.

3. Each Party shall encourage and facilitate the holding of trade promotional events such as fairs, exhibitions, missions and seminars in its territory and in the territory of the other Party. Similarly, each Party shall encourage and facilitate the participation of its respective nationals and companies in such events. Subject to the laws in force within their respective territories, the Parties agree to allow the import and reexport on a duty free basis of all articles for use in such events, provided that such articles are not sold or otherwise transferred.

Article V.—Government Commercial Offices

1. Subject to its laws and regulations governing foreign missions, each Party shall allow government commercial offices to hire directly host-country nationals and, subject to immigration laws and procedures, third-country nationals.

2. Each Party shall ensure unhindered access of host-country nationals to government commercial offices of the other Party.

3. Each Party shall encourage the participation of its nationals and companies in the activities of the other Party's government commercial offices, especially with respect to events held on the premises of such commercial offices.

4. Each Party shall encourage and facilitate access by government commercial office personnel of the other Party to host-country officials at both the national and subnational level, and representatives of nationals and companies of the host Party.

Article VI.—Business Facilitation

1. Each Party shall afford commercial representations of the other Party fair and equitable treatment with respect to the conduct of their operations.

2. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit the establishment within its territory of commercial representations of nationals and companies of the other Party and shall accord such representations treatment at least as favorable as that accorded to commercial representations of nationals and companies of third countries.

3. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit such commercial representations established in its territory to hire directly employees who are nationals of either Party or of third countries and to compensate such employees on terms and in a currency that is mutually agreed between the parties, consistent with such Party's minimum wage laws.

4. Each Party shall permit commercial representations of the other Party to import and use in accordance with normal commercial practices, office and other equipment, such as typewriters, photocopiers, computers and telefax machines in connection with the conduct of their activities in the territory of such Party.

5. Subject to the laws and procedures regarding foreign missions, each Party shall permit, on a nondiscriminatory basis and at market prices, commercial representations of the other Party access to and use of office space and living accommodations.

6. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit nationals and companies of the other Party to engage agents, consultants and distributors of either Party and of third countries on prices and terms mutually agreed between the parties.

7. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit nationals and companies of the other Party to serve as agents, consultants and distributors of nationals and companies of either Party and of third countries on prices and terms mutually agreed between the parties.

8. Each Party shall permit nationals and companies of the other Party to advertise their products and services (a) through direct agreement with the advertising media, including television, radio, print and billboard, and (b) by direct mail, including the use of enclosed envelopes and cards preaddressed to that national or company.

9. Each Party shall encourage direct contact, and permit direct sales, between nationals and companies of the other Party and end-users and other customers of their goods and services, and with agencies and organizations whose decisions will affect potential sales.

10. Each Party shall permit nationals and companies of the other Party to conduct market studies, either directly or by contract, within its territory. To facilitate the conduct of market research, each Party shall, upon request, make available non-confidential, non-proprietary infor-

mation within its possession to nationals and companies of the other Party engaged in such efforts.

11. Each Party shall provide nondiscriminatory access to governmentally-provided products and services, including public utilities, to nationals and companies of the other Party at fair and equitable prices (and in no event at prices greater than those charged to any nationals or companies of third countries where such prices are set of controlled by the government) in connection with the operation of their commercial representations.

12. Each Party shall permit commercial representations to stock an adequate supply of samples and replacement parts for aftersales service on a non-commercial basis.

13. Neither Party shall impose measures which unreasonably impair contractual or property rights or other interests acquired within its territory by nationals and companies of the other Party.

Article VII.—Transparency

1. Each Party shall make available publicly on a timely basis all laws, regulations, judicial decisions and administrative rulings of general application related to commercial activity, including trade, investment, taxation, banking, insurance and other financial services, transport and labor. Each Party shall make such information available in reading rooms in its own capital and shall endeavor to make such information available in the capital of the other Party.

2. Each Party shall provide nationals and companies of the other Party with access to available non-confidential, non-proprietary data on the national economy and individual sectors, including information on foreign trade.

3. Each Party shall allow nationals and companies of the other Party the opportunity, to the extent practicable, to comment on the formulation of rules and regulations which affect the conduct of business activities.

Article VIII.—Financial Provisions Relating to Trade in Products and Services

1. Unless otherwise agreed between the parties to individual transactions, all commercial transactions between nationals and companies of the Parties shall be made in United States dollars or any other currency that may be designated from time to time by the International Monetary Fund as being a freely usable currency.

2. Neither Party shall restrict the export from its territory of convertible currencies or deposits, or instruments representative thereof, obtained in connection with trade in products and services by nationals and companies of the other Party.

3. Expenditures in the territory of a Party by nationals and companies of the other Party may be made in local currency received in an authorized manner.

4. Without derogation from paragraphs 2 or 3 of this Article, in connection with trade in products and services, each Party shall grant to nationals and companies of the other Party the better of most-favored-nation or national treatment with respect to:

(a) opening and maintaining accounts, in both local and foreign currency, and having access to funds deposited, in financial institutions located in the territory of the Party;

(b) payments, remittances and transfers of convertible currencies, or financial instruments representative thereof, between the territories of the two Parties, as well as between the territory of that Party and that of any third country;

(c) rates of exchange and related matters; and

(d) the receipt of local currency and its use for local expenses.

Article IX.—Protection of Intellectual Property Rights

1. Each Party shall provide adequate and effective protection and enforcement for patents, trademarks, copyrights, trade secrets, and layout designs for integrated circuits as set forth in the text of a side letter attached hereto.

Article X.—Areas for Further Economic and Technical Cooperation

1. For the purpose of further developing bilateral trade and providing for a steady increase in the exchange of products and services, both Parties shall strive to achieve mutually acceptable agreements on taxation and investment issues, including the repatriation of profits and transfer of capital.

2. The Parties shall take appropriate steps to foster economic and technical cooperation on as broad a base as possible in all fields deemed to be in their mutual interest, including with respect to statistics and standards.

3. The Parties, taking into account the growing economic significance of service industries, agree to consult on matters affecting the conduct of service business between the two countries and particular matters of mutual interest relating to individual service sectors with the objective, among others, of attaining maximum possible market access and liberalization.

Article XI.—Import Relief Safeguards

1. The Parties agree to consult promptly at the request of either Party whenever either actual or prospective imports into the territory of one

of the Parties of products originating in the territory of the other Party cause or threaten to cause or significantly contribute to market disruption. Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

2. Determination of market disruption or threat thereof by the importing Party shall be based upon a good faith application of its laws and on an affirmative finding of relevant facts and on their examination. The importing Party, in determining whether market disruption exists, may consider, among other factors: the volume of imports of the merchandise which is the subject of the inquiry; the effect of imports of the merchandise on prices in the territory of the importing Party for like or directly competitive articles; the impact of imports of such merchandise on domestic producers of like or directly competitive articles; and evidence of disruptive pricing practices or other efforts to unfairly manage trade patterns.

3. The consultations provided for in paragraph 1 of this Article shall have the objectives of (a) presenting and examining the factors relating to such imports that may be causing or threatening to cause or significantly contributing to market disruption, and (b) finding means of preventing or remedying such market disruption. Such consultations shall be concluded within sixty days from the date of the request for such consultation, unless the Parties otherwise agree.

4. Unless a different solution is mutually agreed upon during the consultations, and not withstanding paragraphs 1 and 2 of Article I, the importing Party may (a) impose quantitative import limitations, tariff measures or any other restrictions or measures to such an extent and for such time as it deems necessary to prevent or remedy threatened or actual market disruption, and (b) take appropriate measures to ensure that imports from the territory of the other Party comply with such quantitative limitations or other restrictions. In this event, the other Party shall be free to deviate from its obligations under this Agreement with respect to substantially equivalent trade.

5. Where in the judgment of the importing Party, emergency action, which may include the existence of critical circumstances, is necessary to prevent or remedy such market disruption, the importing Party may take such action at any time and without prior consultations provided that such consultations shall be requested immediately thereafter.

6. In the selection of measures under this Article, the Parties shall endeavor to give priority to those which cause the least disturbance to the achievement of the goals of this Agreement.

7. Each Party shall ensure that its domestic procedures for determining market disruption are transparent and afford affected parties an opportunity to submit their views.

8. The Parties acknowledge that the elaboration of the market disruption safeguard provisions in this Article is without prejudice to the right of either Party to apply its laws and regulations applicable to trade in textiles and textile products and its laws and regulations applicable to unfair trade, including antidumping and countervailing duty laws.

Article XII.—Dispute Settlement

1. Nationals and companies of either Party shall be accorded national treatment with respect to access to all courts and administrative bodies in the territory of the other Party, as plaintiffs, defendants or otherwise. They shall not claim or enjoy immunity from suit or execution of judgment, proceedings for the recognition and enforcement of arbitral awards, or other liability in the territory of the other Party with respect to commercial transactions; they also shall not claim or enjoy immunities from taxation with respect to commercial transactions, except as may be provided in other bilateral agreements.

2. The Parties encourage the adoption of arbitration for the settlement of disputes arising out of commercial transactions concluded between nationals or companies of the United States and nationals or companies of the Republic of Bulgaria. Such arbitration may be provided for by agreements in contracts between such nationals or companies, or in separate written agreements between them.

3. The parties may provide for arbitration under any internationally recognized arbitration rules, including the UNCITRAL Rules of 15 December 1976 and any modifications thereto, in which case the parties should designate an Appointing Authority under said rules in a country other than the United States or the Republic of Bulgaria.

4. Unless otherwise agreed between the parties, the parties should specify as the place of arbitration a country other than the United States or the Republic of Bulgaria, that is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, June 10, 1958.

5. Nothing in this Article shall be construed to prevent, and the Parties shall not prohibit, the parties from agreeing upon any other form of arbitration or on the law to be applied in such arbitration, or other form of dispute settlement which they mutually prefer and agree best suits their particular needs.

6. Each Party shall ensure that an effective means exists within its territory for the recognition and enforcement of arbitral awards.

Article XIII.—National Security

The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

Article XIV.—Consultations

1. The Parties agree to set up a Joint Commercial Commission which will, subject to the terms of reference of its establishment, foster economic cooperation and the expansion of trade under this Agreement and review periodically the operation of this Agreement and make recommendations for achieving its objectives.

2. The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretations or implementation of this Agreement or other relevant aspects of the relations between the Parties.

Article XV.—Definitions

As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company," means any kind of corporation, company, association, sole proprietorship, state or other enterprise, cooperative or other organization legally constituted under the laws and regulations of a Party or a political subdivision thereof, whether or not organized for pecuniary gain or privately or governmentally owned;

(b) "commercial representation," means a representation of a company of a Party; and

(c) "national," means a natural person who is a national of a Party under its applicable law.

Article XVI.—General Exceptions

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit the adoption or enforcement by a Party of:

(a) measures necessary to secure compliance with laws or regulations which are not contrary to the purposes of this Agreement;

(b) measures for the protection of intellectual property rights and the prevention of deceptive practices as set out in Article IX (and the related side letter) of this Agreement, provided that such measures shall be related to the extent of any injury suffered or the prevention of injury; or

(c) any other measure referred to in Article XX of the GATT.

2. Nothing in this Agreement limits the application of any agreement in force or which enters into force between the Parties on trade in textiles and textile products.

3. Both Parties reserve the right to deny any company the advantages of this Agreement if nationals of any third country control such a company and, in the case of a company of the other Party, that company has no substantial business activities in the territory of the other Party or is controlled by nationals of a third country with which the denying country does not maintain normal economic relations.

Article XVII.—Entry into Force, Term, Suspension and Termination

1. This Agreement (including its side letters which are an integral part of the Agreement) shall enter into force on the date of exchange of written notices of acceptance by the two Governments and it shall remain in force as provided in paragraphs 2 and 3 of this Article.

2. (a) The initial term of this Agreement shall be three years, subject to subparagraph (b) and (c) of this paragraph.

(b) If either Party encounters or foresees a problem concerning its domestic legal authority to carry out any of its obligations under this Agreement, such Party shall request immediate consultations with the other Party. Once consultations have been requested, the other Party shall enter into such consultations as soon as possible concerning the circumstances that have arisen with a view to finding a solution to avoid action under subparagraph (c).

(c) If either Party does not have domestic legal authority to carry out its obligations under this Agreement, either Party may suspend the application of this Agreement or, with the agreement of the other Party, any part of this Agreement. In that event, the Parties will, to the fullest extent practicable and consistent with domestic law, seek to minimize disruption to existing trade relations between the two countries.

3. This Agreement shall be extended for successive terms of three years each unless either Party has given written notice to the other Party of its intent to terminate this Agreement at least 30 days prior to the expiration of the then current term.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington, D.C. on this twenty-second day of April 1991, in duplicate, in the English and Bulgarian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
CARLA A. HILLS

FOR THE GOVERNMENT OF THE REPUBLIC OF BULGARIA:
OGNIAN R. PISHEV

THE UNITED STATES TRADE REPRESENTATIVE
Executive Office of the President
Washington, D.C. 20506

Washington, April 22, 1991.

His Excellency Ognian Raytchev Pishev,
Ambassador of the Republic of Bulgaria

Dear Mr. Ambassador:

I have the honor to confirm receipt of your letter which reads as follows:

Dear Madam Ambassador :

In connection with the signing on this date of the Agreement on Trade Relations between the United States of America and the Republic of Bulgaria (the "Agreement"), I have the honor to confirm the understanding reached by our Governments regarding the protection of intellectual property as set forth in Article IX of the Agreement.

1. Each Party reaffirms its commitments to those international agreements relating to intellectual property to which both Parties are signatories. Specifically, each Party reaffirms the commitments made with respect to the Paris convention for the Protection of Industrial Property as revised at Stockholm in 1967, the Berne Convention for the Protection of Literary and Artistic Works as revised at Paris in 1971, and the Universal Copyright Convention of September 6, 1952 as revised at Paris on July 24, 1971. The Parties agree to adhere to the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (1971).

2. To provide adequate and effective protection and enforcement of intellectual property rights, each Party shall, *inter alia* observe the following commitments:

(a) *Copyright and related rights*

(i) Each Party shall protect the works listed in Article 2 of the Berne Convention (Paris 1971) and any other works now known or later developed, that embody original expressions within the meaning of the Berne Convention, not limited to the following:

(1) all types of computer programs (including application programs and operating systems) expressed in any language, whether in source or object code which shall be protected as literary works and works created by or with the use of computers; and

(2) collections or compilations of protected or unprotected material or data whether in print, machine readable or any other medium, including data bases, which shall be protected if they constitute intellectual creation by reason of the selection, coordination, or arrangement of their contents.

(ii) Rights in works protected pursuant to paragraph 2(a)(i) of this letter shall include, *inter alia*, the following:

(1) the right to import or authorize the importation into the territory of the Party of lawfully made copies of the work as well as the right to prevent the importation into the territory of the Party of copies of the work made without the authorization of the right-holder;

(2) the right to make the first public distribution of the original or each authorized copy of a work by sale, rental, or otherwise; and

(3) the right to make a public communication of a work (*e.g.*, to perform, display, project, exhibit, broadcast, transmit, or retransmit a work); the term "public" shall include:

(A) communicating a work in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or

(B) communicating or transmitting a work, a performance, or a display of a work, in any form, or by means of any device or process to a place specified in clause 2(a)(ii)(3)(A) or to the public, regardless of whether the members of the public capable of receiving such communications can receive them in the same place or separate places and at the same time or at different times.

(iii) Each Party shall extend the protection afforded under paragraph 2(a)(ii) of this letter to authors of the other Party, whether they are natural persons or, where the other Party's domestic law so provides, companies and to their successors in title.

(iv) Each Party shall permit protected rights under paragraph 2(a)(ii) of this letter to be freely and separately exploitable and transferable. Each Party shall also permit assignees and exclusive licensees to enjoy all rights of their assignors and licensors acquired through voluntary agreements, and be entitled to enjoy and exercise their acquired exclusive rights.

(v) In cases where a Party measures the term of protection of a work from other than the life of the author, the term of protection shall be no less than 50 years from authorized publication or, failing such authorized publication within 50 years from the making of the work, 50 years after the making.

(vi) Each Party shall confine any limitations or exceptions to the rights provided under paragraph 2(a)(ii) of this letter (including any limitations or exceptions that restrict such rights to "public" activity) to clearly and carefully defined special cases which do not impair an actual or potential market for or the value of a protected work.

(vii) Each Party shall ensure that any compulsory or non-voluntary license (or any restriction of exclusive rights to a right of remuneration) shall provide means to ensure payment and remittance of royalties at a level consistent with what would be negotiated on a voluntary basis.

(viii) Each Party shall, at a minimum, extend to producers of sound recordings the exclusive rights to do or to authorize the following:

(1) to reproduce the recording by any means or process, in whole or in part; and

(2) to exercise the importation and exclusive distribution and rental rights provided in paragraphs 2(a)(ii)(1) and (2) of this letter.

(ix) Paragraphs 2(a)(iii), 2(a)(iv) and 2(a)(vi) of this letter shall apply *mutatis mutandis* to sound recordings.

(x) Each Party shall:

(1) protect sound recordings for a term of at least 50 years from publication; and

(2) grant the right to make the first public distribution of the original or each authorized sound recording by sale, rental, or otherwise except that the first sale of the original or such sound recording shall not exhaust the rental or importation right therein (the "rental right" shall mean the right to authorize or prohibit the disposal of the possession of the original or copies for direct or indirect commercial advantage).

(xi) Parties shall not subject the acquisition and validity of intellectual property rights in sound recordings to any formalities, and protection shall arise automatically upon creation of the sound recording.

(b) *Trademarks*

(i) Protectable Subject Matter

(1) Trademarks shall consist of at least any sign, words, including personal names, designs, letters, numerals, colors, or the shape of goods or of their packaging, provided that the mark is capable of distinguishing the goods or services of one national, company or organization from those of other nationals, companies or organizations.

(2) The term "trademark" shall include service marks, collective and certification marks.

(ii) Acquisition of Rights

(1) A trademark right may be acquired by registration or by use. Each Party shall provide a system for the registration of trademarks. Use of a trademark may be required as a prerequisite for registration.

(2) Each Party shall publish each trademark either before it is registered or promptly after it is registered and shall afford other parties a reasonable opportunity to petition to cancel the registration. In addition, each Party may afford an opportunity for the other Party to oppose the registration of a trademark.

(3) The nature of the goods or services to which a trademark is to be applied shall in no case form an obstacle to registration of the trademark.

(iii) Rights Conferred

(1) The owner of a registered trademark shall have exclusive rights therein. He shall be entitled to prevent all third parties not having his consent from using in commerce identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is protected, where such use would result in a likelihood of confusion.

(2) Each Party shall refuse to register or shall cancel the registration and prohibit use of a trademark likely to cause confusion with a trademark of another with is considered to be well-known. A Party may not require that the reputation of the trademark extend beyond the sector of the public which normally deals with the relevant goods or services.

(3) The owner of a trademark shall be entitled to take action against any unauthorized use which constitutes an act of unfair competition or passing off.

(iv) Term of Protection

The registration of a trademark shall be indefinitely renewable for terms of no less than 10 years when conditions for renewal have been met. Initial registration of a trademark shall be for a term of at least 10 years.

(v) Requirement of Use

(1) If use of a registered mark is required to maintain trademark rights, the registration may be cancelled only after an uninterrupted period of at least two years of non-use, unless legitimate reasons for non-use exist. Use of the trademark with the consent of the owner shall be recognized as use of the trademark for the purpose of maintaining the registration.

(2) Legitimate reasons for non-use shall include non-use due to circumstances arising independently of the will of the trademark holder (such as import restrictions on or other government requirements for products protected by the trademark) which constitute an obstacle to the use of the mark.

(vi) Other Requirements

The use of a trademark in commerce shall not be encumbered by special requirements, such as use which reduces the function of a trademark as an indication of source or use with another trademark.

(vii) Compulsory Licensing

Compulsory licensing of trademarks shall not be permitted.

(viii) Transfer

Trademark registrations may be transferred.

(c) *Patents*

(i) Patentable Subject Matter

(1) Patents shall be available for all inventions, whether products or processes, in all fields of technology.

(2) Parties may exclude from patentability:

(A) any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon; and

(B) plant and animal varieties.

(3) If a Party does not grant patents for plant and/or animal varieties the Party shall provide effective protection through a *sui generis* system.

(4) Notwithstanding paragraphs 2(c)(i)(2) and 2(c)(i)(3),

(a) patents shall be available for microbiological processes and the products thereof; and

(b) Parties may exclude plant and animal varieties from patent protection only until protection for such inventions becomes an obligation under an international agreement to which both Parties adhere.

(ii) Rights Conferred

(1) A patent shall confer the right to prevent others not having the patent owner's consent from making, using, or selling the subject matter of the patent. In the case of a patented process, the patent confers the right to prevent others not having consent from using that process and from using, selling, or importing at least the product obtained directly by that process.

(2) Where the subject matter of a patent is a process for obtaining a product, each Party shall provide that the burden of establishing that an alleged infringing product was not made by the process shall be on the alleged infringer, at least in one of the following situations:

(A) the product is new; or

(B) a substantial likelihood exists that the product was made by the process and the patent owner has been unable through reasonable efforts to determine the process actually used.

In gathering and evaluation of evidence to the contrary, the legitimate interests of the defendant in protecting his manufacturing and business secrets shall be taken into account.

(3) A patent may only be revoked on grounds that would have justified a refusal to grant the patent.

(iii) Exceptions

Each Party may provide limited exceptions to the exclusive rights conferred by a patent, such as for acts done for experimental purposes, provided that the exceptions do not significantly prejudice the economic interests of the right-holder.

(iv) Term of Protection

Each Party shall provide a term of protection of at least 20 years from the date of filing of the patent application or 17 years from the date of grant of the patent. Each Party is encouraged to extend the term of patent protection, in appropriate cases, to compensate for delays caused by regulatory approval processes.

(v) Transitional Protection

A Party shall provide transitional protection for products embodying subject matter deemed to be unpatentable under its patent law prior to its implementation of the provisions of this letter, where the following conditions are satisfied:

(1) the subject matter to which the product relates will become patentable after implementation of the provisions of this letter;

(2) a patent has been issued for the product by the other Party, or an application is pending for the product with the other Party, prior to the entry into force of this letter; and,

(3) the product has not been marketed in the territory of the Party providing such transitional protection.

The owner of a patent, or of a pending application, for a product satisfying the conditions set forth above shall have the right to submit a copy of the patent or provide notification of the existence of a pending application with the other Party, to the Party providing transitional protection. These submissions and notifications shall take place any time after the signing of this Agreement and the exchange of letters and before the implementation of the new Bulgarian patent law. This period, however, shall not be less than nine months. In the case of a pending application, the applicant shall notify the competent Bulgarian authorities of the issuance of a patent based on his application within six months of the date of grant by the other Party. The Party providing transitional protection shall limit the right to make, use, or sell the product in its territory to such owner for a term to expire with that of the patent submitted.

(vi) Compulsory Licenses

(1) Each Party may limit the patent owner's exclusive rights through compulsory licenses but only:

(A) to remedy an adjudicated violation of competition laws;

(B) to address, only during its existence, a declared national emergency;

(C) to address a failure to meet the reasonable demands of the domestic market, however importation shall constitute a means of meeting the demands of the domestic market; and

(D) to enable compliance with national air pollutant standards, where compulsory licenses are essential to such compliance.

(2) Where the law of a Party allows for the grant of compulsory licenses, such licenses shall be granted in a manner which minimizes distortions of trade, and the following provisions shall be respected:

(A) Compulsory licenses shall be non-exclusive and non-assignable except with that part of the enterprise which exploits such license.

(B) The payment of remuneration to the patent owner adequate to compensate the patent owner fully for the license shall be required, except for compulsory licenses to remedy adjudicated violations of competition laws.

(C) Each case involving the possible grant of a compulsory license shall be considered on its individual merits.

(D) Any compulsory license shall be revoked when the circumstances which led to its granting cease to exist, taking into account the legitimate interests of the patent owner and of the licensee. The continued existence of these circumstances shall be reviewed upon request of the right-holder.

(E) Judicial review shall be available for:

1. decisions to grant compulsory licenses, except in the instance of a declared national emergency,

2. decisions to continue compulsory licenses, and

3. the compensation provided for compulsory licenses.

(d) *Layout-Designs of Semiconductor Chips*

(i) Subject Matter for Protection

(1) Each Party shall provide protection for original layout-designs incorporated in a semiconductor chip, however the layout-design might be fixed or encoded.

(2) Each Party may condition protection on fixation or registration of the layout-designs. If registration is required, applicants shall be given at least two years from first commercial exploitation of the layout-design in which to apply. A Party which requires deposits of identifying material or other material related to the layout-design shall not require applicants to disclose confidential or proprietary information unless it is essential to allow identification of the layout-design.

(ii) Rights Acquired

(1) Each Party shall provide to right-holders of integrated circuit lay-out designs of the other Party the exclusive right to do or to authorize the following:

(A) to reproduce the layout-design;

(B) to incorporate the layout-design in a semiconductor chip; and

(C) to import or distribute a semiconductor chip incorporating the layout-design and products including such chips.

(2) The conditions set out in paragraph 2(c)(vi) shall apply, *mutatis mutandis*, to the grant of any compulsory licenses for layout-designs.

(3) Neither Party is required to extend protection to layout-designs that are commonplace in the industry at the time of their creation or to layout-designs that are exclusively dictated by the functions of the circuit to which they apply.

(4) Each Party may exempt the following from liability under its law:

(A) reproduction of a layout-design for purposes of teaching, analysis, or evaluation in the course of preparation of a layout-design that is itself original;

(B) importation and distribution of semiconductor chips, incorporating a protected layout-design, which were sold by or with the consent of the owner of the layout-design; and

(C) importation or distribution up to the point of notice of a semiconductor chip incorporating a protected layout-design and products incorporating such chips by a person who establishes that he did not know, and had no reasonable grounds to believe, that the layout-design was protected; provided that, with respect to stock on hand or purchased at the time notice is received, such person may import or distribute only such stock, but is liable for a reasonable royalty on the sale of each item after notice is received.

(iii) Term of Protection

The term of protection for the lay-out design shall extend for at least ten years from the date of first commercial exploitation or the date of registration of the design, if required, whichever is earlier.

(e) *Acts Contrary to Honest Commercial Practices and the Protection of Trade Secrets*

(i) In the course of ensuring effective protection against unfair competition as provided for in Article 10 bis of the Paris Convention, each Party shall provide in its domestic law and practice the legal means for nationals, companies and organizations to prevent trade secrets from being disclosed to, acquired by, or used by others without the consent of the trade secret owner in a manner contrary to honest commercial practices, insofar as such information:

(1) is not, as a body or in the precise configuration and assembly of its components, generally known or readily ascertainable;

(2) has actual or potential commercial value because it is not generally known or readily ascertainable; and

(3) has been subject to reasonable steps under the circumstances to keep it secret.

(ii) Neither Party shall limit the duration of protection for trade secrets so long as the conditions in paragraph 2(e)(i) of this letter exist.

(iii) Licensing

Neither Party shall discourage or impede voluntary licensing of trade secrets by imposing excessive or discriminatory conditions on such licenses or conditions which dilute the value of trade secrets.

(iv) Government Use

(1) If a Party requires, as a condition of approving the marketing of pharmaceutical or agricultural chemical products which utilize new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, that Party shall protect such data against unfair commercial use. Further, each Party shall protect such data against disclosure except where necessary to protect the public or unless steps are taken to ensure that the data is protected against unfair commercial use.

(2) Unless the national or company submitting the information agrees, the data may not be relied upon for the approval of competing products for a reasonable period of time, taking into account the efforts involved in the origination of the data, their nature, and the expenditure involved in their preparation, and such period of time shall generally be not less than five years from the date of marketing approval.

(3) Where a Party relies upon a marketing approval granted by the other Party or a country other than the United States or Bulgaria, the reasonable period of exclusive use of the data submitted in connection with obtaining the approval relied upon shall commence with the date of the first marketing approval relied upon.

(f) *Enforcement of Intellectual Property Rights*

(i) Each Party shall protect intellectual property rights covered by this letter by means of civil law, criminal law, or administrative law or a combination thereof in conformity with the provisions below. Each Party shall provide effective procedures, internally and at the border, to protect these intellectual property rights against any act of infringement, and effective remedies to stop and prevent infringements and to effectively deter further infringements. These procedures shall be applied in such a manner as to avoid the creation of obstacles to legitimate trade and provide for safeguards against abuse.

(ii) Procedures concerning the enforcement of intellectual property rights shall be fair and equitable.

(iii) Decisions on the merits of a case shall, as a general rule, be in writing and reasoned. They shall be made known at least to the parties to the dispute without undue delay.

(iv) Each Party shall provide an opportunity for judicial review of final administrative decisions on the merits of an action concerning the protection of an intellectual property right. Subject to jurisdictional provisions in national laws concerning the importance of a case, an opportunity for judicial review of the legal aspects of initial judicial decisions on the merits of a case concerning the protection of an intellectual property right shall also be provided.

(v) Remedies against a Party

Notwithstanding the other provisions of paragraph 2(f), when a Party is sued for infringement of an intellectual property right as a result of the use of that right by or for the government, the Party may limit remedies against the government to payment of full compensation to the right-holder.

3. Each Party agrees to submit for enactment, no later than December 31, 1992, the legislation necessary to carry out the obligations of this letter and to exert its best efforts to enact and implement this legislation by that date.

4. For purposes of this letter:

(a) "right-holder," means the right-holder himself, any other natural or legal person authorized by him who are exclusive licensees of the right, or other authorized persons, including federations and associations, having legal standing under domestic law to assert such rights;

(b) "A manner contrary to honest commercial practice" is understood to encompass, *inter alia*, practices such as theft, bribery, breach of contract, inducement to breach, electronic and other forms of commercial espionage, and includes the acquisition of trade secrets by third parties who knew, or had reasonable grounds to know, that such practices were involved in the acquisition.

(c) Unless otherwise indicated by the context, all terms in this letter shall have the same meaning as in the Agreement.

5. Nothing in this letter shall be construed to diminish the rights of nationals and companies of a Party under the Agreement.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

CARLA A. HILLS

THE UNITED STATES TRADE REPRESENTATIVE

Executive Office of the President

Washington, D.C. 20506

Washington, April 22, 1991.

His Excellency Ognian Raytchev Pishev,
Ambassador of the Republic of Bulgaria.

Dear Mr. Ambassador:

I have the honor to confirm receipt of your letter which reads as follows:

Dear Madam Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Bulgaria (the "Agreement"). I have the honor to confirm the following understanding reached by our Governments:

Financial Matters

As part of its economic liberalization process, the Government of the Republic of Bulgaria intends to make its currency convertible as soon as possible. Until the Bulgarian currency becomes freely convertible, the Government of the Republic of Bulgaria, for purposes of this Agreement, will provide access to freely convertible currencies, including through auctions, on a most-favored-nation basis.

Business Facilitation

Any permission required for commercial representations to establish and operate in the Republic of Bulgaria and any registrations required in the Republic of Bulgaria in order for nationals of either Party to engage or serve as agents, consultants or distributors in the territory of the Republic of Bulgaria will be accomplished through a simple registration process pursuant to which the permission or registration will be automatically and expeditiously granted, normally within 30 days of application, subject, of course to regulations consistent with the exceptions set forth in Article XIII and XVI of the Agreement.

Customs Unions or Free Trade Areas

With respect to Paragraph 4(a) of Article I of the Agreement, a Party may invoke this exception with respect to a customs union, free trade area, or an interim agreement necessary for the formation of the same, which is consistent with Article XXIV of the GATT, and only if such Party informs the other Party of its plans with respect to such customs union or free trade area and affords such other Party adequate opportunity for consultation.

Consultation

In the event of Bulgaria's accession to the GATT, the Parties agree to consult to determine whether any changes to this Agreement are necessary or desirable.

I have the honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

CARLA A. HILLS

UNITED STATES DEPARTMENT OF COMMERCE

The Under Secretary for Travel and Tourism

Washington, D.C. 20230

Washington, April 22, 1991.

His Excellency Ognian Raytchev Pishev,
Ambassador of the Republic of Bulgaria.

Dear Mr. Ambassador:

I have the honor to confirm receipt of your letter of today's date which reads as follows:

"In connection with the signing on this date of the Agreement on Trade Relations Between the Government of the United States of America and the Government of the People's Republic of Bulgaria (the 'Agreement'), I have the honor to confirm the understanding reached by our Governments (the 'Parties') regarding tourism and travel-related services as follows:

1. The Parties recognize the need to encourage and promote the growth of tourism and travel-related investment and trade between the United States of America and the People's Republic of Bulgaria. In this regard, the Parties recognize the desirability of exploring the possibility of negotiating a separate bilateral agreement on tourism.

2. The Parties recognize the benefits to both economies of increased tourism and travel-related investment in and trade between their two territories.

Official Tourism Promotion Offices

3. Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory.

4. Permission to open tourism promotion offices or field offices, and the status of personnel who head and staff such offices, shall be as agreed upon by the Parties and subject to the applicable laws and regulations of the host country.

5. Tourism promotion offices opened by either Party shall be operated on a non-commercial basis. Official tourism promotion offices and the personnel assigned to them shall not function as agents or principals in commercial transactions, enter into contractual agreements on behalf of commercial organizations or engage in other commercial activities. Such offices shall not sell services to the public or otherwise compete with private sector travel agents or tour operators of the host country.

6. Official governmental tourism offices shall engage in activities related to the facilitation of development of tourism between the United States and the People's Republic of Bulgaria, including:

(a) providing information about the tourism facilities and attraction in their respective countries to the public, and travel trade and the media;

(b) conducting meetings and workshops for representatives of the travel industry;

(c) participating in trade shows;

(d) distributing advertising materials such as posters, brochures and slides, and coordinating advertising campaigns; and

(e) performing market research.

7. Nothing in this side letter shall obligate either Party to open such offices in the territory of the other Party.

Commercial Tourism Enterprises

8. Commercial tourism enterprises, whether privately or governmentally-owned, shall be treated as private commercial enterprises, fully subject to all applicable laws and regulations of the host country.

9. Each Party shall ensure within the scope of its legal authority and in accordance with its laws and regulations that any company owned, controlled or administered by that Party or any joint venture therewith or any private company or joint venture between private companies, which effectively controls a significant portion of the supply of any tourism of travel-related service in the territory of that Party shall provide those services to national and companies of the other Party on a fair and equitable basis.

10. Nothing in this letter or in the Agreement shall be construed to mean that tourism and travel-related services shall not receive the benefits from the Agreement as fully as all other industries and sectors.

I have the honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

WYLIE H. WHISONANT, JR.,
Acting Under Secretary.

TERMS OF REFERENCE:

THE UNITED STATES-BULGARIA JOINT COMMERCIAL COMMISSION

The United States-Bulgaria Joint Commercial Commission is established by the Governments of the United States and Bulgaria to facilitate the development of commercial relations and related economic matters between the United States of America and the Republic of Bulgaria.

The Commission shall work and shall formulate recommendations on the basis of mutual consent.

The Commission shall:

—Review the operation of the U.S.-Bulgaria Trade Agreement and make recommendations for achieving its objectives in order to obtain the maximum benefit therefrom;

—Exchange information about amendments and developments in the regulations of the United States and Bulgaria affecting trade under the U.S.-Bulgaria Trade Agreement;

—Consider measures which would develop and diversify trade and commercial cooperation. These measures shall include, but not are limited to encouraging and supporting contracts and cooperation between businesses of both countries, and between firms established in the United States and Bulgaria;

—Monitor and exchange views on U.S.-Bulgaria commercial relations, identify and where possible recommend solutions to issues of interest to both Parties;

—Provide a forum for exchanging information in areas of commercial, industrial and technological cooperation, where they have an impact on commercial relations; and

—Consider other steps which could be taken to facilitate and encourage the growth and development of commercial relations and related economic matters between the two countries.

The Commission shall be comprised of two sections, a U.S. section and a Bulgarian section. Each section shall be composed of a chairman and other government officials as designated by each Party.

The Commission shall meet as often as mutually agreed by the Parties, alternatively in Washington and Sofia.

Appropriate senior-level officials from the U.S. Department of Commerce and the Bulgarian Ministry of Foreign Economic Relations shall act as co-chairmen of the Commission, and shall head their respective sections; each section of the Commission shall include other government officials as designated by each Party.

The Commission shall work on the basis of mutual agreement. The Commission shall, as necessary, adopt rules of procedure and work programs. The Commission may, as mutually agreed, establish joint working groups to consider specific matters. These working groups shall function in accordance with the instructions of the Commission.

Each section shall have an Executive Secretary, named by the chairman, who shall arrange the work of their respective section of the Commission. The Executive Secretary shall arrange the work of their respective section of the Commission, and perform the tasks of an organizational or administrative nature connected with the meetings of the Commission.

The Executive Secretaries shall communicate with each other as necessary to arrange Commission meetings and to perform other functions. Agendas for Commission meetings shall be agreed upon not later than one month prior to the meeting. The meeting shall consider matters included in this agenda, as well as further matters which may be added to the agenda by mutual agreement.

The Commission and its working groups shall work on the basis of mutual agreement. Agreed minutes signed by the co-chairmen of the Commission shall be kept for each meeting of the Commission, and shall be made public by each side. The Parties shall advise each other whenever measures and recommendations agreed to are subject to the subsequent approval of their respective governments.

Any document mutually agreed upon during the work of the Commission shall be in the English and Bulgarian languages, each language being equally authentic.

Expenses incidental to the meetings of the Commission and any working group established by the Commission shall be borne by the host country. Travel expenses from one country to the other, as well as living and other personal expenses of representatives participating in meetings of the Commission and any working group of the Commission shall be borne by the Party which sends such persons to represent it.

Each section may invite advisers and experts to participate at any meeting of the Commission or its working groups, except that such participation must be mutually agreed by the Parties in advance of the meeting.

The terms of reference of the Commission may be amended by mutual agreement of the Parties at any meeting or during the periods between meetings of the Commission.

Done in Washington, D.C., April 22, 1991, in two copies, in the English and Bulgarian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
THOMAS J. DUESTERBERG,
Assistant Secretary,
U.S. Department of Commerce

FOR THE GOVERNMENT OF THE REPUBLIC OF BULGARIA:
OGNIAN R. PISHEV,
Ambassador to the United States

Proclamation 6308 of June 24, 1991

Agreement on Trade Relations Between the United States of America and the Mongolian People's Republic

By the President of the United States of America
A Proclamation

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Mongolian People's Republic to conclude an agreement on trade relations between the United States of America and the Mongolian People's Republic.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Mongolian, was signed on January 23, 1991, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended, do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Mongolian People's Republic, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Mongolia".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

AGREEMENT ON TRADE RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE MONGOLIAN PEOPLE'S REPUBLIC

The Government of the United States of America and the Government of the Mongolian People's Republic (hereinafter referred to collectively as "Parties" and individually as "Party"),

Affirming that the evolution of market-based economic institutions and the strengthening of the private sector will aid the development of mutually beneficial trade relations,

Acknowledging that the development of trade relations and direct contact between nationals and companies of the United States and nationals and organizations of the Mongolian People's Republic will promote openness and mutual understanding,

Considering that expanded trade relations between the Parties will contribute to the general well-being of the peoples of each Party,

Recognizing that development of bilateral trade may contribute to better mutual understanding and cooperation and promote respect for internationally recognized worker rights,

Having agreed that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Being convinced that an agreement on trade relations between the two Parties will best serve their mutual interests, and

Desiring to create a framework which will foster the development and expansion of commercial ties between their respective nationals, companies and organizations,

Have agreed as follows:

Article I.—Most Favored Nation and Nondiscriminatory Treatment

1. Each Party shall accord unconditionally to products originating in or exported to the territory of the other Party treatment no less favorable than that accorded to like products originating in or exported to the territory of any third country in all matters relating to:

(a) customs duties and charges of any kind imposed on or in connection with importation or exportation, including the method of levying such duties and charges;

(b) methods of payment for imports and exports, and the international transfer of such payments;

(c) rules and formalities in connection with importation and exportation, including those relating to customs clearance, transit, warehouses and transshipment;

(d) taxes and other internal charges of any kind applied directly or indirectly to imported products; and

(e) laws, regulations and requirements affecting the sale, offering for sale, purchase, transportation, distribution, storage and use of products in the domestic market.

2. Each Party shall accord to products originating in or exported to the territory of the other Party nondiscriminatory treatment with respect to the application of quantitative restrictions and the granting of licenses.

3. Each Party shall accord to imports of products and services originating in the territory of the other Party nondiscriminatory treatment with respect to the allocation of and access to the currency needed to pay for such imports.

4. The provisions of paragraphs 1 and 2 shall not apply to:

(a) advantages accorded by either Party by virtue of such Party's full membership in a customs union or free trade area;

(b) advantages accorded to adjacent countries for the facilitation of frontier traffic;

(c) actions by either Party which are required or permitted by the General Agreement on Tariffs and Trade (the "GATT") (or by any joint action or decision of the Contracting Parties to the GATT) during such time as such Party is a Contracting Party to the GATT; and special advantages accorded by virtue of the GATT; and

(d) actions taken under Article XI (Market Disruption) of this Agreement.

5. The provisions of paragraph 2 of the Article shall not apply to Mongolian exports of textiles and textile products.

Article II.—Market Access for Products and Services

1. Each Party shall administer all tariff and nontariff measures affecting trade in a manner which affords, with respect to both third country and domestic competitors, meaningful competitive opportunities for products and services of the other Party.

2. Accordingly, neither Party shall impose, directly or indirectly, on the products of the other Party imported into its territory, internal taxes or charges of any kind in excess of those applied, directly or indirectly, to like domestic products.

3. Each Party shall accord to products originating in the territory of the other Party treatment no less favorable than that accorded to like domestic products in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, storage or use.

4. The charges and measures described in paragraphs 2 and 3 of this Article should not be applied to imported or domestic products so as to afford protection to domestic production.

5. The Parties shall ensure that technical regulations and standards are not prepared, adopted or applied with a view to creating obstacles the international trade or to protect domestic production. Furthermore, each Party shall accord products imported from the territory of the

other Party treatment no less favorable than that accorded to like domestic products and to like products originating in any third country in relation to such technical regulations or standards, including conformity testing and certification.

6. The Government of the Mongolian People's Republic shall accede to the Convention Establishing the Customs Cooperation Council and the International Convention on the Harmonized Commodity Description and Coding System, and shall take all necessary measures to implement entry into force of such Conventions with respect to the Mongolian People's Republic.

Article III.—General Obligations With Respect to Trade

1. The Parties agree to maintain a satisfactory balance of market access opportunities, including through concessions in trade in products and services and through the satisfactory reciprocation of reductions in tariffs and nontariff barriers to trade resulting from multilateral negotiations.

2. Trade in products and services shall be effected by contracts between nationals and companies of the United States and nationals and organizations of the Mongolian People's Republic concluded on the basis of nondiscrimination and in the exercise of their independent commercial judgment and on the basis of customary commercial considerations such as price, quality, availability, delivery, and terms of payment.

3. Neither Party shall require or encourage nationals or companies of the United States or nationals or organizations of the Mongolian People's Republic to engage in barter or countertrade transactions. Nevertheless, where nationals, companies or organizations decide to resort to barter or countertrade operations, the Parties will encourage them to furnish to each other all necessary information to facilitate the transaction.

Article IV.—Expansion and Promotion of Trade

1. The Parties affirm their desire to expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate the exchange of goods and services and to secure favorable conditions for long-term development of trade relations between their respective nationals, companies and organizations.

2. The Parties shall take appropriate measures to encourage the expansion of commercial contacts with a view to increasing trade. In this regard, the Government of the Mongolian People's Republic expects that, during the term of this Agreement, nationals and organizations of the Mongolian People's Republic shall increase their orders in the United States for products and services, while the Government of the United States anticipates that the effect of this Agreement shall be to encourage increased purchases by nationals and companies of the

United States of products and services from the Mongolian People's Republic. Toward this end, the Parties shall publicize this Agreement and ensure that it is made available to all interested parties.

3. Each Party shall encourage and facilitate the holding of trade promotional events such as fairs, exhibitions, missions and seminars in its territory and in the territory of the other Party. Similarly, each Party shall encourage and facilitate the participation of its respective nationals, companies and organizations in such events. Subject to the laws in force within their respective territories, the Parties agree to allow the import and re-export on a duty free basis of all articles for use in such events, provided that such articles are not sold or otherwise transferred.

Article V.—Government Commercial Offices

Upon agreement of the Parties, each Party may establish government commercial offices as integral parts of its diplomatic mission in the territory of the other Party.

Article VI.—Business Facilitation

1. Each Party shall afford commercial representations of the other Party fair and equitable treatment with respect to the conduct of their operations.

2. Subject to its laws and procedures governing immigration, each Party shall permit the establishment within its territory of commercial representations of nationals, companies and organizations of the other party and shall accord such representations treatment at least as favorable as that accorded to commercial representations of nationals, companies and organizations of third countries.

3. Subject to its laws and procedures governing immigration, each Party shall permit such commercial representations established in its territory to hire directly employees who are nationals of either Party or of third countries and to compensate such employees on terms and in a currency that is mutually agreed between the parties, consistent with such Party's minimum wage laws.

4. Each Party shall permit commercial representations of the other Party to import and use in accordance with normal commercial practices, office and other equipment, such as typewriters, photocopiers, computers and telefax machines in connection with the conduct of their activities in the territory of such Party.

5. Each Party shall permit, on a nondiscriminatory basis and at nondiscriminatory prices (where such prices are set or controlled by the government), commercial representations of the other Party access to and use of office space and living accomodations, whether or not designated for use by foreigners. The terms and conditions of such access and use shall in no event be on a basis less favorable than that accorded to

commercial representations of nationals, companies and organizations of third countries.

6. Subject to its laws and procedures governing immigration, each Party shall permit nationals, companies and organizations of the other Party to engage agents, consultants and distributors of either Party and of third countries on prices and terms mutually agreed between the parties.

7. Subject to its immigration laws and procedures, each Party shall permit nationals, companies and organizations of the other Party to serve as agents, consultants and distributors of nationals, companies and organizations of either Party and of third countries on prices and terms mutually agreed between the parties.

8. Each Party shall permit nationals, companies and organizations of the other Party to advertise their products and services (a) through direct agreement with the advertising media, including television, radio, print and billboard, and (b) by direct mail, including the use of enclosed envelopes and cards preaddressed to that national, company or organization.

9. Each Party shall encourage direct contact, and permit direct sales, between nationals, companies and organizations of the other Party and end-users and other customers of their goods and services, and with agencies and organizations whose decisions will affect potential sales.

10. Each Party shall permit nationals, companies and organizations of the other Party to conduct market studies, either directly or by contract, within its territory. To facilitate the conduct of market research, each Party shall upon request make available non-confidential, non-proprietary information within its possession to nationals, companies and organizations of the other Party engaged in such efforts.

11. Each Party shall provide nondiscriminatory access to governmentally-provided products and services, including public utilities, to nationals, companies and organizations of the other Party in connection with the operation of their commercial representations.

12. Each Party shall permit commercial representations to stock an adequate supply of samples and replacement parts for aftersales service on a non-commercial basis.

13. Neither Party shall impose measures which unreasonably impair contractual or property rights or other interests acquired within its territory by nationals, companies and organizations of the other Party.

Article VII.—Transparency

1. Each Party shall make available publicly on a timely basis all laws and regulations related to commercial activity, including trade, investment, taxation, banking, insurance and other financial services, transport and labor. Each Party shall also make such information available in reading rooms in its own capital and in the capital of the other Party.

2. Each Party shall provide nationals, companies and organizations of the other Party with access to available non-confidential, non-proprietary data on the national economy and individual sectors, including information on foreign trade.

3. Each Party shall allow the other Party the opportunity to comment on the formulation of rules and regulations which affect the conduct of business activities.

Article VIII.—Financial Provisions Relating to Trade in Products and Services

1. Unless otherwise agreed between the parties to individual transactions, all commercial transactions between nationals, companies and organizations of the Parties shall be made in United States dollars or any other currency that may be designated from time to time by the International Monetary Fund as being a freely usable currency.

2. Neither Party shall restrict the export from its territory of convertible currencies or deposits, or instruments representative thereof, obtained in connection with trade in products and services by nationals, companies and organizations of the other Party.

3. Nationals, companies and organizations of a Party holding currency of the other Party received in an authorized manner may deposit such currency in financial institutions located in the territory of the other Party and may maintain and use such currency for local expenses.

4. Without derogation from paragraphs 2 or 3 of this Article, in connection with trade in products and services, each Party shall grant to nationals, companies and organizations of the other Party the better of most-favored-nation or national treatment with respect to:

(a) opening and maintaining accounts, in both local and foreign currency, and having access to funds deposited, in financial institutions located in the territory of the Party;

(b) payments, remittances and transfers of convertible currencies, or financial instruments representative thereof, between the territories of the two Parties, as well as between the territory of that Party and that of any third country;

(c) rates of exchange and related matters, including access to freely usable currencies, such as through currency auctions; and

(d) the receipt and use of local currency.

Article IX.—Protection of Intellectual Property Rights

1. Each Party shall provide adequate and effective protection and enforcement for patents, trademarks, copyrights, trade secrets, industrial designs and layout designs for integrated circuits. Each Party reaffirms its commitments to those international agreements relating to intellectual property to which both Parties are signatories. Specifically, each Party reaffirms the commitments made with respect to industrial prop-

erty in the Paris Convention for the Protection of Industrial Property of March 29, 1883, as revised at Stockholm on July 14, 1967.

2. To provide adequate and effective protection and enforcement of intellectual property rights, each Party shall, *inter alia* observe the following commitments:

(a) Copyright and related rights

(i) Each Party shall adhere to the Berne Convention for the Protection of Literary and Artistic Works (Paris 1971) ("Berne Convention"). In addition, it shall comply with the provisions set forth below.

(ii) Works protected by copyright means any original, intellectual creative work of literary or artistic character, irrespective of their value, their literary or artistic merits or their purpose, and include, *inter alia*, the following:

(1) all types of computer programs;

(2) collections or compilations of protected or unprotected material or data whether in print, machine readable or any other medium, including data bases, which shall be protected if they constitute intellectual creation by reason of the selection, coordination, or arrangement of their contents.

(iii) The rights protected pursuant to paragraph 2(a) this Article include, *inter alia*, the following:

(1) the right to import or authorize the importation into the territory of the Party of lawfully made copies of the work as well as the right to prevent the importation into the territory of the Party of copies of the work made without the authorization of the right-holder;

(2) the right to make the first public distribution of the original or each authorized copy of a work by sale, rental, or otherwise; and

(3) the right to make a public communication of a work (*e.g.*, to perform, display, project, exhibit, broadcast, transmit, or retransmit a work).

(iv) Each Party shall extend the protection afforded under this section to authors (as defined under the Berne Convention) of the other Party, whether they are natural persons or, where the other Party's domestic law so provides, companies and organizations, and to their successors in title.

(v) Protected rights under paragraph 2(a) of this Article shall be freely and separately exploitable and transferable.

(vi) Each Party shall confine any limitations or exceptions to the rights provided under paragraph 2(a) of this Article (including any limitations or exceptions that restrict such rights to "public" activity) to clearly and carefully defined special cases which do not impair an actual or potential market for or the value of a protected work.

(vii) If either Party has afforded no protection to works of foreign origin, it shall provide protection, consistent with this section, for all works of the other Party that are not in the public domain in their country of origin at the time of entry into force of this Agreement in its territory.

(viii) Translation and reproduction licensing systems permitted in the Appendix to the Berne Convention:

(1) shall not be established where legitimate local needs are being met by voluntary actions of copyright holders or could be met by such action but for intervening factors outside the copyright holder's; and

(2) shall provide an effective opportunity for the copyright holder to be heard prior to the grant of any such licenses.

(ix) Any compulsory or non-voluntary license (or any restriction of exclusive rights to a right of remuneration) shall provide means to ensure payment and remittance of royalties at a level consistent with what would be negotiated on a voluntary basis.

(x) The Parties shall, at a minimum, extend to producers of sound recordings the exclusive rights to do or to authorize the following:

(1) to reproduce the recording by any means or process, in whole or in part;

(2) to exercise the importation and exclusive distribution and rental rights provided in paragraph (iii)(1) and (2) of this section.

(xi) The provisions of paragraphs iv, v, and vii of this section shall apply *mutatis mutandis* to the producers of sound recordings.

(xii) Paragraph viii of this section shall apply *mutatis mutandis* to sound recordings.

(xiii) Each Party shall:

(1) adhere to the Geneva Convention for the Protection of Producers of Phonograms and protect sound recordings first fixed or published in the territory of the other Party;

(2) protect sound recordings for a term of at least 50 years from publication;

(3) protect sound recordings published in the territory of a Party within thirty days of their publication elsewhere and recordings produced by a national, company or organization of a Party; and

(4) grant the right to make the first public distribution of the original or each authorized sound recording by sale, rental, or otherwise except that the first sale of the original or such sound recording shall not exhaust the rental or importation right therein (the "rental right" shall mean the right to authorize or prohibit the disposal of the possession of the original or copies for direct or indirect commercial advantage).

(xiv) The acquisition and validity of intellectual property rights in sound recordings shall not be subject to any formalities, and protection shall arise automatically upon creation of the sound recording.

(b) Trademarks

(i) Protectable Subject Matter

(1) Trademarks shall consist of at least any sign, words, including personal names, designs, letters, numerals, colors, the shape of goods or of their packaging, provided that the mark is capable of distinguishing the goods or services of one national, company or organization from those of other nationals, companies or organizations.

(2) The term "trademark" shall include service marks, collective and certification marks.

(ii) Acquisition of Rights

(1) A trademark right may be acquired by registration or by use. A system for the registration of trademarks shall be provided. Use of a trademark may be required as a prerequisite for registration.

(2) Each Party shall publish each trademark either before it is registered or promptly after it is registered and shall afford other parties a reasonable opportunity to petition to cancel the registration. In addition, each Party may afford an opportunity for the other Party to oppose the registration of a trademark.

(3) The nature of the goods or services to which a trademark is to be applied shall in no case form an obstacle to registration of the trademark.

(iii) Rights Conferred

(1) The owner of a registered trademark shall have exclusive rights therein. He shall be entitled to prevent all third parties not having his consent from using in commerce identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is protected, where such use would result in a likelihood of confusion.

(2) Each Party shall refuse to register or shall cancel the registration and prohibit use of a trademark likely to cause confusion with a trademark of another which is considered to be well-known. A Party may not require that the reputation of the trademark extend beyond the sector of the public which normally deals with the relevant goods or services.

(3) The owner of a trademark shall be entitled to take action against any unauthorized use which constitutes an act of unfair competition or passing off.

(iv) Term of Protection

The registration of a trademark shall be indefinitely renewable for terms of no less than 10 years when conditions for renewal have been met. Initial registration of a trademark shall be for a term of at least 10 years.

(v) Requirement of Use

(1) If use of a registered mark is required to maintain trademark rights, the registration may be cancelled only after an uninterrupted period of at least two years of non-use, unless legitimate reasons for non-use exist. Use of the trademark with the consent of the owner shall be recognized as use of the trademark for the purpose of maintaining the registration.

(2) Legitimate reasons for non-use shall include non-use due to circumstances arising independently of the will of the trademark holder (such as import restrictions on or other government requirements for products protected by the trademark) which constitute an obstacle to the use of the mark.

(vi) Other Requirements

The use of a trademark in commerce shall not be encumbered by special requirements, such as use which reduces the function of a trademark as an indication of source or use with another trademark.

(vii) Compulsory Licensing

Compulsory licensing of trademarks shall not be permitted.

(viii) Transfer

Trademark registrations may be transferred.

(c) Patents

(i) Patentable Subject Matter

Patents shall be granted for all inventions, whether they concern products or processes, in all fields of technology, with the exception of any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon.

(ii) Rights Conferred

(1) A patent shall confer the right to prevent others not having the patent owner's consent from making, using, or selling the subject matter of the patent. In the case of a patented process, the patent confers the right to prevent others not having consent from using that process and from using, selling, or importing at least the product obtained directly by that process.

(2) Where the subject matter of a patent is a process for obtaining a product, each Party shall provide that the burden of establishing that an alleged infringing product was not made by the process shall be on the alleged infringer at least in one of the following situations:

(A) the product is new, or

(B) a substantial likelihood exists that the product was made by the process and the patent owner has been unable through reasonable efforts to determine the process actually used.

In gathering and evaluation of evidence to the contrary, the legitimate interests of the defendant in protecting his manufacturing and business secrets shall be taken into account.

(iii) Term of Protection

The term of protection shall be at least 20 years from the date of filing of the patent application or 17 years from the date of grant of the patent. Each Party is encouraged to extend the term of patent protection, in appropriate cases, to compensate for delays caused by regulatory approval processes.

(iv) Transitional Protection

A Party shall provide transitional protection for products embodying subject matter deemed to be unpatentable under its patent law prior to its implementation of this Agreement, where the following conditions are satisfied:

(1) the subject matter to which the product relates will become patentable after implementation of this Agreement;

(2) a patent has been issued for the product by the other Party prior to the entry into force of this Agreement; and

(3) the product has not been marketed in the territory of the Party providing such transitional protection.

The owner of a patent for a product satisfying the conditions set forth above shall have the right to submit a copy of the patent to the Party providing transitional protection. Such Party shall limit the right to make, use, or sell the product in its territory to such owner for a term to expire with that of the patent submitted.

(v) Compulsory Licenses

Each Party may limit the patent owner's exclusive rights through compulsory licenses only to remedy an adjudicated violation of competition laws or to address, only during its existence, a declared national emergency. Where the law of a Party allows for the grant of compulsory licenses, such licenses shall be granted in a manner which minimizes distortions of trade, and the following provisions shall be respected:

(1) Compulsory licenses shall be non-exclusive and non-assignable except with that part of the enterprise or goodwill which exploits such license.

(2) The payment of remuneration to the patent owner adequate to compensate the patent owner fully for the license shall be required, except for compulsory licenses to remedy adjudicated violations of competition law.

(3) Each case involving the possible grant of a compulsory license shall be considered on its individual merits.

(4) Any compulsory license shall be revoked when the circumstances which led to its granting cease to exist, taking into account the legitimate interests of the patent owner and the licensee. The continued existence of these circumstances shall be reviewed upon request of the patent owner.

(5) Decisions to grant or to continue compulsory licenses and the compensation provided for compulsory licenses shall be subject to review by a distinct higher authority.

(d) Layout-Designs of Semiconductor Chips

(i) Subject Matter for Protection

(1) Each Party shall provide protection for original layout-designs incorporated in a semiconductor chip, however the layout-design might be fixed or encoded.

(2) Each Party may condition protection on fixation or registration of the layout-designs. If registration is required, applicants shall be given at least two years from first commercial exploitation of the layout-design in which to apply. A Party which requires deposits of identifying material or other material related to the layout-design shall not require applicants to disclose confidential or proprietary information unless it is essential to allow identification of the layout-design.

(ii) Rights Acquired

(1) Each Party shall provide to owners of rights in integrated circuit lay-out designs of the other Party the exclusive right to do or to authorize the following:

(A) to reproduce the layout-design;

(B) to incorporate the layout-design in a semiconductor chip; and

(C) to import or distribute a semiconductor chip incorporating the layout-design and products including such chips.

(2) The conditions set out in paragraph (c)(v) of this Article shall apply, *mutatis mutandis,* to the grant of any compulsory licenses for layout-designs.

(3) Neither Party is required to extend protection to layout-designs that are commonplace in the industry at the time of their creation or to layout-designs that are exclusively dictated by the functions of the circuit to which they apply.

(4) Each Party may exempt the following from liability under its law:

(A) reproduction of a layout-design for purposes of teaching, analysis, or evaluation in the course of preparation of a layout-design that is itself original;

(B) importation and distribution of semiconductor chips, incorporating a protected layout-design, which were sold by or with the consent of the owner of the layout-design; and

(C) importation or distribution up to the point of notice of a semiconductor chip incorporating a protected layout-design and products incorporating such chips by a person who establishes that he did not know, and had no reasonable grounds to believe, that the layout-design was protected, provided that, with respect to stock on hand or purchased at the time notice is received, such person may import or distribute only such stock but is liable for a reasonable royalty on the sale of each item after notice is received.

(iii) Term of Protection

The term of protection for the lay-out design shall extend for at least ten years from the date of first commercial exploitation or the date of registration of the design, if required, whichever is earlier.

(e) Industrial Designs and Models

(i) Each Party shall provide, at a minimum, protection for industrial designs which are new, original, ornamental and non-obvious. Each Party may condition such protection on registration or other formality. The term of protection of such designs shall extend for at least ten years.

(ii) Each Party shall provide to the owner of a protected design the right to prevent others from making, copying, using, or selling that industrial design.

(iii) Neither Party shall issue compulsory licenses for industrial designs except to remedy adjudicated violations of competition law to which the conditions set out in paragraph (c)(v) of this Article shall apply *mutatis mutandis.*

(f) Acts Contrary to Honest Commercial Practices and the Protection of Trade Secrets

(i) In the course of ensuring effective protection against unfair competition as provided for in Article 10 bis of the Paris Convention, each Party shall provide in its domestic law and practice the legal means for nationals, companies and organizations to prevent trade secrets from being disclosed to, acquired by, or used by others without the consent of the trade secret owner in a manner contrary to honest commercial practices insofar as such information:

(1) is not, as a body or in the precise configuration and assembly of its components, generally known or readily ascertainable;

(2) has actual or potential commercial value because it is not generally known or readily ascertainable; and

(3) has been subject to reasonable steps under the circumstances to keep it secret.

(ii) Neither Party shall limit the duration of protection for trade secrets so long as the conditions in paragraph 2(f)(i) of this Article exist.

(iii) Licensing

Neither Party shall discourage or impede voluntary licensing of trade secrets by imposing excessive or discriminatory conditions on such licenses or conditions which dilute the value of trade secrets.

(iv) Government Use

(1) A Party which requires that trade secrets be submitted to carry out governmental functions, shall not use the trade secrets for the commercial or competitive benefit of the government or of any person other than the owner of the trade secret except with the trade secret owner's consent, on payment of the reasonable value of the use, or if a reasonable period of exclusive use is given the owner of the trade secret.

(2) Each Party may disclose trade secrets to third parties, only with the trade secret owner's consent or to the degree required to carry out necessary government functions. Wherever practicable, owners of trade secrets shall be given an opportunity to enter into confidentiality agreements with any non-government entity to which the Party is disclosing trade secrets to carry out necessary government functions.

(3) Each Party may require owners of trade secrets to disclose their trade secrets to third parties to protect human health or safety or to protect the environment only when the trade secret owner is given an opportunity to enter into confidentiality agreements with any non-government entity receiving the trade secrets to prevent further disclosure or use of the trade secret.

(g) Enforcement of Intellectual Property Rights

(i) Each Party shall protect intellectual property rights covered by this Article by means of civil law, criminal law, or administrative law or a combination thereof in conformity with the provisions below. Each Party shall provide effective procedures, internally and at the border, to protect these intellectual property rights against any act of infringement, and effective remedies to stop and prevent infringements and to effectively deter further infringements. These procedures shall be ap-

plied in such a manner as to avoid the creation of obstacles to legitimate trade and provide for safeguards against abuse.

(ii) Procedures concerning the enforcement of intellectual property rights shall be fair and equitable.

(iii) Decisions on the merits of a case shall, as a general rule, be in writing and reasoned. They shall be made known at least to the parties to the dispute without undue delay.

(iv) Each Party shall provide an opportunity for judicial review of final administrative decisions on the merits of an action concerning the protection of an intellectual property right. Subject to jurisdictional provisions in national laws concerning the importance of a case, an opportunity for judicial review of the legal aspects of initial judicial decisions on the merits of a case concerning the protection of an intellectual property right shall also be provided.

(v) Remedies against a Party

Notwithstanding the other provisions of this Article, when a Party is sued for infringement of an intellectual property right as a result of the use of that right by or for the government, the Party may limit remedies against the government to payment of full compensation to the right-holder.

3. Each Party agrees to submit for enactment no later than December 31, 1992 the legislation necessary to carry out the obligations of this Article and to exert its best efforts to enact and implement this legislation by that date.

4. For purposes of this Article:

(a) "right-holder," means the right-holder himself, any other natural or legal persons authorized by him who are exclusive licensees of the right, or other authorized persons, including federations and associations, having legal standing under domestic law to assert such rights; and

(b) "A manner contrary to honest commercial practice" is understood to encompass, *inter alia*, practices such as theft, bribery, breach of contract, inducement to breach, electronic and other forms of commercial espionage, and includes the acquisition of trade secrets by third parties who knew, or had reasonable grounds to know, that such practices were involved in the acquisition.

Article X.—Areas for Further Economic and Technical Cooperation

1. For the purpose of further developing bilateral trade and providing for a steady increase in the exchange of products and services, both Parties shall strive to achieve mutually acceptable agreements on taxation and investment issues, including the repatriation of profits and transfer of capital.

2. The Parties shall take appropriate steps to foster economic and technical cooperation on as broad a base as possible in all fields deemed to be in their mutual interest, including with respect to statistics and standards.

3. The Parties, taking into account the growing economic significance of service industries, agree to consult on matters affecting the conduct of service business between the two countries and particular matters of mutual interest relating to individual service sectors with the objective, among others, of attaining maximum possible market access and liberalization.

Article XI.—Market Disruption Safeguards

1. The Parties agree to consult promptly at the request of either Party whenever either actual or prospective imports of products originating in the territory of the other Party cause or threaten to cause or significantly contribute to market disruption. Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

2. The consultations provided for in paragraph 1 of this Article shall have the objectives of (a) presenting and examining the factors relating to such imports that may be causing or threatening to cause or significantly contributing to market disruption, and (b) finding means of preventing or remedying such market disruptions. Such consultations shall be concluded within sixty days from the date of the request for such consultation, unless the Parties otherwise agree.

3. Unless a different solution is mutually agreed upon during the consultations, the importing Party may (a) impose quantitative import limitations, tariff measures or any other restrictions or measures it deems appropriate to prevent or remedy threatened or actual market disruption, and (b) take appropriate measures to ensure that imports from the territory of the other Party comply with such quantitative limitations or other restrictions. In this event, the other Party shall be free to deviate from its obligations under this Agreement with respect to substantially equivalent trade.

4. Where in the judgment of the importing Party, emergency action is necessary to prevent or remedy such market disruption, the importing Party may take such action at any time and without prior consultations provided that such consultations shall be requested immediately thereafter.

5. Each Party shall ensure that its domestic procedures for determining market disruption are transparent and afford affected parties an opportunity to submit their views.

6. The Parties acknowledge that the elaboration of the market disruption safeguard provisions in this Article is without prejudice to the right of either Party to apply its laws and regulations applicable to trade in textiles and textile products and its laws and regulations applicable to unfair trade, including antidumping and countervailing duty laws.

Article XII.—Dispute Settlement

1. Nationals, companies and organizations of either Party shall be accorded national treatment with respect to access to all courts and administrative bodies in the territory of the other Party, as plaintiffs, defendants or otherwise. They shall not claim or enjoy immunity from suit or execution of judgment, proceedings for the recognition and enforcement of arbitral awards, or other liability in the territory of the other Party with respect to commercial transactions; they also shall not claim or enjoy immunities from taxation with respect to commercial transactions, except as may be provided in other bilateral agreements.

2. The Parties encourage the adoption of arbitration for the settlement of disputes arising out of commercial transactions concluded between nationals or companies of the United States and nationals or organizations of the Mongolian People's Republic. Such arbitration may be provided for by agreements in contracts between such nationals, companies or organizations, or in separate written agreements between them.

3. The parties may provide for arbitration under any internationally recognized arbitration rules, including the UNCITRAL Rules in which case the parties should designate an Appointing Authority under said rules in a country other than the United States or the Mongolian People's Republic.

4. Unless otherwise agreed between the parties, the parties should specify as the place of arbitration a country other than the United States or the Mongolian People's Republic, that is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 1958.

5. Nothing in this Article shall be construed to prevent, and the Parties shall not prohibit, the parties from agreeing upon any other form of arbitration or dispute settlement which they mutually prefer and agree best suits their particular needs.

6. Each Party shall ensure that an effective means exists within its territory for the recognition and enforcement of arbitral awards.

Article XIII.—National Security

The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

Article XIV.—Consultations

1. The Parties agree to consult periodically to review the operation of this Agreement.

2. The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

Article XV.—Definitions

As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company," means any kind of corporation, company, association, sole proprietorship or other organization legally constituted under the laws and regulations of a Party or an political subdivision thereof, whether or not organized for pecuniary gain or privately or governmentally owned; provided that, either Party reserves the right to deny any company the advantages of this Agreement if nationals of any third country control such a company and, in the case of a company of the other Party, that company has no substantial business activities in the territory of the other Party or is controlled by nationals of a third country with which the denying country does not maintain normal economic relations;

(b) "commercial representation," means a representation of a company or organization of a Party;

(c) "national," means a natural person who is a national of a Party under its applicable law; and

(d) "organization," means, with respect to the United States, a company of the United States and, with respect to the Mongolian People's Republic, any economic entity or enterprise (including a company) whether privately or governmentally owned.

Article XVI.—General Exceptions

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit the adoption or enforcement by a Party of:

(a) measures necessary to secure compliance with laws or regulations which are not contrary to the purposes of this Agreement;

(b) measures for the protection of intellectual property rights and the prevention of deceptive practices as set out in Article IX of this Agreement; or

(c) any other measure referred to in Article XX of the GATT.

2. Nothing in this Agreement limits the application of any existing or future agreement between the Parties on trade in textiles and textile products.

3. Nothing in this Agreement shall preclude a Party from applying its laws relating to entities substantially owned or effectively controlled by the government of the other Party.

Article XVII.—Entry into Force, Term, Suspension and Termination

1. This Agreement (including its side letters which are an integral part of the Agreement) shall enter into force on the date of exchange of written notices of acceptance by the two governments and shall remain in force as provided in paragraphs 2 and 3 of this Article.

2. (a) The initial term of this Agreement shall be three years, subject to subparagraph (b) and (c) of this paragraph.

(b) If either Party encounters or foresees a problem concerning its domestic legal authority to carry out any of its obligations under this Agreement, such Party shall request immediate consultations with the other Party. Once consultations have been requested, the other Party shall enter into such consultations as soon as possible concerning the circumstances that have arisen with a view to finding a solution to avoid action under subparagraph (c).

(c) If either Party does not have domestic legal authority to carry out is obligations under this Agreement, either Party may suspend the application of this Agreement or, with the agreement of the other Party, any part of this Agreement. In that event, the Parties will, to the fullest extent practicable and consistent with domestic law, seek to minimize disruption to existing trade relations between the two countries.

3. This Agreement shall be extended for successive terms of three years each unless either Party has given written notice to the other Party of its intent to terminate this Agreement at least 30 days prior to the expiration of the then current term.

DONE at Washington on this twenty-third day of January, 1991, in duplicate, in the English and Mongolian languages. In the event of any conflict between the two texts, the English language text shall control.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
CARLA A. HILLS

FOR THE GOVERMENT OF THE MONGOLIAN PEOPLE'S REPUBLIC:
SED-OCHIRYN BAYARBAATAR

THE UNITED STATES TRADE REPRESENTATIVE

Washington

20506

January 23, 1991.

The Honorable Sed-Ochiryn Bayarbaatar,
Minister of Trade and Industry
Mongolian People's Republic

Dear Mr. Minister:

I have the honor to acknowledge receipt of your letter of today's date concerning benefits under the Generalized System of Preferences ("GSP") which reads as follows:

During the course of the negotiation of the Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic, the delegation of the Government of the Mongolian People's Republic requested that the Government of the United States of America accord benefits to products of the Mongolian People's Republic under the Generalized System of Preferences.

I wish to reiterate this request and ask that your government give it due consideration.

Please be assured that the Government of the United States will give your request due consideration. In this regard, we trust that the explanation provided by the U.S. delegation concerning the eligibility requirements for GSP were useful to your delegation.

Sincerely,

CARLA A. HILLS

THE UNITED STATES TRADE REPRESENTATIVE

Washington

20506

January 23, 1991.

The Honorable Sed-Ochiryn Bayarbaatar,
Minister of Trade and Industry
Mongolian People's Republic

Dear Mr. Minister:

In connection with the signing on this date of the Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic (the "Agreement"), I have the honor to confirm the understanding reached by our Governments (the "Parties") regarding the establishment of commercial representations in the Mongolian People's Republic as follows:

The Government of the Mongolian People's Republic intends to liberalize the procedure to establish a commercial representation. Pending a formal change in applicable legislation, the Government of the Mongolian People's Republic intends to administer the procedure as a simple registration process.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement on Trade Relations. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

CARLA A. HILLS

UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary for Travel and Tourism
Washington, DC 20230

Washington, January 23, 1991.

The Honorable Sed-Ochiryn Bayarbaatar,
Minister of Trade and Industry
Mongolian People's Republic

Dear Mr. Minister:

In connection with the signing on this date of the Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic (the "Agreement"), I have the honor to confirm the understanding reached by our Governments (the "Parties") regarding cooperation in the field of tourism services as follows:

The Parties recognize the need to encourage and promote the growth of tourism and travel-related investment and trade between the United States of America and the Mongolian People's Republic.

The Parties recognize the benefits to both economies of increased tourism and travel-related investment in and trade between their two territories.

Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory. Permission to open official tourism promotion offices or field offices shall be as agreed upon by the Parties, and subject to the applicable laws, regulations and policies of the host country. Official tourism promotion offices opened by either Party shall be operated on a non-commercial basis. Official tourism promotion offices and the personnel assigned to them shall not function as agents or principals in commercial transactions, enter into contractual agreements on behalf of commercial organizations or engage in other commercial activities. Such offices shall not sell services to the public or otherwise compete with private sector travel agents or tour operators of the host country. Nothing in this side letter shall obligate either Party to open such offices in the territory of the other.

Private and governmentally-owned commercial tourism enterprises shall be treated as private commercial enterprises fully subject to all applicable laws and regulations of the host country.

Each Party shall ensure, within the scope of its legal authority, that any company owned, controlled or administered by that Party, or any joint venture therewith, which effectively controls a significant portion of the supply of any tourism or travel-related service in the territory of that Party shall provide those services to nationals and companies of the other Party in a fair and equitable manner and on a most-favored-nation basis.

Nothing in this letter or in the Agreement shall be construed to mean that tourism and travel-related services shall not receive the benefits from that Agreement as fully as all other industries and sectors.

The Parties will consider negotiating a separate agreement on tourism and travel-related services.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

ROCKWELL A. SCHNABEL

Proclamation 6309 of June 26, 1991

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to section 504(c) of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2464(c)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the 1974 Act, are subject to limitations on the preferential treatment afforded under the Generalized System of Preferences (GSP). Pursuant to section 504(c)(3) of the 1974 Act, the President may waive the application of section 504(c) of the 1974 Act with respect to any eligible article if the President determines, based on the considerations described in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)) and advice from the United States International Trade Commission (USITC), that such waiver is in the national economic interest of the United States. Further, pursuant to section 504(c)(5) of the 1974 Act, a country that is no longer treated as a beneficiary developing country with respect to an eligible article by reason of section 504(c) of the 1974 Act may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in section 504(c)(1) (after application of paragraph (c)(2)) during the preceding calendar year.

2. Pursuant to subsection 504(c)(3) of the 1974 Act, I have determined that it is appropriate to waive the application of section 504(c) of the 1974 Act with respect to certain eligible articles from certain beneficiary developing countries. I have received the advice of the USITC on whether any industries in the United States are likely to be adversely affected by such waivers, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act, as amended (19 U.S.C. 2461 and 2462(c)), that such waivers are in the national economic interest of the United States. Further, I have determined that it is necessary and appropriate to subdivide and amend the nomenclature of the Harmonized Tariff Schedule of the United States (HTS) in order to provide for one such waiver. Last, I have determined, pursuant to section 504(c)(5) of the 1974 Act, that certain countries should be redesignated as beneficiary developing countries with respect to specified previously designated eligible articles. These countries have been previously excluded from benefits of the GSP with respect to such eligible articles pursuant to sections 504(c)(1) or 504(c)(2) of the 1974 Act.

3. In order to clarify a change in general note 3(c)(ii)(C) to the HTS made by Proclamation 6245 of February 4, 1991, to correct a typographical error in Proclamation 6282 of April 25, 1991, and to modify the designation of eligibility of Peru with respect to HTS subheading 7113.19.10 due to new information as to the value of imports under such subheading, I have determined it is necessary and appropriate to modify the HTS.

4. Section 604 of the 1974 Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 501, 502, 504, and 604 of the 1974 Act, do proclaim that:

(1) The waivers of the application of section 504(c) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and the beneficiary developing countries opposite such HTS subheadings set forth in Annex I(a).

(2) In order to provide in the nomenclature of the HTS for a waiver under the GSP for a specified designated eligible article when imported from Mexico, the HTS is modified as provided in Annex I(b) to this proclamation.

(3) In order to provide preferential tariff treatment under the GSP to certain countries which have been excluded from the benefits of the GSP for certain eligible articles imported from such countries, following my determination that a country previously excluded from receiving such benefits should again be treated as a beneficiary developing country with respect to such article, the Rates of Duty 1 Special subcolumn for each of the HTS provisions enumerated in Annex II(a) to this proclamation is modified: (i) by deleting from such subcolumn for such HTS provisions the symbol "A*" in parentheses, and (ii) by inserting in such subcolumn the symbol "A" in lieu thereof.

(4) In order to provide that one or more countries which have not been treated as beneficiary developing countries with respect to an eligible article should be redesignated as beneficiary developing countries with respect to such article for purposes of the GSP, general note 3(c)(ii)(D) to the HTS is modified as provided in Annex II(b) to this proclamation.

(5) In order to provide for the continuation of previously proclaimed staged reductions on Canadian goods in the HTS provisions modified in Annex I(b) to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex I(c) to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1 Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in such Annex I(c) shall be deleted and the rate of duty provided in such Annex I(c) inserted in lieu thereof on the dates specified.

(6) In order to clarify a change in general note 3(c)(ii)(C) to the HTS, to correct a typographical error, and to modify the eligibility of Peru with respect to subheading 7113.19.10, the HTS is modified as provided in Annex III.

(7) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(8)(a) The waivers granted by Annex I(a) of this proclamation shall be effective on or after the date of signature of this proclamation.

(b) The amendments made by Annexes I(b), II, and III(b) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991.

(c) The amendments made by Annex I(c) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates indicated in the respective Annex I(c) columns.

(d) The amendments made by Annex III(a) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Annex I

(a) The waiver of the application of section 504(c) of the 1974 Act shall apply to:

0802.90.15	Mexico	8414.59.80	Mexico	8536.69.00	Mexico
0804.50.40	Mexico	8418.10.00	Mexico	8536.90.00	Mexico
2005.20.00pt.	Mexico [1]	8418.21.00	Mexico	8544.30.00	Mexico; Philippines
2529.22.00	Mexico	8418.40.00	Mexico	8544.51.40	Mexico
2836.92.00	Mexico	8475.20.00	Mexico	8708.70.80	Mexico
2917.37.00	Mexico	8504.10.00	Mexico	8708.99.50	Mexico
3907.60.00	Mexico	8504.32.00	Mexico	9401.90.10	Mexico
4409.10.40	Mexico	8505.19.00	Mexico	9503.70.80	Mexico
4818.40.40	Mexico	8507.90.40	Mexico	9503.90.60	Mexico
7901.11.00	Mexico	8511.10.00	Mexico		

[1] Waiver for Mexico on 2005.20.00pt. only applies to 2005.20.0020 (potato chips).

(b) The HTS is modified as provided below effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991.

Subheading 2005.20.00 is superseded by:

"2005.20	[Other vegetables...:] Potatoes:			
2005.20.20	Potato chips	10%	Free (A,E,IL) 7% (CA)	35%
2005.20.60	Other	10%	Free (A,E,IL) 7% (CA)	35%"

(c) The HTS is modified effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation. For each of the following subheadings created by Annex I(b) to this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1 Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof on the dates specified below.

HTS Subheading	1992	1993	1994	1995	1996	1997	1998
2005.20.20	6%	5%	4%	3%	2%	1%	Free
2005.20.60	6%	5%	4%	3%	2%	1%	Free

Annex II

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991:

(a) For the following HTS subheadings, in the Rates of Duty 1 Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof:

0802.90.15	7901.11.00	8504.32.00	8708.99.50
0804.50.40	8414.59.80	8536.69.00	
2836.92.00	8418.10.00	8536.90.00	
4409.10.40	8504.10.00	8544.30.00	

(b) General note 3(c)(ii)(D) to the HTS is modified by deleting the following HTS subheadings and the countries opposite such subheadings:

0802.90.15	Mexico	8414.59.80	Mexico	8536.90.00	Mexico
0804.50.40	Mexico	8418.10.00	Mexico	8544.30.00	Mexico; Philippines
2836.92.00	Mexico	8504.10.00	Mexico	8708.99.50	Mexico
4409.10.40	Mexico	8504.32.00	Mexico		
7901.11.00	Mexico	8536.69.00	Mexico		

Annex III

(a) General note 3(c)(ii)(C) to the HTS is modified by striking out the phrase "from such country or territory," and inserting "from such country or territory listed in subdivision (c)(ii)(A) of this note," in lieu thereof effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(b) Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1991:

(1) For HTS subheadings 7113.19.10 and 8520.20.00, in the Rates of Duty 1 Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof.

(2) General note 3(c)(ii)(D) to the HTS is modified by deleting "7113.19.10 Peru".

Proclamation 6310 of June 28, 1991

To Make Changes to the Harmonized Tariff Schedule of the United States

By the President of the United States of America

A Proclamation

1. Section 1211(d)(2) of the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act") (19 U.S.C. 3011(d)(2)) requires the United States International Trade Commission ("Commission") to recommend to the President and to the Congress those changes to the Harmonized Tariff Schedule of the United States (HTS) that the Commission would have recommended if certain final judicial decisions published during the 2-year period beginning on February 1, 1988, would have affected tariff treatment if the final decisions had been made before the conversion into the format of the International Convention on the Harmonized

Commodity Description and Coding System, June 14, 1983, and the Protocol thereto, June 24, 1986. Section 1211(d)(3) of the 1988 Act (19 U.S.C. 3011(d)(3)) directs the President to review the recommended changes and to proclaim those changes, if any, which he decides are necessary or appropriate to conform the HTS to the pertinent final judicial decisions. This section further provides that any changes proclaimed by the President shall be effective both for entries made on or after the date of the proclamation and for entries made between January 1, 1989, and the date of the proclamation, upon request by the importer for liquidation or reliquidation thereof within 180 days after the effective date of the proclamation.

2. Pursuant to section 1211(d) of the 1988 Act, on September 1, 1990, the Commission reported its recommendations for changes to the HTS to the President in its report on Investigation No. 332–273 (USITC Publication No. 2309, August 1990). After reviewing all of the changes recommended by the Commission, I have decided that all such changes are necessary or appropriate in order to conform the HTS to the decisions identified in the Commission's report.

3. Section 604 of the Trade Act of 1974, as amended ("1974 Act") (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that Act, of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and laws of the United States, including but not limited to section 604 of the 1974 Act and section 1211(d) of the 1988 Act, do proclaim that:

(1) In order to conform the HTS to certain final judicial decisions, the HTS is modified as set forth in Annex I to this proclamation.

(2) In order to provide for the continuation of previously proclaimed staged reductions on Canadian goods in the HTS provisions modified in Annex I to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex II to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1 Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in Annex II shall be deleted and the rate of duty provided in Annex II inserted in lieu thereof on the dates specified.

(3) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(4)(a) The modifications made by paragraph (1) of this proclamation shall be effective with respect to:

(i) entries made on or after the date of signature of this proclamation, and

(ii) entries made on or after January 1, 1989, if application for liquidation or reliquidation thereof is made by the importer to the United States Customs Service within 180 days after the date of signature of this proclamation.

(b) The modifications made by paragraph (2) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates indicated in the respective columns for such goods in Annex II to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

ANNEX I

Notes

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following supersedes matter now in the Harmonized Tariff Schedule of the United States (HTS). The subheadings and superior descriptions are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1 General", "Rates of Duty 1 Special", and "Rates of Duty 2", respectively.

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of signature of this proclamation, and to entries of such articles made on or after January 1, 1989, if application for liquidation or reliquidation thereof is made by the importer within 180 days of the date of this proclamation:

(a) Subheading 8471.99.30 is superseded by:

	[Automatic...:]			
	[Other:]			
	[Other:]			
	"Power supplies:			
8471.99.32	Units suitable for physical incorporation into automatic data processing machines or units thereof	Free		35%
8471.99.34	Other	3%	Free (A*,CA,E,IL)	35%"

Conforming change: General note 3(c)(ii)(D) to the HTS is modified by striking out "8471.99.30 Mexico" and by inserting in lieu thereof "8471.99.34 Mexico".

(b) Subheading 9027.20.40 is superseded by:

	[Instruments...:]			
	[Chromatographs...:]			
	"Electrical:			
9027.20.42	Electrophoresis instruments not incorporating an optical or other measuring device	3.9%	Free (A,E,IL) [See Annex II] (CA)	40%
9027.20.44	Other	4.9%	Free (A,E,IL) [See Annex II] (CA)	40%"

(c) Subheading 9027.90.40 is superseded by:

	[Instruments...:] [Microtomes;...:] [Parts...:] "Of electrical instruments and apparatus:			
9027.90.42	Of electrophoresis instruments not incorporating an optical or other measuring device	3.9%	Free (A,E,IL) [See Annex II] (CA)	40%
9027.90.44	Other	4.9%	Free (A,E,IL) [See Annex II] (CA)	40%"

ANNEX II

Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation:

For each of the following subheadings created by Annex I(b) and (c) of this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1 Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof on the date specified below.

HTS Subheading	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
9027.20.42	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
9027.20.44	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
9027.90.42	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free
9027.90.44	4.4%	3.9%	3.4%	2.9%	2.4%	1.9%	1.4%	0.9%	0.4%	Free

Proclamation 6311 of June 28, 1991

National Forest System Month, 1991

By the President of the United States of America

A Proclamation

This year we Americans proudly celebrate the 100th anniversary of our National Forest System, an unparalleled national resource. A century ago, the designation of the Yellowstone Park Timber Land Reserve marked the beginning of a great movement to conserve a portion of America's vast forests for all our people. Today the National Forest System—191 million acres of magnificent National Forests and National Grasslands—stretches from Alaska to Puerto Rico and from Michigan to Texas.

This anniversary celebrates what many historians consider to have been the watershed event in American conservation history. With the first forest reserve, America made a fundamental change in its policies regarding the administration of public lands. As a Nation, we recognized that there are important public values, both environmental and economic, in holding public lands in trust and managing them for long-

term public benefits. The National Forest System embodies this conservation ideal.

Our National Forest System provides an excellent example of efficient and responsible management of valuable natural resources. Indeed, the development of our National Forest System has introduced the world to new ideas for sound resource management—including multiple-use, sustained yield and the preservation of wilderness areas and scenic rivers.

All Americans can be proud of the management of our National Forest System because it demonstrates how precious natural resources can be conserved while being used to meet a variety of public needs.

The Congress, by Senate Joint Resolution 159, has designated the month of June 1991 as "National Forest System Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim June 1991 as National Forest System Month and encourage all Americans to join in celebrating the past 100 years of natural resource stewardship in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of June, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6312 of July 2, 1991

National Literacy Day, 1991

By the President of the United States of America

A Proclamation

The ability to read, write, and comprehend the written word is essential to full participation in our society. Literacy opens the door to the realm of ideas and enables us to enjoy the rewards of lifelong learning. It enables us to stay more fully informed about events of the day, it helps us to be better parents, and it gives us tools that we need to exercise our rights and responsibilities as citizens. That is why we will continue to reach out to the millions of Americans who remain encumbered by poor literacy skills.

During this 25th year of the Adult Education Act, we are embarked on a bold new campaign to build a nation of students. It is known as our AMERICA 2000 strategy. One of the six National Education Goals that this strategy has been designed to reach is full adult literacy by the turn of the century. As a Nation we are committed to ensuring that every citizen will be literate and possess the knowledge and skills—including the technical skills—that are needed to enjoy full, productive lives in an increasingly competitive world.

On this occasion, we commend the many educators, business leaders, and volunteers in communities across the Nation who have dedicated themselves to achieving the goal of full adult literacy. In addition, we celebrate the courage and the accomplishments of those adults who are working to achieve greater literacy and to reach their fullest potential—as parents, employees, citizens, and neighbors.

In recognition of the vital importance of literacy to the personal well-being of every American and to the strength and productivity of our entire Nation, the Congress, by House Joint Resolution 259, has designated July 2, 1991, as "National Literacy Day" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim July 2, 1991, as National Literacy Day. I call upon the people of the United States, government officials, and all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH

Proclamation 6313 of July 9, 1991

To Modify Temporarily the Import Quota on Peanuts

By the President of the United States of America
A Proclamation

1. Heading 9904.20.20 of the Harmonized Tariff Schedule of the United States (HTS) provides that no more than 775,189 kilograms of peanuts described therein may be entered into the United States during any 12-month period beginning August 1 in any year. This limitation was proclaimed by the President in Proclamation No. 3019 of June 8, 1953 (18 FR 3361), and was modified in subsequent proclamations, under the authority of section 22 of the Agricultural Adjustment Act of 1933, as amended (the 1933 Act) (7 U.S.C. 624).

2. On the basis of the investigation and report of the United States International Trade Commission, which conducted an investigation into this matter pursuant to section 22 of the 1933 Act, I find and declare that changed circumstances require a quantity of 100 million pounds (45,359,702 kilograms) of peanuts to be permitted entry during the quota period ending July 31, 1991, as hereinafter proclaimed, to carry out the purposes of section 22. I also find and declare that the entry of such quantities of peanuts, under the conditions hereinafter proclaimed, will not render or tend to render ineffective, or materially interfere with, the price support program of the Department of Agriculture with respect to peanuts.

3. Section 604 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2483), requires the President, from time to time, as appropriate, to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions taken thereunder, including the removal, modification, continuance, or imposition of any import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to section 22 of the 1933 Act and section 604 of the Trade Act, do hereby proclaim:

(1) In order to modify temporarily the import quota on peanuts of the type described in HTS heading 9904.20.20 and to facilitate its administration:

(a) Heading 9904.20.20 of the HTS is modified by striking out the quota quantity "775,189" and by inserting in lieu thereof "45,359,702"; and

(b) The following new note 5 is added to the U.S. Notes to subchapter IV of chapter 99 of the HTS:

"5. *Peanuts.*—

No peanuts provided for in heading 9904.20.20, other than peanuts blanched or otherwise prepared or preserved, shall be entered, or withdrawn from warehouse for consumption, through July 31, 1991, unless the following certificates (or a bond for their production) for such peanuts are filed with the appropriate customs officer at the time of such entry or withdrawal:

(a) A certificate issued by the U.S. Department of Agriculture attesting to the fact that the peanuts meet the requirements as to quality, size, and wholesomeness that are specified in the Outgoing Quality Regulation—1990 Crop Peanuts (7 CFR 998.200), and

(b) A certificate issued by a U.S. Department of Agriculture laboratory or a designated laboratory approved by the Peanut Administrative Committee attesting to the fact that the peanuts tested 'negative' as to aflatoxin.".

(2) In order to restore the previous quota quantity for such peanuts, HTS heading 9904.20.20 is modified by striking out the quota quantity "45,359,702" and by inserting in lieu thereof "775,189", and U.S. note 5 to subchapter IV of chapter 99 of the HTS is deleted.

(3)(a) The modifications made by paragraph (1) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the **Federal Register**.

(b) The modifications made by paragraph (2) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after August 1, 1991.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of July, in the year of our Lord nineteen hundred and ninety-one, and of

the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6314 of July 10, 1991

Lyme Disease Awareness Week, 1991

By the President of the United States of America
A Proclamation

Lyme disease is a potentially debilitating bacterial infection, transmitted to humans by the bite of a very small tick, that merits the attention of all Americans. These ticks—which frequently appear to be no larger than a freckle—feed primarily on deer, but other hosts may include horses, dogs, cats, birds, and cattle. Although most cases are concentrated in the coastal Northeast, Wisconsin, Minnesota, northern California, and Oregon, Lyme disease has been reported in nearly all States, and the number of recorded cases has been increasing each year.

Fortunately, however, most persons with Lyme disease respond well to prompt treatment with antibiotics if the infection is detected early. Early symptoms of the disease may include a red, bull's-eye-shaped rash at the site of a tick bite, headache, fever, joint pain, and fatigue. Later symptoms may mimic those of arthritis and/or brain, nerve, and heart disease. If left untreated, Lyme disease can seriously damage the skin, joints, heart, and nervous system.

Because Lyme disease can pose a significant health threat, and because no completely reliable test for detection of the infection has been developed, prevention is very important. Hikers, outdoor workers, and other individuals who enter wooded, tick-infested areas should take precautions to avoid being bitten by the deer tick. These include staying away from long grass or brush, covering up well with light-colored slacks and long-sleeved shirts, using tick repellents, and carefully examining oneself afterwards for ticks.

In the Federal Government, physicians and scientists are working together with their colleagues and other concerned individuals in the private sector to advance research on Lyme disease and to promote public awareness of this complex and potentially dangerous infection.

In support of those efforts, the Congress, by House Joint Resolution 138, has designated the week beginning July 21, 1991, as "Lyme Disease Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 21, 1991, as Lyme Disease Awareness Week. I encourage all Americans to observe this week with appropriate programs and activities to increase their knowledge of Lyme disease.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6315 of July 12, 1991

Captive Nations Week, 1991

By the President of the United States of America
A Proclamation

Each July 4, we Americans celebrate our Nation's Independence with a profound sense of gratitude for the blessings of liberty. Yet, as we rejoice in our freedom, we also remember our solemn obligation to speak out in behalf of those peoples who suffer under tyranny and oppression. Thus, this month we also observe Captive Nations Week.

Established at a time when Marxist-Leninist regimes had enslaved many nations of the world and overshadowed others with the very real threat of expansionism, our annual observance of Captive Nations Week has underscored our determination to defend the ideals of national sovereignty and individual liberty. It has also underscored our belief in the inevitable triumph of freedom and democratic ideals. Now, after more than three decades, we can see that our faith has been well founded; our vigilance and resolve have borne fruit.

The world has entered a promising new era. Communism has failed throughout Eastern Europe. The Soviet Union has taken important steps toward democracy and openness. More and more regimes that once ruled by terror and force have fallen, swept away by courageous peoples who are eager to take their rightful place in the community of free nations—a community that is marked by respect for human rights and the rule of law.

Tragically, however, despite these welcome changes, there remain captive peoples whose sufferings cannot be overlooked. The United States is determined to keep faith with all oppressed peoples and to assist peaceful efforts to promote democracy and freedom. Indeed, until freedom and independence have been achieved for every captive nation, we shall continue to call on all governments and states to uphold both the letter and the spirit of international human rights agreements, including the Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the more recent Charter of Paris.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week in July of each year as "Captive Nations Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 14, 1991, as Captive Nations Week. I call upon the people of the United States to

observe this week with appropriate ceremonies and activities, and I urge them to reaffirm their commitment to upholding the God-given right of all peoples to liberty, justice, and self-determination.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6316 of July 23, 1991

Korean War Veterans Remembrance Week, 1991

By the President of the United States of America
A Proclamation

In 1950, while Americans were still enjoying a sense of pride and relief following the Allied victory in World War II, our Nation suddenly became engaged in another great struggle for freedom. On June 25 of that year, communist forces of the North launched a ruthless attack against the free Republic of Korea. The United Nations swiftly condemned the invasion and formed the UN Command to repel the aggressor. America's Armed Forces, many of whom had just served during World War II, joined with those of 17 other nations in the ensuing conflict. Forty years before the international effort to liberate Kuwait, these courageous individuals demonstrated the power of collective resolve in the face of lawless aggression.

Addressing the American troops serving in Korea, President Truman declared: "You will go down in history as the first army to fight under a flag of a world organization in the defense of human freedom . . . . Victory may be in your hands, but you are winning a greater thing than military victory, for you are vindicating the idea of freedom under international law." By the time a cease-fire was negotiated at Panmunjom on July 27, 1953, more than 54,000 American servicemen had died to defend the lives and liberty of others. Some 103,000 were wounded, and today 8,000 are still listed as missing in action. This week, we honor our Nation's Korean War veterans and remember in prayer those heroes who made the ultimate sacrifice at places such as Inchon, the Pusan Perimeter, and the Chosin Reservoir.

Veterans of the Korean War can take pride in their legacy. These heroes and their fallen comrades not only helped to restore the freedom of South Korea but also won a decisive victory for the ideals of liberty and self-determination. Today there is hope for peace and reconciliation on the Korean Peninsula, and in just a few months the Republic of Korea will take its rightful place as a member of the United Nations. These promising developments are a monument to each of the brave and selfless Americans and other UN forces who fought in Korea four decades ago for the sake of peace and freedom.

In grateful recognition of our Nation's Korean War veterans, the Congress, by House Joint Resolution 255, has designated the week beginning July 21, 1991, as "Korean War Veterans Remembrance Week" and

has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 21, 1991, as Korean War Veterans Remembrance Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities in honor of the Nation's Korean War veterans. I also ask all Federal departments and agencies, organizations, and individuals to fly the flag of the United States at half-staff on July 27, 1991, in honor of those Americans who died as a result of their service in Korea.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6317 of July 24, 1991

Women's Equality Day, 1991

By the President of the United States of America
A Proclamation

Each August 26 we commemorate the ratification of the 19th Amendment to our Constitution. This Amendment guaranteed for women the right to vote and gave them an equal voice in our Nation's system of self-government. Passed by the Congress in June of 1919, the proposed Amendment was ratified by the Tennessee Legislature on August 18, 1920, and declared part of our Constitution on August 26.

Although the woman's suffrage movement had gained ground in preceding years, and although women already enjoyed the right to vote in some States, the contributions of women during World War I contributed significantly to gathering the force of public opinion behind the proposed 19th Amendment to our Constitution. President Woodrow Wilson noted that the services of women during the war were "of the most signal usefulness and distinction. The war could not have been fought without them, or its sacrifices endured." The achievements of women during that epic conflict underscored not only their desire but also their ability to act as full and equal partners in the life of our country.

Since the adoption of the 19th Amendment, as more and more legal and attitudinal barriers to their advancement have fallen, women have entered positions of leadership and responsibility in virtually every field of endeavor. For example, today women are not only providing support for our Nation's military personnel but also serving as members of the Armed Forces themselves. Through the workplace, through the ballot box, and, as ever, through their families and their communities, women are helping to shape America's future.

The anniversary of the ratification of the 19th Amendment reminds us of our obligation to ensure that every individual has the opportunity to participate fully in the social, political, and economic life of our coun-

try. It also underscores the importance of having the right to vote and of faithfully exercising that right, so that this Nation might always be true to the ideals enshrined in our Constitution and Declaration of Independence.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 1991, as Women's Equality Day. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6318 of July 25, 1991

National Juvenile Arthritis Awareness Week, 1991

By the President of the United States of America
A Proclamation

It is estimated that more than 250,000 children in the United States suffer from some form of arthritis. A chronic inflammatory disease of unknown cause, juvenile arthritis may attack the joints and major organs of the body, such as the heart, liver, spleen, and eyes. The disease, which can last a lifetime, often makes even simple tasks difficult and frustrating for its victims.

In addition to the physical pain and limitations that it imposes on its young victims, juvenile arthritis can inflict emotional and financial hardship on entire families. This week, as our Nation reaffirms its commitment to the fight against juvenile arthritis, we commend the courage of the children who cope with the disease from day to day. We also applaud the strength and the resourcefulness of their families in dealing with the disease.

Public awareness of juvenile arthritis and the importance of related scientific research is critical. Today the Federal Government and private voluntary organizations across the country are working together to educate Americans about juvenile arthritis while advancing studies of the disease. These cooperative efforts are evidence of our Nation's determination to conquer juvenile arthritis.

The Congress, by Senate Joint Resolution 142, has designated the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 28, 1991, as National Juvenile Arthritis Awareness Week. I urge all Americans—and, in particular, government agencies and health care organizations—

to observe this week with appropriate programs and activities designed to promote public awareness of juvenile arthritis.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6319 of July 31, 1991

Helsinki Human Rights Day, 1991

By the President of the United States of America
A Proclamation

In 1975, when the United States, Canada, and 33 European states joined in adopting the Helsinki Final Act of the Conference on Security and Cooperation in Europe, we affirmed "the close link between peace and security in Europe and in the world as a whole." Signatories to the Helsinki accords also recognized that respect for human rights and fundamental freedoms is essential not only to achieving lasting peace among nations but also to promoting their social and economic development. During the past 16 years, the CSCE process begun at Helsinki has played a leading role in building mutual confidence, reducing the risk of conflict, and enhancing the growth of democracy and openness in Europe. This year we welcome Albania's entry into the CSCE community and its commitment to respect human rights and fundamental freedoms that this symbolizes.

The tremendous changes that have swept central and eastern Europe underscore the CSCE's effectiveness in advancing the goal of universal compliance with the Helsinki accords. At their meeting in Paris last November, CSCE members welcomed the emergence of a new transatlantic partnership of nations based on a mutual commitment to upholding human rights and the rule of law. In signing the Charter of Paris for a New Europe, members added to existing CSCE principles new and sweeping commitments to political pluralism, free elections, free enterprise, and the rule of law. New CSCE institutions established at the Paris summit—such as the Office for Free Elections in Warsaw, the CSCE Secretariat in Prague, and the Conflict Prevention Center in Vienna—strengthen the CSCE's ability to help consolidate and to build upon recent gains. The United States encouraged and welcomed these developments as evidence that the CSCE can serve not only as a catalyst for change but also itself change to reflect the demands of an evolving Europe.

During the June meeting of CSCE foreign ministers in Berlin, the Conference endorsed the report of the Valletta Meeting on the Peaceful Settlement of Disputes and agreed to designate the Conflict Prevention Center in Vienna as the nominating institution to help settle disputes. Members also agreed on a mechanism for holding emergency official-level meetings of the CSCE, which has first been called into action in the current Yugoslav crisis.

As the Yugoslav crisis demonstrates, major challenges remain. The United States will continue to suggest that the CSCE strengthen its capacity to address the political sources of conflict. One area of special concern to us is the persecution of ethnic minorities. Ethnic tensions in Europe provide a solemn and urgent reminder that we still have much work to do in achieving universal compliance with both the letter and the spirit of the Helsinki accords. The United States has sought to lead other member-states in exploring ways that the CSCE can help reduce those tensions and fulfill the promise of a Europe that is whole and free, and at peace with itself.

As an expression of the special importance that the United States continues to attach to the CSCE in a changing Europe, the Congress, by House Joint Resolution 264, has designated August 1, 1991, as "Helsinki Human Rights Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim August 1, 1991, as Helsinki Human Rights Day and reaffirm the United States dedication to the principles of human dignity and freedom—principles that are enshrined in the Helsinki Final Act. As we Americans observe this day with appropriate programs, ceremonies, and activities, let us call on all signatories of the Final Act to fulfill their obligation to respect the rights and dignity of all their citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6320 of August 2, 1991

Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics

By the President of the United States of America
A Proclamation

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Union of Soviet Socialist Republics to conclude an agreement on trade relations between the United States of America and the Union of Soviet Socialist Republics.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics," including annexes and exchanges of letters which form an integral part of the Agreement, the foregoing in English and Russian,

was signed on June 1, 1990, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended, do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Union of Soviet Socialist Republics, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**. On such date, and without prejudice to the long-standing U.S. policy of not recognizing the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union, nondiscriminatory tariff treatment shall also be extended to the products of Estonia, Latvia, and Lithuania.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) to the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in Rates of Duty Column 2 of the tariff schedule, is modified by striking out "Estonia", "Latvia", "Lithuania", and "Union of Soviet Socialist Republics".

IN WITNESS WHEREOF, I have hereunto set my hand this second day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

AGREEMENT ON TRADE RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The United States of America and the Union of Soviet Socialist Republics (hereinafter referred to collectively as "Parties" and individually as "Party"),

Recognizing that the development of bilateral trade may contribute to better mutual understanding and cooperation,

Taking into account the favorable implications for trade expansion of the economic restructuring and the development of a market-based economy in the USSR,

Considering that expanded trade relations between the Parties will contribute to the general well-being of the peoples of each Party, and promote respect for internationally recognized rights of working people,

Acknowledging that the development of trade relations and direct contact between Soviet organizations and United States nationals and companies will promote openness and mutual understanding,

Considering that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Reaffirming their desire to develop economic cooperation in accordance with the principles and provisions of the Final Act signed in Helsinki on the 1st of August, 1975, and other documents of the Conference on Security and Cooperation in Europe, and in accordance with the Document of the Conference on Economic Cooperation in Europe held in Bonn in March-April 1990,

Being convinced that an agreement on trade relations between the two Parties will best serve their mutual interests, and

Desiring to create a framework which will foster the development and expansion of commercial ties between Soviet organizations and United States nationals and companies,

Have agreed as follows:

Article I.—Most Favored Nation and Nondiscriminatory Treatment

1. Each Party shall accord unconditionally to products originating in or exported to the territory of the other Party treatment no less favorable than that accorded to like products originating in or exported to the territory of any third country in all matters relating to:

(a) customs duties and charges of any kind imposed on or in connection with importation or exportation, including the method of levying such duties and charges;

(b) methods of payment for imports and exports, and the international transfer of such payments;

(c) rules and formalities in connection with importation and exportation, including those relating to customs clearance, transit, warehouses and transhipment;

(d) taxes and other internal charges of any kind applied directly or indirectly to imported products; and

(e) rules concerning sale, purchase, transport, distribution, storage and use of products on the domestic market.

2. Each Party shall accord to products originating in or exported to the territory of the other Party nondiscriminatory treatment with respect to the application of quantitative restrictions and the granting of licenses.

3. Each Party shall accord to imports of products and services originating in the territory of the other Party nondiscriminatory treatment with respect to the allocation of the currency needed to pay for such imports.

4. The provisions of paragraphs 1, 2 and 3 shall not apply to:

(a) advantages accorded by either Party by virtue of such Party's full membership in a customs union or free trade area;

(b) advantages accorded to third countries for the facilitation of frontier traffic;

(c) advantages accorded to third countries in accordance with the General Agreement on Tariffs and Trade (the "GATT"), and advantages accorded to developing countries under the GATT and other international agreements; and

(d) actions taken under Article XI (Market Disruption) of this Agreement.

Article II.—General Obligations With Respect to Market Access for Products and Services

1. Recognizing the mutual benefit to trade relations on the basis of this Agreement and consistent with the most favored nation principles expressed in Article I, the Parties shall, on the basis of reciprocity and without detriment to relations with third countries, improve market access for products and services of the other Party and optimize mutual commercial opportunities, including through the satisfactory reciprocation of market opening measures resulting from multilateral negotiations. Taking the above into account and resulting from the development of market mechanisms in the Soviet Union and its closer relationship with the GATT, opportunities shall be created to increase step by step national treatment for products and services of the United States.

2. Trade in products and services shall be effected by contracts between nationals and companies of the United States and organizations of the Soviet Union concluded in the exercise of their independent commercial judgment and on the basis of customary commercial considerations such as price, quality, delivery and terms of payment.

3. Neither Party shall require or encourage Soviet organizations or U.S. nationals or companies to engage in barter or countertrade transactions. Nevertheless, where nationals, companies or organizations decide to resort to countertrade operations, the Parties will encourage them to furnish to each other all necessary information to facilitate the transaction.

4. Each Party shall accord products imported from the territory of the other Party treatment no less favorable than that accorded to like products originating in any third country in relation to technical regulations and standards, including conformity testing and certification. Furthermore, the Parties shall ensure that such technical regulations and standards are not prepared, adopted, or applied in a discriminatory manner, with a view to creating obstacles to bilateral trade, or to protect domestic production.

Article III.—Expansion and Promotion of Trade

1. The Parties affirm their desire to expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate the exchange of goods and services and to secure favorable conditions for long-term development of trade relations between Soviet organizations and United States nationals and companies.

2. The Parties shall take appropriate measures to encourage the expansion of commercial contacts with a view to increasing trade. In this regard, the Soviet Party expects that, during the term of this Agreement, Soviet organizations shall increase their orders in the United States for products and services, while the United States Party anticipates that the effect of this Agreement shall be to encourage increased purchases by United States nationals and companies of products and services from the Soviet Union. Toward this end, the Parties shall publicize this Agreement and ensure that it is made available to all interested parties.

3. The Parties shall encourage interested nationals, companies and organizations of both countries to look for opportunities to expand trade in machinery, equipment and technologies, including creation of favorable financial conditions to carry on trade in such products.

4. Each Party shall encourage and facilitate the holding of trade promotional events such as fairs, exhibitions, missions and seminars in its territory and in the territory of the other Party. Similarly, each Party shall encourage and facilitate the participation of its respective nationals, companies and organizations in such events. Subject to the laws in force within their respective territories, the Parties agree to allow the import and re-export on a duty free basis of all articles for use in such events, provided that such articles are not sold or otherwise transferred.

Article IV.—Government Commercial Offices

1. Each Party shall allow government commercial offices to hire directly host country nationals and, subject to its laws and procedures on entry and residence of aliens, third country nationals.

2. Each Party shall ensure unhindered access of host country nationals to government commercial offices of the other Party.

3. Each Party shall encourage the participation of its nationals, companies and organizations in the activities of their respective government commercial offices, especially with respect to events held on the premises of such commercial offices.

4. Each Party shall create favorable conditions for access by government commercial office personnel of the other Party to host country officials at both the federal and other levels, representatives of state enterprises, institutes, foreign trade organizations, cooperatives, joint ventures and other organizations.

Article V.—Business Facilitation

1. Each Party shall permit the establishment within its territory of commercial representations of companies and organizations of the other Party and shall accord such representations treatment at least as favorable as that accorded to commercial representations of companies and organizations of third countries. If either Party accredits commercial representations, that Party shall establish promptly an expedited accreditation procedure. Through this procedure, a central accrediting authority shall exercise its best efforts to consider an application for accreditation and, in the case of a positive decision, to issue a certificate of accreditation to commercial representations of the other Party all within 60 days of the submission of such application. The accreditation procedure shall be administered with a goal of maximizing the participation in the market of the accrediting Party of companies already operating in that market, new entrants and small companies. Commercial representations of a Party accredited through the above procedure shall be accorded treatment no less favorable than that accorded to accredited commercial representations of third countries, except that they shall not be entitled to the assistance of the accrediting Party in locating office and residential space.

2. Each Party shall afford commercial representations of the other Party fair and equitable treatment with respect to the conduct of their operations.

3. Each Party shall permit commercial representations of the other Party to import and use in accordance with normal commercial practices, office and other equipment, such as typewriters, photocopiers, computers and telefax machines in connection with the conduct of their activities in the territory of such Party.

4. Each Party shall permit on a nondiscriminatory basis, at nondiscriminatory prices (where such prices are set or controlled by the government), commercial representations of the other Party access to office space and living accommodations, whether or not designated for use by foreigners, as well as telecommunications, municipal and social services.

5. Each Party shall permit such commercial representations established in its territory to hire directly employees who are nationals of either Party or of third countries and to compensate such employees on terms and in a currency that is mutually agreed between the parties, consistent with such Party's minimum wage laws.

6. Each Party shall permit nationals, companies and organizations of the other Party to advertise their products and services (a) through direct agreement with the advertising media, including television, radio, print and billboard, and (b) by direct mail, including the use of enclosed envelopes and cards preaddressed to that national, company or organization.

7. Each Party shall permit nationals, companies and organizations of the other Party to conduct market studies, either directly or by contract, within its territory. To facilitate the conduct of market research, each Party, upon request of the other Party, shall make available to interested nationals, companies and organizations of that Party, non-confidential, non-proprietary market information within its possession.

8. Each Party shall permit commercial representations to stock and provide an adequate supply of samples and replacement parts for before and after sales service on a non-commercial basis.

9. Each Party shall facilitate direct contact between end-users in its territory and nationals, companies, and organizations of the other Party. Each Party shall create favorable conditions for direct contacts between its organizations and government institutions whose decisions affect potential sales and purchases of goods and services and nationals, companies, and organizations of the other Party. Each Party shall also encourage direct commercial transactions between Soviet organizations and U.S. nationals and companies, including those which act from either side as producers, end-users or buyers.

10. Each Party shall permit nationals, companies and organizations of the other Party to engage and serve as agents or consultants for nationals, companies or organizations of either Party and of third countries on prices and terms mutually agreed between the parties. Each Party shall permit nationals, companies and organizations of the other Party to engage its nationals, companies and organizations that act as distributors, provided that such nationals, companies or organizations are entitled to engage in such activities, on prices and terms mutually agreed between the parties.

11. Neither Party shall impose measures which unreasonably impair contractual or property rights or other interests acquired within its territory by nationals, companies and organizations of the other Party.

12. Nothing in paragraphs 1, 5 or 10 of this Article shall be interpreted to confer any rights under either Party's laws and procedures on entry and residence of aliens.

Article VI.—Transparency

1. Each Party shall make available publicly on a timely basis all laws and regulations related to commercial activity, including trade, investment, taxation, banking, insurance and other financial services, transport and labor.

2. Each Party shall provide nationals, companies and organizations of the other Party with access to available non-confidential, non-proprie-

tary data on the national economy and individual sectors, including information on foreign trade.

3. Each Party shall allow the other Party, when interested, the opportunity to consult on the formulation of rules and regulations which affect the conduct of business activities.

Article VII.—Financial Provisions Relating to Trade in Products and Services

1. Unless otherwise agreed between the parties to individual transactions, all commercial transactions between Soviet organizations and United States nationals and companies shall be made in United States dollars or any other freely convertible currency that may be mutually agreed upon by such organizations, nationals and companies.

2. No restrictions shall be placed by either Party upon the export from its territory of freely convertible currencies, including deposits or instruments representative of such currencies, obtained in an authorized manner in connection with trade in products and services by nationals, companies and organizations of the other Party.

3. Nationals, companies and organizations of a Party holding currency of the other Party received in an authorized manner may deposit such currency in authorized financial institutions located in the territory of the other Party and may maintain and use such currency for local expenses in accordance with applicable laws and regulations of the other Party.

4. Without derogation from paragraph 2, in connection with trade in products and services, each Party shall grant to nationals, companies and organizations of the other Party most-favored-nation treatment with respect to:

(a) opening and maintaining accounts, in both foreign and local currency, and having access to funds deposited, in financial institutions located in the territory of the Party;

(b) payments, remittances and transfers of freely convertible currencies, or financial instruments representative thereof, between the territories of the two Parties, as well as between the territory of that Party and that of any third country;

(c) rates of exchange offered by financial institutions authorized to deal in foreign exchange, and authorized means of obtaining freely convertible currencies; and

(d) the receipt and use of local currency.

Article VIII.—Protection of Intellectual Property

1. Proceeding from the importance of intellectual property and the necessity of its legal protection to promote trade and economic cooperation and acknowledging the necessity of creating more favorable condi-

tions for adequate and effective legal protection of intellectual property and its enforcement, the Parties have agreed that they shall:

(a) ensure in accordance with the provisions of internal legislation, protection and implementation of intellectual property rights, including copyright on literary, scientific and artistic works including computer programs and data bases, patents and other rights on inventions and industrial designs, know-how, trade secrets, trade marks and service marks, trade names, and protection against unfair competition;

(b) ensure that their international commitments in the field of intellectual property rights are honored. Accordingly, each Party reaffirms the commitments made with respect to industrial property in the Paris Convention for the Protection of Industrial Property of March 30, 1883, as revised at Stockholm on July 14, 1967 (the "Paris Convention"), and the commitments made with respect to copyright in the Universal Copyright Convention of September 6, 1952; and

(c) encourage appropriate arrangements between institutions within the United States and the Union of Soviet Socialist Republics to provide protection for intellectual property rights.

2. To provide adequate and effective protection and enforcement of intellectual property rights, each Party agrees to submit, to their respective legislative bodies, the draft laws necessary to carry out the obligations of this Article and to exert their best efforts to enact and implement these laws. In this connection, the Parties will:

(a) enhance their copyright relations through adherence to the Berne Convention for the Protection of Literary and Artistic Works (Paris 1971) (the "Berne Convention");

(b) provide copyright protection for computer programs and data bases as literary works under their copyright laws;

(c)(1) provide protection for sound recordings first fixed by their respective nationals or companies or first published in their national territory;

(c)(2) such protection shall include, among the minimum rights guaranteed to producers of these works, a right of reproduction and a right of public distribution and importation, and notwithstanding the rights of an owner of a particular copy of a sound recording in such copy, the producer of a sound recording shall continue to enjoy the exclusive commercial rental and lending rights in such copy; and

(c)(3) the Parties agree, that immediately after both Parties have enacted protection for sound recordings originating in their respective territories, to take such steps as are necessary under domestic law to extend such protection to sound recordings originating in the other Party's territory;

(d) provide product and process patent protection for all areas of technology (except the Parties may exclude materials useful solely in atomic weapons) for a term of at least 20 years from the filing of an application or at least 17 years from the grant of the patent; and

(e) provide broad protection for trade secrets.

3. Upon the date when both Parties are members of the Berne Union, the protection of works in existence prior to that date shall be deter-

mined in accordance with Article 18 of the 1971 Paris Act of the Berne Convention.

4. The Parties shall introduce in their legislative proposals the principles enumerated in the side letters to this Agreement. These side letters shall form an integral part of this Agreement.

5. The Parties agree to constitute a working group on intellectual property matters in accordance with the terms and for the purposes set forth in the side letters attached hereto.

Article IX.—Transit

Each Party shall facilitate the transit of products originating in the territory of the other Party and transported via the territory of the Party in accordance with the laws and regulations in force in the Party.

Article X.—Subjects for Further Economic Cooperation

1. The Parties shall take appropriate steps to foster economic cooperation on as broad a base as possible in all fields deemed to be in their mutual interest, including with respect to statistics and standards.

2. The Parties, taking into account the growing economic significance of service industries, agree to consult on matters affecting the conduct of service business between the two countries and particular matters of mutual interest relating to individual service sectors with the objective, among others, of attaining maximum possible market access and liberalization.

Article XI.—Market Disruption Safeguards

1. The Parties agree to consult promptly at the request of either Party whenever either actual or prospective imports of products originating in the territory of the other Party cause or threaten to cause or significantly contribute to market disruption. Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

2. The consultations provided for in paragraph 1 shall have the objectives of (a) presenting and examining the factors relating to such imports that may be causing or threatening to cause or significantly contributing to market disruption, and (b) finding means of preventing or remedying such market disruption. Such consultations shall be concluded within sixty days from the date of the request for such consultation, unless the Parties otherwise agree.

3. Unless a different solution is mutually agreed upon during the consultations, the importing Party may (a) impose quantitative import limi-

tations, tariff measures or any other restrictions or measures it deems appropriate, and for such period of time it deems necessary, to prevent or remedy threatened or actual market disruption, and (b) take appropriate measures to ensure that imports from the territory of the other Party comply with such quantitative limitations or other restrictions introduced in connection with market disruption. In this event, the other Party shall be free to deviate from its obligations under this Agreement with respect to substantially equivalent trade.

4. Where in the judgment of the importing Party, emergency action is necessary to prevent or remedy such market disruption, the importing Party may take such action at any time and without prior consultations provided that such consultations shall be requested immediately thereafter.

5. In the selection of measures under this Article, the Parties shall endeavor to give priority to those measures which cause least disturbance to the achievement of the goals of this Agreement.

6. The Parties acknowledge that the elaboration of the market disruption safeguard provisions in this Article is without prejudice to the right of either Party to apply laws applicable to unfair trade.

7. Each Party shall ensure that its domestic legislation and procedures for determining market disruption are transparent and afford affected parties an opportunity to submit their views.

Article XII.—Dispute Settlement

1. Nationals, companies and organizations of either Party shall be accorded national treatment with respect to access to all courts and administrative bodies in the territory of the other Party, as plaintiffs, defendants or otherwise. They shall not claim or enjoy immunity from suit or execution of judgment, proceedings for the recognition and enforcement of arbitral awards or other liability in the territory of the other Party with respect to commercial transactions; they also shall not claim or enjoy immunities from taxation with respect to commercial transactions, except as may be provided in other bilateral agreements.

2. The Parties encourage the adoption of arbitration for the settlement of disputes arising out of commercial transactions concluded between nationals and companies of the United States and organizations of the Soviet Union. Such arbitration may be provided for by agreements in contracts between such nationals, companies or organizations, or in separate written agreements between them.

3. The parties to individual transactions may provide for arbitration under any internationally recognized arbitration rules, including the UNCITRAL Rules in which case the parties should designate an Appointing Authority under said Rules in a country other than the United States or the Soviet Union.

4. Unless otherwise agreed between the parties, the parties should specify as the place of arbitration a country, other than the United States or the Soviet Union, that is a party to the U.N. Convention on

the Recognition and Enforcement of Foreign Arbitral Awards, signed in New York, June 10, 1958.

5. Nothing in this Article shall be construed to prevent, and the Parties shall not prohibit, the parties from agreeing upon any other form of arbitration or dispute settlement which they mutually prefer and agree best suits their particular needs.

6. Each Party shall ensure that an effective means exists within its territory for the recognition and enforcement of arbitral awards.

Article XIII.—National Security

The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

Article XIV.—Consultations

1. The Parties agree to consult periodically within the framework of the Joint US-USSR Commercial Commission to review the operation of this Agreement.

2. The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

Article XV.—Definitions

1. As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company," means any kind of corporation, company, association, sole proprietorship or other organization legally constituted under the laws and regulations of a Party or an internal subdivision thereof, whether or not organized for pecuniary gain or privately or governmentally owned; provided that, either Party reserves the right to deny any company the advantages of this Agreement if nationals of any third country control such a company and, in the case of a company of the other Party, that company has no substantial business activities in the territory of the other Party or is controlled by nationals of a third country with which the denying country does not maintain normal economic relations.

(b) "commercial representation," means a representation of a company or organization of a Party.

(c) "national," means a natural person who is a national of a Party under its applicable law.

(d) "organization," means, with respect to the United States, a company of the United States and, with respect to the Soviet Union, any economic entity or enterprise (including a company) engaging in foreign

trade or other commercial activities with foreign nationals or companies.

Article XVI.—General Exceptions

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit the adoption or enforcement by a Party of:

(a) measures necessary to secure compliance with laws or regulations which are not contrary to the purposes of this Agreement;

(b) measures for the protection of intellectual property rights and the prevention of deceptive practices as set out in Article VIII of this Agreement (and related side letters); or

(c) any other measure referred to in Article XX of the GATT.

Article XVII.—Entry into Force, Term and Termination

1. This Agreement (including its side letters which form an integral part of the Agreement) shall enter into force upon an exchange of diplomatic notes in which the Parties notify each other that all necessary legal requirements for entry into force have been fulfilled and shall remain in force as provided in this Article.

2. The initial term of this Agreement shall be three years, subject to paragraph 4 below.

3. This Agreement shall be extended for successive terms of three years each unless either Party has given written notice to the other Party of its intent to terminate this Agreement at least 30 days prior to the expiration of the then current term.

4. Either Party may terminate this Agreement upon written notice to the other Party and in such case the Parties will, to the fullest extent practicable, seek to minimize possible disruption to their trade relations.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

DONE at Washington this first day of June, 1990, in duplicate, in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:
GEORGE BUSH

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:
MIKHAIL GORBACHEV

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

I have the honor to confirm receipt of your letter that reads as follows:

Dear Madam Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations between the Union of Soviet Socialist Republics and the United States of America (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

By the Resolution of the Supreme Soviet of the U.S.S.R. of 6 March 1990, about bringing into force the Soviet Union's "Law on Property in the U.S.S.R.," the Supreme Soviet of the U.S.S.R. has charged the Council of Ministers of the U.S.S.R. in 1990 to introduce for examination by the Supreme Soviet of the U.S.S.R. drafts of the legislative acts of the U.S.S.R. governing relations on the creation and use of inventions and discoveries, scientific, literary and artistic works as well as other objects of intellectual property, which by virtue of their content will create conditions for Soviet participation in the Berne Convention for the Protection of Literary and Artistic Works (the "Berne Convention").

The Government of the U.S.S.R. will introduce in 1991 the draft laws necessary to fulfill the obligations contained in Article VIII of the Agreement and will undertake all possible measures to enact these laws during 1991. The Government of the U.S.S.R. will seek prompt implementation of these laws.

To fulfill the obligations under paragraphs 4 and 5 of Article VIII of the Agreement, the Government of the U.S.S.R. undertakes the following:

I. The Government of the U.S.S.R. shall incorporate the following principles in its legislative proposals on intellectual property:

Copyright Protection For Computer Software

1. Copyright protection for computer programs shall extend to all types of computer programs including application programs and operating systems which may be expressed in any language, whether in source or object code and regardless of their medium of fixation.

2. The duration and level of protection for computer programs shall be consistent with that provided to other literary works.

3. Limitations on rights expressly permitted to apply to literary works under the Paris Act of the Berne Convention shall also be made applicable to computer programs. In addition, owners of a copy of a computer program shall be provided the right:

(3.1) to make or authorize the making of a single copy or adaptation of that computer program provided:

(3.1.1) that such new copy or adaptation is created as an essential step in the utilization of the computer program--in conjunction with a machine and that it is used in no other manner, or

(3.1.2) that such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed--in the event that continued possession of the computer program should cease to be rightful.

Protection Against Unfair Competition, Including Protection of Trade Secrets

1. Protection against unfair competition will be implemented in accordance with the provisions of Article 10*bis* and Article 10*ter* of the Paris Convention for the Protection of Industrial Property.

2. Trade secrets include any formula, device, compilation of information, computer program, pattern, technique or process that is used or could be used in the owner's business and has actual or potential economic value from not being generally known.

3. A trade secret shall be protected whether such trade secret is of a technical or commercial nature, provided that it:

(3.1) has actual or potential commercial value from not being known to the relevant public;

(3.2) is not readily accessible in a lawful manner; and

(3.3) has been subject to appropriate measures to keep it secret.

The trade secret shall be protected as long as these conditions exist.

4. The appropriation, disclosure, and use of a trade secret without the consent of the owner shall be unlawful.

5. Efforts to commercially exploit the trade secret shall not be hindered or impeded by imposing excessive or discriminatory conditions or conditions that dilute the value of the trade secret.

II. The Government of the U.S.S.R. shall provide for a review of the following issues concerning protection of sound recordings:

1. Recognizing that the United States provides a longer term of protection for sound recordings than is in the current draft proposal of the U.S.S.R., the Government of the U.S.S.R. commits to review the question of including in the appropriate draft legislation which must be presented to the Supreme Soviet of the U.S.S.R. in 1990, a provision to provide to producers of sound recordings, a term of protection for fifty (50) years from the date of first publication of the sound recording.

2. Recognizing that the United States adheres to the Geneva Phonograms Convention, the Government of the U.S.S.R. commits to review immediately after enactment of sound recording protection, its adherence to that Convention.

III. The Government of the U.S.S.R. shall provide for a review of protection for inventions, as follows:

1. The Government of the U.S.S.R. undertakes to examine further paragraph 3 of Article 30 of the draft law "On Invention in the U.S.S.R." and to consider possible submission of proposals to the Supreme Soviet.

2. The Government of the U.S.S.R. and the Government of the United States agree to seek mutually acceptable provisions on compulsory licensing of patents in the working group provided for in paragraph 5 of Article VIII of the Agreement. Both sides will present proposals on provisions for compulsory licensing that will be fully considered by the working group including the following:

(2.1) A compulsory license to supply domestic needs may be given if:

(2.1.1) the license only permits local making of the patented invention;

(2.1.2) the license is granted to one qualified to make the invention;

(2.1.3) those seeking the license show that the combination of manufacture, use and importation of the patented invention has not satisfied the basic needs of the local market by the expiration of a period of five years from the date of the grant of the patent;

(2.1.4) those seeking the license show that the patent owner has refused to grant a voluntary license on terms in line with normal commercial practices;

(2.1.5) the patent owner does not show that his inaction is justified by the existence of legal, technical or commercial reasons;

(2.1.6) the patent owner receives reasonable and equitable compensation for the license;

(2.1.7) the license is nonexclusive;

(2.1.8) the license will be non-assignable except with that part of the enterprise or goodwill which exploits such a license;

(2.1.9) the license does not significantly prejudice the economic interests of the patent owner;

(2.1.10) the license does not create trade distortions; and

(2.1.11) decisions to grant a compulsory license and the terms of the license are made by a court and can be appealed and reviewed in accordance with national law;

(2.2) The U.S.S.R. will grant no other compulsory licenses; and

(2.3) A patent shall not be revoked except for invalidity.

Negotiations on these provisions must be concluded during 1991. The agreed provisions shall be an integral part of the Agreement.

IV. The Government of the U.S.S.R. shall establish with the Government of the United States a working group on intellectual property matters. This working group will address the following topics:

1. The exchange of information and cooperation among authorities responsible for the protection of intellectual property;

2. The implementation of intellectual property laws;

3. The review of international trends in the protection of intellectual property rights in the context of international economic and trade relations;

4. The protection of integrated circuit layout designs;

5. The protection for products that

(5.1) were not patentable subject matter in the U.S.S.R. before the effective date of the new Soviet law on inventions; and

(5.2) that were the subject of patents in the United States or other countries that were based on applications filed before the effective date of the new Soviet law on inventions.

During these consultations, specifics of this protection including, *inter alia*, the term and coverage will be considered; and

6. The government use of patented inventions.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

CARLA A. HILLS,
United States Trade Representative.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the signing on this date of the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics (the "Agreement"), I have the honor to confirm the understanding reached by our Governments (the "Parties") regarding cooperation in the field of tourism services as follows:

1. Both Parties shall facilitate the expansion of tourism between the United States and the Soviet Union and encourage the adoption of measures by tourist organizations and companies of both countries to satisfy the desire of tourists to learn about the lifestyles, achievements and culture of each country.

2. Taking into account the great significance of tourism in establishing mutual understanding between the peoples of the United States and the Soviet Union, and also the growth of its role in the development of economic cooperation between the two countries, the Parties agree to conclude a separate bilateral agreement on tourism.

Official Tourism Promotion Offices

1. Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory.

2. Permission to open tourism promotion offices or field offices, and the status of personnel who head and staff such offices, shall be as agreed upon by the Parties, and subject to the applicable laws and regulations of the host country.

3. Tourism promotion offices opened by either Party shall be operated on a non-commercial basis. Official tourism promotion offices and the personnel assigned to them shall not function as agents or principals in commercial transactions, enter into contractual agreements on behalf of commercial organizations or engage in other commercial activities. Such offices shall not sell services to the public or otherwise compete with travel agents or tour operators of the host country.

4. Official governmental tourism offices shall exercise activities, related to the facilitation of development of tourism between the United States and the Soviet Union, including:

a) providing information about the tourist facilities and attractions in their respective countries to the public, the travel trade, and the media;

b) conducting meetings and workshops for representatives of the travel industry;

c) participating in trade shows;

d) distributing advertising materials such as posters, brochures and slides, and also coordinating advertising campaigns; and

e) performing tourism market research.

5. Nothing in this side letter shall obligate either Party to open such offices in the territory of the other.

Commercial Tourism Enterprises

1. Commercial tourism enterprises, whether privately or governmentally-owned, or branches thereof shall be treated as private commercial enterprises, fully subject to all applicable laws and regulations of the host country.

2. Each Party shall ensure within the scope of its legal authority and in accordance with its laws and regulations that any company owned, controlled or administered by that Party or any joint venture therewith or any private company or joint venture between private companies, which effectively controls a significant portion of the supply of any tourism or travel-related service in the territory of that Party shall provide those services to nationals and companies of the other Party on a fair and equitable basis.

Nothing in this letter or in the Agreement shall be construed to mean that tourism and travel-related services shall not receive the benefits from that Agreement as fully as all other industries and sectors.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

ROBERT A. MOSBACHER,
Secretary of Commerce,
United States of America.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics ("Agreement") to be signed today, I have the honor to confirm the understanding reached by our Governments as follows:

Upon the extension of most-favored-nation treatment by the United States of America to the Union of Soviet Socialist Republics in accordance with the terms of said Agreement, and after the date on which a note from the Government of the United States of America is delivered to the Government of the Union of Soviet Socialist Republics stating that the Government of the United States has, accordingly, made available most-favored-nation treatment for the Union of Soviet Socialist Republics no less favorable than that provided in an Agreement between the Governments of the United States of America and the Union of Soviet Socialist Republics Regarding Trade signed on October 18, 1972, the balance of $674,000,000 in payment of lend lease accounts shall become due, and shall be paid, in accordance with the terms of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Settlement of Lend Lease, Reciprocal Aid and Claims, signed October 18, 1972.

The Government of the United States of America undertakes not to deliver the diplomatic note referred to above until export credits, guarantees and insurance through the Export-Import Bank and other similar credits for the purchase of American goods are available to the Union of Soviet Socialist Republics on terms appropriate to the transactions, in accordance with the exchange of letters between Mr. Willis C. Armstrong and Mr. V. Alkhimov dated May 15, 1972.

I have the further honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.

Sincerely,

CARLA A. HILLS,
United States Trade Representative.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

I have the honor to confirm receipt of your letter which reads as follows:

> Dear Madam Ambassador:
>
> In connection with the signing on this date of the Agreement on Trade Relations between the Union of Soviet Socialist Republics and the United States of America (the "Agreement"), I have the honor to confirm the understanding reached by our Government as follows:
>
> 1. The Soviet Union intends in the near future to accede to the Convention Establishing the Customs Co-operation Council.
>
> 2. Beginning from January 1, 1991 the Harmonized Commodity Description and Coding System shall be implemented in the Soviet Union.
>
> I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

CARLA A. HILLS,
United States Trade Representative.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the signing on this date of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics (the "Agreement"), I have the honor to confirm the understanding reached by our Governments (the "Parties") as follows:

1. The Parties recognize that trade in textiles and textile products is generally governed by separate arrangements.

2. The provisions of paragraph 2 of Article I of the Agreement (quantitative restrictions) shall not apply to trade in textiles and textile products.

3. The elaboration of the market disruption safeguard provisions in Article XI of the Agreement (market disruption) is without prejudice to the right of either Party to apply any of its laws and regulations applicable to trade in textiles and textile products.

4. Nothing in this side letter or in the Agreement limits the application of any existing or future agreement between the Parties on trade in textiles and textile products.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

CARLA A. HILLS,
United States Trade Representative.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the signing on this date of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

1. In order to foster increased commercial activities and economic cooperation, the Government of the Union of Soviet Socialist Republics and the Government of the United States of America (the "Parties") agree to undertake the following activities:

a. to encourage their respective nationals, companies and organizations to develop, publish and provide directly, directories of nationals, companies and organizations involved in foreign trade and their officers, as well as other information useful in contacting and evaluating potential business partners, and lists of government agencies and officers involved in foreign trade policy and regulation; and

b. to create favorable conditions for access to nonproprietary and nonconfidential commercial information useful in evaluating potential business partners such as their financial reports, profit and loss statements, and experience in foreign trade.

2. Noting the particular needs of small and medium-sized enterprises in expanding trade, the Parties agree to pay attention to and provide appropriate support for small and medium-sized enterprises by promoting business cooperation networks which facilitate the search for business partners, access to publications and data bases, and information on the availability of technical innovations.

3. Any commercial representation designated as a foreign mission is not guaranteed the rights provided for in Article V of the Agreement.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

ROBERT A. MOSBACHER,
Secretary of Commerce,
United States of America.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the signing on this date of the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

With respect to paragraph 3 of Article VII of the Agreement, the Soviet Party will give favorable consideration to requests by nationals and companies of the United States to open and maintain deposit accounts in Soviet currency received in an authorized manner and to use such currency for local expenses in accordance with permission granted. Such permission shall remain in force irrespective of possible future Soviet laws and regulations which would restrict conditions of the holding, use or deposit of Soviet currency by foreign nationals or companies.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

CARLA A. HILLS,
United States Trade Representative.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the signing on this date of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

1. The Government of the United States will, during 1990, request that the United States Congress repeal the prohibition on the importation into the United States of gold coins from the Soviet Union and will take all possible measures to ensure the repeal of this prohibition by December 31, 1991.

2. Until such time as the prohibition is repealed, paragraphs 1, 2 and 3 of Article I of the Agreement shall not apply to the importation into the United States of America of gold coins.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,

CARLA A. HILLS,
United States Trade Representative.

The Honorable Yuri N. Chumakov,
Deputy Minister of Foreign Economic Relations
Union of Soviet Socialist Republics

Washington, June 1, 1990.

Dear Mr. Deputy Minister:

In connection with the signing on this date of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, I have the honor to confirm the understanding reached by our Governments as follows:

1. The legal status of the Commercial Office of the United States of America ("USA") established in Moscow is set forth in Annex 1 hereto.

2. The legal status of the Trade Representation of the Union of Soviet Socialist Republics ("USSR") established in Washington, D.C. is set forth in Annex 2 hereto.

3. Additional offices of the Trade Representation of the USSR in the USA in other cities in the USA, as well as additional offices of the Commercial Office of the USA in the USSR in other cities in the USSR, may be established later upon agreement between the Governments of both countries. The status and terms and conditions of the operation of any such offices shall be mutually agreed upon at that time.

4. The establishment of the Trade Representation and the Commercial Office shall in no way affect the rights of Soviet organizations and of the natural or legal persons of the USA, either in the USSR or in the USA, to maintain direct relations with each other with a view to negotiation, execution and fulfillment of trade transactions. To facilitate the maintenance of such direct relations, the Trade Representation may provide temporary office facilities at its location to transient employees or representatives of Soviet organizations and the Commercial Office may provide temporary office facilities at its location to transient employees or representatives of nationals and companies of the USA where such facilities are not readily commercially available. These transient employees and representatives shall not be officers or members of the administrative, technical or service staff of the Trade Representation or the Commercial Office.

I have the further honor to propose that this letter, and the Annexes attached hereto, and your letter of confirmation in reply shall constitute an agreement between our Governments.

Sincerely,

ROBERT A. MOSBACHER,
Secretary of Commerce,
United States of America.

ANNEX 1

THE STATUS OF THE COMMERCIAL OFFICE OF THE UNITED STATES OF AMERICA IN THE UNION OF SOVIET SOCIALIST REPUBLICS

Article 1

The Commercial Office of the United States of America may perform the following functions:

1. Promote the development of trade and economic relations between the United States of America ("USA") and the Union of Soviet Socialist Republics ("USSR"); and

2. Provide assistance to nationals and companies of the USA in facilitating purchases, sales and other commercial transactions. The Commercial Office, and its respective officers and staff members, shall not participate in the negotiation, execution or fulfillment of trade or commercial transactions or otherwise carry on trade.

Article 2

1. The Commercial Office shall consist of one Principal Officer and no more than three Deputy Officers and a mutually agreed number of staff personnel, provided, however, that the number of officers and staff personnel permitted may be changed by mutual agreement of the two Governments.

2. The Commercial Office shall be an integral part of the Embassy of the USA in Moscow. The Government of the USSR shall facilitate in accordance with its laws and regulations the acquisition or lease by the Government of the USA of suitable official and residential premises for the Commercial Office and its staff.

3. (a) The Commercial Office, including all of its premises and property, shall enjoy all of the privileges and immunities which are enjoyed by the Embassy of the USA in Moscow. The Commercial Office shall have the right to use a cipher.

(b) The Principal Officer of the Commercial Office and his Deputies shall enjoy all of the privileges and immunities which are enjoyed by members of the diplomatic staff of the Embassy of the USA in Moscow.

(c) Members of the administrative, technical and service staffs of the Commercial Office who are not nationals of the USSR shall enjoy all of the privileges and immunities which are enjoyed by corresponding categories of personnel of the Embassy of the USA in Moscow.

ANNEX 2

THE STATUS OF THE TRADE REPRESENTATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN THE UNITED STATES OF AMERICA

Article 1

The Trade Representation of the Union of Soviet Socialist Republics may perform the following functions:

1. Promote the development of trade and economic relations between the Union of Soviet Socialist Republics ("USSR") and the United States of America ("USA"); and

2. Provide assistance to Soviet organizations in facilitating purchases, sales and other commercial transactions. The Trade Representation, and its respective officers and staff members, shall not participate in the negotiation, execution or fulfillment of trade or commercial transactions or otherwise carry on trade.

Article 2

1. The Trade Representation shall consist of one Principal Officer, designated as Trade Representative, and no more than three Deputy Officers and a mutually agreed number of staff personnel, provided, however, that the number of officers and staff personnel permitted may be changed by mutual agreement of the two Governments.

2. The Trade Representation shall be an integral part of the Embassy of the USSR in Washington, D.C. The Government of the USA shall facilitate in accordance with its laws and regulations the acquisition or lease by the Government of the USSR of suitable official and residential premises for the Trade Representation and its staff.

3. (a) The Trade Representation, including all of its premises and property, shall enjoy all of the privileges and immunities which are enjoyed by the Embassy of the USSR in Washington, D.C. The Trade Representation shall have the right to use cipher.

(b) The Trade Representative and his Deputies shall enjoy all of the privileges and immunities which are enjoyed by members of the diplomatic staff of the Embassy of the USSR in Washington, D.C.

(c) Members of the administrative, technical and service staffs of the Trade Representation who are not nationals of the USA shall enjoy all of the privileges and immunities which are enjoyed by corresponding categories of personnel of the Embassy of the USSR in Washington, D.C.

DEPUTY UNITED STATES TRADE REPRESENTATIVE

EXECUTIVE OFFICE OF THE PRESIDENT

Washington, D.C. 20506

May 31, 1990.

The Honorable Yuri N. Chumakov,
Head of Soviet Delegation
Deputy Minister of Foreign Economic Relations
Ministry of Foreign Economic Relations
Union of Soviet Socialist Republics

Dear Mr. Chumakov:

I am writing to you at your request to explain the relation between legislation currently pending in the U.S. Congress and paragraph 4 of Article XVII of the Trade Agreement we have negotiated.

As you know, under current U.S. law, it is not possible to have a notice period prior to termination of the Trade Agreement. Therefore, our two delegations have agreed that paragraph 4 of Article XVII will read as follows:

> "4. Either Party may terminate this Agreement upon written notice to the other Party and in such case the Parties will, the fullest extent practicable, seek to minimize possible disruption to their trade relations."

As part of legislation currently in conference between the House of Representatives and the Senate, we have asked that a provision be added which would permit some notice period. We have suggested to Congress that this period be sixty days. We do not know when or if such legislation will be passed by Congress. If such a provision is enacted into law before the Trade Agreement is signed, paragraph 4 could be amended by inserting the phrase "sixty days" before the phrase "written notice." If the legislation is enacted after the Trade Agreement is signed, I would suggest an exchange of letters which would clarify that the Parties would give each other sixty days notice prior to termination.

I trust that this explanation is helpful to you.

Sincerely,

JULIUS L. KATZ,
Head of U.S. Delegation.

DEPUTY UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506

September 26, 1990.

The Honorable Yuri N. Chumakov,
Head of Soviet Delegation
Deputy Minister of Foreign Economic Relations
Ministry of Foreign Economic Relations
Union of Soviet Socialist Republics

Dear Mr. Chumakov:

I have the honor to refer to the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington on June 1, 1990 (the "Agreement").

During the negotiation of the Agreement, our delegations discussed the desirability of including in Article XVII paragraph 4 a provision requiring 60 days written notice prior to termination. As I noted in my letter to you of May 31, 1990 (attached), U.S. legislation did not then permit the inclusion of such a provision.

On August 20, 1990, the President signed into law the Customs and Trade Act of 1990 which, among other things, would permit the inclusion of such a notice period. I therefore have the honor to propose that paragraph 4 of Article XVII be amended by inserting the phrase "sixty days" before the phrase "written notice" so that paragraph 4 would read in its entirety as follows:

> "4. Either Party may terminate this Agreement upon sixty days written notice to the other Party and in such case the Parties will, to the fullest extent practicable, seek to minimize possible disruption to their trade relations."

I have the further honor to propose that, if the foregoing is acceptable, this letter and your affirmative letter in reply shall constitute an agreement between the United States of America and the Union of Soviet Socialist Republics to amend the Agreement which shall enter into force upon the entry into force of the Agreement.

Sincerely,

JULIUS L. KATZ,
Head of U.S. Delegation.

[INFORMAL TRANSLATION]

October 31, 1990.

Dear Mr. Katz:

I have the honor to confirm receipt of your letter of September 26, 1990 which reads as follows:

[See text of Ambassador Katz's letter.]

I have the further honor to confirm that your proposal is acceptable, and that your letter and this letter in reply constitute an agreement between the Union of Soviet Socialist Republics and the United States of America to amend the Agreement which shall enter into force upon the entry into force of the Agreement.

Sincerely,

/s/
YURI N. CHUMAKOV,
Head of Soviet Delegation.

Proclamation 6321 of August 12, 1991

National Senior Citizens Day, 1991

By the President of the United States of America
A Proclamation

Many a poet and philosopher has reverently described it as "the autumn of life," or the rich twilight that eventually follows the glorious day of youth. Today, however, millions of American seniors are changing the way we view old age. Far from fading into the sunset, these men and women are serving as brilliant points of light in their communities. They are serving others through a host of volunteer programs and personal acts of kindness; they are sharing their ample knowledge and experience in the workplace; and they are quietly enriching their families with a wealth of love and wisdom. Across the United States, older Americans are proving that the senior years—like any other season in life—hold great opportunities and rewards of their own.

Today an estimated 42 million Americans are aged 60 and older, and their numbers are growing steadily. The United States Department of Health and Human Services reports that America now has the second largest population of older people in the world. On this occasion, as we

gratefully salute our Nation's senior citizens—the majority of whom are healthy and active—we also recognize those older Americans who need special assistance.

Through the United States Administration on Aging, and through the vast network of State and regional agencies on aging, our Nation is working to provide senior citizens with the opportunities and services that they need and deserve. Many of our efforts are designed to assist elderly Americans who do not have a family member to help care for them. We are also working to provide support to older Americans who serve as primary caregivers for an ill or disabled spouse, parent, or other elderly relative. These efforts underscore our respect for older Americans and our determination to ensure that they are able to live with dignity, comfort, and security.

In honor of those who have given so much to succeeding generations, the Congress, by House Joint Resolution 181, has designated August 18, 1991, as "National Senior Citizens Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim August 18, 1991, as National Senior Citizens Day. I call on all Americans to observe this day with appropriate programs, ceremonies, and activities in honor of our Nation's senior citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6322 of August 15, 1991

National Sarcoidosis Awareness Day, 1991

By the President of the United States of America

A Proclamation

Sarcoidosis, a disease that affects many of our fellow citizens and people around the world, remains shrouded in mystery. Skin-related symptoms of this chronic, multi-system disease were first recognized more than 100 years ago; however, the effects of sarcoidosis on other bodily organs were not observed until the first quarter of this century. Today researchers are still trying to learn more about the cause and the nature of this affliction.

Sarcoidosis can strike people of all races and of all ages, but, according to the United States Department of Health and Human Services, it is most common among black Americans who are between the ages of 20 and 40. While no cause has yet been identified, it is thought that heredity predisposes some individuals to the disease. Intensive research during the past decade has not only supported this belief but also en-

abled physicians to diagnose and to manage sarcoidosis more effectively.

Today researchers at both the National Institute of Allergy and Infectious Diseases and the National Heart, Lung, and Blood Institute are leading studies on the etiology, diagnosis, and treatment of sarcoidosis. On this occasion, we recognize their work and that of other concerned physicians and scientists throughout the United States. We also salute the victims of sarcoidosis who demonstrate great courage and determination in their efforts to cope with the disease; and we pay tribute to their family members and to other concerned Americans who are engaged in grass-roots efforts to promote awareness of sarcoidosis, as well as improved treatment and support for its victims.

To focus national attention on sarcoidosis, the Congress, by House Joint Resolution 309, has designated August 29, 1991, as "National Sarcoidosis Awareness Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim August 29, 1991, as National Sarcoidosis Awareness Day. I invite all Americans to join in observing this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6323 of August 20, 1991

National Rice Month, 1991

By the President of the United States of America

A Proclamation

A staple food for much of the world's population, rice is one of the most important grains grown today. It is cultivated in more than 100 countries and on every continent except Antarctica. Rice was cultivated in North America as early as 1696. Indeed, by the time the United States declared its independence from Great Britain, rice had become one of this country's major agricultural exports.

Today the United States is one of the world's leading exporters of rice, supplying about 20 percent of the rice in world trade. In addition, much American-grown rice has been provided to other countries through Food for Peace programs, which have helped to promote the social and economic well-being of less developed nations and provided vital sustenance to victims of disaster.

The United States Department of Agriculture reports that American growers harvested more than 7 million metric tons of rice last year. The value of this crop is important to our Nation's economy.

Rice is an important agricultural commodity not only in terms of its economic value but also in terms of its nutritional value. An excellent source of complex carbohydrates, rice can be a healthy part of a well-balanced diet. It contains only a trace of fat and is cholesterol- and sodium-free.

Consumers can enjoy various types of rice, from brown rice to the more traditional white rice, which is utilized in gourmet recipes as it is in simple meals. Wild rice, a native grain of North America, is being increasingly enjoyed by American consumers.

Rice may also be processed in various forms: as bran or flour in baked goods, or as an ingredient in cereals and healthful snacks. Rice is also an important component in the domestic brewing of beer.

To promote greater awareness of the versatility and the value of rice, and to celebrate America's status as a major exporter of rice for both commercial and humanitarian purposes, the Congress, by Public Law 101–492, has designated the month of September 1991 as "National Rice Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 1991 as National Rice Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6324 of August 20, 1991

National Awareness Month for Children With Cancer, 1991

By the President of the United States of America
A Proclamation

Our Nation's fight against cancer has advanced on many fronts, from education and prevention to diagnosis and treatment. This month, we celebrate the remarkable progress that has been made in saving children with cancer.

The Department of Health and Human Services reports that, thanks to important scientific breakthroughs, the mortality rate for childhood cancer has dropped by more than 50 percent since 1950. This dramatic decline has been made possible by improved diagnostic and prognostic techniques, by advances in technology, and by advances in the treatment of serious forms of cancer such as leukemia and Wilm's tumor. For example, long-term research has enabled physicians to predict with greater success which patients are most likely to suffer a relapse—thereby helping the health care team to plan the optimal course of therapy.

As a result of such progress, more than 70 percent of the children who were diagnosed in the 1980s as having acute lymphocytic leukemia have sustained long-term remission and can be considered cured. This is an incredible improvement when compared to the fact that, during the early 1960s, only about 4 percent of leukemia patients survived the disease.

More than a tale of medical progress, however, the story of childhood cancer also reveals the strength and the resilience of the human spirit. Children with cancer have consistently inspired others through their courage and determination. During National Awareness Month for Children with Cancer, we salute these brave youngsters and their parents, who share in their suffering and provide them with love and support, as well as the many scientists and researchers who are pressing on to new frontiers in the fight against this disease. We also gratefully recognize the pediatric oncology nurses, the social workers and clergy, and the many other professionals and volunteers who—with great compassion and skill—help young cancer victims and their families through difficult times.

Of course, while members of the National Cancer Institute and other, private research organizations have won key victories for children with cancer, we know that much work remains to be done. According to the Department of Health and Human Services, an estimated 7,800 American children will be diagnosed this year as having cancer. We will continue working together for their sake and for the sake of generations to come.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 1991 as National Awareness Month for Children with Cancer. I invite all Americans to join in observing this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6325 of August 21, 1991

National Park Week, 1991

By the President of the United States of America
A Proclamation

The founding of our magnificent Yellowstone National Park in 1872 not only marked an important milestone in the history of American conservationism but also inspired a worldwide movement to set aside certain lands for the preservation of their unique scenic value and natural resources. Today more than 100 countries boast some 1,200 national parks or equivalent preserves.

To help protect the scenery, wildlife, and historic sites that are found throughout our National Park System, the Congress established the National Park Service on August 25, 1916. The National Park Service is responsible for managing the lands in its care "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." It is a noble and important task because our national parks are more than scenic preserves. As the renowned conservationist and civic leader, J. Horace McFarland, observed:

> The parks are the Nation's pleasure grounds and the Nation's restoring places . . . . [they] are an American idea; it is one thing we have that has not been imported . . . . These great parks are, in the highest degree, as they stand today, a sheer expression of democracy.

Now celebrating its 75th anniversary, the National Park Service has helped to lead the way in protecting America's natural resources and cultural and historic treasures. The Service holds in trust for the American people such riches as the awe-inspiring vistas of the Grand Canyon, the sublime cliffs and forests of Yosemite, the hallowed ground of Gettysburg, the rugged beauty of Acadia, and the towering majesty of our Statue of Liberty. It is estimated that more than 250 million people from throughout the United States and around the world will visit these and other national parks this year.

The National Park Service will celebrate its 75th anniversary with programs designed to focus attention on the inestimable value of our national parks and on the need for their preservation. In recognition of this anniversary, the Congress, by Senate Joint Resolution 179, has designated the week beginning August 25, 1991, as "National Park Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of August 25 through August 31, 1991, as National Park Week. I invite all Americans, as well as our friends around the world, to participate in events commemorating the 75th anniversary of the National Park Service.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6326 of August 22, 1991

National Campus Crime and Security Awareness Week, 1991

By the President of the United States of America
A Proclamation

If our Nation's schools are to be marked by excellence, they must offer students and teachers an environment that is conducive to learning.

Accordingly, AMERICA 2000, our strategy to reinvigorate the Nation's educational system, calls for every school in the country to be safe, disciplined, and free of drugs and violence.

Surveys indicate that as much as 80 percent of all crimes committed at our Nation's institutions of higher learning are perpetrated by students, against students. The vast majority of these crimes are related to alcohol or drugs. Regardless of its source or nature, however, campus crime not only inflicts costly material losses but also causes untold personal suffering. Moreover, campus crime disrupts the vital functions of colleges and universities, thereby depriving students of an optimal educational experience.

Stopping theft, vandalism, sexual assault and other crimes on campus will require the sustained cooperation of students, administrators, and staff, as well as campus security personnel and law enforcement officials. Every academic community in America must increase its awareness of campus crime and ways to prevent it.

Last year, the Congress passed the "Student Right-to-Know and Campus Security Act," which requires colleges and universities to inform students and employees about campus crime statistics and campus security policies. By working together to achieve the goals set forth in this legislation, we will not only promote the safety of those who study and work at our Nation's institutions of higher learning but also provide our students with a valuable lesson in civic responsibility.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning September 1, 1991, as National Campus Crime and Security Awareness Week. I encourage all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6327 of August 23, 1991

National Rehabilitation Week, 1991

By the President of the United States of America
A Proclamation

Thanks, in large part, to the variety of rehabilitative programs and services that are available in the United States, millions of Americans with disabilities are leading fuller, more independent, and productive lives. These men and women are utilizing their knowledge and skills in virtually every field of endeavor, and our entire Nation is richer for their achievements. Thus, it is fitting that we pause to recognize the many dedicated professionals and volunteers who help to promote the rehabilitation of persons with disabilities.

Rehabilitation is a collaborative process that involves health care providers, therapists, educators, employers, and many others. For example, through advances in technology, scientists and engineers are helping persons with disabilities to overcome the physical barriers that once prevented them from participating in the mainstream of American life.

Effective rehabilitation technology and techniques are also helping to change the attitudinal barriers that have, in the past, limited opportunities for persons with disabilities. Today these members of our society are refuting age-old myths and misconceptions, proving that a disability need not be an obstacle to success. Continuing advances in rehabilitation services and in related education and research—coupled with implementation of the Americans with Disabilities Act of 1990—will further open the door to their social and economic advancement.

Of course, challenges remain in the effort to help more and more Americans with disabilities achieve their fullest potential. These challenges range from the development of a wider array of rehabilitation services to improved cooperation among human service agencies. Nevertheless, by working together, we can meet them.

In recognition of the courage and determination of persons with disabilities, and in honor of all those who assist in their rehabilitation, the Congress, by Senate Joint Resolution 72, has designated the week of September 15 through September 21, 1991, as "National Rehabilitation Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of September 15 through September 21, 1991, as National Rehabilitation Week. I encourage all Americans to observe this week with appropriate programs and activities, including educational activities that will heighten public awareness of the rehabilitative services that are available in this country and the many ways in which these services benefit persons with disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6328 of August 26, 1991

Commodore John Barry Day, 1991

By the President of the United States of America
A Proclamation

During its War for Independence, our Nation faced a great and proven sea power. The young Continental Navy, which had been established by the Continental Congress in October 1775, was only a fraction of the size of the British fleet. Nevertheless, the small American naval force not only achieved several key victories during the War but also estab-

lished a tradition of courageous service that continues to this day. On this occasion, we honor the memory of one of America's first and most distinguished naval leaders, Commodore John Barry.

After immigrating to the United States from Ireland, John Barry became a successful shipmaster in Philadelphia. He was also an enthusiastic supporter of American Independence, and when the Revolutionary War began, he readily volunteered for service. Thus, John Barry was commissioned as one of the first captains of the Continental Navy.

Captain Barry served bravely and with distinction throughout the course of the War. While commanding the brig LEXINGTON, he captured the British sloop EDWARD in April 1776. This victory marked the first capture in battle of a British vessel by a regularly commissioned American warship. Seven years later, Captain Barry participated in the last American naval victory of the War, leading the frigate ALLIANCE against H.M.S. SYBILLE in March 1783.

Captain Barry's record of service to our country is distinguished not only by its length but also by his extraordinary patriotism and daring. In late 1776, he led a raid by four small boats against British vessels on the Delaware River and seized a significant quantity of supplies that had been meant for the British Army. Serving as a volunteer artillery officer in December of that year, Captain Barry participated in General George Washington's celebrated campaign to cross the Delaware River, which led to victory at the Battle of Trenton.

Captain Barry continued to serve our country after the end of the Revolution, helping to make the American victory a meaningful and enduring one. Active in Pennsylvania politics, he became a strong supporter of the Constitution, which was ratified by the State Assembly on December 12, 1787. In June 1794, President George Washington appointed him as a commander of the new frigate U.S.S. UNITED STATES, one of six that were built as part of a permanent American naval armament. For the remaining years of his life, Commodore Barry helped to build and to lead the new United States Navy, commanding not only the U.S.S. UNITED STATES but also "Old Ironsides," the U.S.S. CONSTITUTION.

Commodore John Barry died on September 13, 1803, but his outstanding legacy of service is carried on today by all those brave and selfless Americans who wear the uniform of the United States Navy.

The Congress, by Public Law 102–92, has designated September 13, 1991, as "Commodore John Barry Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 13, 1991, as Commodore John Barry Day. I invite all Americans to observe this day with appropriate ceremonies and activities in honor of those individuals, past and present, who have served in the United States Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6329 of September 3, 1991

Minority Enterprise Development Week, 1991

By the President of the United States of America
A Proclamation

America has demonstrated to the world that when individuals have the freedom to pursue their dreams and to put their talents and ideas to work, we all benefit. As more and more nations recognize the value of free enterprise and private initiative—and reform their economies according to market-oriented principles—the United States must act to strengthen its competitiveness.

If the United States is to remain a leader in the expanding global marketplace, we must redouble our efforts to produce high quality goods and services. We must also maximize the talent and potential of our people, our most important resource. Every American must have the knowledge and skills—including the technical skills—that are needed to enjoy full, productive lives in our rapidly changing world. That is one reason why we have launched AMERICA 2000, our national strategy to achieve excellence in education.

I am confident that this strategy will succeed because we Americans are a proud and determined people. Those qualities are exemplified by minority entrepreneurs, who have long been recognized for their determination to overcome obstacles and to create better lives for themselves and for their children. This week, we salute the more than 1 million minority business owners across the United States for helping to build a stronger America. These hardworking men and women are contributing to the economic development of their communities, and they are creating jobs and opportunities for their neighbors. For example, according to the U.S. Department of Commerce, minority businesses generate more than $78.5 billion annually in gross receipts. More than 250,000 of these businesses have paid employees, providing jobs for an estimated 845,000 people.

This week, as we celebrate the achievements of our Nation's minority entrepreneurs, we also reaffirm our commitment to promoting equal opportunity, high quality education, and effective job training for all Americans. In so doing, we will enhance our Nation's strength and productivity while creating more vibrant communities and improved standards of living for every citizen.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 22 through September 28, 1991, as Minority Enterprise Development Week. I encourage the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6330 of September 4, 1991

Citizenship Day and Constitution Week, 1991

By the President of the United States of America
A Proclamation

After receiving word in London of our Constitution and its approval by the Congress of the Confederation, John Adams wrote that the document was, "if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen." When they adopted the first 10 Amendments to our Constitution, our Nation's Founders added to that great charter of American government a set of clear, concise, and express guarantees of the fundamental rights of individuals. Known collectively as our Bill of Rights, these 10 amendments have helped to define and to defend our liberties. They have also served as a model for the world. During this 200th anniversary of our Bill of Rights, we do well to reflect on the timeless principles that it enshrines and on our role in upholding them.

The Bill of Rights guarantees, among other basic liberties, freedom of religion and of assembly, as well as freedom of speech and of the press; it protects the right to keep and bear arms; it prohibits unreasonable searches and seizures; and it ensures that no person shall be deprived of life, liberty, or property without due process of law. It also defines basic rules of fairness in criminal procedure. Ratified in 1791, the Bill of Rights makes clear that our Constitution is a charter of limited government based on the principles of federalism. Together these documents express in law our Nation's commitment to the truths first affirmed in our Declaration of Independence: "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Our observance of Citizenship Day and Constitution Week reminds us that we have not only many rights but also many responsibilities as citizens of this great Nation. With characteristic eloquence and sagacity, the celebrated American jurist Learned Hand once said: "Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it." His words are a stirring reminder that our Constitution and Bill of Rights can be effective guarantees of freedom only as long as we understand and prize the principles that they enshrine. Accordingly, each of us has a responsibility to uphold the ideals of tolerance and justice; to teach our children the difference between liberty and license; and to share in the hard work of freedom—at the ballot box, in the workplace, on the farm, in the military, or through our homes, schools, and places of worship. This is the essence of good citizenship.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 as "Citizenship Day." Also, by joint resolution of August 2, 1956 (36 U.S.C. 159), the Congress designated the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 17, 1991, as Citizenship Day

and call on government officials to display the flag of the United States on all government buildings. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs to commemorate the occasion.

Furthermore, I proclaim the week beginning September 17 and ending September 23, 1991, as Constitution Week, and I encourage all Americans to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6331 of September 4, 1991

Gold Star Mother's Day, 1991

By the President of the United States of America
A Proclamation

We Americans can never forget the brave and selfless individuals who have given their lives for our country. Indeed, this year alone has given us several poignant reminders of the debt that we owe to each of them. While the 200th anniversary of our Bill of Rights has renewed our appreciation for the blessings of liberty, the war in the Persian Gulf has deepened our gratitude toward those who have died to win them. On this occasion, however, we honor the mothers of our Nation's fallen. Known as Gold Star Mothers, these women have shared in the sacrifices of their children, and they deserve a commensurate portion of our respect and thanks.

Any parent who has ever suffered the loss of a son or daughter knows that when that child dies, a part of oneself dies too. Accordingly, our Nation's Gold Star Mothers understand the value of liberty because they have borne part of the price that has been paid to defend it. Today many Gold Star Mothers are demonstrating their enduring love of freedom through generous voluntary efforts in their communities—including special efforts in behalf of veterans and active duty service members.

Although we set aside this day in their honor, let us pay tribute to our Nation's Gold Star Mothers throughout the year by assuring them—through word and deed—that their children's sacrifices are remembered and appreciated. Let us continue working to promote respect for human rights and the rule of law around the world, and let us pray for lasting peace among nations, so that no more Americans might die in battle, and so that no more mothers might face war's bereavement.

The Congress, by Senate Joint Resolution 115 (June 23, 1936), designated the last Sunday in September as "Gold Star Mother's Day" and authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 29, 1991, as Gold Star Mother's Day. I call on all government officials to display the United States flag on government buildings on this day. I also urge the American people to display the flag and to hold appropriate meetings in their homes, places of worship, or other suitable places, as a public expression of the sympathy and the respect that our Nation holds for its Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6332 of September 9, 1991

National Historically Black Colleges Week, 1991 and 1992

By the President of the United States of America
A Proclamation

For more than 100 years, our Nation's historically Black colleges and universities have provided rewarding educational opportunities for millions of Black Americans. These institutions have opened the doors of achievement to generations of students who otherwise might not have been able to enjoy the benefits of a higher education. Our entire Nation is richer as a result—graduates of historically Black colleges and universities have made substantial contributions to our country in virtually every field of endeavor.

The U.S. Department of Education reports that historically Black colleges and universities have provided undergraduate training for three-fourths of all Black Americans holding a doctorate degree, three-fourths of all Black officers in the Armed Forces, and four-fifths of all Black Americans who serve as Federal judges.

Historically Black colleges and universities also lead in awarding baccalaureate degrees to minority men and women in the life sciences, the physical sciences, mathematics, and engineering. Because our National Education Goals include making America's elementary and secondary school students first in the world in math and science, the role of these institutions in promoting high standards for entering students, as well, is more significant than ever.

Committed to excellence as well as to opportunity, our Nation's historically Black colleges and universities embody the kind of proud, determined spirit that is essential to achieving our National Education Goals. Recognizing their potential for leadership as we implement AMERICA 2000, our strategy to bring about a renaissance in American education, I am calling on the office that is responsible for the White House Initiative on Historically Black Colleges and Universities to play an integral part in assisting this Administration in its education efforts. I have also asked the Secretary of Education to continue to encourage

and to assist historically Black colleges and universities in their vital mission.

In recognition of their exemplary goals and achievements, the Congress, by Senate Joint Resolution 40, has designated the week beginning September 8, 1991, and the week beginning September 6, 1992, as "National Historically Black Colleges Week" and authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the weeks beginning September 8, 1991, and September 6, 1992, as National Historically Black Colleges Week. I invite all Americans to observe those weeks with appropriate programs, ceremonies, and activities, thereby demonstrating our appreciation of and support for these important educational institutions.

IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of Sept., in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6333 of September 10, 1991

General Pulaski Memorial Day, 1991

By the President of the United States of America
A Proclamation

When our ancestors boldly declared America's Independence, the hopes of countless people around the world went with them. Among those who understood the significance of America's struggle for liberty and self-government was the daring Polish patriot, Casimir Pulaski.

Before he journeyed to the United States and volunteered to join the Continental Army, Casimir Pulaski had fought to free his native Poland from tyranny and foreign domination. His devotion to the cause of liberty cost him dearly—forced into exile, the young Count had to leave behind both his personal fortune and his beloved homeland. Yet Count Pulaski never relinquished his belief in the universal cause of freedom. He reportedly wrote to General George Washington: "I came here, where Freedom is being defended, to serve it, and to live or die for it." With those words, Casimir Pulaski expressed his determination to stand in solidarity with the American colonists.

An experienced and highly skilled tactician, Count Pulaski was named a General in the Continental Army and was eventually given command of his own cavalry unit. From the time he volunteered for service until his last day in command of the Pulaski Legion, this lifelong freedom fighter participated in a number of important campaigns—including Brandywine, Germantown, and Trenton. Leading a bold charge during the siege of Savannah on October 9, 1779, he was mortally wounded. He died two days later and was buried at sea.

Were he alive today, Pulaski would find his dreams fulfilled, the cause of freedom won. The ideals of liberty and representative government

that were planted on these shores more than 200 years ago have taken root around the world. Under a new, democratic government, the Polish people have begun working to break the cycle of impoverishment and decline imposed by nearly half a century of totalitarian rule. The United States wholeheartedly supports their courageous and determined efforts to establish a market-oriented economy and stable democratic rule.

On this occasion, as we remember General Pulaski's extraordinary contributions to our country, we also pay tribute to our friends in Poland and to the many Americans of Polish descent who have labored and sacrificed to uphold the cause of freedom. Their faithfulness and resolve, like that of General Pulaski, offers a worthy example to us all.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 11, 1991, as General Pulaski Memorial Day. I direct the appropriate government officials to display the flag of the United States on all government buildings on that day, and I encourage the people of the United States to commemorate this occasion as appropriate throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6334 of September 12, 1991

National POW/MIA Recognition Day, 1991

By the President of the United States of America
A Proclamation

Through riveting and often heartrending personal testimony, former American prisoners of war have helped us to appreciate more fully the courage and the sacrifices of those United States military personnel who have been captured by the enemy during periods of armed conflict. During World War II, the Korean War, the Vietnam War, and other conflicts, many American prisoners were subjected to brutal treatment and torture by their captors in violation of fundamental standards of morality and international law. Many did not survive. Today, as a measure of our gratitude toward those who have endured so much for our sake and the sake of freedom-loving peoples everywhere, we remember in a special way Americans who remain missing and unaccounted for.

In honor of these Americans, on September 20, 1991, the National League of Families POW/MIA flag will be flown over the White House, the U.S. Departments of Defense, State, and Veterans Affairs, the Selective Service System headquarters, and the Vietnam Veterans Memorial. This black and white emblem symbolizes our continued commitment to secure the release of any Americans who may still be held

against their will, to obtain the fullest possible accounting for the missing, and to ensure the repatriation of all recoverable American remains.

Our Nation's POWs/MIAs accepted great risks to help defend the lives and liberty of others, and they deserve our faithfulness and resolve in return. We have an obligation to them and to their families, and we will honor it. Indeed, all Americans recognize the lingering anguish of those who await word of their loved ones' fates, and we are determined to help them gain the peace and solace that real answers will bring.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 20, 1991, as National POW/MIA Recognition Day. I urge all Americans to join in honoring former American POWs, as well as those U.S. servicemen and civilians who are still missing in action. I also encourage the American people to express their solemn appreciation for the courage and the sacrifices of the families of POWs/MIAs. Finally, I call on State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6335 of September 12, 1991

National D.A.R.E. Day, 1991

By the President of the United States of America
A Proclamation

The most important priority of our National Drug Control Strategy is to reduce drug use by our Nation's citizens, especially our young people. A key aim of AMERICA 2000, our national strategy for achieving excellence in American education, is to ensure that every school in the United States is free of drugs and violence. Realizing these goals will require the creative energy and the commitment of many different people in every community. Parents, educators, law enforcement officials, and students, as well as business and civic leaders, must work together to rid our Nation of drugs and to build schools and neighborhoods where individuals can learn.

Drug Abuse Resistance Education, or Project D.A.R.E., provides an outstanding example of how such cooperation works. Taught by veteran law enforcement personnel, the D.A.R.E. program is designed to prevent the use of drugs and alcohol among students. It teaches young people to resist pressure to use drugs and encourages wholesome alternatives to drug use. Initiated in 1983, D.A.R.E. is one of many constructive, school-community partnerships that have been implemented in all 50 States and in several foreign countries.

In recognition of D.A.R.E.'s contribution in forging strong bonds between schools and communities—bonds that are essential to achieving our National Education Goals—the Congress, by Senate Joint Resolution 121, has designated September 12, 1991, as "National D.A.R.E. Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 12, 1991, as National D.A.R.E. Day. I encourage all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

Proclamation 6336 of September 13, 1991

Energy Awareness Month, 1991

By the President of the United States of America
A Proclamation

Meeting our Nation's future energy needs is a task of immense proportions—and utmost importance. To some American motorists, this challenge might be symbolized by long lines for gasoline and high prices at the pump. To others, it might be symbolized by lowering the thermostat during winter months. However, when it comes to building a secure energy future for the United States, there is more at stake than meets the eye. Safe, reliable, and affordable sources of energy are vital not only to our personal mobility and comfort but also to our Nation's productivity and security. America's utility companies and other energy providers supply the light, heat, and power that are needed to operate our factories and farms, our schools and defense installations, and other places of work.

Continuing instability and conflict in some regions of the world underscore the need to use energy efficiently; to reduce our dependence on insecure sources of energy; and to develop more energy resources. Of course, we must skillfully balance efforts in these areas with our determination to maintain a growing economy. We must also balance them with our commitment to a cleaner, healthier environment.

Our comprehensive National Energy Strategy calls for the wise and effective development of all of our Nation's energy resources, including coal, natural gas, and nuclear energy, as well as hydroelectric power and other forms of renewable energy. It also calls for the development of new technology for oil and gas exploration; increased use of alternative fuels; and aggressive conservation efforts.

This month, the United States Department of Energy will be working to promote public awareness of our Nation's energy needs and the energy options that are available to us. With strong leadership at all levels of government—and with the sustained cooperation of business, industry, energy providers, and concerned consumers—we can implement the

sound energy policies and practices that are essential to America's well-being.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1991 as Energy Awareness Month. I urge all Americans to observe this month with appropriate educational programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6337 of September 20, 1991

National Hispanic Heritage Month, 1991

By the President of the United States of America
A Proclamation

When we speak of our Hispanic heritage, we speak of more than one particular set of customs and traditions. Indeed, the Hispanic American heritage can be traced back to many different lands—to places as far-flung as Cuba, Mexico, Spain, and Peru. Nevertheless, Americans of Spanish and Latin American descent share a great sense of pride in the deep cultural and historical ties that exist between them.

Rich and varied, the Hispanic American heritage is as old as the story of America itself. Daring Spanish navigators who explored the New World nearly half a millennium ago were the first Europeans to establish settlements in what is now United States territory. In fact, by 1565—almost half a century before British colonists landed at Jamestown—the Spanish had established a permanent settlement at Saint Augustine, Florida. Traders and missionaries followed in the wake of explorers such as Coronado, Ponce de León, and Álvar Núñez Cabeza de Vaca, helping to open the American Southwest to further settlement and development.

Making use of the land's resources through farming, ranching, and mining, Spanish peoples shaped much of the Western frontier. Thriving communities took root around many Spanish missions, and today cities such as San Diego, Los Angeles, San Antonio, and Santa Fe continue to bear evidence of their celebrated past. However, over the years, Hispanic Americans have made vital contributions in communities across the country and in virtually every field of endeavor.

Today Hispanic Americans are our Nation's fastest growing minority. The number of Hispanics in this country grew by 53 percent during the past decade, up from 14.6 million to 22.4 million. This means that Hispanics now constitute about 9 percent of our population.

Many Hispanic Americans have come to these shores as immigrants, seeking better lives for themselves and their children. The achievements of these men and women indicate that they have not taken liber-

ty for granted. Today Hispanic Americans are reaping the rewards of hard work: more and more are entering the political, social, and economic mainstream of American life.

Hispanic Americans are eager to enjoy the blessings of freedom and economic opportunity because many have known the bitter reality of life without them. As a Nation, we must keep faith with them and continue working to ensure equal opportunity for all of our citizens. With that in mind, last September I signed the Executive Order on Educational Excellence for Hispanic Americans. This order established a special Presidential Advisory Commission that will help to identify ways that the Federal Government can improve educational opportunities for Hispanic Americans.

The Congress, by Joint Resolution approved September 17, 1968, as amended by Public Law 100–402, has authorized and requested the President to issue annually a proclamation designating the month beginning September 15 and ending October 15 as "National Hispanic Heritage Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month beginning September 15, 1991, and ending October 15, 1991, as National Hispanic Heritage Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6338 of September 23, 1991

Fire Prevention Week, 1991

By the President of the United States of America
A Proclamation

More than 5,000 people in the United States die each year as a result of fire—most of them in their homes. Tens of thousands more suffer painful and often disfiguring fire-related injuries. If we are to prevent such tragic losses in the future, all Americans must learn how to identify and to avoid fire hazards. Moreover, all of us—especially children and older adults—must know what to do in case fire strikes.

Fire prevention begins with recognizing and changing risky behaviors such as careless smoking; fire prevention is as simple as keeping matches and lighters out of reach of children. These and other basic measures—such as safe storage of combustible materials—can save lives. Americans can also reduce their risk of dying in a home fire by installing and properly maintaining an adequate number of smoke detectors.

While smoke detectors can give an early warning of fire, planning ahead for emergencies enables individuals and families to make good use of that warning. Hence, the National Fire Protection Association (NFPA) has selected "Fire Won't Wait—Plan Your Escape" as the theme of Fire Prevention Week, 1991. The NFPA is working to remind all Americans that there is no time for planning once a fire starts, so advanced preparation is vital. In the same spirit, the United States Fire Administration continues to coordinate other public education campaigns that are designed to promote fire safety. These campaigns complement NFPA efforts.

During this annual observance of Fire Prevention Week, I urge all Americans to develop and practice a home fire escape plan. Ideally, such a plan should include two ways out of every room, as well as a designated meeting place outside for all members of the family. Parents should teach their children the importance of crawling close to the floor to avoid smoke and noxious fumes, as well as the "stop, drop, and roll" technique for extinguishing flames on one's clothing.

This week, as we dedicate ourselves to fire prevention, let us also recognize all those individuals who are working toward the same goal. These include the members of the Congressional Fire Services Institute; the International Association of Fire Fighters; the International Association of Black Professional Fire Fighters; the National Volunteer Fire Council; the International Society of Fire Service Instructors; the Fire Marshals Association of North America; the National Association of State Fire Marshals; and all other public and private organizations that conduct fire safety education programs.

On this occasion, let us offer special thanks to the Nation's volunteer and professional fire fighters, who frequently put themselves in harm's way to protect the lives and the property of their fellow Americans. And, of course, let us remember with grateful prayers those fire fighters who have made the ultimate sacrifice in the line of duty.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 6, 1991, as Fire Prevention Week. I urge all Americans to plan and to participate in fire prevention activities—this week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6339 of September 23, 1991

National School Lunch Week, 1991

By the President of the United States of America
A Proclamation

One of the first aims of AMERICA 2000, our comprehensive strategy for achieving excellence in education, is ensuring that every child in the Nation starts school ready to learn. Because a hungry or undernourished child is less likely to be an eager and attentive student, the National School Lunch Program plays an important role in helping us to meet this goal.

Thanks to the National School Lunch Program, approximately 23 million students in 91,000 schools across the country are able to eat a wholesome, well-balanced lunch each day. Meals provided through the Program, which has been expanded to include the School Breakfast Program, help these children to develop the energy, stamina, and good health that they need to study and to learn.

The National School Lunch Program also continues to promote healthy eating habits among the youngsters who participate. Indeed, much has changed since their parents sat at the cafeteria table. As conventional wisdom regarding diet and nutrition has changed, so have school lunches. Students now have a much wider array of healthful and nutritious options than ever before.

The success of the National School Lunch Program has been made possible by many different people, including Federal, State, and local officials, as well as parents, educators, food service specialists, and students themselves. This week, we acknowledge the many dedicated professionals and volunteers who have contributed to the National School Lunch Program since its inception in 1946.

By joint resolution approved October 9, 1962 (Public Law 87–780), the Congress designated the week beginning on the second Sunday of October in each year as "National School Lunch Week" and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 13, 1991, as National School Lunch Week. I call upon all Americans to recognize those dedicated and hardworking individuals who contribute to the success of the School Lunch Program.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6340 of September 27, 1991

National Domestic Violence Awareness Month, 1991

By the President of the United States of America
A Proclamation

When we Americans celebrate Thanksgiving later this fall, most of us will be able to count home and family among our greatest blessings. Tragically, however, far too many of our fellow citizens have been denied the joys of a happy home as a result of domestic violence.

Domestic violence not only inflicts great physical pain and suffering but also undermines the very fabric of society. A tragic betrayal of personal trust and responsibility, it strikes at the fundamental bonds of family life—bonds that, in turn, hold together any truly stable community and nation. Thus, domestic violence cannot be dismissed as a simply "private" matter. Its impact warrants the attention and concern of all Americans.

Domestic violence is not limited to any one group; it affects individuals and families from every race and every walk of life. Neither is it just a series of hostile exchanges or the kind of simple quarrels that can occur from time to time in every family. On the contrary, domestic violence is a serious and destructive pattern of behavior that can lead to injury and death.

The Department of Health and Human Services reports that domestic violence is already the largest cause of injury to women in the United States, and that its incidence is rising. Other victims include the elderly, as well as abused and neglected children. Youngsters who suffer or simply witness domestic violence may carry emotional scars for a lifetime. Those scars can lead to vicious cycles of abuse and despair.

Fortunately, we have made progress in our campaign to end the tragedy of domestic violence. During the past decade, we have taken great strides in coordinating Federal support with local and private-sector efforts to expand prevention services—particularly in areas that have been traditionally underserved. We have also promoted greater coordination of services for abused spouses and their children, thereby helping to meet long-term needs—such as substance abuse treatment, child care, and counseling—as well as immediate needs for shelter. Of course, because domestic violence poses such a grave threat to individuals and families, we still have more work to do.

Every autumn since 1985, we have set aside National Domestic Violence Awareness Month as a time to reflect on this problem and on ways that we can assist its victims. This year, let us recognize the many dedicated volunteers and professionals who offer shelter and support to the victims of domestic violence. Let us also strive to learn more about domestic violence and how each of us can help bring an end to it.

The Congress, by Senate Joint Resolution 73, has designated October 1991 as "National Domestic Violence Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1991 as National Domestic Violence Awareness Month. I urge all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6341 of September 27, 1991

National Forest Products Week, 1991

By the President of the United States of America
A Proclamation

Ever since this country's earliest inhabitants hunted game and gathered food in their deep shade, America's forests have provided man with vital sustenance, as well as wood for fuel and shelter. During National Forest Products Week, we reflect on the continuing importance of our Nation's forests and remind ourselves of the need to manage them with care.

From our celebrated national forests to our prized State parks, from our vast industrial timberlands to the small, privately owned woodlots of rural America, our country's forests provide a wealth of benefits. Various species of plants and animals thrive on these rich tracts of land. Individuals and families find in them a wonderful setting for camping and other recreational activities. Yet our forests provide more than habitat for wildlife and beauty for the eye. Wood and wood products are used to make a multitude of products, from the floors beneath our feet to the roofs over our heads. All of our paper products come from wood—everything from the newspapers that help us stay informed to the stationery that helps us stay in touch with family, friends, and coworkers.

While today's antiques remind us that furniture made from wood can last for generations, scientists are demonstrating how wood products and derivatives can shape the look of tomorrow.

The development and use of forest products not only affect our personal comfort and well-being on a daily basis but also contribute substantially to our Nation's economy. According to the Department of the Interior, the forest industry employs nearly 1.6 million men and women, who together earn almost $43.6 billion in annual wages.

Given their contributions to our economy and to the livelihood of countless individuals and families, we must remember that our Nation's magnificent forests are, in many ways, precious and fragile. Trees can be destroyed needlessly by disease, by forest fires and other natural disasters, and by human carelessness. If we are to continue to meet a variety of consumer needs, our forests must be protected and renewed.

During the past 100 years, we have moved toward more efficient and responsible management of our forest resources. Indeed, through various methods (such as multiple-use and sustained yield management), we are helping nature to replenish our forests. State and local governments, private and voluntary organizations, and concerned individuals are promoting and participating in efforts to conserve and recycle paper products. Millions of people are also taking part in the America the Beautiful Initiative, helping to plant and maintain nearly 1 billion trees per year across the country, in both urban and rural areas. This month, let us acknowledge the importance of these efforts and renew our commitment to them.

In recognition of the value of our forests, the Congress, by Public Law 86–753 (36 U.S.C. 163), designated the week beginning on the third Sunday in October of each year as "National Forest Products Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 20, 1991, as National Forest Products Week and encourage all Americans to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6342 of September 27, 1991

Leif Erikson Day, 1991

By the President of the United States of America
A Proclamation

Each October, Americans of all ages join in commemorating the voyages of Leif Erikson, the daring son of Iceland and grandson of Norway who explored the North American coast nearly a millennium ago, and, in so doing, charted a course for generations of Europeans to follow. However, on this occasion, we celebrate more than the remarkable journeys of Leif Erikson and his fellow Norse adventurers. We also celebrate the enduring ties of friendship that exist between the people of the United States and our friends in northern Europe.

Leif Erikson was part of a long line of Norse explorers who braved the vast waters of the Atlantic for the sake of their people's future. His father, Eric the Red, had led the first group of Europeans to colonize Greenland. According to the Icelandic Saga of Eric, young "Leif the Lucky" returned to Norway in the year 1000, and there became a convert to Christianity. When he was later commissioned by King Olaf I to carry the faith back to Greenland, the young navigator once again took to the high seas. Thus, over the course of several generations, Leif Erikson and his fellow Norsemen ventured from their ancestral homeland

to places such as the British Isles, the Faroe Islands, Iceland, Greenland, and eventually North America.

Although the first Norse settlements on this continent did not become permanent, the voyages of Leif Erikson and other Norse explorers had a lasting impact on the development of the Western world. These pioneers presaged a later era of discovery that has included other great navigators such as Christopher Columbus, Magellan, and Sir Francis Drake, as well as latter-day explorers like Roald Amundsen, who was the first man to reach the South Pole. Of course, we know that the spirit of daring and discovery continues to thrive today. The fascinating work of our astronauts and engineers, the painstaking research of our physicians, archeologists, and other scientists—all reflect the timeless appeal of exploration and learning.

Among those who have kept alive the bold, industrious spirit of Leif Erikson are Americans who trace their roots to the Nordic countries. Immigrants from Denmark, Finland, Iceland, Norway, and Sweden have greatly enriched this country, not only through their unique customs and traditions, but also through their commitment to educational achievement and good government. Today, as we celebrate our Nordic American heritage with a series of special events—including a gala reenactment of the first Norse voyage to these shores—we also reaffirm our mutually rewarding ties with the countries of northern Europe.

In honor of Leif Erikson and our Nordic American heritage, the Congress, by joint resolution approved on September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), has authorized and requested the President to proclaim October 9 of each year as "Leif Erikson Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 9, 1991, as Leif Erikson Day, and I direct the appropriate government officials to display the flag of the United States on all government buildings on that day. I also encourage the people of the United States to observe this occasion by learning more about our rich Nordic American heritage and the early history of our continent.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6343 of September 28, 1991

To Implement an Accelerated Schedule of Duty Elimination Under the United States-Canada Free-Trade Agreement, To Make Technical and Conforming Changes to the Harmonized Tariff Schedule of the United States, and for Other Purposes

By the President of the United States of America
A Proclamation

1. On January 2, 1988, the President entered into the United States-Canada Free-Trade Agreement (the Agreement). The Agreement and certain letters exchanged between the Governments of Canada and the United States were approved by the Congress in section 101(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (the Implementation Act) (Public Law 100–449). The Agreement entered into force on January 1, 1989.

2. Section 201(b) of the Implementation Act grants the President, subject to the consultation and lay-over requirements of section 103(a) of the Implementation Act, the authority to proclaim such modifications as the United States and Canada may agree to regarding the staging of any duty treatment set forth in Annexes 401.2 and 401.7 to the Agreement as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada provided for by the Agreement.

3. Consistent with Article 401(5) of the Agreement, the President, through his duly empowered representative, on August 16, 1991, entered into an agreement with the Government of Canada providing an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the Agreement. The consultation and lay-over requirements of section 103(a) of the Implementation Act with respect to such schedule have been complied with.

4. Also consistent with Article 401(5) of the Agreement, the President, through his duly empowered representative, on May 18, 1990, entered into an agreement with the Government of Canada providing an accelerated schedule of duty elimination for specific goods of Annexes 401.2 and 401.7. Pursuant to the authority granted in section 201(b) of the Implementation Act, the President, in Proclamation No. 6142 of May 25, 1990, implemented an accelerated schedule of duty elimination under the Agreement for those goods originating in the territory of Canada. However, certain goods could not be included in that agreement and accelerated schedule because of incomplete information regarding their tariff classification. Agreement as to acceleration of duty elimination for these goods was reached in an exchange of letters between the Governments of the United States and Canada. The consultation and lay-over requirements of section 103(a) of the Implementation Act with respect to such goods have been complied with.

5. Pursuant to section 201(b) of the Implementation Act, I have determined that the modifications hereinafter proclaimed to existing duties on goods originating in the territory of Canada are necessary or appropriate to maintain the general level of reciprocal and mutually advanta-

geous concessions with respect to Canada provided for by the Agreement and to carry out the agreements with Canada providing an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the Agreement.

6. Section 202(d)(1) of the Implementation Act authorizes the President to proclaim, as a part of the Harmonized System, implemented by the United States in the Harmonized Tariff Schedule of the United States (HTS), the rules of origin set forth in Annex 301.2 to the Agreement. Section 202(d)(2) of the Implementation Act authorizes the President to proclaim, subject to the consultation and lay-over requirements of section 103 of the Implementation Act, such modifications to the rules as may from time to time be agreed to by the United States and Canada. I have decided, pursuant to an agreement entered into on August 16, 1991, between the United States and Canada, that certain modifications in the rules of origin for particular goods of chapter 15 of the HTS should be proclaimed as a part of the HTS. The consultation and lay-over requirements of section 103 of the Implementation Act with respect to such modifications have been complied with.

7. Section 201(a) of the Implementation Act authorizes the President to proclaim such modifications to or continuance of existing duties, such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be necessary or appropriate to carry out Article 401 of the Agreement and the schedule of duty reductions with respect to goods originating in the territory of Canada set forth in Annexes 401.2 and 401.7 to the Agreement.

8. Certain provisions of the Customs and Trade Act of 1990 (the 1990 Act) (Public Law 101–382) and the Omnibus Budget Reconciliation Act of 1990 (the Budget Act) (Public Law 101–508), changed the tariff treatment of brooms and brushes of broom corn, woven fabrics and gauze of wool or of fine animal hair, ethyl alcohol, and ethyl tertiary-butyl ether. As a result of these changes, such goods originating in the territory of Canada became subject to rates of duty that are higher than the applicable duty rates previously proclaimed by the President pursuant to section 201 of the Implementation Act. In addition, previously enacted temporary duty suspensions for certain articles expired at the close of December 31, 1990. Consequently, such goods, if originating in the territory of Canada, became dutiable as of January 1, 1991, contrary to the terms of Article 401(8) of, and Annex 401.2 to, the Agreement. Accordingly, pursuant to section 201(a) of the Implementation Act, I have determined that it is necessary or appropriate to modify the HTS to ensure that the affected goods originating in the territory of Canada are afforded the tariff treatment contained in Annex 401.2 to the Agreement.

9. Title III of the 1990 Act amended the HTS to modify the tariff treatment afforded to various goods imported into the customs territory of the United States. Title II of the 1990 Act amended the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2701 *et seq.*) to repeal the termination on duty-free treatment under CBERA and to provide duty-free treatment for certain articles grown, produced, or manufactured in Puerto Rico. Technical corrections and conforming amendments to the HTS were set forth in sections 10011 and 11502(g) of the Budget Act.

10. In order to implement the tariff treatment provided for in CBERA, the 1990 Act, and the Budget Act, it is necessary to embody in the HTS the substance of the provisions of these acts. In addition, in order to clarify the preferential tariff treatment accorded under the CBERA, it is necessary to modify provisions of the general notes to the HTS to conform them to CBERA as amended by the 1990 Act.

11. Section 242 of the Compact of Free Association (the Compact) entered into by the Government of the United States and the Governments of the Marshall Islands and of the Federated States of Micronesia (the freely associated states), as given effect by section 401 of the Compact of Free Association Act of 1985 (the Association Act) (Public Law 99–239), requires the President to proclaim that articles imported from the freely associated states shall, under specified conditions, receive duty-free treatment subject to the limitations imposed under sections 503(b) and 504(c) of the Trade Act of 1974 (the 1974 Act) (19 U.S.C. 2463(b), 2464(c)).

12. Section 243 of the Compact, as given effect by section 401(b) of the Association Act, provides that certain articles imported from the freely associated states are to be excluded from the duty-free treatment proclaimed by the President and are to receive most-favored-nation (MFN) tariff treatment. Section 401(a) of the Association Act provides that only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States (TSUS) that is imported from the freely associated states during any calendar year in an aggregate quantity not to exceed 10 percent of the U.S. consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, may be entered free of duty. In addition, section 401(a) of the Association Act further provides that canned tuna imports from the freely associated states entering free of duty shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 for TSUS item 112.30 for that calendar year. The effect of this provision is that the tariff-rate quota of TSUS item 112.30 would have been available to imported canned tuna during any calendar year only to the extent that the quantity of canned tuna from the freely associated states that entered free of duty during the calendar year pursuant to section 401(a) of the Association Act was less than the aggregate quantity of canned tuna, if any, dutiable under TSUS item 112.30 for that calendar year.

13. The foregoing exclusions and restrictions are set forth in terms of the TSUS. The United States converted from the TSUS to the HTS effective January 1, 1989. Proclamation No. 6030 of September 28, 1989, incorporated into the HTS the exclusions and restrictions set out in section 401 of the Association Act, but did not clarify the manner in which canned tuna from the freely associated states shall be accorded limited duty-free treatment as set forth in section 401 of the Association Act. Therefore, modifications to general note 3(c)(viii) to the HTS and to chapter 16 of the HTS are appropriate in order to clarify the manner in which the provisions of section 401 of the Association Act relating to canned tuna shall be administered.

14. Pursuant to section 4 of the United States-Israel Free Trade Area Implementation Act of 1985 (the Israel Act) (19 U.S.C. 2112 note), the President proclaimed, in Proclamation No. 5365 of August 30, 1985, changes in tariff treatment which the President determined were re-

quired or appropriate to carry out the schedule of duty reductions for products of Israel set forth in Annex 1 to the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the Israel FTA), entered into on April 22, 1985. Subsequently, in Proclamation No. 5646 of May 4, 1987, the President modified the tariff schedules to eliminate duty-free treatment for articles eligible for entry under certain provisions covering articles exported from the United States and returned after having been advanced or improved abroad. I have determined, pursuant to section 4 of the Israel Act, that further modifications are required or appropriate to carry out the schedule of duty reductions with respect to products of Israel set forth in Annex 1 to the Israel FTA.

15. On October 3, 1990, pursuant to actions taken by their parliaments, the Federal Republic of Germany and the German Democratic Republic became a single country, following the signing of a treaty with the Governments of the United States, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and France. Accordingly, in order to ensure that MFN tariff treatment is afforded to all goods the product of the Federal Republic of Germany, I have determined that it is appropriate to modify general note 3(b) to the HTS, enumerating those countries whose products are dutied at the rates set forth in the Rates of Duty Column 2 of the HTS.

16. Section 604 of the 1974 Act, as amended (19 U.S.C. 2483), requires the President, from time to time, as appropriate, to embody in the HTS the substance of the provisions of that Act, of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and laws of the United States, including but not limited to section 604 of the 1974 Act, section 213 of CBERA, section 4 of the Israel Act, section 401 of the Association Act, sections 201 and 202 of the Implementation Act, and titles II and III of the 1990 Act, do proclaim that:

(1) In order to provide for an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the United States-Canada Free-Trade Agreement and to modify the rules of origin, the tariff treatment provided for in the HTS for certain goods originating in the territory of Canada and general note 3 to the HTS are modified as provided in Annex I(a), (b), (c), (d), (e), and (f) to this proclamation.

(2) In order to modify certain rates of duty and to provide for staged reductions for specified goods originating in the territory of Canada to conform such duty rates to the schedule of duty reductions set forth in Annex 401.2 to the Agreement, the HTS is further modified as set forth in Annex I(g), (h), (i), and (j) to this proclamation.

(3) In order to make technical and conforming changes in various provisions of the HTS, and to implement the tariff treatment provided for in CBERA and the 1990 Act, including the tariff treatment of certain articles grown, produced, or manufactured in Puerto Rico, the HTS is modified as set forth in Annex II to this proclamation.

(4) In order to make conforming changes in the tariff treatment of products of the freely associated states following changes in section

503(b) of the 1974 Act and to clarify the tariff treatment of articles imported from the freely associated states, general note 3(c)(viii) to the HTS and chapter 16 of the HTS are modified as set forth in Annex III.

(5) In order to carry out the schedule of duty reductions for products of Israel, as provided in Annex I to the Israel FTA, HTS subheadings 9802.00.60 and 9802.00.80 are each modified by inserting in the Rates of Duty 1-Special subcolumn after the symbol "CA" in parentheses the symbol ", IL".

(6) In order to afford MFN tariff treatment to all goods the product of the Federal Republic of Germany, general note 3(b) to the HTS is modified by striking out "German Democratic Republic".

(7) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(8)(a) The modification made by paragraphs (1) and (2) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in Annex I to this proclamation.

(b) The modifications made by paragraph (3) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in Annex II to this proclamation.

(c) The modifications made by paragraph (4) of this proclamation shall be effective with respect to products of the freely associated states entered, or withdrawn from warehouse for consumption, on or after the dates set forth in Annex III to this proclamation.

(d) The modifications made by paragraph (5) of this proclamation shall be effective with respect to products of Israel entered, or withdrawn from warehouse for consumption, on or after January 1, 1989.

(e) The modification made by paragraph (6) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 3, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) WITH RESPECT TO THE TARIFF TREATMENT OF CERTAIN GOODS ORIGINATING IN THE TERRITORY OF CANADA

(a) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after July 1, 1991, the HTS is modified as follows:*

(1) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, by striking the symbol "(CA)" and the duty rate preceding it, and inserting in lieu thereof in the parentheses following the "Free" rate of duty the symbol "CA," in alphabetical order:

0201.20.20	0201.20.60	0201.30.40	0202.10.00
0201.20.40	0201.30.20	0201.30.60	0202.20.20

0202.20.40	2306.40.00	5307.10.00	8477.10.60
0202.20.60	2525.20.00	5307.20.00	8480.71.90
0204.22.20	2819.10.00	5607.10.00	8482.20.00
0204.22.40	2825.30.00	5607.29.00	8482.99.30
0204.23.20	2827.39.10	5607.30.20	8516.31.00
0204.23.40	2833.29.30	5607.41.10	8516.32.00
0204.30.00	2836.91.00	6805.10.00	8516.40.20
0204.41.00	2841.90.10	6805.20.00	8516.40.40
0204.42.20	2902.11.00	6805.30.10	8517.30.30
0204.42.40	2902.50.00	6911.10.10	8521.10.00
0204.43.20	2903.13.00	7002.31.00	8521.90.00
0204.43.40	2912.21.00	7006.00.10	8522.90.60
0708.90.05	2916.31.10	7006.00.20	8530.10.00
0708.90.15	2916.31.20	7006.00.40	8530.80.00
0708.90.30	2916.31.30	7108.12.50	8530.90.00
0708.90.40	2916.31.50	7108.13.10	8603.10.00
0712.20.20	2917.11.00	7108.13.50	8604.00.00
0712.20.40	2917.35.00	7113.11.10	8605.00.00
0712.90.40	2923.10.00	7113.19.10	8607.19.10
0713.10.10	2933.21.00	7113.19.21	9002.11.80
0713.10.40	2941.10.10	7113.19.25	9006.20.00
0713.20.10	2941.10.20	7113.19.29	9006.53.00
0713.20.20	2941.10.30	7113.20.10	9006.62.00
0713.31.10	2941.10.50	7113.20.21	9008.10.00
0713.31.40	3301.24.00	7113.20.25	9008.90.40
0713.32.10	3404.20.00	7113.20.29	9008.90.80
0713.32.20	3407.00.40	7205.10.00	9015.30.40
0713.33.10	3701.30.00	7407.21.10	9015.30.80
0713.33.20	3701.91.00	7407.21.50	9018.19.40
0713.33.40	3701.99.30	7407.21.70	9018.19.80
0713.39.10	3701.99.60	7407.21.90	9018.49.40
0713.39.20	3702.31.00	7407.22.10	9026.90.40
0713.39.40	3702.39.00	7407.22.50	9026.90.60
0713.40.10	3702.43.00	7408.29.10	9027.10.20
0713.40.20	3702.44.00	7408.29.50	9027.20.42
0713.50.10	3702.53.00	7409.40.00	9027.20.44
0713.50.20	3702.54.00	7409.90.10	9027.30.40
0713.90.10	3702.91.00	7410.21.30	9027.30.80
0713.90.60	3702.93.00	7410.21.60	9027.50.40
0713.90.80	3702.95.00	7410.22.00	9027.90.20
1106.10.00	3703.90.30	7616.10.30	9027.90.42
1521.90.20	3703.90.60	8412.29.40	9027.90.44
1602.20.20	3823.90.36	8412.29.80	9306.10.00
1602.20.40	3917.10.10	8412.90.10	9608.60.00
1703.10.30	3917.10.50	8423.10.00	9608.99.30
1703.10.50	5306.10.00	8423.81.00	
2306.20.00	5306.20.00	8468.10.00	

(2) For HTS subheadings 5505.10.00 and 5607.41.30, in the Rates of Duty 1-Special subcolumn, by striking the symbol "(CA)" and the duty rate preceding it, and inserting in lieu thereof "Free (CA)".

(3) By striking from U.S. notes 2, 4, and 5 to subchapter V of chapter 99 " 'Special' subcolumn of rate of duty column 1" and from U.S. note 3 to subchapter V of chapter 99 " ' Special' subcolumn of the rates of duty 1 column" and inserting in lieu thereof "Rates of Duty 1-Special subcolumn".

(4) By deleting U.S. note 3 to subchapter V of chapter 99 and inserting in lieu thereof new U.S. note 3 to subchapter V of chapter 99, in numerical sequence, as follows:

"3. On or after January 1, 1992, the then-existing percentage set forth in the Rates of Duty 1-Special subcolumn for HTS subheading 9905.00.30 which is applicable to goods originating in the territory of Canada shall be deleted and "20 percent" inserted in lieu thereof.".

(5) By inserting new U.S. note 8 to subchapter V of chapter 99, in numerical sequence, as follows:

"8. The expression "unworked" in HTS subheading 9905.74.10 refers to copper plates, sheets, and strip which have not been processed beyond the condition as from the rolling mill (for example, not machined, cut to shape, perforated or coated). The term "worked" in HTS subheadings 9905.74.20 and 9905.74.30 refers to copper plates, sheets, and strip, or foil which have been processed beyond the condition as from the rolling mill.".

(6) By inserting the following HTS subheadings in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.07.10	Parsnips, fresh or chilled (provided for in subheading 0706.90.40)	Free (CA)
9905.08.10	Lingonberries (partridgeberries), frozen (provided for in subheading 0811.90.80)	Free (CA)
9905.11.10	Groats and meal of buckwheat (provided for in subheading 1103.19.00)	Free (CA)
9905.15.10	Other vegetable fats and oils and their fractions (other than soybean oil and its fractions) (provided for in subheading 1516.20.90)	[See section (b) of this Annex] (CA)
9905.16.10	Prepared or preserved bovine meat, other than prepared meals (provided for in subheading 1602.50.90)	Free (CA)
9905.16.12	Other prepared or preserved meat, meat offal or blood (other than prepared meals) (provided for in subheading 1602.90)	Free (CA)
9905.20.08	Cranberry puree (provided for in subheading 2007.99.65)	Free (CA)
9905.20.09	Cranberries, prepared or preserved (provided for in subheading 2008.99.20)	Free (CA)
9905.25.10	Talc (provided for in subheading 2526.10.00)	Free (CA)
9905.28.01	Sulfur dichloride, disulfur dichloride (sulfur monochloride), sulfur dichloride dioxide (sulfuryl chloride or sulphonyl chloride), and sulfur dichloride oxide (thionyl chloride) (provided for in subheading 2812.10.50)	Free (CA)
9905.28.02	Potassium hexafluorophosphate (provided for in subheading 2826.90.00)	Free (CA)
9905.28.03	Vanadium oxytrichloride (vanadium trichloride oxide) (provided for in subheading 2827.49.10)	Free (CA)
9905.28.04	Hypochlorites (other than sodium hypochlorite), chlorites, and hypobromites (provided for in subheading 2828.90.00)	Free (CA)
9905.28.05	Cobalt nitrate and nickel nitrate (provided for in subheading 2834.29.50)	Free (CA)
9905.28.06	Tetrapotassium pyrophosphate (provided for in subheading 2835.39.10)	Free (CA)
9905.28.15	Cyanamide (provided for in heading 2851.00.00)	Free (CA)
9905.29.06	2-Bromoethylbenzene (provided for in subheading 2903.69.60)	Free (CA)
9905.29.07	o-Nitrotoluene (provided for in subheading 2904.20.35)	Free (CA)
9905.29.08	1-Chloro-2,2,2-trifluoroethyl difluoromethyl ether and 2-chloro-1,1,2-trifluoroethyl difluoromethyl ether (provided for in subheading 2909.19.10)	Free (CA)
9905.29.11	Salicylaldehyde (provided for in subheading 2912.49.20)	Free (CA)
9905.29.12	Vanadyl formate (provided for in subheading 2915.12.00)	Free (CA)
9905.29.13	Magnesium distearate (provided for in subheading 2915.70.00)	Free (CA)
9905.29.14	Benzyl chloroformate (provided for in subheading 2915.90.20)	Free (CA)
9905.29.17	Ethoxynaphthoyl chloride (provided for in subheading 2918.90.45)	Free (CA)
9905.29.18	Methylamine, whether or not in solution (provided for in subheading 2921.11.00)	Free (CA)
9905.29.19	Diethylaminoethyl chloride hydrochloride (provided for in subheading 2921.19.50)	Free (CA)
9905.29.21	Hexamethylenediamine (provided for in subheading 2921.22.10 or 2921.22.50)	Free (CA)

9905.29.22	Dicyclohexylamine (provided for in subheading 2921.30.50)	Free (CA)
9905.29.23	p-Toluidine (provided for in subheading 2921.43.60)	Free (CA)
9905.29.24	Sertraline (provided for in subheading 2921.45.30)	Free (CA)
9905.29.26	Levodopa (provided for in subheading 2922.50.25)	Free (CA)
9905.29.27	3-(2-Hydroxyethoxy)-4-(2-hydroxyethylamino)nitrobenzene (provided for in subheading 2922.50.30)	Free (CA)
9905.29.28	N,N-Dimethylformamide and N,N-dimethylacetamide (provided for in subheading 2924.10.10)	Free (CA)
9905.29.31	2-Aminothiophenol (provided for in subheading 2930.90.20)	Free (CA)
9905.29.33	Potassium dichloroisocyanurate, potassium-s-triazinetrione, sodium dichloro-s-triazinetrione, sodium dichloroisocyanurate, and trichloroisocyanuric acid (provided for in subheading 2933.69.00)	Free (CA)
9905.29.40	Diltiazem hydrochloride and doxazosin (provided for in subheading 2934.90.25)	Free (CA)
9905.29.60	Hydrochlorothiazide (provided for in subheading 2935.00.43)	Free (CA)
9905.29.70	Vanadium acetonates (provided for in subheading 2942.00.50)	Free (CA)
9905.30.01	Amoxicillin in oral dosage form (provided for in subheading 3004.10.50)	Free (CA)
9905.30.02	Erythromycin lactobionate, injectable; imipenem-cilastatin sodium; and vancomycin hydrochloride, injectable (provided for in subheading 3004.20.00)	Free (CA)
9905.30.03	Hydrocortisone sodium succinate, injectable (provided for in subheading 3004.32.00)	Free (CA)
9905.30.05	Oxytocin, injectable; and recombinant human erythropoietin (provided for in subheading 3004.39.00)	Free (CA)
9905.30.06	Vitamin B_{12} for veterinary use (provided for in subheading 3004.50.20)	Free (CA)
9905.30.20	Nonmedicated adhesive plasters containing a felt support (provided for in subheading 3005.10.50)	Free (CA)
9905.32.10	Pigment orange 13 and 46; pigment red 3, 48:1, 48:2, 49:1, 49:2; 52:1, 52:2, 53:1, and 57:1; salt type red of C.I. No. 53:1 (Red Lake C); and pigment yellow 1, 12, 13, 14, and 73 (provided for in subheading 3204.17.30 or 3204.17.50)	Free (CA)
9905.32.20	Surfacing preparations for indoor walls and ceilings (provided for in subheading 3209.10.00)	Free (CA)
9905.32.30	Preparations for setting wall and floor tiles (provided for in subheading 3214.90.50)	Free (CA)
9905.35.10	Scrap gelatin (provided for in heading 3503.00)	Free (CA)
9905.35.20	Soy protein isolates (provided for in subheading 3504.00.10)	Free (CA)
9905.38.06	Fumigator fogger bombs; insecticides in bulk or in packages of a gross weight exceeding 1.36 kg each (provided for in subheading 3808.10)	Free (CA)
9905.38.07	Chromated copper arsenate, 50 percent solution (provided for in subheading 3808.20.30)	Free (CA)
9905.38.08	Disinfectants in bulk or in packages of a gross weight exceeding 1.36 kg each (provided for in subheading 3808.40)	Free (CA)
9905.38.09	Fabric softeners deposited on disposable sheets for household use (provided for in subheading 3809.91.00 or 3809.99)	Free (CA)
9905.38.11	Sizing preparations based on rosins and sizing preparations based on alkyl ketene dimer (provided for in subheading 3809.92)	Free (CA)
9905.38.12	Naphthenic acids (provided for in subheading 3823.20.00)	Free (CA)
9905.39.01	Liquid amorphous polypropylene having a solubility greater than 95 percent in boiling n-heptane and less than 5 percent crystallinity (provided for in subheading 3902.10.00)	Free (CA)

9905.39.03	Dibutyltin oxide and hydrated monobutyltin oxide (provided for in subheading 3911.90.30)	Free (CA)
9905.39.04	Lignin (provided for in subheading 3913.90.50)	Free (CA)
9905.39.06	Ion-exchangers other than of polymers of styrene (provided for in heading 3914.00.00)	Free (CA)
9905.39.07	Tape certified by the importer as intended for use in the manufacture of disposable diapers (provided for in subheading 3919.10.20)	[See section (b) of this Annex] (CA)
9905.39.08	Polyvinyl chloride edgebanding, of a width of over 1 cm, and of a thickness of over 0.03 cm but not over 1 cm (provided for in subheading 3919.10.20)	Free (CA)
9905.39.09	Polypropylene or polyethylene film certified by the importer as intended for use in the manufacture of disposable diapers (provided for in subheading 3920.10.00 or 3920.20.00)	[See section (b) of this Annex] (CA)
9905.39.12	Polyvinyl chloride edgebanding, of a width of over 1 cm but not over 65 cm, and of a thickness of over 0.03 cm but not over 1 cm, with a primer on the back, whether or not topcoated (provided for in subheading 3920.41 or 3920.42)	Free (CA)
9905.39.13	Handles and knobs for furniture (provided for in subheading 3926.30.10)	[See section (b) of this Annex] (CA)
9905.39.14	Holders for drawer dividers, grommets, and glides for furniture (provided for in subheading 3926.30.50)	[See section (b) of this Annex] (CA)
9905.40.02	Flexible closed-cell rubber tubing designed for insulating liquid-cooling or liquid-heating tubes or pipes (provided for in subheading 4009.10.00)	Free (CA)
9905.40.20	Gaskets and seals for locomotives and rail cars; oil seals (provided for in subheading 4016.93.00)	Free (CA)
9905.42.10	Bowling bags (provided for in subheading 4202.91.00 or 4202.92.45)	Free (CA)
9905.42.20	Cases for flutes (provided for in subheading 4202.92.50)	Free (CA)
9905.48.20	Color sample charts, sausage casings, and weighted paper markers for crop spraying or dusting (provided for in subheading 4823.90.65 or 4823.90.85)	Free (CA)
9905.54.12	Monofilaments of nylon or other polyamides; monofilaments (other than nylon or other polyamides) cut to length and bundled for brooms or brushes (provided for in subheading 5404.10)	Free (CA)
9905.54.14	Strip and the like, of nylon (provided for in subheading 5404.90.00)	Free (CA)
9905.56.10	Spunbonded nonwovens of filaments of polyethylene or polypropylene, whether or not coated or covered, being air infiltration barriers for use as building wrap and marked at regular intervals on the surface of the material as housewrap; nonwovens of m-phenyleneisophthalamide, in rolls or sheets, of a kind used in electrical insulation (provided for in heading 5603.00)	Free (CA)
9905.56.20	Nonwovens certified by the importer as intended for use as liners or transfer layers in the manufacture of disposable diapers (provided for in heading 5603.00)	[See section (b) of this Annex] (CA)
9905.56.30	Sewing thread sample charts (provided for in heading 5609.00)	Free (CA)
9905.58.10	Braid sample charts (provided for in subheading 5808.10)	Free (CA)
9905.63.10	Decorative trimming (braids) sample charts (provided for in subheading 6307.90.94)	Free (CA)

9905.64.10	Footwear, consisting of an outer sole and an unfinished or incomplete upper, designed for use with boot liners (provided for in subheading 6401.99.60)	Free (CA)
9905.64.20	Tennis shoes, basketball shoes, training shoes, gym shoes, and the like, not covering the ankle, having outer sales of rubber or plastics and uppers of leather (provided for in subheading 6403.99)	Free (CA)
9905.68.10	Tiles of stone other than calcareous stone or granite, except tiles of subheading 6802.10 (provided for in subheading 6802.99.00)	Free (CA)
9905.68.20	Articles of asphalt, in rolls, consisting of a substrate of paper covered with asphalt and mineral granules (provided for in subheading 6807.10.00)	Free (CA)
9905.68.30	Brick panels (provided for in subheading 6810.91.00)	Free (CA)
9905.68.40	Carbon or graphite yarns (provided for in subheading 6815.10.00)	Free (CA)
9905.68.50	Gasket material of compressed mineral substances (provided for in subheading 6815.99.40)	Free (CA)
9905.70.05	Float glass (provided for in subheading 7005.10, 7005.21, or 7005.29)	Free (CA)
9905.70.07	Lighted mirrors (provided for in subheading 7009.92.10)	Free (CA)
9905.70.09	Pressed and toughened (specially tempered) glass ovenware (provided for in subheading 7013.39.10)	Free (CA)
9905.73.01	Die-cut nails, 3 to 6 cm in length, collated (provided for in heading 7317.00)	Free (CA)
9905.73.03	Gas counter-top and built-in ovens and parts thereof (provided for in subheading 7321.11.60 or 7321.90.60)	Free (CA)
9905.73.30	Upholstery tack strips (provided for in subheading 7326.90)	[See section (b) of this Annex] (CA)
9905.74.10	Copper plates, sheets and strip, other than unworked plates, sheets and strip of a thickness not exceeding 4.75 mm and a width not exceeding 508 mm (provided for in subheading 7409.11, 7409.19, 7409.21, or 7409.29)	Free (CA)
9905.74.20	Worked copper plates, sheets, and strip, of a thickness of less than 5 mm (provided for in subheading 7409.90.50 or 7409.90.90)	Free (CA)
9905.74.30	Worked foil of refined copper (provided for in subheading 7410.11.00)	Free (CA)
9905.76.10	Rods of aluminum alloys 2014, 2024, 6151, or 7075 (provided for in subheading 7604.29)	Free (CA)
9905.78.10	Braided leadline, and wall anchors for bolts and screws (provided for in heading 7806.00.00)	Free (CA)
9905.79.10	Zinc anodes for electroplating (provided for in subheading 7907.90.60)	Free (CA)
9905.82.20	Manual nailing machines (provided for in subheading 8205.59)	Free (CA)
9905.83.15	Concealed adjustable hinges for casement windows (provided for in subheading 8302.10)	Free (CA)
9905.83.20	Casters, plated with zinc or brass, suitable for furniture (provided for in subheading 8302.20.00)	Free (CA)
9905.83.25	Decorative brass-plated rods; steel rings and sockets, brass plated; steel kickplates, zinc plated; steel catches; brass scuff plates; and closure glides for the end of tubing on chairs, brass or nickel plated; the foregoing suitable for furniture (provided for in subheading 8302.42)	Free (CA)
9905.83.30	Steel table slides; zinc pulls and knobs, whether or not brass plated (provided for in subheading 8302.42.30)	[See section (b) of this Annex] (CA)
9905.83.40	Aluminum fittings used solely or principally as lateral arms for awnings (provided for in subheading 8302.49.60)	Free (CA)
9905.84.06	Reciprocating positive displacement pumps other than centrifugal (provided for in subheading 8413.50.00)	Free (CA)

9905.84.07	Parts of reciprocating positive displacement pumps other than centrifugal of subheading 8413.50.00; sucker rods, pony rods or polished rods designed for oil field related pumps, and parts thereof (provided for in subheading 8413.91.90)	Free (CA)
9905.84.08	Oscillating table fans (provided for in subheading 8414.51.00)	Free (CA)
9905.84.09	Cooling fan assemblies for locomotives (provided for in subheading 8414.59.80)	Free (CA)
9905.84.11	Air compressors for locomotives (provided for in subheading 8414.80.10)	Free (CA)
9905.84.12	Parts of oscillating table fans, and of cooling fan assemblies and blower wheel assemblies for locomotives (provided for in subheading 8414.90.10)	Free (CA)
9905.84.13	Parts of air compressors for locomotives (provided for in subheading 8414.90.20)	Free (CA)
9905.84.14	Air conditioners for locomotives (provided for in subheading 8415.82.00)	Free (CA)
9905.84.16	Parts of air conditioners of subheading 8415.82.00 for locomotives (provided for in subheading 8415.90.00)	Free (CA)
9905.84.17	Hot-air and dehumidified dryers for plastic resin processing (provided for in subheading 8419.39.00)	Free (CA)
9905.84.18	Parts of hot-air and dehumidified dryers for plastic resin processing; hubs, wheels and spindles for grain dryers; molecular sieves for refrigeration dryers (provided for in subheading 8419.90.90)	Free (CA)
9905.84.19	Lubrication oil filter assemblies for internal combustion engines for locomotives (provided for in subheading 8421.23.00)	Free (CA)
9905.84.23	Parts of weighing machinery of subheadings 8423.10.00 and 8423.81.00 (provided for in subheading 8423.90.00)	Free (CA)
9905.84.24	Trigger operated sprayers for non-aerosol cans (provided for in subheading 8424.89.00)	Free (CA)
9905.84.26	Parts of agricultural or horticultural appliances of subheading 8424.81.90; parts of trigger operated sprayers for non-aerosol cans (provided for in subheading 8424.90)	Free (CA)
9905.84.27	Agricultural or horticultural type continuous-action elevators and conveyors; veneer conveyors specially designed for use with automatic veneer reelers or unreelers (provided for in subheading 8428.39.00)	Free (CA)
9905.84.28	Elevator guide rails; and hubs, wheels and spindles for grain handling equipment of heading 8428 (provided for in subheading 8431.31.00 or 8431.39.00)	Free (CA)
9905.84.29	Hubs, wheels and spindles for land levelers or earth scrapers (provided for in subheading 8431.49.90)	Free (CA)
9905.84.42	Parts of hand-held blow torches (provided for in subheading 8468.90.10)	Free (CA)
9905.84.56	Rail lubricators (provided for in subheading 8479.81.00)	Free (CA)
9905.84.57	Wind-up mouse traps (provided for in subheading 8479.89.90)	Free (CA)
9905.84.58	Parts of rail lubricators and of wind-up mouse traps; and hubs, wheels and spindles for sweepers other than carpet sweepers (provided for in subheading 8479.90.80)	Free (CA)
9905.84.66	Tapered rollers (provided for in subheading 8482.91.00)	Free (CA)
9905.84.67	70 tooth gears and gearing suitable for use solely or principally in locomotives and worm gears suitable for use solely or principally in railway vehicles (provided for in subheading 8483.40.90)	Free (CA)
9905.84.71	Parts of 70 tooth gears and gearing suitable for use solely or principally in locomotives and worm gears suitable for use solely or principally in railway vehicles (provided for in subheading 8483.90.50)	Free (CA)
9905.85.06	AC generators exceeding 15,000 kVA and of a RPM of 600 or less (provided for in subheading 8501.64.00)	Free (CA)

9905.85.21	9 volt batteries and 1.5 volt AAA batteries (provided for in subheading 8506.11.00)	Free (CA)
9905.85.22	Batteries having a lithium chemical system (provided for in subheading 8506.19.00)	Free (CA)
9905.85.37	Electromechanical knife sharpeners, knives, toothbrushes, food slicers and ice cream freezers (provided for in subheading 8509.80.00)	Free (CA)
9905.85.38	Parts of electromechanical coffee mills, food choppers, food grinders and processors, ice crushers, knife sharpeners, knives, toothbrushes, food slicers and ice cream freezers (provided for in subheading 8509.90.40)	Free (CA)
9905.85.39	Alternator assemblies for diesel locomotives (provided for in subheading 8511.50.00)	Free (CA)
9905.85.41	Parts of alternator assemblies for diesel locomotives (provided for in subheading 8511.90.60)	Free (CA)
9905.85.42	Resistance heated furnaces and ovens suitable for use in the manufacture of semiconductors (provided for in subheading 8514.10.00)	Free (CA)
9905.85.43	Parts of resistance heated furnaces and ovens suitable for use in the manufacture of semiconductors (provided for in subheading 8514.90.00)	Free (CA)
9905.85.46	Cab heaters for diesel electric locomotives (provided for in subheading 8516.29.00)	Free (CA)
9905.85.47	Automatic drip coffee makers; and coffee percolators, of stainless steel (provided for in subheading 8516.71.00)	Free (CA)
9905.85.49	Parts of cab heaters for diesel electric locomotives (provided for in subheading 8516.90.40)	Free (CA)
9905.85.51	Parts of electrothermic hairdressing or hand-drying apparatus; parts of electric flatirons; parts of automatic drip coffee makers; parts of coffee percolators, of stainless steel; and parts of toasters (provided for in subheading 8516.90.60)	Free (CA)
9905.85.52	Multiplexers (provided for in subheading 8517.30.50)	Free (CA)
9905.85.53	Tape transport mechanisms and parts thereof; tonearms; parts of turntables (record-decks) or record-players; parts of dictating or transcribing machines, excluding machines using magnetic tape; parts of compact disc players; magnetic tape recorders incorporating sound reproducing apparatus for commercial sound recordings; sound recording apparatus of subheading 8520.90 for commercial reproduction or duplication of audio-cassette tapes; parts of video recording or reproducing apparatus (provided for in subheading 8522.90)	Free (CA)
9905.85.66	Pantographs (provided for in subheading 8535.90.00)	Free (CA)
9905.85.67	Shunt contactors for direct current controls (provided for in subheading 8536.49.00)	Free (CA)
9905.85.68	Connector adapters for goods of subheading 9030.39.00; contactors and terminals for automatic motor protectors (provided for in subheading 8536.90.00)	Free (CA)
9905.85.69	Programmable controllers for drive systems for industrial and marine applications; high voltage cabinets for diesel electric locomotives; control panels for railway equipment (provided for in subheading 8537.10.00)	Free (CA)
9905.85.71	Direct current magnetic coils for switchgear of heading 8536 (provided for in subheading 8538.90.00)	Free (CA)
9905.85.72	Electronic fly traps (provided for in subheading 8543.80.90)	Free (CA)
9905.86.05	Railway or tramway freight cars, not self-propelled, produced before July 1, 1991, or if entered after July 1, 1994, produced not less than three years before the date of importation (provided for in heading 8606)	Free (CA)

9905.86.15	Non-driving truck assemblies for railway or tramway passenger cars (provided for in subheading 8607.12.00)	Free (CA)
9905.86.20	Parts of railway or tramway passenger cars (provided for in subheading 8607.19.30 or 8607.19.90)	Free (CA)
9905.86.30	Parts of rail car housing and support units and parts of railway or tramway passenger cars (provided for in subheading 8607.99)	Free (CA)
9905.87.20	Hubs, wheels and spindles for agricultural trailers (provided for in subheading 8716.90.50)	Free (CA)
9905.90.01	Frames and mountings of plastics for safety goggles or safety spectacles designed for use by workers employed in hazardous work and frames and mountings of plastics for prismatic eyeglasses for reading (provided for in subheading 9003.11.00)	Free (CA)
9905.90.02	Parts of frames and mountings of subheading 9003.11.00 for safety goggles or safety spectacles designed for use by workers employed in hazardous work and parts of frames and mountings of subheading 9003.11.00 for prismatic eyeglasses for reading (provided for in subheading 9003.90.00)	Free (CA)
9905.90.03	Parts and accessories of photographic cameras of subheadings 9006.20.00 and 9006.53.00 (provided for in subheading 9006.91.00)	Free (CA)
9905.90.04	Parts and accessories of flashbulbs, flashcubes and the like (provided for in subheading 9006.99.00)	Free (CA)
9905.90.07	Rulers, of plastics; measuring instruments for determining the proportional reduction or enlargement of a picture or photograph (provided for in subheading 9017.80.00)	Free (CA)
9905.90.08	Parts and accessories of measuring instruments for determining the proportional reduction or enlargement of a picture or photograph (provided for in subheading 9017.90.00)	Free (CA)
9905.90.09	Orthopedic or fracture appliances other than plaster bandage splints, surgical trusses and suspensory bandages or orthopedic abdominal supports (provided for in subheading 9021.19)	Free (CA)
9905.90.11	Parts and accessories of goods of subheading 9027.30.80 (provided for in subheading 9027.90.60 or 9027.90.80)	Free (CA)
9905.91.10	Security guard mechanical time clocks (provided for in subheading 9106.90.80)	Free (CA)
9905.92.10	Flutes (provided for in subheading 9205.90.40)	Free (CA)
9905.92.20	Parts of flutes (provided for in subheading 9209.99.40)	Free (CA)
9905.94.02	Swivel seats suitable for use solely or principally in locomotive cabs (provided for in subheading 9401.30.80)	Free (CA)
9905.94.04	Folding seats, of plastics, suitable for use solely or principally in boats (provided for in subheading 9401.80.20 or 9401.80.40)	Free (CA)
9905.94.06	Parts of swivel seats suitable for use solely or principally in locomotive cabs; parts of folding seats of subheadings 9401.80.20 and 9401.80.40 suitable for use solely or principally in boats (provided for in subheading 9401.90)	Free (CA)
9905.94.08	Operating tables and oscillating beds, and parts thereof (provided for in subheading 9402.90.00)	Free (CA)
9905.94.15	Lamp bases, of glass (provided for in subheading 9405.91.60)	Free (CA)
9905.95.02	Mylar balloons (provided for in subheading 9503.90.50)	Free (CA)
9905.95.03	Golf club shafts of fiberglass (provided for in subheading 9506.39.00)	Free (CA)
9905.95.04	Motorized stair climbing exercise apparatus equipped with electronic monitors (provided for in subheading 9506.91.00)	Free (CA)
9905.95.06	Bats of aluminum (provided for in subheading 9506.99.15)	Free (CA)

9905.96.20	Parts of ball point pens (provided for in subheading 9608.99.40)	Free (CA)
9905.96.30	Pancake ink film ribbons of a width not exceeding 3 cm (provided for in subheading 9612.10)	Free (CA)".

(7) By striking HTS subheadings 9905.00.30, 9905.20.15, 9905.29.16, 9905.29.29, 9905.29.32, 9905.29.35, 9905.29.50, 9905.30.04, 9905.30.10, 9905.38.10, 9905.59.10, 9905.73.05, 9905.73.10, 9905.73.15, 9905.84.05, 9905.84.15, 9905.84.55, 9905.85.10, 9905.85.25, 9905.85.35, 9905.85.40, and 9905.85.70 and inserting in lieu thereof the following HTS subheadings in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.00.30 Upholstery fabrics certified by the importer as intended for use as outer covering in the manufacture of upholstered furniture, provided for in the following provisions:

5208.39	5211.59	5514.21	5801.10	
5208.42	5407.10	5514.22	5801.22	
5208.49	5407.42	5514.23	5801.23	
5208.52	5407.43.20	5514.29	5801.25	
5208.53	5407.44	5514.31	5801.26	
5208.59	5407.52.20	5514.32	5801.31	
5209.31	5407.53.20	5514.33	5801.32	
5209.32	5407.54	5514.39	5801.33	
5209.39	5407.60.20	5514.41	5801.35	
5209.41	5407.72	5514.42	5801.36	
5209.43	5407.73.20	5514.43	5801.90	
5209.49	5407.74	5514.49	5802.30	
5209.51	5407.82	5515.11	5903.10	
5209.52	5407.83	5515.12	5903.20	
5209.59	5407.84	5515.19	5903.90	
5210.39	5407.92	5515.21	5906.99	
5210.49	5407.93	5515.29	5907.00...40	percent of the column 1-general rate of duty applicable under the respective listed heading or subheading (CA)
5210.51	5407.94	5515.91		
5210.59	5408.23.20	5515.99		
5211.31	5408.24	5516.13		
5211.32	5512.19	5516.14		
5211.39	5512.29	5516.22		
5211.41	5512.99	5516.23		
5211.43	5513.21	5516.24		
5211.49	5513.23	5516.43		
5211.51	5513.39	5516.44		
5211.52	5513.41	5516.93		

9905.20.15	Frozen cranberry concentrate, 50° brix; and juice of any single fruit, except fruits provided for elsewhere in heading 2009, not concentrated (provided for in subheading 2009.80.60)	Free (CA)
9905.29.16	m-Toluic acid and o-toluic acid (provided for in subheading 2916.39.60)	Free (CA)
9905.29.29	Di-o-tolylguanidine, diphenylguanidine, guanidine, and pentamidine isethionate (provided for in subheading 2925.20)	Free (CA)
9905.29.32	Amlodipine besylate, flecainide acetate, and nifedipine (provided for in subheading 2933.39.35)	Free (CA)

9905.29.35	Benzotriazolyloxytris(dimethylamino)phosphonium hexafluorophosphate; 2-(Benzotriazol-2-yl)-4,6-bis(methylethyl-1-phenylethyl)phenol; 2-(1H-Benzotriazol-1-yl)-1,1,3,3-tetramethyluronium hexafluorophosphate; 2-(1H-Benzotriazol-1-yl)-1,1,3,3-tetramethyluronium tetrafluoroborate; Enalapril maleate; Fluconazole; 2-(2'-Hydroxy-3',5'-di-tert-amylphenyl)benzotriazole; 2-(2'-Hydroxy-5'-methylphenyl)benzotriazole; L-Proline and its methyl ester; Temazepam; and Tolmetin sodium (provided for in subheading 2933.90)	Free (CA)
9905.29.50	Acetylsulfaguanidine and azosulfamide (provided for in subheading 2935.00.39)	Free (CA)
9905.30.10	Acetazolamide in sustained-release dosage form for human use; Aminocaproic acid; Antibacterial creams containing sulfanilamide as the single active ingredient; Antihistaminic agents in tablet form containing terfenadine as the single active ingredient; Anthelmintic based on pyrantel pamoate or morantel tartarate for treating internal parasites in horses and in dairy and feed cattle; Antimicrobial ointments other than sulfonamides for the treatment of vaginal yeast infections in animals; Iron-dextran complex; Laxatives for animals; Lyophilized ribavirin in vials; and Tubocurarine chloride, injectable (provided for in subheading 3004.90.60)	Free (CA)
9905.38.10	Blended flammable chemical waste suitable for use as a fuel; Gaseous mixtures of hydrogen sulfide and nitrogen; Gaseous mixtures of nitric oxide and nitrogen; Glycerol triacetate; Molecular sieves; Phosphonium salts; Sodium methoxide 25 percent in methanol (sodium methylate 25 percent); and Synthetic gum base (provided for in subheading 3823.90)	Free (CA)
9905.59.10	Packing yarns with cores of glass fibers, whether or not incorporating a metal wire, covered with a textile wrapper; and pure or prelubricated polytetrafluoroethylene yarns (provided for in subheading 5911.90.00)	Free (CA)
9905.73.05	Pellet-fired heating appliances and parts thereof, and railway track switch heaters and parts thereof (provided for in subheading 7322.90.00)	Free (CA)
9905.73.10	Treeball baskets, underwires for brassieres, and wire mesh minnow traps (provided for in subheading 7326.20.00)	Free (CA)
9905.73.15	Flush floor and duct systems, and racks and containers for the automotive industry (provided for in subheading 7326.90)	Free (CA)
9905.84.05	Parts of hydraulic power engines and motors of subheading 8412.29.80, and parts of pneumatic power engines and motors (provided for in subheading 8412.90)	Free (CA)
9905.84.55	Parts of barrels and cylinders for plastic processing machines, parts of blow-molding machines of subheading 8477.30, and parts of injection-molding machines for rubber or plastics (provided for in subheading 8477.90.00)	Free (CA)
9905.85.10	Armature coil assemblies, brush holder assemblies, interpole coils, and main coils suitable for use solely or principally in locomotives; parts of AC generators exceeding 15,000 kVA and of a RPM of 600 or less; parts of electric gear motors of subheadings 8501.33.30, 8501.33.40, 8501.34.30, 8501.51, 8501.53.60, or 8501.53.80; and parts of electric motors and generators of subheadings 8501.20, 8501.31, 8501.32.20, 8501.32.60, 8501.61, or 8501.62 (provided for in heading 8503.00)	Free (CA)

9905.84.15	Parts of filtering or purifying machinery and apparatus for gases of subheading 8421.39 and parts of lubrication oil filter assemblies for internal combustion engines for locomotives (provided for in subheading 8421.99.00)	Free (CA)
9905.85.25	Parts of batteries having a lithium chemical system, parts of primary cells and primary batteries of subheadings 8506.12 and 8506.13, and parts of 9 volt batteries and 1.5 volt AAA batteries of subheading 8506.11.00 (provided for in subheading 8506.90.00)	Free (CA)
9905.85.35	Electromechanical coffee mills, food choppers, food grinders, food processors, and ice crushers (provided for in subheading 8509.40.00)	Free (CA)
9905.85.40	Hi-ignitors for railway equipment, and parts of electric soldering irons and guns of subheading 8515.11.00 (provided for in subheading 8515.90)	Free (CA)
9905.85.70	Parts of electronic fly traps, and parts of signal generators (provided for in subheading 8543.90)	Free (CA)".

(8) By deleting from the article description of HTS subheading 9905.00.00 "7006.00" and "8482.20" and by deleting "7616.10" and inserting "7616.10.10", "7616.10.50", "7616.10.70", and "7616.10.90", in numerical sequence, in lieu thereof.

(b) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after July* 1, 1991, **and January 1 of each of the following years:** For each of the following HTS subheadings, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty are inserted in lieu thereof:

HTS Subheading	1991	1992	1993
1204.00.00	0.3¢/kg	Free	Free
1205.00.00	0.3¢/kg	Free	Free
1507.10.00	7.8%	Free	Free
1508.10.00	1.7¢/kg	Free	Free
1508.90.00	3¢/kg	Free	Free
1509.10.40	0.6¢/kg	Free	Free
1509.90.40	0.6¢/kg	Free	Free
1510.00.60	0.6¢/kg	Free	Free
1512.11.00	0.4¢/kg+0.8%	Free	Free
1512.19.00	0.7¢/kg+1.4%	Free	Free
1512.21.00	2.3¢/kg	Free	Free
1512.29.00	2.3¢/kg	Free	Free
1514.10.90	2.6%	Free	Free
1514.90.50	0.5¢/kg	Free	Free
1514.90.90	2.6%	Free	Free
1515.90.40	1%	Free	Free
1516.20.10	3.1%	Free	Free
2304.00.00	0.1¢/kg	Free	Free
5601.10.10	2.8%	1.4%	Free
5601.10.20	5%	2.5%	Free
9905.15.10	3.8¢/kg	Free	Free
9905.39.07	2.6%	1.3%	Free
9905.39.09	1.9%	0.9%	Free
9905.39.13	3%	1.5%	Free
9905.39.14	2.4%	1.2%	Free
9905.56.20	5.8%	2.9%	Free
9905.73.30	2.6%	1.3%	Free
9905.83.30	2.6%	1.3%	Free

(c) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after July 1, 1994, and January 1, 1995:* For each of the following HTS subheadings, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty are inserted in lieu thereof.

HTS Subheading	1994	1995
1507.90.20	0.3%	Free
1507.90.40	4.5%	Free
1516.20.90	2.2¢/kg	Free

(d) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1996:*

(1) For HTS subheading 8422.11.00, in the Rates of Duty 1-Special subcolumn in the HTS, the symbol "(CA)" and the duty rate preceding it are deleted, and in lieu thereof in the parentheses following the "Free" rate of duty the symbol "CA," is inserted in alphabetical order.

(2) The following HTS subheading is inserted in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.84.22	Parts of dishwashing machines of the household type (provided for in subheading 8422.90.05)	Free (CA)".

(e) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after April 1, 1990:*

(1) The following HTS subheading is inserted in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.54.11	Monofilament yarn, solely of polyurethane, not on beams (provided for in subheading 3916.90.30 or 5404.10.20)	Free (CA)".

(2) HTS subheading 9905.61.05 is modified to read as follows:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.61.05	Pants and shells for pants for use in ice hockey (provided for in heading 6113.00.00 or subheading 6114.30.30, 6210.40.10, 6210.40.20, 6210.50.10, 6210.50.20, 6211.33.00 or 6211.43.00)	Free (CA)".

(f) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1992:* The HTS is modified by striking out from general note 3(c)(vii)(R)(3) to the HTS the subdivisions designated (bb) through (dd), inclusive, and by redesignating the subdivisions designated as (ee) through (hh), inclusive, as (bb) through (ee), respectively.

(g) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption:*

(1) On or after September 4, 1990:

(i) HTS subheading 9901.00.52 is modified by striking out "5.29¢/liter" from the Rates of Duty 1-Special subcolumn and by inserting in lieu thereof "Free".

(ii) The following HTS subheading is inserted in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.96.03	Whisk brooms and other brooms, in part of broom corn (provided for in subheading 9603.10.25, 9603.10.30, 9603.10.50, or 9603.10.60)	8% (CA)".

(2) On or after January 1 of each of the years specified below, for HTS subheading 9905.96.03, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1991	1992	1993	1994	1995	1996	1997	1998
9905.96.03	7%	6%	5%	4%	3%	2%	1%	Free

(h) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption:*

(1) On or after October 1, 1990:

(i) HTS subheading 9905.61.10 is deleted.

(ii) The following HTS subheading is inserted in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.51.12	Tapestry fabrics and upholstery fabrics, woven, containing 85 percent or more by weight of combed wool or of combed fine animal hair, of a weight exceeding 200g/m^2 but not exceeding 300g/m^2 (provided for in subheading 5112.19.90	5.6% (CA)".

(2) On or after January 1 of each of the years specified below, for HTS subheading 9905.51.12, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1991	1992	1993	1994	1995	1996	1997	1998
9905.51.12	4.9%	4.2%	3.5%	2.8%	2.1%	1.4%	0.7%	Free

(i) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1 of each of the years specified below:* For HTS subheading 9901.00.50, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1991	1992	1993	1994	1995	1996	1997	1998
9901.00.50	11¢/ liter	9.5¢/ liter	7.9¢/ liter	6.3¢/ liter	4.7¢/ liter	3.1¢/ liter	1.5¢/ liter	Free

(j) *Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1991:* The following HTS subheadings are inserted in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively.

Bracketed matter is included to assist in the understanding of proclaimed modifications.

[Goods originating...:]

"9905.29.04	B-Naphthol (provided for in subheading 2907.15.50)	Free (CA)
9905.29.09	6-Amino-1-naphthol-3-sulfonic acid (provided for in subheading 2922.21.10)	Free (CA)
9905.29.16	m-Toluic acid (provided for in subheading 2916.39.60)	Free (CA)
9905.29.29	Diphenylguanidine and di-o-tolylguanidine (provided for in subheading 2925.20.30)	Free (CA)
9905.29.32	Flecainide acetate (provided for in subheading 2933.39.35)	Free (CA)
9905.29.34	2-(4-Aminophenyl)-6-methylbenzothiazole-7-sulfonic acid (provided for in subheading 2934.20.60)	Free (CA)
9905.29.36	Sulfaquinoxaline and sulfanilamide (provided for in subheading 2935.00.31)	Free (CA)
9905.29.37	Sulfathiazole (provided for in subheading 2935.00.33 or 3004.90.60)	Free (CA)
9905.29.38	Sulfaguanidine (provided for in subheading 2935.00.35)	Free (CA)
9905.29.50	Acetylsulfaguanidine (provided for in subheading 2935.00.39)	Free (CA)
9905.30.04	Iron-dextran complex (provided for in subheading 3004.90.60)	Free (CA)
9905.40.08	Plates, sheets and strip of natural rubber, reinforced with textile fabrics of man-made fibers, for use in the manufacture of hovercraft skirts (provided for in subheading 4008.21.00)	Free (CA)".

Conforming changes: U.S. note 8 to subchapter II of chapter 99 of the HTS is modified by striking out from such note the following HTS subheadings: "9902.29.08", "9902.29.20", "9902.29.34", "9902.29.56", "9902.29.70", "9902.29.78", "9902.29.81", "9902.29.82", "9902.29.83", "9902.29.85", "9902.30.05", and "9902.40.08".

ANNEX II

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) TO IMPLEMENT TARIFF TREATMENT PROVIDED FOR IN THE CBERA, AND FOR OTHER PURPOSES

(a) *Effective with respect to articles which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1989:* HTS subheading 9902.29.66 is modified by deleting "2933.19.40" from the article description and inserting "2933.19.42" in lieu thereof.

(b) *Effective with respect to articles which are entered, or withdrawn from warehouse for consumption, on or after October 1, 1990:*

(1) General note 3(c)(ii)(D) to the HTS is modified by striking out "6702.90.60" and inserting "6702.90.65" in lieu thereof.

(2) General note 3(c)(v)(B) to the HTS is modified by adding new subdivision (5) after general note 3(c)(v)(4) and at the same indentation, as follows:

"(5) Pursuant to subsection 213(a)(5) of the CBERA, duty-free treatment shall be provided under the CBERA to an article (other than an article enumerated in subsection 213(b) of the CBERA) which is the growth, product, or manufacture of Puerto Rico if—

(I) the article is imported directly from the beneficiary country into the customs territory of the United States,

(II) the article was by any means advanced in value or improved in condition in a beneficiary country, and

(III) any materials are added to the article in a beneficiary country, such materials are a product of a beneficiary country or the United States.".

(c) *Effective with respect to articles which are entered, or withdrawn from warehouse for consumption, on or after the date of signature of this proclamation:*

(1) The following HTS subheadings are modified by inserting, in alphabetical order, the symbol "E" in the Rates of Duty 1-Special subcolumn in the HTS in the parentheses following the "Free" rate of duty in such subcolumn for each such subheading.

3005.10.50	4010.99.15	5903.20.20	6306.22.10
3005.90.50	5404.90.00	5903.90.10	6306.31.00
3918.10.31	5405.00.60	5903.90.20	6406.10.72
3921.90.11	5608.90.23	5906.91.20	6702.90.35
3926.90.57	5903.10.10	5906.99.20	7019.10.40
4010.91.15	5903.10.20	5910.00.10	9032.89.20

(2) The following HTS subheadings are modified by striking out "E*" in the Rates of Duty 1-Special subcolumn in the HTS and by inserting in lieu thereof "E" for each such subheading.

0210.90.20	5609.00.20	6701.00.00	9102.29.35
0210.90.40	5702.99.20	6702.90.10	9102.29.45
3403.11.50	5703.90.00	6703.00.60	9102.29.55
3703.10.60	5911.40.00	7019.90.50	9305.29.50
3920.20.00	6210.10.20	9006.91.00	9401.20.00
3924.90.10	6214.10.10	9102.11.10	9404.21.00
3925.30.10	6304.99.25	9102.11.25	9404.29.90
3926.90.56	6306.39.00	9102.11.50	9404.30.40
3926.90.90	6306.49.00	9102.11.65	9404.90.20
4010.91.11	6307.90.60	9102.19.20	9506.21.80
4010.99.11	6307.90.94	9102.19.60	9506.29.00
5004.00.00	6406.10.85	9102.21.10	9506.69.60
5006.00.10	6504.00.30	9102.21.30	9506.91.00
5113.00.00	6504.00.60	9102.21.70	9506.99.60
5307.10.00	6506.10.60	9102.29.02	9507.90.80
5307.20.00	6506.91.00	9102.29.04	9606.10.40
5310.90.00	6506.99.00	9102.29.15	
5608.90.30	6507.00.00	9102.29.25	

ANNEX III

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) WITH RESPECT TO CERTAIN IMPORTS FROM THE FREELY ASSOCIATED STATES

(a) *Effective with respect to products of the freely associated states which are entered, or withdrawn from warehouse for consumption, on or after October 1, 1990:*

General note 3(c)(viii) to the HTS is modified:

(1) By striking out the title to such note and inserting in lieu thereof the following: "*Products of the Freely Associated States*".

(2) In subdivisions (B) and (G) of such note, by striking out "imported from" and inserting in lieu thereof "the growth, product or manufacture of" in each such subdivision.

(b) *Effective with respect to products of the freely associated states which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1992:*

(1) General note 3(c)(viii) to the HTS is modified:

(i) By striking out subdivision (C) and inserting in lieu thereof the following:

"(C) Tunas and skipjack, prepared or preserved, not in oil, in airtight containers weighing with their contents not over 7 kilograms each, in an aggregate quantity entered in any calendar year from the freely associated states not to exceed 10 percent of United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, may enter the customs territory of the United States free of duty; such imports shall be counted against, but not be limited by, the aggregate quantity of tuna, if any, that is dutiable under subheading 1604.14.20 for that calendar year.".

(ii) By striking out the text of subdivision (D)(1) and inserting in lieu thereof "tunas and skipjack, prepared or preserved, not in oil, in airtight containers weighing with their contents not over 7 kilograms each, in excess of the quantity afforded duty-free entry under subdivision (C) of this note;".

(2) Chapter 16 of the HTS is modified by adding the following new additional U.S. note in numerical sequence:

"3. For purposes of subheadings 1604.14.20 and 1604.14.30, tunas and skipjack from the freely associated states may be entered free of duty under the appropriate subheading in an aggregate quantity provided by, and under the terms set forth in, general note 3(c)(viii)(C) to the tariff schedule. Goods from the freely associated states entered, or withdrawn from warehouse for consumption, in excess of such specified aggregate quantity shall be dutied under the appropriate subheading at the rate set forth in the "General" subcolumn of column 1.".

Proclamation 6344 of October 1, 1991

White Cane Safety Day, 1991

By the President of the United States of America
A Proclamation

Utilized by individuals who are blind to enhance their mobility and independence, the white cane is a widely recognized symbol of determination and achievement. By employing this simple device, thousands of Americans with visual impairments are able to navigate safely and freely through their environment, thereby leading fuller, more productive lives.

During our annual observance of White Cane Safety Day, we not only celebrate the accomplishments of those who use the white cane but also renew our commitment to removing the physical and attitudinal barriers that have, in the past, impeded the advancement of Americans with disabilities. This commitment underlies our efforts to implement

the provisions of the Americans with Disabilities Act of 1990, which prohibits discrimination against persons with disabilities in many areas of daily life, including employment, public accommodations, telecommunications, and transportation.

Of course, one of the most important keys to opportunity in our society is a high-quality education. Accordingly, AMERICA 2000, our strategy for achieving our National Education Goals, is designed to ensure that every American has access to a world-class education.

For persons who are blind, equality in education begins before preschool and extends beyond the traditional classroom. That is, parents, teachers, public officials, and other concerned Americans must work together to promote school readiness for the blind, as well as access to on-the-job training and other educational opportunities.

On this occasion, as we reflect on the white cane and all that it symbolizes, let us reaffirm, once again, our determination to ensure equal opportunity for all Americans—including persons who are visually impaired.

The Congress, by Joint Resolution approved October 6, 1964, authorized the President to designate October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 15, 1991, as White Cane Safety Day. I encourage all Americans to observe this day with appropriate programs and activities, in recognition of the achievements of those individuals who use the white cane.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6345 of October 3, 1991

Veterans Day, 1991

By the President of the United States of America
A Proclamation

Memory is the first measure of gratitude—those who are truly grateful do not forget the service that has been rendered for their sake. Each November we Americans remember in a special way the veterans of the United States Armed Forces. Through their vigilance, courage, and sacrifice, these individuals have helped to secure the freedoms that we so enjoy today—the freedoms that we can sometimes, all too easily, take for granted.

Since President Woodrow Wilson asked that all Americans pause on November 11, 1919, in honor of the Nation's war heroes, Americans have set aside this date to remember and pray for all those patriots who have put themselves in harm's way to defend the lives and liberty

of others. As we salute our Nation's veterans, we also remember with solemn pride their fallen comrades, including those heroes who rest "in honored glory . . . known but to God."

There is no irony in the fact that we honor this country's war veterans on the anniversary of Armistice Day, a day dedicated to peace. As was the case during Operation Desert Storm, members of the U.S. military have engaged in armed conflict only as a last resort, only to defend freedom and the rule of law. And we know that these ideals form the only sure foundation for lasting peace among nations.

America's veterans have faced the hellish fires of combat and the chilling presence of mortal danger so that our children and our children's children might dwell in a safer, more peaceful world. The freedom of millions of people around the globe is, in many ways, a living monument to each of them.

Today thousands of veterans continue to serve our Nation through their families and their communities, helping others to appreciate more fully the value of freedom and the importance of patriotism. These contributions we also remember with thankfulness and pride.

Of course, while memory is the first measure of gratitude, its fullest and most meaningful expression is found in word and deed. We can never repay our veterans for all that they have endured for our sake, but we can show by our actions—on this day and every day of the year—that their great sacrifices are indeed cherished and remembered. Whether we do so on our own or through our schools, businesses, and community organizations, let us convey our thanks to veterans through acts of generosity and kindness. Let us demonstrate, in a special way, our respect and concern for those former service members who are hospitalized or disabled.

In order that we may pay due tribute to those who have served in our Armed Forces, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Monday, November 11, 1991, as Veterans Day. I urge all Americans to honor our veterans through appropriate public ceremonies and private prayers. I also call on Federal, State, and local government officials to display the flag of the United States and to encourage and participate in patriotic activities in their communities. I invite civic and fraternal organizations, churches, schools, businesses, unions, and the media to support this national observance with suitable commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6346 of October 3, 1991

German-American Day, 1991 and 1992

By the President of the United States of America
A Proclamation

When German settlers landed in America near Philadelphia on October 6, 1683, they established the first of the many ties that exist between the United States and Germany. Since then, generations of German immigrants and their descendants have made outstanding contributions to American history and culture. However, the ties that we celebrate today are not only those born of kinship but also those based on common values and aspirations. Indeed, the same love of liberty that led the first German immigrants to these shores continues to animate U.S.-German relations.

For more than 40 years following World War II, the United States stood together with its friends in the Federal Republic of Germany to help guarantee that nation's freedom and security and to advance our common interests. Yet we also shared the hope that all Germans would one day enjoy the blessings of liberty in a united, democratic, and sovereign Germany. The dramatic opening of the Berlin Wall in November 1989 and the official unification of Germany less than one year later marked the achievement of that goal. Today the United States looks forward to continuing the friendship that our two peoples have so long enjoyed. Active trade and close political cooperation within the context of the Atlantic Alliance are among the most important dimensions of this relationship. However, we also value our various "people-to-people" contacts and exchanges. Accordingly, to promote the exchange of information and ideas with the five new Federal States of Germany—which for too long had been isolated by the ruling communist regime—we have joined with the German government in establishing the RIAS Foundation. In addition to facilitating cooperative radio and television productions, the Foundation will offer training and other programs for students, broadcast journalists, and other media professionals. This year the United States also opened a new Consulate General in the city of Leipzig, further strengthening the ties between our two peoples.

The new, united Germany that stands in friendship with the United States also stands as our partner in leadership. After Iraqi forces launched their brutal invasion of Kuwait on August 2, 1990, Germany joined in the international coalition that condemned the aggression and resolved to uphold the rule of law. Moreover, today's Germany not only symbolizes a new Europe, a Europe whole and free, but also is helping to lead the effort to achieve this goal. Along with the United States and other Western nations, Germany is offering valuable support to the emerging democracies of Central and Eastern Europe through investment, training programs, and technical assistance.

In keeping with its enhanced stature as a force for peace and stability in global affairs, Germany will host the next summit of the world's seven leading industrialized nations. The United States looks forward to this meeting in Munich in July 1992, and we welcome the many opportunities that lie ahead in U.S.-German relations.

The Congress, by Senate Joint Resolution 151, has designated October 6, 1991, and October 6, 1992, as "German-American Day" and has authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 6, 1991, and October 6, 1992, as German-American Day. I call upon the people of the United States to observe these occasions with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6347 of October 4, 1991

National Radon Action Week, 1991

By the President of the United States of America
A Proclamation

Radon is a naturally occurring, colorless gas that, when concentrated in high levels, can pose a threat to human health. Generated by the natural breakdown of uranium in soil, rock, and groundwater, radon can gradually seep into any building through cracks and other openings in the foundation. Because radon has been detected in every State across the country, all Americans should be aware of this potential hazard.

High levels of radon in the home are believed to be the second leading cause of lung cancer in the United States. Indeed, only smoking causes more deaths by the disease. People who smoke *and* dwell in a house with unacceptable levels of radon run an especially high risk of developing lung cancer.

Fortunately, even extremely high levels of radon in the home can be reduced, and testing for the gas is relatively simple and inexpensive. Indeed, testing one's home, school, or office for radon should require little time and few resources.

The United States Environmental Protection Agency has joined with a number of State governments in promoting local efforts to help Americans test their homes and schools. Other organizations that are sharing in these efforts include: the American Lung Association, the Advertising Council, the Consumer Federation of America, the American Public Health Association, the National Safety Council, and the National Association of Counties. This week, I join with them in urging all Americans to test their homes for radon and to make any necessary modifications to reduce excessive levels of the gas.

The Congress, by Senate Joint Resolution 132, has designated the week of October 13 through October 19, 1991, as "National Radon Action

Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of October 13 through October 19, 1991, as National Radon Action Week. I encourage government officials and all Americans to observe this week with appropriate programs and activities designed to enhance public awareness of the risks of excessive radon exposure and ways that we can reduce them.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6348 of October 7, 1991

Child Health Day, 1991

By the President of the United States of America
A Proclamation

Our children's state of health is, in many ways, a measure of our success and character as a people. Thus, on Child Health Day, we reaffirm our commitment to helping every American youngster enjoy the best possible start in life—beginning with high quality health care throughout pregnancy for expectant mothers and extending through each child's formative years.

In recent decades, we have made important progress toward the goal of better child health. For example, early immunization has virtually eliminated some childhood diseases, and, with increased vigilance on the part of parents and public health officials, it has the potential to conquer several others. A variety of educational programs and support services—both public and private—have encouraged more and more pregnant women to protect the lives of their unborn children through proper nutrition and prenatal care. The United States Child Nutrition Programs, including the School Lunch and School Breakfast Programs, have helped to bring healthy, well-balanced meals to millions of youngsters. Nevertheless, we know that we still have much work to do.

Statistics show that many children die or suffer permanent disability as a result of injuries—injuries that could be prevented. In fact, the Department of Health and Human Services reports that more youngsters ages 1 through 19 die from injuries than from all other causes of death combined. In 1988 alone, injuries claimed the lives of more than 22,000 children. These injuries may be the result of accidents or physical abuse and other crimes.

Fortunately, we are finding ways to reduce the risk of accidental injury among children. Scientific research and advances in technology have enabled us to develop safer toys and flame-retardant clothing, as well as child-proof packaging for medicines and toxic chemicals. Growing public awareness of safety issues has led to protective legal measures,

such as State statutes that require child passenger restraints in motor vehicles. Local initiatives requiring the use of bicycle helmets, fencing around swimming pools, and certain safety standards for playground equipment are also helping to reduce the risk of childhood injury. Of course, the success of these and other measures requires our vigilance and cooperation as parents and neighbors.

If we are to protect the lives and health of our Nation's children, then we must also redouble our efforts to stop the scourges of child abuse, drunk driving, and other crime. A stable, loving home and a safe, nurturing environment are essential to every youngster's physical well-being and emotional development.

Government cannot replicate the love and commitment of parents; neither can it fulfill their primary responsibility in caring for their children. However, public officials, parents, and physicians—as well as educators and other concerned Americans—can work together to promote the health and safety of our Nation's youth. Today, let us renew our resolve to do just that. Precious lives depend on it.

The Congress, by joint resolution approved May 18, 1928, as amended (36 U.S.C. 143), has called for the designation of the first Monday in October as "Child Health Day" and has authorized and requested the President to issue annually a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Monday, October 7, 1991, as Child Health Day. I urge all Americans to join me in renewing our commitment to protecting the lives and health of this Nation's youngest citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6349 of October 7, 1991

National Firefighters Day, 1991

By the President of the United States of America
A Proclamation

When you ask a group of youngsters what each would like to be when he or she grows up, frequently, at least one will reply: "a fireman!" Even though the aspirations of youth often change over time, it is, nonetheless, a very telling answer. Children as well as adults recognize the extraordinary courage of firefighters—and the tremendous importance of their work. On this occasion, Americans of all ages join in paying grateful tribute to the heroic individuals who serve our Nation as professional and volunteer firefighters.

The responsibilities of a firefighter often entail considerable personal risk and sacrifice. In addition to enduring what are sometimes long and unpredictable hours—a burden shared by the loved ones who must

cope with worry and waiting—firefighters are frequently called to put themselves in harm's way to protect the lives and the property of others. Today we remember in a special way those firefighters who have perished in the line of duty. Their great sacrifice underscores the risks that firefighters accept, each and every day, for our sake.

Professional and volunteer firefighters not only bring prompt, highly skilled assistance to victims of fire and other emergencies but also play a leading role in promoting public safety. Through schools and community programs across the country, firefighters are helping to educate the public—in particular, children—about ways to avoid fire and safety hazards. They are also teaching individuals what to do if an emergency strikes. Many firefighters who are also trained as paramedics and emergency medical technicians are helping to save lives by instructing citizens in first aid—including cardiopulmonary resuscitation.

In recognition of the lifesaving work of our Nation's firefighters, the Congress, by House Joint Resolution 189, has designated October 8, 1991, as "National Firefighters Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 8, 1991, as National Firefighters Day. I encourage all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6350 of October 8, 1991

National Disability Employment Awareness Month, 1991

By the President of the United States of America
A Proclamation

No nation, no matter how wealthy, has ever been able to afford the waste of human talent and potential. That is particularly true today, as the world economy continues to grow in size and sophistication. If the United States is to remain strong and prosperous in the increasingly technological, increasingly competitive global marketplace, then we must employ the creativity, energy, and skills of all of our citizens—including the millions of Americans with disabilities who are both eager and able to work.

The estimated 43 million Americans who have disabilities constitute a rich, yet too often untapped, national resource. Because each of these Americans, like every other citizen, is a full heir to the promise of "life, liberty, and the pursuit of happiness," our Nation has a solemn obligation to provide them with equal opportunities in education and employment. Doing so is not just in the best interest of the United States, it is

also one of the best ways we can affirm our belief in the inherent rights and dignity of all individuals.

It is gratifying to report that we are already making progress. For example, the Americans with Disabilities Act required, among other measures, that five specific Federal agencies establish implementation regulations or guidelines. Most of those regulations—relating to employment, public accommodations, transportation, and communications—have been proposed. On July 26, 1991, the first anniversary of the Americans with Disabilities Act, I issued a memorandum to the heads of all Federal departments and agencies directing that the Federal Government serve as a model for the Nation by providing equal opportunities for persons with disabilities in recruitment, hiring, and career development.

Of course, while government can lead, it cannot do the job alone. The success of the Americans with Disabilities Act will depend on the express commitment and the sustained cooperation of public officials, educators, business and industry leaders, and persons with disabilities. A little over a year ago, when I signed into law the Americans with Disabilities Act of 1990, the world's first comprehensive declaration of equality for persons with disabilities, the United States became the international leader on this human rights issue. As other nations seek to bring their disabled citizens into the mainstream of national life, we can truly say that the Americans with Disabilities Act will affect the lives of millions of people around the globe.

The Congress, by joint resolution approved August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the month of October of each year as "National Disability Employment Awareness Month." This special month is a time for all Americans to recognize the unlimited potential of persons with disabilities and renew our determination to provide equal employment opportunities for them.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of October 1991 as National Disability Employment Awareness Month. I call on the people of the United States to continue working to guarantee for Americans with disabilities equal employment opportunities and all of the full rights and privileges of citizenship.

IN WITNESS WHERF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6351 of October 8, 1991

Mental Illness Awareness Week, 1991

By the President of the United States of America
A Proclamation

Once shrouded in mystery—and spoken of only in sad, hushed tones—mental illness is becoming more widely understood. Thanks to dramatic advances in basic biomedical research and in the behavioral sciences, we have been able to achieve significant improvements in the diagnosis, treatment, and prevention of emotional and mental disorders. Scientific progress has also helped to alleviate the stigma associated with mental illness, as more and more Americans learn about its origins and effects. Nevertheless, because millions of Americans suffer from some kind of mental disorder, we pause this month to reflect on this major public health problem and to renew our commitment to better mental health.

Mental illness can affect people of any age, race, or walk of life. For example, many elderly Americans are vulnerable to depression and to other illnesses that can threaten their independence and security. Many youngsters who are affected by phobias or other mental disorders continue to suffer when their symptoms are mistaken for passing behavioral problems. Left untreated, mental illness not only leads to lost productivity in school and in the workplace but also damages its victims' self-esteem and personal relationships.

Recognizing the high costs of mental illness to individuals and to the Nation, scientists, physicians, and other concerned parties throughout the Federal Government and the private sector are working hard to achieve further progress in brain research. Just 2 years ago, as an expression of our support for their efforts, I signed into law House Joint Resolution 174, which called for the observance of the 1990s as the "Decade of the Brain." This resolution underscored the importance of continuing brain research and signalled our firm commitment to better mental health in the United States.

In recognition of the importance of educating the public about mental illness and the needs of those who suffer from it, the Congress, by Senate Joint Resolution 156 has designated the week beginning October 6, 1991, as "Mental Illness Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of October 6 through October 12, 1991, as Mental Illness Awareness Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6352 of October 9, 1991

Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics

By the President of the United States of America
A Proclamation

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of the Union of Soviet Socialist Republics to conclude an agreement on trade relations between the United States of America and the Union of Soviet Socialist Republics.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics," including annexes and exchanges of letters which form an integral part of the Agreement, the foregoing in English and Russian, was signed on June 1, 1990, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended, do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of the Union of Soviet Socialist Republics, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) to the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in Rates of Duty Column 2 of the tariff schedule, is modified by striking out "Union of Soviet Socialist Republics".

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6353 of October 9, 1991

Polish-American Heritage Month, 1991

By the President of the United States of America
A Proclamation

The ties that exist between the peoples of the United States and Poland are as old as our Nation itself—firmly rooted in kinship and fortified by our mutual devotion to the ideals of liberty and self-government, they have withstood the tests of time and adversity. This month, we proudly celebrate those ties, as well as the many contributions that Americans of Polish descent have made to our country.

Our Polish American heritage traces back to the settlement of Jamestown in 1607, when Poles stood among the first immigrants to the New World. Since then, generations of Polish immigrants have built new lives on these shores, inspiring others by their faith and hard work and enriching American culture through the unique customs and traditions of their ancestral homeland. And from the scientific genius of Copernicus and Madame Curie to the brilliant work of artists such as Chopin and Paderewski, individuals of Polish descent have enriched not just America but the world with a wealth of talent and vision.

However, of all the gifts that Poland has given to the world, one of the most valuable and enduring is the example of her people, who have demonstrated extraordinary faith, courage, and resolve in their quest for freedom. Indeed, since the earliest days of our Republic, Americans and Poles have shared an abiding love of liberty and self-government. Brave Poles such as Tadeusz Kosciuszko and Kazimierz Pulaski helped to achieve our Nation's independence. They stood in solidarity with our ancestors because they knew that the hopes of all freedom-loving peoples were invested in this country's bold experiment in self-government. Through their historic Constitution of May 3, 1791, which was modeled after our own, Poles bravely asserted their desire for freedom. That document has remained a cherished symbol of Polish patriotism and courage.

Despite generations of foreign occupation and repressive rule, including invasion by Nazi Germany and the Soviet Union in 1939 and the declaration of martial law in 1981, Poles have remained firm in their hopes for freedom. Their recent triumph over communist rule and their peaceful transition to a democratic system of government underscored the truth of the timeless refrain: "Poland is not lost while Poles still live."

Today the people of Poland are writing a bright new chapter in their nation's history. We Americans applaud their courageous steps to reform their economy and government, and we reaffirm our support for their efforts. In addition to offering direct financial aid, the United States has been engaged in efforts to encourage private sector investment and the growth of market institutions in Poland, through such vehicles as a housing loan guarantee program, the Polish Stabilization Fund, and the Polish-American Enterprise Fund. They symbolize our commitment to helping Poland establish stable democratic rule and a successful market-oriented economy.

In recognition of the strong and friendly ties that exist between the United States and Poland, the Congress, by Public Law 102–115, has designated October 1991 as "Polish-American Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1991 as Polish-American Heritage Month. I urge all Americans to join their fellow citizens of Polish descent in observance of this month.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6354 of October 10, 1991

Columbus Day, 1991

By the President of the United States of America
A Proclamation

As we approach the 500th anniversary of Christopher Columbus' first landing in the New World, renewed attention is being focused on this celebrated Admiral of the Ocean Seas in both Europe and the Americas. During our annual observance of Columbus Day, we celebrate all that this master mariner has symbolized to our Nation. For generations, Christopher Columbus has embodied the spirit of exploration and discovery—and the beginning of America itself.

When Columbus began his first bold transatlantic voyage in 1492, he was pursuing both a theory and an opportunity. The journey promised as much risk as reward, and it required substantial courage, initiative, and resolve on the part of Columbus and his crew. These qualities have been shared by virtually every great pioneer. Thus the story of

Christopher Columbus reminds us that all fruitful exploration and discovery begins with a willingness to set one's sails higher, to seek new horizons, and to follow wherever one's imagination and experience might lead. It also reminds us that industry and labor are the foundation of learning and progress.

On this occasion, however, we celebrate not only the spirit of learning but also the story of our Nation. The meeting of cultures that was made possible by Christopher Columbus marked the beginning of a new chapter in history. The subsequent exchange of knowledge, resources, and ideas between the Old World and the New led to the development of two entire continents and to the birth of a Nation committed to liberty and opportunity.

Columbus Day has long been a special occasion to Italian Americans and to Americans of Spanish descent. Yet as we remember the brave son of Genoa who, with help from the Spanish monarchs Ferdinand V and Isabella I, linked two hemispheres, we know that this day holds meaning for us all. It is a time to recall the many pioneers who, like Columbus, have challenged the unknown and carried humankind further along the path of progress. It is a time to celebrate the rich heritage of America's native peoples, as well as our strengths as a Nation of immigrants. On this day, we also celebrate the close ties we share with our neighbors in Central and South America and the Caribbean, as fellow heirs of Columbus' voyages. Our Administration is working hard to develop these ties even closer through the Enterprise for the Americas Initiative. Most important, perhaps, Columbus Day is a time for us to do some exploring of our own—to study and learn from the past so that we might appreciate more fully the blessings of freedom and the principles that unite all Americans today.

In tribute to the legacy of Christopher Columbus, the Congress, by joint resolution of April 30, 1934 (48 Stat. 657), as modified by the act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 14, 1991, as Columbus Day. I call on the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6355 of October 11, 1991

National Children's Day, 1991

By the President of the United States of America
A Proclamation

Few joys here on earth can compare to that of a happy childhood. As we advance in years, we begin to recognize it as one of life's greatest blessings. Of course, the ideal childhood is more than a precious age of innocence or of long, carefree days at play. It is also an exciting time of learning and discovery that shapes our values and our sense of identity, equipping us for the challenges and opportunities of the future. Because the person who enjoys a healthy, happy childhood is most likely to become a healthy, well-adjusted adult, we do well to recall our obligation—as parents and as a Nation—to protect, nurture, and provide for our children.

Most parents are keenly aware of their responsibilities of providing food, shelter, clothing, and basic health care—the fundamental material support that is essential to every youngster's physical and emotional well-being. Yet parents also have a responsibility to nurture the spiritual and intellectual development of the child whom God has entrusted to their care.

Indeed, whether he or she is their biological, adoptive, or foster child, every youngster needs encouragement and discipline, as well as attention and affection. By word, deed, and example, parents must help their children recognize the meaning of love and respect—and the difference between right and wrong. Parents can and should help their children to recognize their own talent and potential, and instill in them an appreciation of the American traditions of freedom and tolerance. Finally, because the days of childhood can never be reclaimed, we must allow our children to *be* children, never rushing them in our constant attempts to educate and inspire.

Of course, meeting the responsibilities of parenting is not easy. For many families, putting food on the table and making ends meet is an enormous challenge in itself. Filling a child's emotional and spiritual needs and material demands requires faith, sacrifice, fortitude, and commitment—virtues that are the measure of love and the strength of families. Yet the importance of giving our children ample amounts of love, discipline, and guidance cannot be overstated; statistics on drug abuse, adolescent pregnancy, and other problems underscore the consequences of offering too little, too late. And we know that while government can and should assist parents in fulfilling their duties, it is no substitute for stable, loving family life.

Thus, as we honor America's youngest citizens on this National Children's Day, let us recall the essential ingredients of a healthy, happy, and secure childhood and reaffirm our commitment to helping every American youngster to enjoy the best possible start in life. As it is written in Scripture, "Train up a child in the way that he should go, and when he is old, he will not depart from it."

The Congress, by Senate Joint Resolution 126, has designated the second Sunday in October 1991 as "National Children's Day" and has

authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Sunday, October 13, 1991, as National Children's Day. I call on the American people to observe that day with appropriate programs, ceremonies, and activities designed to honor children and to emphasize the importance of their physical and emotional well-being. I also urge all Americans to reflect on the importance of stable, loving families to children and to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6356 of October 11, 1991

World Food Day, 1991 and 1992

By the President of the United States of America
A Proclamation

At a time when America traditionally celebrates the promise of a rich autumn harvest, we do well to remember that hunger and malnutrition are a painful reality for millions of people around the world today. The situation is particularly tragic among infants and children in less developed countries. Each year millions die of starvation or disease; many others are permanently disabled as a result of chronic vitamin deficiencies. Recognizing the threat that hunger poses to human life and to the stability of nations, the United States is participating in the 11th annual observance of World Food Day.

The American people have long been providing generous humanitarian assistance to the hungry and less fortunate. This year alone, the United States will give more than 8 million metric tons of food, worth nearly $1.9 billion, to hungry people in other countries. In addition to sharing our Nation's abundant agricultural resources, we will also continue to share our technical knowledge and expertise, helping needy peoples to achieve greater food production and economic development.

Although we have taken important strides in the campaign against hunger, we still have much more to accomplish. Just as there is no single cause behind this large and complex problem, there is no single solution. For example, the worst reports of hunger and starvation often come from countries that have been racked by years of political upheaval and civil war. Indeed, in countries such as the Sudan, Ethiopia, and Mozambique, famine has not been so much the result of adverse weather conditions and crop shortages as of strife-related barriers to the distribution of food. The needless suffering of millions of innocent men, women, and children compels us to persevere in the quest for lasting peace and security.

We must also continue to promote private enterprise and free markets as catalysts for economic development and technological progress among nations. In many countries, centralized government planning has destroyed incentives for farmers and stifled agricultural production, leading to widespread poverty and hunger. Elsewhere—even where crops are abundant—excessive trade barriers prevent farmers from selling their goods on world markets, thereby limiting economic opportunity and growth. That is why we must continue working to open the world's markets and to liberalize trade through negotiations such as the Uruguay Round of the General Agreement on Tariffs and Trade.

Another threat to the future of some developing nations is the systematic degradation of the natural resource base on which sustainable agriculture depends. Forests are being destroyed at a rapid rate and soils depleted through subsequent erosion. Failure to protect the environment poses a significant long-term threat to the ability of those countries to feed their inhabitants.

The observance of World Food Day reminds us that the chilling specter of hunger and starvation is often nothing less than the lengthening shadow of illiteracy, poverty, government repression, and civil unrest. On this occasion, as we renew our commitment to feeding the hungry, let us also reaffirm our determination to find the lasting answers that go hand in hand with peace, opportunity, and education.

The Congress, by House Joint Resolution 230, has designated October 16, 1991, and October 16, 1992, as "World Food Day" and has authorized and requested the President to issue a proclamation in observance of these days.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 16, 1991, and October 16, 1992, as World Food Day. I call on all Americans to observe these days with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6357 of October 15, 1991

National Law Enforcement Memorial Dedication Day, 1991

By the President of the United States of America
A Proclamation

Each and every day of the year—and at every hour of the day—our Nation's law enforcement officers walk the thin blue line, putting themselves in harm's way to protect the lives and the property of their fellow Americans. Statistics provided by the Department of Justice underscore the risks and sacrifices that they accept for our sake: on average, one officer dies in the line of duty every 57 hours; that is, 150 law enforcement personnel each year. Another 20,000 are injured, and some

60,000 are assaulted. Because such numbers, like news headlines, can too often belie the reality of human suffering, we must always remember that each of these officers is a beloved son or daughter, a husband or wife, a sister or brother, a mother or father, or a friend.

This year, on October 15, the National Law Enforcement Officers Memorial will be dedicated in Washington, D.C., to honor these American heroes. The names of those who have made the ultimate sacrifice in service to our country are inscribed along the Memorial's "Pathway of Remembrance." They include names such as that of U.S. Marshal Robert Forsyth, who, in 1794, became the first American law enforcement officer to die in the line of duty. He was killed while serving an arrest warrant.

The Memorial also contains the names of Hammond, Indiana, Police Officer Donald P. Cook, who was shot and killed in January 1947 after serving only 7 days on the job; New Salem, North Dakota, Police Chief Ed Memby, who was shot and killed in July 1953 by a man who refused to pay a 1 cent sales tax on a soda; U.S. Marshal Samuel Enoch Vaugh, the father of 13 children, who was shot and killed by a prisoner in August 1953; and Julie Y. Cross, the first female Secret Service casualty, who was shot and killed during a stakeout in October 1979. These, of course, are just a few of the brave and selfless individuals to whom our National Law Enforcement Officers Memorial has been dedicated. We also remember with solemn pride and gratitude the hundreds of others who have gone before them, as well as those who have since joined their ranks.

Years from now, the National Law Enforcement Officers Memorial will continue to remind visitors of the debt that we owe to those who have died in the service of public safety and justice. On this occasion, however, as we honor the fallen, let us also remember the heroic individuals who, at this very moment, continue to wage our Nation's fight against crime. Let us pray for their well-being, and let us offer them our wholehearted cooperation and support.

To heighten public awareness of the risks and the responsibilities that law enforcement officers face each day, the Congress, by Senate Joint Resolution 107, has designated October 15, 1991, as "National Law Enforcement Memorial Dedication Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 15, 1991, as National Law Enforcement Memorial Dedication Day. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6358 of October 15, 1991

Country Music Month, 1991

By the President of the United States of America
A Proclamation

To listen to a country and western song is to hear the story of America set to music. It is a story of patriotism and hard work, a story of faith, opportunity, and achievement. Most of all, it is the story of a people whose love of freedom is equalled only by their love of life itself. During Country Music Month, we proudly celebrate this popular musical genre and the many talented composers and performers who bring it to our ears.

Country music is honest, good-natured music played with style and spirit. Like a favorite pair of faded blue jeans, it fits the way we live. Never out of fashion, always comfortable, country music has millions of fans in cities and towns across the United States—people of all ages and all walks of life. And whether they tap their toes to the lively sound of bluegrass and honky-tonk or hum along with the rhythm and blues, country music lovers share an appreciation of the simple and most important things in life: faith, family, and friendship.

Of course, while country music speaks from the heart of the American people, it has—like liberty itself—a great and universal appeal. Indeed, millions of people around the world can be counted among its fans. Maybe that is because country music crosses the barriers of culture and language, capturing all the joys, struggles, laughter, and heartache that are part of our daily lives. In any case, the growing popularity of country music is a tribute to generations of American composers, lyricists, singers, and musicians.

The Congress, by House Joint Resolution 305, has designated October 1991 as "Country Music Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1991 as Country Music Month. I invite all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6359 of October 17, 1991

Crime Prevention Month, 1991

By the President of the United States of America
A Proclamation

America has committed unprecedented energy and resources to the fight against crime—and with promising results. We have strengthened law enforcement, making record increases in the number of Federal prosecutors and agents, and we have significantly increased the capacity of Federal prisons. Through vigorous public education and prevention programs, we have started to reduce the demand for drugs—the companion and source of far too much corruption and violence. At the same time, through stepped-up interdiction efforts, we have disrupted the deadly operations of several major drug cartels. Such intensified efforts to uphold law and order have made a difference: according to victimization surveys cited by the Department of Justice, the percentage of American households affected by crime fell last year to its lowest rate since 1975.

Despite the progress we have made, however, the incidence of crime in the United States is still much too high. More than 22 million households in the United States felt the blow of crime last year, and countless Americans live in fear for their safety. While we can place great confidence in the courage, professionalism, and skill of our law enforcement officials, we also know that government cannot do the job alone—law enforcement officers must have the respect and the support of the people they serve.

Fortunately, many concerned Americans have already taken a stand to help prevent crime and to apprehend its perpetrators. These Americans are keeping watch over their neighborhoods and reporting any suspicious activity to police; they are helping to identify drug dealers and to clean up abandoned lots and other places that seem to attract illicit activity; and they are working to develop rewarding education and recreation programs that can help keep youngsters away from drugs. Such voluntary grass-roots efforts are vital to winning the fight against crime.

Crime Prevention Month underscores the fact that everyone has a role to play in making our streets safe—businesses, schools, religious and voluntary organizations, the media, as well as concerned individuals and families. With that in mind, let us create a new spirit of cooperation and caring in our communities. Let us reinforce, by word, deed, and example, the values that make law and order possible: personal responsibility, respect for others, and the fundamental sense of decency that comes from knowing the difference between right and wrong. Working together, we can build a better, safer America.

The Congress, by House Joint Resolution 303, has designated October 1991 as "Crime Prevention Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1991 as Crime Prevention

Month. I call on all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6360 of October 18, 1991

National Consumers Week, 1991

By the President of the United States of America
A Proclamation

For generations, our Nation's free enterprise system has provided consumers an unparalleled selection of high quality goods and services, as well as ample opportunities for earning, spending, and investing personal income. Now, as more and more countries around the world adopt market-oriented economies, thereby expanding global trade and commerce, consumers stand to benefit from an ever wider array of options.

Increasing competition in the marketplace spurs business and industry to improve both the quality and price of their products and services. This in turn enables consumers to get more out of their buying dollar. At the same time, the demand for greater innovation and productivity helps to create jobs.

The theme for this year's observance of National Consumers Week, "Today's Choices—Tomorrow's Opportunities," underscores the importance of decisions made by individual consumers. What people buy, where, and how often helps to determine the shape of the marketplace, be it at the local or the international level. Here in the United States, we have traditionally relied on the ability of consumers and private industry to balance each other's needs and interests in the marketplace, with government intervening only to ensure fairness and the safety of goods and services. This system provides the flexibility that is essential to economic growth and technological progress.

However, while our options as consumers are virtually unlimited, our resources are not. Every American needs to recognize the importance of savings and investment, and all of us must decide carefully when spending our resources. To be responsible and discerning consumers, we must be knowledgeable about available goods and services. Every American must also be able to apply fundamental literacy skills to the day-to-day challenges of participating in our economy. The skills that one uses to compare products or to balance a checkbook are vital to success, not only in the marketplace, but also in the workplace. Our Nation's parents, educators, business leaders, and public officials share the responsibility for teaching these essential skills.

This year, as we mark the 10th anniversary of National Consumers Week, let us renew our determination to ensure that every American

has the basic tools needed to exercise his or her rights as a consumer. Those rights include: the right to be free of unfair monopolies, which limit selection of products and services; the right to healthful and safe products; and the right to be heard when products do not meet acceptable standards. These rights are based on fundamental principles of freedom and fairness, and their preservation goes hand in hand with the success of our free enterprise system.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 20, 1991, as National Consumers Week. I urge business owners, educators, public officials, consumer leaders, and members of the media to observe this week with appropriate activities that emphasize the important role consumers play in keeping our markets open, competitive, and fair. I also urge them to highlight the importance of education in helping citizens to become responsible consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6361 of October 21, 1991

National Down Syndrome Awareness Month, 1991

By the President of the United States of America
A Proclamation

Down Syndrome is one of the most common congenital causes of mental retardation. According to the Department of Health and Human Services, it affects approximately 4,000 babies in the United States each year. At one time in our history, people with Down Syndrome were stigmatized or, all too frequently, committed to institutions. Now they are benefitting from important advances in research, education, and health care.

Today we know that many individuals with Down Syndrome are both determined and able to lead active, productive lives. Thanks to early intervention and mainstreaming, as well as improved treatment of physical health problems related to Down Syndrome, thousands are doing just that.

In recent years, more and more parents have been able to obtain the information and support that they need to cope with the unique challenges of rearing a child with Down Syndrome. Through special classes and mainstream programs in schools, more and more young people with this developmental disability are joining in the exciting process of learning and discovery. Many are also working to achieve their fullest potential through vocational training and independent living programs. Their achievements, underscored by recent television appearances of actors with Down Syndrome, are helping to dispel old myths and misconceptions about the disorder.

Much of this progress has been made possible by the vision and hard work of concerned researchers, physicians, educators, and parents, including members of private voluntary organizations such as the National Down Syndrome Congress and the National Down Syndrome Society. Working together with government agencies, these Americans have helped to affirm the God-given abilities and worth of persons with Down Syndrome. This month, we express our admiration and our support for their efforts.

To help promote greater understanding of Down Syndrome, the Congress, by Senate Joint Resolution 131, has designated the month of October 1991 as "National Down Syndrome Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of October 1991 as National Down Syndrome Awareness Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6362 of October 21, 1991

United Nations Day, 1991

By the President of the United States of America
A Proclamation

As its Charter states, the United Nations was envisioned "to save succeeding generations from the scourge of war . . . to reaffirm faith in fundamental human rights . . . in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom." Today the United Nations has an opportunity unparalleled in its 46-year history to fulfill the promise of its Charter.

In the past year, the United Nations has played a dramatic role in repelling aggression and vindicating the right of all states to live in peace. Indeed, it has proved that it can be an effective vehicle for promoting international cooperation and security. During the crisis in the Gulf, the U.N. condemned Iraqi aggression and took necessary and proportional steps to ensure peace and security in the region. It has also demonstrated exemplary compassion in addressing the human tragedy wrought by Iraq's invasion of Kuwait, the ensuing armed conflict, and subsequent Iraqi actions against its own citizens.

Today we know that, with the building of consensus and cooperation among its members, the United Nations can meet serious and sudden

challenges to international peace. However, universal respect for human rights, as well as the long-term social and economic development of nations, are Charter aims that go hand in hand with the larger goal of lasting world peace. Thus the United Nations and its specialized agencies must continue working to overcome repression, poverty, illiteracy, and other persistent barriers to human freedom and progress.

Many people are aware of the United Nations' role in peacekeeping and in coordinating international humanitarian relief efforts. However, the United Nations is also playing an increasingly visible and important role in the fight against illicit drug use and drug trafficking. In 1987, the Secretary General convened a global conference on these subjects. One year later, the United States and other countries joined in negotiating the U.N. Convention Against Illicit Drug Trafficking in Narcotic Drugs and Psychotropic Substances. We have urged all signatories to ratify this treaty.

The United States will also continue to support global environmental protection efforts through the United Nations. Established in 1972, the United Nations Environment Program (UNEP) has an important role to play as humankind strives to reconcile legitimate needs for economic development with the need to preserve our planet's fragile ecosystem. During the past two decades, UNEP has been collecting widely sought information on the most effective means of conducting environmental impact assessments. As we prepare for the 1992 Conference on Environment and Development, UNEP should continue to serve as a central forum for the study and development of related policies and programs.

By facilitating international cooperation on issues ranging from the environment and drug interdiction to war and peace, human rights, development, and humanitarian concerns, the United Nations and its specialized agencies are helping to shape the world of tomorrow. The United States is pleased to note that seven new members have recently joined the United Nations, and we look forward to continuing progress in the year ahead.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 24, 1991, as United Nations Day. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6363 of October 23, 1991

Community Center Month, 1991

By the President of the United States of America
A Proclamation

During the travels that inspired his acclaimed work, *Democracy in America,* Alexis de Tocqueville was deeply impressed by the American tradition of neighbor helping neighbor. "What political power," he asked admiringly, "could ever carry on the vast multitude of lesser undertakings which the American citizens perform every day, with the assistance of the principle of association?" More than a tribute to the generosity of this country's people, his words also contained a telling observation about the blessings of freedom—including our freedom of assembly.

The American traditions of voluntary association and service continue to thrive today. In many ways, they are embodied by this Nation's bustling community centers. Offering a wide range of cultural, social, and recreational activities and services, these local institutions have been gathering places for people of all ages and all walks of life. By the turn of this century, community centers had become a haven for thousands of immigrants, who sought help learning English and adjusting to life in the United States. Now in their second century of service, community centers continue to offer the American people valuable assistance programs as well as rewarding opportunities for personal enrichment.

This month, as we recognize the importance of our Nation's community centers, we also salute the many dedicated professionals and volunteers who make them work. These Americans are brilliant Points of Light whose efforts are making a real difference in the neighborhoods, cities, and towns in which they live.

The Congress, by Public Law 101–587, has designated the month of October 1991 as "Community Center Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1991 as Community Center Month. I invite all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6364 of October 24, 1991

National Breast Cancer Awareness Month, 1991

By the President of the United States of America
A Proclamation

Despite all we have learned about prevention, despite all of the advances that have been made in its diagnosis and treatment, breast cancer continues to kill thousands of American women each year. Stopping this tragic loss of life will require continued research as well as the sustained cooperation of scientists, health care professionals, educators, insurance providers, individual women, and other concerned Americans.

According to the American Cancer Society, women in the United States have never been at greater risk for breast cancer: an estimated one in nine women will develop the disease at some point in their lives. Fortunately, however, scientists across the country also note that much progress has been made in controlling breast cancer. Better and earlier treatment has helped more and more women who have contracted breast cancer to survive the disease.

Today we continue to rely on basic research to identify and develop improved means of preventing, diagnosing, and treating breast cancer. However, the knowledge yielded by basic research is only as helpful as our willingness and our ability to use it. If women are to benefit from advances in the diagnosis of breast cancer—and if physicians are to succeed with early intervention and treatment—then regular screenings for the disease are vital. Some scientists estimate that mortality from breast cancer could be reduced by almost one-third if women obtained mammograms as often as recommended by the National Cancer Institute. Women between the ages of 40 and 50 should have a mammogram every 1 to 2 years, and women over the age of 50 should have a mammogram annually. Screening mammography helps doctors to detect breast cancer at its earliest and most treatable stages. Women whose breast cancer is detected early also have more options to choose from when making crucial decisions about treatment.

During the past decade, we have welcomed many advances in the treatment of breast cancer, and more are on the horizon. The National Cancer Institute alone is supporting more than 70 breast cancer treatment studies at hospitals across the country. Pharmaceutical companies, academic institutions, and other organizations are funding additional studies. This month, we recognize the many dedicated women and men who are using their knowledge and skills to enhance our understanding of breast cancer; we salute the business owners who have provided breast cancer screening for employees; and we applaud the courage of the many women who have made public their experiences in dealing with breast cancer, thereby helping other victims.

To enhance public awareness of breast cancer and the importance of regular screenings for the disease, the Congress, by Senate Joint Resolution 95, has designated the month of October 1991 as "National Breast Cancer Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of October 1991 as National Breast Cancer Awareness Month. I also ask health care professionals, insurance providers, and employers—indeed, all Americans—to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6365 of October 25, 1991

National Red Ribbon Week for a Drug-Free America, 1991

By the President of the United States of America
A Proclamation

Since we introduced our first National Drug Control Strategy in 1989, our Nation has made significant progress in the fight against illicit drug use. Through education and prevention programs in both the public and private sectors, we have taken important strides in reducing the demand for drugs. Indeed, recent figures from the National Institute on Drug Abuse show that, over an 18-month reporting period, overall drug use in the United States fell by slightly more than 10 percent. Cocaine use fell even more dramatically, by about 29 percent. Through more vigorous law enforcement and interdiction efforts, we have also lessened the deadly trade of drug traffickers. They are no match for a united, determined America.

However, while these and other trends are encouraging, we know that we are only just beginning to win the war against drugs. That is why I urge all Americans to join in observing this National Red Ribbon Week for a Drug-Free America. Through the widespread display of the red ribbon, let us demonstrate our refusal to tolerate illicit drug use and our resolve to build a safer, healthier future for the United States. Indeed, with this simple gesture, each of us can set a positive example for others while sending a clear and unequivocal message to the merchants of death who deal drugs—a message that says "This scourge will stop!"

The Congress, by House Joint Resolution 340, has designated the period beginning October 19, 1991, and ending October 27, 1991, as "National Red Ribbon Week for a Drug-Free America" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the period of October 19 through October 27, 1991, as National Red Ribbon Week for a Drug-Free America. I urge all Americans to observe this week by supporting community substance abuse prevention efforts. I also encourage every American to wear a red ribbon during this week as an expression of his or her commitment to a healthy drug-free lifestyle.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6366 of October 25, 1991

World Population Awareness Week, 1991

By the President of the United States of America
A Proclamation

Demographic trends among the world's population, which now surpasses 5.4 billion, cannot be overlooked as a factor when we examine important global issues such as economic development and environmental degradation. That is why we do well to observe World Population Awareness Week.

The United States has long recognized that population growth, in and of itself, is a neutral phenomenon. Indeed, as we stated during the 1984 International Conference on Population, because every human being represents hands to work, and not just "another mouth to feed," population growth may be an asset or a liability depending on such factors as government economic policies, agricultural practices, and a nation's ability to put men and women to work. Rapid population growth is often occurring in those nations where economic stagnation, attributable in large part to the failure to adopt market-oriented policies, makes them less able to cope with economic and environmental challenges. For example, population growth may be viewed as a threat in countries where excessive government controls eliminate incentives for farmers and other workers to produce, where housing and health care facilities do not keep pace, or where precious natural resources are used without regard to future needs. Demographic change can also become problematic when a nation fails to anticipate or to respond to such trends as massive urban migration. However, because people are producers as well as consumers, population growth can also be a sign and a source of strength.

The United States has been a leader in efforts to focus attention on population issues—particularly in less developed nations where population growth and related demands for land, public services, and other resources have exceeded their availability. At the Houston Economic Summit, the G–7 leaders stated that "In a number of countries, sustainable development requires that population growth remain in some reasonable balance with expanding resources... Improved educational opportunities for women and their greater integration into the economy can make important contributions to population stabilization programs." Currently, the United States, cognizant of the rights and responsibilities of individuals and families and respectful of religious and cultural values, provides nearly half of all international assistance that supports effective, safe, and voluntary family planning programs. This

aid is but one part of a comprehensive economic development assistance program. We have also taken a strong position in the global community to address problems such as illiteracy, poverty, and environmental degradation. Indeed, recognizing the need to use precious natural resources wisely, we have worked to promote sustainable development. We have also consistently advocated the political and economic freedom vital to the advancement of individuals and nations.

Of course, no nation can achieve acceptable levels of productivity and progress without a *healthy* population. Thus, the United States will continue to support and to promote programs that are designed to improve maternal and child health. We will continue to support education and disease prevention, as well as programs that target the specific health problems of the poor—problems that are often aggravated by such factors as poor sanitation and the lack of safe drinking water.

During World Population Awareness Week, we reflect on the importance of every one of these efforts and reaffirm our commitment to them. After all, by promoting the health of individuals and the strength and stability of families, we can enhance the well-being of entire nations.

The Congress, by Senate Joint Resolution 160, has designated the week beginning October 20, 1991, as "World Population Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of October 20 through October 26, 1991, as World Population Awareness Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6367 of October 28, 1991

Refugee Day, 1991

By the President of the United States of America
A Proclamation

The United States has long been both a symbol of hope and a source of substantial aid for refugees around the world. Through private voluntary organizations as well as government agencies, the American people have provided generous humanitarian assistance to millions of persons dislocated by natural disaster or by civil strife. We have also kept our doors open to people seeking refuge from tyranny and persecution, and we have encouraged other free nations to do likewise. By working hard to reap the rewards of freedom and opportunity, thousands of refugees have not only built new lives for themselves in the United States but also made invaluable contributions to our country.

While we have welcomed many refugees to these shores, the United States has also been working to overcome the conditions that force large numbers of people to flee their beloved homelands. We have consistently condemned political and religious persecution, and we have championed human rights while promoting the ideals of liberty, democratic pluralism, and tolerance. We have also worked to promote the peaceful resolution of conflicts and sustainable economic development in countries beset by poverty. Tragically, however, despite progress in these areas, the number of refugees worldwide has doubled during the past decade: according to the Department of State, their number has grown from 7,300,000 to an estimated 16,000,000. More than 11,000,000 of these refugees are concentrated in the Near East, in Asia, and in Africa. In all regions of the world, women and children continue to be the most seriously affected.

The international community must continue to uphold its fundamental responsibilities toward refugees. For our part, the United States remains firmly committed to assisting refugees and to contributing toward international relief efforts. The United States Government will continue to support the work of the United Nations High Commissioner for Refugees. Recognizing the value and the effectiveness of international cooperation on a wide range of global problems, we will also continue to urge other nations to increase their bilateral and multilateral assistance to refugees. Finally, because the refugee crisis is primarily the result of systematic government repression and bitter civil strife in some regions of the world, the United States will continue to promote respect for human rights and the rule of law, as well as the peaceful resolution of conflicts.

The demise of communism and the triumph of democratic movements around the world has brought about an era of promise and opportunity. Heartened by this knowledge, let us build on the progress we have made so that all peoples might enjoy the blessings of freedom and security in their respective homelands.

The Congress, by Senate Joint Resolution 192, has designated October 30 of each year as "Refugee Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 30, 1991, as Refugee Day. I encourage all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6368 of October 30, 1991

National American Indian Heritage Month, 1991

By the President of the United States of America
A Proclamation

During our annual observance of National American Indian Heritage Month, we celebrate and study the rich history and folklore of America's native peoples. Long before this country was settled by immigrants from around the world, it was the home of generations of Native Americans. Each of the many different tribes that inhabited this vast country had a unique and vibrant culture, as well as its own system of social order. The first European settlers in the New World benefitted greatly from what they learned from this country's original inhabitants, who gave them a wealth of knowledge and skills in such areas as hunting, farming, and crafting tools. Today all Americans can continue to learn from the rich heritage of this country's native peoples.

By the time we reach adulthood, most of us are familiar with the legends of Pocahontas, Geronimo, Sacajawea, and Hiawatha. However, National American Indian Heritage Month provides an opportunity to learn more about the contributions and the achievements of countless other Native Americans. This month, we remember individuals such as Seattle, the chief and orator for whom the great city in Washington is named; Sequoyah, who taught thousands of his fellow Cherokee to read and write; and Ely Parker, the son of a Seneca leader, who served as an officer under General Ulysses S. Grant during the Civil War and became the first Indian to serve as Commissioner of Indian Affairs. Fifty years after the beginning of United States participation in World War II, we also honor the Navajo code-talkers, whose use of their native tongue and secret code words was never broken by enemy forces.

Every tribe of Native Americans is unique, and each has celebrated heroes of its own. Yet together generations of Native Americans have quietly strengthened and enriched the United States. American culture has been greatly influenced by the customs and traditions of this country's native peoples, and all of us can be grateful for their outstanding example of environmental stewardship.

This month, we also celebrate the unique government-to-government relationship that exists between Indian tribes and the Federal Government. That relationship has weathered various conflicts, inequities, and changes over the years, evolving into a vibrant partnership in which more than 500 tribal entities stand shoulder to shoulder with the other governmental units that form our Republic. We will continue to seek greater mutual understanding and trust in this relationship, as well as the further advancement of tribal self-government.

The Congress, by Senate Joint Resolution 172, has designated the month of November 1991 as "National American Indian Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1991 as National American

Indian Heritage Month. I urge all Americans, as well as their elected representatives at the Federal, State, and local levels, to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6369 of November 5, 1991

National Hospice Month, 1991 and 1992

By the President of the United States of America
A Proclamation

Dedicated to serving terminally ill persons and their families, hospice programs have become an important part of our Nation's health care system. This month, we gratefully salute the many outstanding professionals and volunteers who provide hospice care.

By offering a positive and supportive environment, as well as high quality medical care, hospice programs enable terminally ill persons to live peacefully and comfortably in their final days. In so doing, these facilities and services not only reaffirm the inherent dignity and worth of every individual but also demonstrate reverence for human life in all its stages. Relying on the combined knowledge, skills, and compassion of a full team of professionals and volunteers—including physicians, nurses, counselors, therapists, and members of the clergy—hospice programs also help patients' families to cope with their bereavement.

As hospice personnel well know, caring for terminally ill persons can be physically and emotionally exhausting. Fortunately, the establishment of a permanent Medicare hospice benefit and an optional Medicaid hospice benefit has made it possible for more Americans to obtain needed medical and support services. In addition, concerned individuals and agencies in both the public and private sectors have maintained strong working relationships in the interest of hospice care benefits.

In recognition of the importance of hospice programs and in honor of the many dedicated professionals and volunteers who care for terminally ill persons, the Congress, by Public Law 102–121, has designated November 1991 and November 1992 as "National Hospice Month" and has authorized and requested the President to issue a proclamation in observance of these months.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1991 and November 1992 as National Hospice Month. I encourage all Americans, as well as government officials and health care providers, to observe these months with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred and ninety-one,

and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6370 of November 8, 1991

National Poison Prevention Week, 1992

By the President of the United States of America
A Proclamation

For more than three decades, we Americans have observed National Poison Prevention Week as part of a concerted, nationwide campaign to reduce the number of accidental poisoning deaths among children. This annual observance, coupled with our year-round efforts in both the public and private sectors, has helped to save lives: during the past 30 years, the number of poisoning deaths among children under 5 years of age has declined markedly, from 450 in 1961 to 42 in 1988.

This "success story" certainly merits celebration. However, because the loss of even one child is more than any family can bear and more than our Nation should tolerate, we must continue to alert the public about the need for poison prevention.

Leading that effort today is the Poison Prevention Week Council, a coalition of 37 national organizations that are determined to protect the health and safety of our most vulnerable citizens. The Council, which embodies our public-private partnership for poison prevention, coordinates the annual observance of National Poison Prevention Week. It also distributes lifesaving information and encourages local poison control centers, pharmacies, health departments, and other agencies to conduct poison prevention programs. The United States Consumer Product Safety Commission, which each year provides a member to serve as Secretary of the Poison Prevention Week Council, helps to direct this important public health campaign to prevent childhood poisonings. It is a truly national effort, enlisting the help of parents, health professionals, educators, and government officials, as well as members of industry and the media.

Poison prevention awareness has saved lives, but there is more to do. The American Association of Poison Control Centers reports that almost 1 million children are exposed each year to potentially poisonous medicines or household chemicals. We must continue to warn parents, grandparents, and other adults about the threat of childhood poisoning and encourage them to adopt safety measures. We can take a simple yet vital step to prevent accidental poisonings by using child-resistant closures and by keeping medicines and household chemicals out of the reach of children.

To encourage all Americans to learn more about the dangers of accidental poisonings and to take more preventative measures, the Congress, by a joint resolution approved September 26, 1961 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March of each year as National Poison Prevention Week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning March 15, 1992, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate programs and activities and by learning how to prevent accidental poisonings among children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6371 of November 12, 1991

National Women Veterans Recognition Week, 1991

By the President of the United States of America
A Proclamation

Earlier this year, some 35,000 American service women played highly visible roles in ensuring the success of our military operations in the Persian Gulf. While we celebrate their outstanding contributions—and those of their counterparts here at home and at bases around the world—we do well to remember that women have been an invaluable part of the United States Armed Forces for generations.

Since the earliest days of our Republic, women have written many important pages in American military history, often accepting great risks and sacrifices for the sake of others. During the Revolutionary War and later during the Civil War, thousands of women provided compassionate aid to sick and wounded soldiers. Many other women served as scouts and couriers, and a number of historical accounts relate the stories of women who disguised themselves as men in order to join in the fighting. During the Spanish American War, women nurses waged a valiant battle against an epidemic of typhoid fever in Army camps. Their work so impressed the Congress that it established the Nurses Corps as a permanent auxiliary of the Army. By World War I, the Navy and the Coast Guard were also accepting women volunteers.

When World War II required the total commitment of this Nation's will and resources, women achieved full military status in the Women's Army Corps and in the Navy's WAVES. The Coast Guard and the Marines followed suit in accepting women enlistees, and the Women's Air Force Service Pilots was formed to ferry military aircraft.

During the half century since World War II, women have continued to be an invaluable part of our Nation's armed forces. From Korea and Vietnam to places such as Panama and the Persian Gulf, American service women have consistently demonstrated the extraordinary courage, patriotism, and skill that we have come to expect of this country's military personnel. Some have been wounded, and others have made the ultimate sacrifice, in the line of duty.

Over the years, the number of women in our armed forces has steadily increased. Today nearly one and one quarter million women stand

among our Nation's veterans. This week, we proudly and gratefully salute each of them.

In recognition of the many contributions that women veterans have made to our country, the Congress, by Senate Joint Resolution 145, has designated the week beginning November 10, 1991, as "National Women Veterans Recognition Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 10 through November 16, 1991, as National Women Veterans Recognition Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6372 of November 12, 1991

National Alzheimer's Disease Month, 1991 and 1992

By the President of the United States of America
A Proclamation

Advances in science and medicine have given millions of Americans the opportunity to enjoy longer, healthier lives. Older Americans now constitute a growing percentage of our Nation's population, and, together, they represent a rich source of knowledge and insight for younger generations. By providing senior citizens with opportunities to share their wisdom and experience, we not only strengthen and enrich this country but also affirm the inherent dignity and worth of every human being, regardless of his or her age.

Today, more and more employers and other Americans are recognizing the enormous talent and potential of senior citizens. One of the greatest threats to fulfilling that potential, however, comes from Alzheimer's disease.

Alzheimer's is a debilitating brain disease that, over a period of years, robs its victims of their memory and intellect, their health, their independence, and eventually their lives. Alzheimer's disease also disrupts the lives of thousands of Americans who must endure the physical, emotional, and financial strains of caring for an affected parent, spouse or sibling.

Fortunately, the families of Alzheimer's patients are not alone in their struggle with this terrible disease. In communities across the country, health care providers, social workers, and other concerned professionals and volunteers have joined forces to promote public awareness of Alzheimer's and to help families that are affected by it. Federal, State, and local governments are working to improve the delivery of services for people with Alzheimer's, and researchers in both the public and pri-

vate sectors are striving to learn how we can prevent and eventually cure the disease. Scientists and physicians are also developing new methods to manage symptoms of Alzheimer's, as well as facilities that are better equipped for the special needs of people with the disease and related disorders.

Our ultimate goal, however, must be to eliminate the need for such treatments and facilities. Accordingly, under the leadership of the National Institute on Aging, the Federal Government will continue to conduct and support biomedical research on Alzheimer's disease. During the past few years, we have learned much about the basic processes of Alzheimer's and drawn closer to identifying its causes; we will now seek further progress in these areas, and we will place special emphasis on the discovery and development of therapeutic drugs. Such efforts will be crucial to finding ways of treating and preventing Alzheimer's disease.

As an expression of our Nation's commitment to protecting the health of all older Americans, the Congress, by Senate Joint Resolution 36, has designated November 1991 and November 1992 as "National Alzheimer's Disease Month" and has authorized and requested the President to issue a proclamation in observance of these months.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1991 and November 1992 as National Alzheimer's Disease Month. I encourage all Americans to observe these months with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6373 of November 12, 1991

Hire a Veteran Week, 1991

By the President of the United States of America

A Proclamation

During the past year, America's service men and women demonstrated, once again, the extraordinarily high standards of professionalism and skill that we have come to expect of the United States Armed Forces. Working together with remarkable precision and speed, they ensured the resounding success of our military operations in the Persian Gulf—from the massive deployments of Operations Desert Shield and Desert Storm to the large-scale humanitarian relief efforts of Operation Provide Comfort and Operation Sea Angel. This month, as we salute our Persian Gulf veterans and, indeed, all those who have served in our Nation's armed forces, we also recognize the wealth of knowledge and experience that they have to offer as members of the civilian work force.

From the beginning of Operation Desert Shield, the American military showed that it is capable of planning and executing tremendously complex and sensitive operations. Our success in the Persian Gulf highlighted not only the superiority of American technology but also our troops' ability to employ these remarkable tools. Moreover, the conflict in the Gulf reminded all Americans that we can rely on our citizen-soldiers, the Reservists and National Guard members who responded so well when called upon to stand shoulder-to-shoulder with their comrades in the regular components of the active duty military forces. We also saw that the American employer is prepared to stand behind the employee who is called to active military service and to safeguard that individual's employment rights while he or she is away.

This month, as we honor our Nation's veterans, let us also recognize the value of recruiting and hiring these Americans in the workplace. Our veterans have developed special knowledge and skills through their military service, and they clearly possess the drive and the discipline that are needed to help keep American business competitive in the international arena.

The Congress, by House Joint Resolution 280, has designated the week of November 10 through November 16, 1991, as "Hire a Veteran Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 10 through November 16, 1991, as Hire a Veteran Week. I encourage all Americans—in particular, employers, labor leaders, and public officials—to support the campaign to increase the employment of men and women who have served our country in the armed forces.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6374 of November 13, 1991

National Red Ribbon Month, 1991

By the President of the United States of America
A Proclamation

During the month of November, we Americans pause to count our many blessings—including the love of family and friends, the joy of freedom and security, and, of course, the gift of life itself. Thus, the holiday season that traditionally begins on Thanksgiving is a very special time of celebration and renewal.

Tragically, however, this time of peace and joy will become a time of mourning for far too many American families as a result of alcohol-re-

lated traffic accidents. Countless hopes and dreams will be destroyed this holiday season when drinking turns deadly behind the wheel.

Drunk driving often makes headlines during the holidays, but we must remember that this scourge is a year-round public health problem. Indeed, the Department of Transportation reports that traffic accidents remain the single leading cause of death for Americans between the ages of 5 and 32, and that almost half of these fatalities involve alcohol. In 1990 alone, more than 22,000 people died in alcohol-related motor vehicle accidents—an average of one person every 24 minutes. Each year, another 345,000 persons are injured in drunk driving incidents.

The toll that alcohol-related accidents takes on Americans between the ages of 16 and 20 is especially alarming. Although in most States it is illegal for minors to purchase alcoholic beverages in any form, nearly half of all traffic fatalities in this age group stem from alcohol-related accidents. In 1990 alone, the lives of some 3,361 young men and women—potential scientists, physicians, teachers, and parents—were violently cut short.

The news is not all bad, however. In recent years, we have made encouraging progress in our efforts to stop drunk and drugged driving. According to the National Highway Traffic Safety Administration (NHTSA), alcohol-related fatalities among all adults have declined approximately 13 percent since 1982. The NHTSA also reports that, since 1984, when the Congress called on all States to raise their minimum legal drinking age to 21, alcohol-related deaths among youth have likewise dropped. Indeed, the law has saved the lives of about 1,000 young Americans between the ages of 16 and 20 every year.

This progress has been made possible by a combination of tougher laws at the Federal, State, and local levels and by concerted public awareness campaigns in both the public and private sectors. Nevertheless, we still have much work to do. Accordingly, our National Health Objectives for the year 2000 include targets for reducing the number of alcohol-related motor vehicle fatalities. We remain firmly resolved to reduce underage drinking, and we will continue to seek both the enactment and the enforcement of tougher laws against driving under the influence of alcohol or drugs.

Millions of concerned individuals across the United States have rallied in support of these and other measures against drunk driving. This month, the 3,000,000 members of Mothers Against Drunk Driving (MADD) will launch a major public awareness campaign by asking Americans to "Tie One on for Safety" during the upcoming holiday season. Members of MADD will distribute more than 90,000,000 red ribbons nationwide to remind all those who might get behind the wheel to think before they drink.

To help heighten public awareness of the dangers of drinking and driving, the Congress, by Senate Joint Resolution 188, has designated November 1991 as "National Red Ribbon Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1991 as National Red

Ribbon Month. I urge all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6375 of November 14, 1991

Dutch-American Heritage Day, 1991

By the President of the United States of America
A Proclamation

On November 16, 1776, a small American warship, the ANDREW DORIA, sailed into the harbor of the tiny Dutch island of St. Eustatius in the West Indies. Only 4 months before, the United States had declared its independence from Great Britain. The American crew was delighted when the Governor of the island, Johannes de Graaf, ordered that his fort's cannons be fired in a friendly salute. The first ever given by a foreign power to the flag of the United States, it was a risky and courageous act. Indeed, angered by Dutch trading of contraband with the rebellious colonies, the British seized the island a few years later. De Graaf's welcoming salute was also a sign of respect, and today it continues to symbolize the deep ties of friendship that exist between the United States and The Netherlands.

After more than 200 years, the bonds between the United States and The Netherlands remain strong. Our diplomatic ties, in fact, constitute one of the longest unbroken diplomatic relationships with any foreign country.

Fifty years ago, during the Second World War, Dutch and American servicemen fought side by side to defend the universal cause of freedom and democracy. As NATO allies, we have continued to stand together to keep the transatlantic partnership strong and to maintain the peace and security of Europe. In the Persian Gulf, we joined as coalition partners to repel aggression and to uphold the rule of law.

While the ties between the United States and The Netherlands have been tested by time and by the crucible of armed conflict, the Dutch-American heritage is even older than our official relationship. Indeed, it dates back to the early 17th century, when the Dutch West India Company founded New Netherland and its main settlements, New Amsterdam and Fort Orange—better known today as New York City and Albany.

From the earliest days of our Republic, men and women of Dutch ancestry have made important contributions to American history and culture. The influence of our Dutch ancestors can still be seen not only in New York's Hudson River Valley but also in Pennsylvania along the Schuylkill River and in communities like Holland, Michigan, where

many people trace their roots to settlers from The Netherlands. Generations of Dutch immigrants have enriched the United States with the unique customs and traditions of their ancestral homeland—a country that has given the world great artists, celebrated philosophers, and leaders of international business.

On this occasion, we also remember many celebrated American leaders of Dutch descent. Three Presidents, Martin Van Buren, Theodore Roosevelt, and Franklin D. Roosevelt, came from Dutch stock. Arthur Vandenberg, who after World War II played a crucial role in the development of our bipartisan foreign policy, the strategy of containment, and the establishment of NATO, also traced his roots to The Netherlands.

Our Dutch heritage is seen not only in our people but also in our experience as a Nation. Our traditions of religious freedom and tolerance, for example, have spiritual and legal roots among such early settlers as the English Pilgrims and the French Huguenots, who first found refuge from persecution in Holland. The Dutch Republic was also among those systems of government that inspired our Nation's Founders as they shaped our Constitution.

In celebration of the long-standing friendship that exists between the United States and The Netherlands, and in recognition of the many contributions that Dutch-Americans have made to our country, the Congress, by House Joint Resolution 177, has designated November 16, 1991, as "Dutch-American Heritage Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 16, 1991, as Dutch-American Heritage Day. I encourage all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6376 of November 15, 1991

National Philanthropy Day, 1991

By the President of the United States of America
A Proclamation

Public philanthropy has long been a hallmark of American life. The earliest settlers in this country were people of great faith and conviction, and they well understood the Biblical injunction to extend kindness and hospitality to others. Yet the spirit of voluntary association and giving was not only a virtue but also a practical necessity for those residing on the frontier.

Today, even with the best efforts of Federal, State, and local government, voluntary service remains essential to solving our Nation's most serious social problems. Accordingly, concerned and generous Americans are engaged in voluntary activities that range from providing job training and employment for the homeless to protecting the environment, preventing disease, assisting parents of needy families, and encouraging young people to stay in school.

Last year, Americans contributed more than $100 billion in support of charitable organizations and activities. However, public philanthropy is not just about money. Millions of Americans—people of every age, race, and walk of life—give of their time and their talents in voluntary community service. These "Points of Light" are helping to supply food and clothing for the needy; they are promoting important advances in biomedical research; and they are providing vital support to schools, churches, hospitals, museums, and a host of other institutions. These Americans are demonstrating that you don't have to be wealthy to be a philanthropist, you just have to care.

In grateful recognition of all those who conduct and support the work of our Nation's charitable organizations, the Congress, by Senate Joint Resolution 96, has designated November 19, 1991, as "National Philanthropy Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 19, 1991, as National Philanthropy Day. I encourage the people of the United States to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6377 of November 20, 1991

National Farm-City Week, 1991

By the President of the United States of America
A Proclamation

Each Thanksgiving, when we Americans count our many blessings, among the first to come to mind is the abundance of high-quality foods that we enjoy. The quantity and variety of goods that fill our Nation's grocery stores are unparalleled—a shining testament to the ingenuity and productivity of the American farmer. Yet while U.S. farmers are the most enterprising and efficient in the world, millions of other people in both urban and rural communities play important roles in the production and distribution of U.S. agricultural goods. During National Farm-City Week, we salute all of these hardworking Americans.

Our Nation's farmers are assisted in their efforts by millions of people, many of whom work in urban areas—researchers who develop im-

proved methods and tools for farming; meteorologists who chart climatic conditions and weather patterns; and the manufacturers and suppliers of equipment, seeds, and fertilizers. The miracle of American farming is also made possible by those who transport and process raw agricultural goods; by government inspectors who help ensure their quality; and by wholesalers who distribute and retailers who sell finished farm products to consumers. The concerted efforts of all of these Americans have enabled the United States to make the most of its God-given resources.

Today America's farms and cities are linked more closely than ever before, as more and more farmers supply not only food but also raw materials for industrial use. Advances in science and technology have enabled manufacturers to convert agricultural commodities into biodegradable plastics, alternative fuels, and fuel additives, as well as printing ink and newsprint. Industrial use of farm products is creating new opportunities for American agriculture to diversify and to enhance its productivity while boosting its competitive position in world commerce.

American agriculture has long been a source of strength and pride for the United States, and we owe a tremendous debt of gratitude to all those who help bring forth food and fiber from the rich, fertile land with which we have been blessed. Thus, it is fitting that our celebration of National Farm-City Week take place during the 7-day period that ends on Thanksgiving.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of November 22 through November 28, 1991, as National Farm-City Week. I encourage all Americans, in rural and urban communities alike, to join in recognizing the accomplishments of our farmers and all those hard-working individuals who cooperate in producing the abundance of agricultural goods that strengthen and enrich the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6378 of November 20, 1991

National Family Week, 1991 and 1992

By the President of the United States of America
A Proclamation

When we count our blessings, most of us note with special gratitude the love and the support of our families. Thus, it is fitting that our celebration of National Family Week coincide with our traditional observance of Thanksgiving.

Family love brings light and warmth to our homes; it gives us strength when times are tough; and it makes good times even better by enabling

us to share our joys with others. Through our experience as part of a family, we gain a sense of identity and purpose. Indeed, when we recall the generations who have gone before us, we are reminded of our personal links to the past and of our own place in history. When we think about generations to come, we are reminded of our obligation to help make this a better world.

Our ability to help make this a better world depends, in large part, on the kind of environment we create in our homes. Because a child's family life has such a powerful influence on the development of his or her personality and character, and because the family provides a model after which all other human relationships are fashioned, those of us who are parents and grandparents must ensure that the examples we set are positive ones. The daily course of our family lives should offer younger generations clear lessons about faith and duty, personal responsibility, and respect and concern for others.

By definition, a family is a group of individuals who are related by blood, marriage, or adoption and who are united by their love and their lifelong commitment to one another. The family is the basic unit of society, and its well-being is vital to the success of our communities and Nation. In recent years, however, problems such as crime, drug abuse, child abuse, and teenage pregnancy have signalled a breakdown in traditional family life and values. While parents have primary responsibility for the well-being of their children, and while no arm of the state can replicate the divinely ordained embrace of the family, government can and should help preserve and support this institution and do nothing to harm it. America's future depends on it.

This week, as we acknowledge the blessings of family life and the importance of stable, loving families to the life of our Nation, let us reaffirm our commitment to policies and programs that affirm the rights of parents and protect the interests of children. Let us also resolve to ensure that our own families are communities in which each member is respected and cherished.

The Congress, by Public Law 102–112, has designated the weeks beginning November 24, 1991, and November 22, 1992, as "National Family Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 24 through November 30, 1991, and the week of November 22 through November 28, 1992, as National Family Week. I call upon all Americans to observe these weeks with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6379 of November 22, 1991

National Military Families Recognition Day, 1991

By the President of the United States of America
A Proclamation

We Americans take great pride in the vigilance, courage, and patriotism of the men and women who serve in our United States Armed Forces. Yet, in large part, the extraordinary spirit of our Nation's service members reflects that of the families who stand behind them. Thus, while we salute our troops for their outstanding efforts to preserve peace and to protect the vital interests of the United States, on this occasion we honor in a special way our Nation's military families. Each day, these Americans share in the hard work of freedom.

The military family is a very large and special one. It includes tens of thousands of wives, husbands, parents, siblings, and children. Located in every State and in countries around the globe, these families are the heart of the American defense community. They have stood together in times of trial and uncertainty; they have opened their arms to newcomers and to neighbors in need; and they have offered steady moral support to our forces stationed far from home. Brought together by the service of their loved ones, these families embody the love, faith, and devotion to freedom that have sustained our men and women in uniform, even through this Nation's darkest hours.

Whether they live on bases here at home or at posts in Europe, the Pacific, and elsewhere, military families are united by common experience—including the experience of hardship and sacrifice. For example, reassignments often require service members and their dependents to move, leaving behind schools, friends, and jobs. Although such moves may consist of relocation to unfamiliar towns or even to foreign lands, military families weather the challenges with perseverance and pride.

Because they recognize the risks that their loved ones have accepted in the line of duty, and because a service member's assignments can entail lengthy absences from home, military families also cope with long hours of separation and worry. During the past year, our Nation was reminded of all that military families have endured over the years when more than 500,000 service personnel were activated, both here and abroad, to take part in Operations Desert Shield and Desert Storm, as well as during U.S. humanitarian efforts in Operations Provide Comfort in northern Iraq and Sea Angel in Bangladesh. The stoicism and the patriotism displayed by America's military families during the conflict in the Persian Gulf uplifted and inspired our entire country. More recently, hundreds of American military families responded with exemplary courage and composure when they were evacuated from their homes in the Philippines following the eruption of Mount Pinatubo.

Throughout our Nation's history, military families have demonstrated their pride in service and their profound faith in the principles on which the United States is founded. Today we assure these Americans of our abiding gratitude, respect, and support.

The Congress, by House Joint Resolution 215, has designated November 25, 1991, as "National Military Families Recognition Day" and has au-

thorized the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 25, 1991, as National Military Families Recognition Day. I urge all Americans to join in honoring America's military families on that day. Finally, I call upon Federal, State, and local officials, as well as concerned private organizations, to observe the day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6380 of November 25, 1991

Thanksgiving Day, 1991

By the President of the United States of America
A Proclamation

From the moment it was "conceived in liberty, and dedicated to the proposition that all men are created equal," our Nation has enjoyed the mercy and protection of Almighty God. Thus, when we join with family and friends on Thanksgiving, we celebrate not only the many blessings that we have received as individuals—including the gift of life itself—but also our great fortune as one Nation under God. On this occasion, Americans of every race, creed, and walk of life are united by a profound sense of gratitude and duty.

As we continue the Thanksgiving tradition, a tradition cherished by every generation of Americans, we reflect in a special way on the blessings of the past year. When this Nation and its coalition partners took up arms in a last-resort effort to repel aggression in the Persian Gulf, we were spared the terrible consequences of a long and protracted struggle. Indeed, the millions of people who prayed for a quick end to the fighting saw those prayers answered with a swiftness and certainty that exceeded all expectations. During the past year, we have also witnessed the demise of communism and welcomed millions of courageous people into the community of free nations.

Of course, as we give thanks for these and other developments, we also remember the less fortunate—those who do not yet share in the promise of freedom; those who do not know the comfort of peace and security; and those whose tables do not reflect prosperity and plenty.

Time and again, Scripture describes our Creator's special love for the poor. As the Psalmist wrote, "He pours contempt upon princes . . . yet sets the poor on high from affliction." In this great Nation, we have a special obligation to care for the ill and the destitute. Therefore, recalling that much will be asked of those to whom much has been given, let us resolve to make food drives and other forms of charity an increasingly important part of our Thanksgiving tradition.

On this occasion, as we count our blessings and reach out to help the less fortunate, we also do well to remember that, in many ways, the poorest nations are those who neither recognize nor revere what our Founders called "the laws of Nature and of Nature's God." Indeed, we have seen totalitarian regimes impoverish entire peoples, not just economically, but spiritually, by denigrating religion and by denying the inherent dignity and worth of individuals. The moral bankruptcy of communism should remind every free nation of the dangers of cynicism and materialism.

Similarly, can any individual be truly rich or truly satisfied if he or she has not discovered the rewards of service to one's fellowman? Since most of us first experience the love of God through the goodness and generosity of others, what better gift could we give our children than a positive example?

Finally, as we gather with family and friends on Thanksgiving, we know that our greatest blessings are not necessarily material ones. Indeed, perhaps the best thing about this occasion is that it reminds us that God loves each and every one of us. Like a faithful and loving parent, He always stands ready to comfort, guide, and forgive. That is our *real* cause for Thanksgiving, today and every day of our lives.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Thursday, November 28, 1991, as a National Day of Thanksgiving. I urge all Americans to gather together in their homes and in places of worship on that day to offer thanks to Almighty God for the many blessings that He has bestowed upon us as individuals and as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6381 of November 25, 1991

National Accessible Housing Month, 1991

By the President of the United States of America

A Proclamation

We Americans cherish the many blessings that we enjoy in this land of freedom and opportunity—including our ability to decide where we live and work. During much of our Nation's history, however, that prerogative has frequently been denied to persons with disabilities. For example, in the past, it has often been difficult for a person who uses a wheelchair to find a home where doorways, baths, and other structural features can accommodate his or her needs. Even now, when an elderly American can no longer climb stairs, he or she may face the emotionally and financially difficult task of finding a suitable single-story dwelling.

Fortunately, all that is changing. In recent years, we have taken important steps to promote equal opportunities for people with disabilities. The Fair Housing Amendments Act, which prohibits discrimination in housing, went into effect in 1989. This legislation provides Americans with disabilities the opportunity to choose their places of residence with the same degree of freedom as other citizens.

The enactment of the historic Americans with Disabilities Act of 1990 offered additional evidence of our commitment to removing the physical, attitudinal, and statutory barriers that have too often prevented these individuals from enjoying the same opportunities as other Americans. This legislation, the world's first comprehensive declaration of equality for persons with disabilities, prohibits discrimination in employment, transportation, and public accommodations.

Clearly, our Nation has recognized its obligation to become more conscious of, and responsive to, the environmental and structural obstacles that persons with disabilities face on a daily basis. However, we also have a practical interest in doing so: indeed, it is estimated that 70 percent of all Americans will, at some time in their lives, have a temporary or permanent disability.

While the Federal Government has been leading efforts to ensure equal opportunity for persons with disabilities, the public and private sectors share responsibility for promoting the full integration of these Americans into the social and economic mainstream. It is heartening to note that thousands of concerned individuals and organizations have been working together to meet that responsibility. For example, a number of private sector entities have designed a public education campaign that answers questions about barrier-free home designs, which allow easy entry and movement throughout the house. On March 6, 1991, the Department of Housing and Urban Development published "Fair Housing Accessibility Guidelines," which instruct builders and developers on how to comply with the accessibility requirements of the Fair Housing Amendments Act. Public and private sector efforts such as these are not only helping to create more accessible housing for persons with disabilities but also facilitating their full participation in the social and economic life of our country.

The Congress, by Senate Joint Resolution 184, has designated the month of November 1991 as "National Accessible Housing Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate November 1991 as National Accessible Housing Month. I call upon local and State governments, appropriate Federal agencies, and the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6382 of November 25, 1991

National Family Caregivers Week, 1991 and 1992

By the President of the United States of America
A Proclamation

Each day millions of Americans provide nursing care and other forms of assistance to relatives who are incapacitated by age, illness, or disability. These family caregivers not only help to support loved ones who might otherwise be forced to live in an institutional setting by also exemplify the kind of unconditional love and commitment that is the essence of family life.

Family caregivers perform their various tasks freely and without compensation—and often at considerable sacrifice to themselves. Many of these individuals assist relatives in need while juggling the traditional demands of home, family, and career. The Department of Health and Human Services reports that nearly one-third of our Nation's family caregivers are older Americans—the spouses and siblings of the frail elderly. Statistics, however, cannot fully measure the physical, emotional, and financial costs that are incurred by family caregivers as they help with nursing care, transportation, shopping, cooking, household maintenance, and a host of other needs.

As a Nation, we owe a great debt of gratitude to family caregivers. These unsung heroes and heroines deserve our respect and our support. This week, let us recognize the importance of respite and day care services to family caregivers, and let us reaffirm our commitment to the American tradition of neighbor helping neighbor. Let us also resolve to work together, throughout the public and private sectors, to ensure that this Nation's senior citizens have the opportunities and the services that they need to live with dignity and security in the comfort to their own homes.

The Congress, by House Joint Resolution 125, has designated the weeks of November 24 through November 30, 1991, and November 22 through November 28, 1992, as "National Family Caregivers Week" and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the weeks of November 24 through November 30, 1991, and November 22 through November 28, 1992, as National Family Caregivers Week. I urge all Americans to observe these weeks with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6383 of November 27, 1991

National Adoption Week, 1991

By the President of the United States of America
A Proclamation

Adoption is a wonderful act of love, generosity, and lifelong commitment—virtues that have always gone hand in hand with building a family. This week, we acknowledge the many rewards that adoption holds for children, for parents, and for our Nation.

More than 50,000 American children are adopted each year. These youngsters are as eager to give love as they are to gain permanent homes and families of their own. Indeed, any adult who has been blessed with an adopted child or grandchild knows what tremendous affection and joy that youngster brings to the lives of others.

Although the actual process may include moments of anticipation, frustration, and worry, adoption benefits each of the parties involved—including the biological mother who, for whatever reason, cannot keep her child and courageously decides to give him or her the chance to enjoy life in a secure, loving environment. Because strong, loving families are the foundation of stable, caring communities and nations, adoption also enriches our entire country.

Tragically, however, despite the many benefits of adoption, thousands of children continue to wait. Approximately 36,000 children in the United States who are legally available for adoption are living in foster care or in institutions. Many of these children are characterized as special needs children: older children and children with disabilities, children with siblings who need to be adopted by the same family, or members of a minority group. Regardless of the individual needs they may have, all of these children long for the kind of permanent homes and loving families that most of us have always been able to take for granted.

As a Nation, we have begun to dismantle legal, financial, and attitudinal barriers to adoption. This progress has been made possible, in large part, by the vigorous efforts of concerned public officials, parents, social workers, attorneys, counselors, members of the clergy, and others. However, because every child deserves the special love and support that only a family can provide, we still have much work to do. We must continue to promote public awareness of adoption and to find ways of bringing prospective parents together with the thousands of children who continue to wait. We must also continue to offer encouragement and assistance to those courageous women who, despite the pressures of a crisis pregnancy, reject abortion and choose life for their unborn children.

The Congress, by Senate Joint Resolution 207, has designated the week of November 24 through November 30, 1991, as "National Adoption Week" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 24 through No-

vember 30, 1991, as National Adoption Week. I urge all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6384 of December 2, 1991

Geography Awareness Week, 1991 and 1992

By the President of the United States of America
A Proclamation

Coaches know that, before a winning team can prove itself on the field, each of its members must master the "fundamentals." The same principle applies to education; thus, our efforts to restore excellence in our schools include renewed emphasis on the basics. One of the key aims of AMERICA 2000, our strategy to achieve our National Education Goals, is to ensure that this country's students demonstrate competence in five core subject areas: mathematics, science, English, history, and geography. The study of geography, which focuses on people and their physical surroundings, not only goes hand in hand with the study of history and science but also gives us a better understanding of current world events.

Geography has been a determining factor in the social, economic, and political development of every nation on Earth; indeed, it is impossible to understand history without taking into account the location, natural resources, and other geographic characteristics of nations. When we study the geography of our 50 States, as well as the relationship of America to the world as a whole, we gain a better understanding of our Nation's history and development—and a deeper appreciation of its diversity and splendor.

While most geographic features of our Nation and the planet have taken shape over thousands of years, the study of geography gives us more than insight into the past; it also equips us with knowledge that we need to understand and to participate in the world of today. As advances in technology bring the world closer together, and as democratic reforms in many nations create new opportunities for international trade and travel, the mastery of geography becomes increasingly important. If the United States is to remain a leader in our rapidly changing world, then our citizens must be able to recognize the location and the significance of events abroad. If we are to continue to enjoy success in the complex realms of foreign policy and international commerce, then we must also be familiar with the languages, customs, and physical circumstances of our neighbors around the globe.

Despite the importance of geography, and despite the fact that it can be both fascinating and fun for students, too many Americans do not have basic knowledge in this field. Too many schoolchildren—and too many adults—are unable to locate major cities, countries, or even entire con-

tinents on a globe. Many are unaware of the advantages of seaports and rivers to a nation's security and commerce, and some Americans are even unable to locate their own communities on a map.

By working together to achieve our National Education Goals, we can change this intolerable situation. During Geography Awareness Week, let us reaffirm our determination to make the United States a Nation of students. As parents and as teachers, let us help our children to recognize the importance of geography and other basic subjects, and by word, deed, and example, let us introduce them to the joys of lifelong learning.

In recognition of the importance of the study and mastery of geography, the Congress, by House Joint Resolution 201, has designated the week of December 1 through December 7, 1991, and the week of November 15 through November 21, 1992, each as "Geography Awareness Week" and has authorized and requested the President to issue a proclamation in observance of these occasions.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning December 1, 1991, and the week beginning November 15, 1992, as Geography Awareness Week. I call upon all Americans to observe these occasions with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6385 of December 2, 1991

National Home Care Week, 1991 and 1992

By the President of the United States of America
A Proclamation

Each day, thousands of hardworking men and women bring vital home health care services to Americans who are incapacitated by illness, age, or disability. Working in association with more than 12,000 home care agencies across the country, these dedicated professionals and volunteers play an important part in our Nation's total health care system. This week, we honor them for their many contributions.

The administrators and employees of home health care agencies work closely with government agencies and with concerned private organizations, including hospitals, to give patients a welcome alternative to institutionalized care. Home care not only emphasizes the dignity, comfort, and independence of patients but also affirms the importance of family love and support to their well-being. By enabling clients to prevent or to postpone costly hospital stays and other forms of inpatient care, home care has often proved to be economical, as well.

Thousands of nurses, therapists, social workers, and others provide our Nation's home care services, and each of them deserves our recognition

and thanks. Their professionalism and compassion are making a real difference in the lives of Americans in need.

To increase public awareness of and support for our Nation's home care agencies, the Congress, by House Joint Resolution 175, has designated the weeks beginning December 1, 1991, and November 29, 1992, as "National Home Care Week" and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the weeks of December 1 through December 7, 1991, and November 29 through December 5, 1992, as National Home Care Week. I encourage all Americans—as well as government officials, health and social service providers, insurance companies, and private voluntary organizations—to observe these weeks with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6386 of November 29, 1991*

National Pearl Harbor Remembrance Day, 1991

By the President of the United States of America
A Proclamation

At 7:55 a.m. on December 7, 1941, air and naval forces of Imperial Japan launched a surprise attack against United States military installations at Pearl Harbor, Hawaii. More than 2,400 Americans were dead or missing after the attack, including 68 civilians. Another 1,178 people lay wounded. Two U.S. battleships were destroyed; another six were severely damaged. On the same day, attacks against U.S. installations in Guam, the Philippines, and elsewhere in the Pacific left a similar trail of death and destruction. Less than 24 hours later, after an impassioned address by President Franklin D. Roosevelt, the Congress declared that a state of war existed between the United States and the Empire of Japan. Thus, America became engaged in World War II, a conflict that would change the course of history, ending forever America's isolation from world events.

Across the United States, people rallied to the cry of "Remember Pearl Harbor!" While millions of brave and selfless Americans took up arms in the struggle for freedom, countless others labored and sacrificed on the home front. On our Nation's farms and in its factories, millions of workers rushed to increase production. In homes, schools, and churches, citizens of every age and every walk of life prayed for victory while making every contribution they could to the war effort. Yet this tremendous display of patriotism and resolve was more than a response to the outrage of Pearl Harbor. As President Roosevelt said:

* **Editorial note:** This proclamation was numbered out of chronological order because it was not presented for numbering until December 3, 1991.

> When we resort to force, as we now must, we are determined that this force shall be directed toward ultimate good, as well as against immediate evil . . . . We are now in the midst of a war, not for conquest, not for vengeance, but for a world in which this Nation, and all that this Nation represents, will be safe for our children.

Six years after World War II began, and four years after the attack on Pearl Harbor, the United States and its Allies secured the unconditional surrender of Nazi Germany and Imperial Japan. By the end of the war, there had been more than 1,000,000 American casualties. Some 400,000 Americans had died so that others might live in freedom. Our Nation will always be grateful for their courage and sacrifices.

When we remember those who served our country during World War II, we also recall President Truman's observation that the Allied victory was "a victory of more than arms alone." Indeed, while our farms, factories, mines, and shipyards produced tons of raw materials and finished goods that were essential to the war effort, as President Truman said, "back of it all were the will and spirit and determination of a free people—who know what freedom is and who know that it is worth whatever price they had to pay to preserve it."

On this occasion, we reaffirm the solemn commitment that President Truman made when he declared, "We shall not forget Pearl Harbor." During the past five decades, that commitment has gone hand in hand with the unending task that President Roosevelt had earlier described as winning the peace. America's determination to remember the lessons of World War II and our continuing vigilance and resolve in the defense of freedom have helped to bring about the triumph of democratic ideals around the globe. Today Japan stands second to none as our ally and friend.

As we mark the 50th anniversary of the attack on Pearl Harbor, let us remember in prayer all those who died on that day and throughout World War II. Let us also honor all those World War II veterans who are still living, especially the infirm and the hospitalized. Finally, let us give thanks for the great blessings of freedom our World War II veterans helped to secure.

The Congress, by Public Law 102–68, has designated December 7, 1991, as "National Pearl Harbor Remembrance Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 7, 1991, as National Pearl Harbor Remembrance Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of November, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6387 of December 3, 1991

Federal Civilian Employees Remembrance Day, 1991

By the President of the United States of America

A Proclamation

The fact that it shattered the stillness of a Sunday morning, a time when millions of Americans were preparing to attend church services or to enjoy the quiet of their homes, only compounded the shock, grief, and outrage of our Nation. At 7:55 a.m. on December 7, 1941, naval air forces of the Imperial Japanese Combined Fleet attacked United States military installations at Pearl Harbor, Hawaii. American forces in Guam, the Philippines, and elsewhere in the Pacific also suffered brutal assaults. By the end of the day, the U.S. Pacific Fleet was virtually devastated. Scores of American fighter planes were also destroyed. More than 2,400 Americans died at Pearl Harbor alone—among them, 68 civilians listed as dead or missing.

As we mark the 50th anniversary of the attack on Pearl Harbor, we will honor, in a special way, all those military personnel who perished on that Day of Infamy and, indeed, throughout World War II. Yet we also do well to remember the service of Federal civilian employees. Immediately after the bombing of Pearl Harbor, Federal civilian employees responded to rescue and reconstruction missions with distinction and valor. Over the next 4 years, these dedicated men and women continued to make vital contributions to the Allied war effort, performing critical administrative and technical duties in support of military operations. These tasks included aircraft and ship maintenance and repair, medical services, supply operations, and civil engineering functions to support and maintain camps, posts, and stations. Federal civilian employees played an instrumental role in salvaging naval vessels damaged at Pearl Harbor, returning them to action before the end of World War II.

Our Federal civilian employees were joined in their efforts, of course, by millions of American workers in private industry. Half a century ago, every farm, factory, mine, and shipyard in the country bustled with activity directed toward the war effort.

In recognition of the patriotism, leadership, and exemplary performance of Federal civilian employees at Pearl Harbor and throughout World War II, the Congress, by Senate Joint Resolution 198, has designated December 4, 1991, as "Federal Civilian Employees Remembrance Day" and has authorized and requested the President to issue a proclamation in observance of this day. On December 4, the National Park Service will coordinate ceremonies in Hawaii to honor the contributions of Federal civilian employees.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 4, 1991, as Federal Civilian Employees Remembrance Day. I call upon all Americans to observe this day with appropriate ceremonies and activities in honor of the Federal civilian employees who made tremendous sacrifices for our country during the attack on Pearl Harbor and throughout the course of World War II.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6388 of December 4, 1991

To Amend the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 502 of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461 and 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Bulgaria as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP).

2. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the provisions of that Act, and of other Acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to Title V and section 604 of the 1974 Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by inserting "Bulgaria" in alphabetical order in the enumeration of independent countries.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The amendment made by this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6389 of December 5, 1991

To Amend the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to section 504(a)(1) of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2464(a)(1)), and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act, I have determined that it is appropriate to suspend the application of duty-free treatment accorded to articles of Yugoslavia under the Generalized System of Preferences (GSP).

2. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the provisions of that Act, and of other Acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to Title V and section 604 of the 1974 Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by deleting "Yugoslavia" in the enumeration of independent countries.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The amendment made by this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6390 of December 9, 1991

Human Rights Day, Bill of Rights Day, and Human Rights Week, 1991

By the President of the United States of America
A Proclamation

When the Federal Convention ended in September 1787 and our Constitution was presented to the States for ratification, it was hailed by

many as a triumph for liberty and self-government. "The Constitution," wrote Thomas Jefferson, "is unquestionably the wisest ever yet presented to men." Still, he and others voiced concern that it did not contain a declaration enumerating the rights of individuals. To Jefferson such a declaration was "what no just government should refuse or rest on inferences."

Opponents to the idea argued that a bill of rights would be unnecessary and perhaps even harmful, should it invite disregard for any rights that were not expressly stated. In their view, the Constitution that began with the words "We the People" clearly affirmed the sovereignty of the American public. But Jefferson and others persisted, noting that a declaration of rights would serve "as a supplement to the Constitution where that is silent." James Madison conceded that such a declaration might prove valuable because "political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free government." Today his words seem prophetic.

Our Bill of Rights guarantees, among other basic liberties, freedom of speech and of the press, as well as freedom of religion and association; it recognizes the right to keep and bear arms; and it prohibits unreasonable search and seizure of a person's home, papers, or possessions. The Bill of Rights also states that no person shall be deprived of life, liberty, or property without due process of law and establishes fundamental rules of fairness in judicial proceedings, including the right to trial by jury. Since it was ratified on December 15, 1791, the principles enshrined in this great document have not only served as the guiding tenets of American government but also inspired the advance of freedom around the globe.

When it adopted the Universal Declaration of Human Rights on December 10, 1948, the General Assembly of the United Nations affirmed for all humankind the ideals enshrined in our Bill of Rights. Noting that "human rights should be protected by the rule of law," and describing the Declaration as "a common standard of achievement for all peoples and all nations," signatories agreed to respect freedom of thought, freedom of conscience, as well as freedom of religion and belief. They declared that "everyone has the right to life, liberty, and the security of person," and they recognized that all human beings are entitled to equal protection of the law. Signatories to the Declaration also recognized an individual's right to participate in the government of his or her country, either directly or through freely chosen representatives.

The Universal Declaration of Human Rights reasserted what we Americans have always believed: that recognition of these rights "is the foundation of freedom, justice, and peace in the world." This ideal was reaffirmed and strengthened in the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe and more recently in the 1990 Charter of Paris.

Today we stand closer than ever to achieving universal compliance with the letter and spirit of international human rights agreements. Two hundred years after the ratification of our Bill of Rights, the principles it enshrines continue to take root around the world.

Having triumphed over communism, many peoples and nations now confront the challenge of improving respect for human rights among various ethnic and religious groups, as well as members of national mi-

norities. The United States will continue to urge these and all nations to abide by international human rights agreements and to act in the spirit of political pluralism and tolerance—traditions that have made America's diversity a source of pride and strength.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 10, 1991, as Human Rights Day and December 15, 1991, as Bill of Rights Day and call upon all Americans to observe the week beginning December 10, 1991, as Human Rights Week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6391 of December 12, 1991

Wright Brothers Day, 1991

By the President of the United States of America
A Proclamation

They were quiet men of modest means, but in an extraordinary display of talent, imagination, and teamwork, Orville and Wilbur Wright changed the world. Less than a century ago, on December 17, 1903, these enterprising brothers launched the age of aviation with the first controlled, manned flight in a heavier-than-air, mechanically propelled airplane. Although their handcrafted "Flyer" covered just 120 feet on its maiden voyage over the windswept beach near Kitty Hawk, North Carolina, the Wright brothers helped lead mankind on a great journey of discovery and progress that continues to this day.

Given the routine nature of air travel today—as well as the increasing frequency of shuttle missions and other forms of spaceflight—it can be difficult for us to fathom just how remarkable the work of the Wright brothers was. When they began to experiment with airplane models and wind tunnels at their small workshop in Dayton, Ohio, many people believed that human flight would never be possible. At that time, even the automobile had not yet appeared on the American scene. Defying the skeptics, Orville and Wilbur Wright persevered through months of careful study, calculation, and design.

Indeed, long before they began constructing their first flying machine, the Wrights immersed themselves in the study of existing texts and papers on fundamental aerodynamics. They also conducted exhaustive research, moving far beyond previously accepted data and theories, many of which had proved to be unreliable. The Wrights' achievement of three-axis control in flight, inspired by watching birds of the air, laid the foundation for their success at Kitty Hawk and for the future development of all aviation.

More than a tribute to their mechanical acumen and collective genius, the Wright brothers' triumph at Kitty Hawk stands as a shining example of the power of intellect and determination over seemingly insurmountable odds. It is an example we do well to remember. Today many frontiers still stand before us. Every problem and question we face, both as individuals and as a Nation, represents new challenges and opportunities. Like Orville and Wilbur Wright and like all those Americans who have used their freedom, resources, and skill to reach high goals, we, too, can rise on the wings of industry and learning.

The Congress, by a joint resolution approved December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), has designated the 17th day of December of each year as "Wright Brothers Day" and requested the President to issue annually a proclamation commemorating this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 17, 1991, as Wright Brothers Day. I invite all Americans to observe that day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6392 of December 13, 1991

Bicentennial of the District of Columbia Month, 1991

By the President of the United States of America
A Proclamation

Although it encompasses just 10 square miles, the District of Columbia contains a vast wealth of history and culture—a legacy that befits our Nation's Capital. This year, we celebrate the 200th anniversary of our remarkable Federal city.

Conceived by the Framers of our Constitution, who provided for the establishment of a special district to serve "as the Seat of the Government of the United States," our Nation's Capital began to take shape in 1791. In January of that year, a site was selected for the city under the direction of President George Washington. The following month Andrew Ellicot and Benjamin Banneker, a successful black farmer who was self-taught in engineering, mathematics, and other fields, began to survey the terrain.

Plans for the actual layout of the city reflected the exuberance, pride, and optimism of our young Republic. When he submitted his design to the Congress in December 1791, Major Pierre L'Enfant included numerous provisions for parks, fountains, and wide, sweeping avenues—all reflecting a vision as grand and as ambitious as the American experiment itself.

Over the years, a number of our Nation's leaders took great personal interest in the development of the Federal city. Thomas Jefferson of-

fered advice and sketches for its design, and it was his idea to build a large mall extending from the foot of the hill on which our magnificent United States Capitol now stands. Today the Mall in Washington is surrounded by monuments and museums that honor the brilliant thinkers and brave heroes who have defined and defended the American ideals of liberty and self-government. Many of the museums in our Nation's Capital also contain vast collections of American art and folklore, as well as fascinating displays of U.S. achievements in science, industry, and aviation.

As the seat of government of the United States for 200 years, our Nation's Capital has become a center of American culture and a world-renowned symbol of freedom and democracy. Here is where President John Adams and his successors continued the work that President George Washington and the First Congress had begun in New York. Here is where President Abraham Lincoln labored to preserve our Union; and here is where the Reverend Dr. Martin Luther King, Jr., led the historic march that energized the civil rights movement and reminded America of its promise of liberty and justice for all. Much of our Nation's history has marched through Washington, D.C., and today that journey continues as we engage in the day-to-day process of democratic government.

While our Nation's Capital belongs to all Americans, this occasion is a very special one for the residents of the District of Columbia. Many families have lived in the city for generations, and this bicentennial is also a celebration of their roots.

At the end of the Civil War, thousands of African Americans came to Washington, making the city a virtual symbol of emancipation and progress. Their accomplishments, reflected in the growth of institutions such as Howard University, helped pave the way for countless others. Today residents of the District of Columbia continue to make outstanding contributions in education, business, science, and the arts. On this occasion, all Americans join them in celebrating 200 years of history and achievement.

The Congress, by House Joint Resolution 356, has designated December 1991 as "Bicentennial of the District of Columbia Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 1991 as Bicentennial of the District of Columbia Month. I invite all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6393 of December 13, 1991

Year of Clean Water, 1992
Clean Water Month, 1992

By the President of the United States of America
A Proclamation

Water is essential to every form of life on Earth. Indeed, this vital substance unites our planet's ecosystems, the miraculous yet fragile relationships in nature that sustain each other as well as all human activity. Recognizing the importance of our precious water resources, the United States has made a firm commitment to protecting their physical, chemical, and biological integrity. This year, the 20th anniversary of the Clean Water Act reminds us that we are all stewards of our water resources, and, as such, we are responsible for their preservation and wise use.

Since the enactment of the Clean Water Act in 1972, we have achieved remarkable improvements in many of our Nation's water resources. Twenty years ago, less than half of America's rivers supported fish and shellfish or provided wildlife habitat. Fishing and swimming were restricted in many areas, and drinking water supplies were threatened. Today, however, nearly three-fourths of the Nation's waters support these uses, and many others have significantly improved in quality. Fish and waterfowl have returned to many of our rivers, lakes, and coastal waters.

We have taken great strides during the past two decades, primarily by controlling pollution from sewage treatment plants and industrial facilities. Recent advances in science and technology have enabled us to engage in more effective studies of water pollution—its causes and its effects. These studies, which have often revealed the magnitude of previously underestimated problems, have led to more vigorous and innovative antipollution measures. At the same time, public awareness of the importance of clean water has also increased; now there is more support than ever for protecting and enhancing water quality.

While we can take pride in this progress, many challenges remain. Urban and industrial growth are creating additional sources of pollution while placing increased demands on limited water resources. Contaminated runoff from farmlands as well as city streets is, all too often, degrading our waters and damaging ecosystems. Scientists continue to detect unacceptable levels of pollutants in many bodies of water and in the tissues of finfish and shellfish. All Americans must continue to work together to protect our water resources and the wildlife that depends on them.

We have already discerned the need for new and innovative solutions. Indeed, today we know that the health of aquatic ecosystems must be examined holistically, to determine how various forms of human activity affect water quality. We know that we must protect entire watersheds that feed into our rivers, lakes, and coastal waters. We also recognize that, by preventing pollution at the source, we can protect watersheds and avoid the high economic and environmental costs of treating wastes and restoring ecosystems after pollution has already oc-

curred. Moreover, experience has shown us that our actions must be based on sound science.

The 20th anniversary of the Clean Water Act marks an important milestone in the history of American environmental protection. However, just as water links each of our planet's ecosystems, water pollution recognizes no boundaries. All Americans and their representatives in all levels of government must work together to promote wise stewardship of this, our "water planet." We must also foster greater cooperation in the international community.

As an expression of our national commitment to these goals, the Congress, by Public Law 101–424, has designated 1992 as the "Year of Clean Water" and October 1992 as "Clean Water Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim 1992 as the Year of Clean Water and October 1992 as Clean Water Month. I call upon all Americans to observe this year and month with appropriate programs, ceremonies, and activities. I also ask my fellow Americans to join in setting examples of environmental stewardship in our daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6394 of December 16, 1991

Year of Thanksgiving for the Blessings of Liberty, 1991

By the President of the United States of America
A Proclamation

Thomas Jefferson once noted that the only firm basis of a nation's liberties is the "conviction in the minds of the people that these liberties are . . . the gift of God." By observing the bicentennial of our Bill of Rights as a Year of Thanksgiving for the Blessings of Liberty, we not only give honor where it is due but also reaffirm the moral and spiritual foundation on which this great Republic rests.

Our Nation's Founders were men of faith and conviction, and it was a biblically inspired view of man that led them to declare "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." The ratification of our Bill of Rights in December 1791 signalled their determination to uphold in law these timeless words from our Declaration of Independence.

Our Bill of Rights guarantees, among other basic liberties, freedom of speech and of the press, as well as freedom of religion and association; it recognizes the right to keep and bear arms; and it prohibits unreasonable search and seizure of a person's home, papers, or possessions. The Bill of Rights also states that no person shall be deprived of life, liberty, or property without due process of law, and it establishes funda-

mental rules of fairness in judicial proceedings, including the right to trial by jury. Two hundred years after its ratification, this extraordinary document is recognized around the world as the great charter of American liberty and democracy. Indeed, as James Madison predicted, the principles enshrined in our Bill of Rights have become for all peoples "fundamental maxims of free government."

Our ancestors fully recognized the value of freedom, and on September 26, 1789, just one day after they agreed on a draft Bill of Rights to be presented to the States for ratification, members of the First Congress requested that President Washington "recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many signal favors of Almighty God." Washington, who had favored and even encouraged the observance of such a day, readily issued a proclamation calling upon all Americans to unite in thanksgiving "for the civil and religious liberty with which we are blessed . . . ."

President Washington's call for a national day of Thanksgiving came less than two decades after our Declaration of Independence—and two years before the ratification of our Bill of Rights. How much greater reason do we have now, more than 200 years later, to give thanks! The fledgling republic led by George Washington has not only endured but prospered. Today we can be thankful for the very fact that we have maintained our Constitution and Bill of Rights throughout our Nation's history and for the expansion of freedom and democratic ideals around the world. Today we are also grateful for those brave Americans, past and present, who have been willing to put themselves in harm's way to defend the lives and liberty of others.

On this wonderful occasion, recalling the words of our first President, let us give thanks for the blessings of liberty, and let us strive—both as individuals and as a Nation—to remain worthy of them, always using our freedom in accordance with the will of that "great and glorious Being" who has so graciously granted and preserved it.

The Congress, by Public Law 101–570, has designated 1991 as a "Year of Thanksgiving for the Blessings of Liberty" and has authorized and requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby urge all Americans to join in observing 1991 as a Year of Thanksgiving for the Blessings of Liberty. Let us show through word and deed—including public and private prayer—that we are grateful for our God-given freedom and for the many other blessings that He has bestowed on us as individuals and as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6395 of December 17, 1991

Basketball Centennial Day, 1991

By the President of the United States of America
A Proclamation

When Dr. James Naismith invented basketball a century ago, he could not have envisioned what would become of the simple game he had devised to entertain his students between the fall football and spring baseball seasons. Today the uniquely American game of basketball is one of the fastest paced and most widely popular team sports in the world.

Dr. Naismith's brainchild has changed dramatically since a janitor helped him hang peach baskets at each end of the gymnasium at the International Young Men's Christian Association Training School in Springfield, Massachusetts. Once played primarily at YMCA facilities, basketball now boasts players and fans around the globe. Breakaway rims and gravity-defying jump shots have replaced the one-handed set shot into wooden receptacles; three-point goals now reward players who can shoot accurately from long range; and more and more women are taking up the game at all levels of competition.

Each of these changes has made basketball more exciting to watch, expanding its appeal to people of all ages and all walks of life. Indeed, few sporting events generate more spirited rivalries than a high school state basketball championship, the NCAA 64-team tournament, or the NBA Finals. Since 1904, when it was introduced as a demonstration sport, basketball has also been a thrilling part of the Olympics. The United States is proud of the many Olympic titles that have been brought home by our American teams, including the 1984 Women's Gold Medal.

In every city and town across the United States, playgrounds and gymnasiums are filled with youngsters who dream of success on the hardwood. However, whether one aspires to play professional ball or simply hopes to win a friendly pickup game, anyone who spends time on the court knows the importance of mastering the fundamentals: dribbling, passing, shooting, and rebounding. Once these skills are developed, an athlete must then learn to coordinate his or her game with the other four players on a squad. This combination of individual achievement and teamwork is what makes the game of basketball both fascinating and rewarding. The great college coach, John Wooden, may have said it best when he explained:

> In basketball, we meet adversity head on. It's so much like life itself: the ups and downs, the obstacles—they make you strong. A coach is a teacher, and like any good teacher, I'm trying to build men.

Like all sports, basketball not only promotes physical health and fitness but also fosters virtues that serve players well on and off the court. On this occasion, we proudly celebrate the 100th anniversary of this uniquely American game.

The Congress, by Public Law 102-210, has designated December 21, 1991, as "Basketball Centennial Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 21, 1991, as Basketball Centennial Day. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6396 of December 20, 1991

National Law Enforcement Training Week, 1992

By the President of the United States of America
A Proclamation

High-quality training is an essential component of effective law enforcement. The dedicated men and women who serve in this field have sworn to uphold the constitutional rights of individuals while promoting and defending the public safety. Meeting that challenge requires that every officer—from the rookie on the street to the most experienced chief or investigator—be equipped with certain knowledge and skills.

Today law enforcement training is as rigorous and as wide-ranging in scope as the day-to-day demands of an officer's job. First, every man and woman behind the badge must have knowledge of the law itself, including the rules of proper conduct and procedure. Because their work places them on the front lines in the war against drugs and crime, law enforcement officers also devote many hours of study and practice to self-defense techniques and to the safe use of firearms. Basic law enforcement training also includes physical conditioning, as well as lessons and exercises in the administration of first aid. Whether they are called to the scene of an accident or to the site of a violent domestic dispute, law enforcement officers know that lives depend on their preparedness and skill.

While the fundamentals have remained the same, recent advances in science and technology have changed many aspects of law enforcement and law enforcement training. To fight back against increasingly sophisticated crimes, police officers and other law enforcement agents are employing increasingly sophisticated tools and methods, from computers and toxicology to genetic "fingerprinting" and psychological profiling. Thus, those individuals who provide law enforcement training—including continuing education for veteran personnel—are part of a large, multidisciplinary team of professionals.

This week, as we gratefully salute all those who conduct and participate in law enforcement training, we also acknowledge the many rewarding career opportunities that it offers through its related disci-

plines. Young Americans who aspire to serve in our Nation's law enforcement and criminal justice system are encouraged to learn more about them.

To heighten public awareness of the importance of law enforcement training and its related fields, the Congress, by Public Law 102–206, has designated the week of January 5 through January 11, 1992, as "National Law Enforcement Training Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning January 5, 1992, as National Law Enforcement Training Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6397 of December 20, 1991

National Sanctity of Human Life Day, 1992

By the President of the United States of America
A Proclamation

Throughout our Nation's history, Americans have treasured these timeless words from our Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." These stirring words summarize the fundamental moral vision of the United States, a vision that affirms the inestimable dignity and worth of every human being, each of whom is made in the image of God. They were not words uttered lightly. Signers of the Declaration pledged to uphold them with their lives, their fortunes, and their sacred honor. On this occasion, we reflect on the first and most fundamental right enumerated by our Nation's founders: the right to life.

Thomas Jefferson noted that "the God who gave us life gave us liberty at the same time," and much of his writing reflects his belief that "the care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." Thus, respect for the sanctity of human life is deeply rooted in the American tradition. Today we Americans are rightfully proud of our physicians and scientists, who have helped lead the way in the fight against disability and disease; proud of the thousands of American service members and volunteers who have responded to calls for help around the world; and grateful to the many fire fighters and law enforcement officers who work to protect the public safety. These are just a few of the millions

of Americans who demonstrate, through their daily labors, our Nation's traditional reverence for human life.

While the United States boasts a long and honorable tradition of respect for human life and the rights of individuals, one key issue related to the sanctity of life is a divisive one in America today: the issue of abortion.

Fewer than 20 years after the 1973 Supreme Court ruling in *Roe* v. *Wade,* the prevalence of abortion on demand in the United States stands in stark contrast to our Nation's most deeply held values and beliefs. While sincere persons may disagree, my position is that the lives of both mother and child must be cherished and protected.

Advances in science and technology continue to provide evidence that the child developing in the mother's womb is a distinct, living individual who bears all the basic attributes of human personality. How terribly ironic that an unborn child in one medical facility may be carefully treated as a patient while at another facility—perhaps just a few blocks away—another unborn child will become the innocent victim of abortion.

Women and men who operate crisis pregnancy centers across the country recognize the fear and desperation that compel some women to consider abortion. Yet they also know that, in a Nation as prosperous as ours, where people are known for their open hearts and their unfailing generosity, this tragic choice is unnecessary.

On this occasion, we acknowledge the selflessness and compassion of all those volunteers who offer emotional, physical, and financial support to women facing crisis pregnancies. We also salute those courageous women who choose life for their unborn children and thank the dedicated counselors, social workers, and other professionals who, where needed, offer assistance in adoption. As a Nation, we must continue to dismantle legal, financial, and attitudinal barriers to adoption, to make adopting easier for families who want children and who will give them loving homes—particularly children with special needs.

On this ninth National Sanctity of Human Life Day, let us renew our determination to ensure that all, born and unborn, receive the protection and care they deserve. Together, let us choose life, so that America might always be known as a good and giving Nation, a nation where the stranger is welcomed and the needy are served with dignity and kindness. That is the sure and noble path chosen at our Nation's founding and the path to which we must always return.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 19, 1992, as National Sanctity of Human Life Day. I call on all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of December, in the year of our Lord nineteen hundred and ninety-

one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6398 of December 23, 1991

National Ellis Island Day, 1992

By the President of the United States of America
A Proclamation

The ethnic diversity that we so proudly celebrate in the United States mirrors our rich heritage as a Nation of immigrants. "Here is not merely a Nation," wrote Walt Whitman, "but a teeming nation of nations . . . . Here is the hospitality which forever indicates heroes." One of the greatest symbols of American hospitality stands at Ellis Island in Upper New York Bay.

A century ago, on January 1, 1892, the immigrant station on Ellis Island was opened as a gateway to America. Between 1892 and 1954, nearly 17 million immigrants entered the United States through this portal. Many sought refuge from tyranny and persecution. All sought new lives in this great land of freedom and opportunity.

At Ellis Island, millions of immigrants from around the world were able to look across the Bay toward our magnificent Statue of Liberty, the famed "Mother of Exiles" who lifts her lamp "beside the golden door." During the mass wave of immigration that spanned from 1900 to 1914, they came, especially immigrants from throughout Southern and Eastern Europe. Indeed, 100 million Americans, some 40 percent of our population, can trace their ancestry through Ellis Island.

The course of immigration to this country has fluctuated throughout the history of the United States. Recent years, for example, have seen increased numbers of immigrants of Hispanic and Asian origin. But whatever their place of origin or point of entry, each generation of immigrants has bettered America.

Indeed, it is fitting that the restoration of Ellis Island has constituted the largest historic renovation project in the history of the United States. After all, immigration has been one of the largest single factors in our Nation's social, cultural, and economic development. Walt Whitman aptly noted that, in the eyes of the poet, "the other continents arrive as contributions . . . he gives them reception for their sake and for his own sake." That has always been true, for immigrants have enriched the United States beyond measure, bringing many contributions to our society along with the unique customs and traditions of their ancestral homeland. Most important, they have shared eagerly in the hard work of freedom, helping to defend the ideals of liberty and self-government and helping to build our churches, schools, factories, farms, and railroads.

Visiting Ellis Island today or seeing pictures of this place evokes strong chords in our national memory—the relief immigrants felt upon landing, the strangeness of new surroundings, the babble of languages, the pain

of separation from family and friends remaining in the Old World, the despair felt by those few who were not admitted and forced to return to their countries. Whatever our personal histories, who does not recall the pictures—a woman in a head scarf holding a wide-eyed child, a man burdened with his belongings and tools of his trade, a 45-star flag perched above a full waiting room of anxious people—and not felt a breath of recognition; a twinge of silent pain; or, most of all, a feeling of gratitude that our ancestors chose to live or remain in this, the freest, greatest country on Earth?

America's history has long been a story of immigrants, and today Ellis Island stands as a glorious reminder that new chapters are being added to that narrative each day. Thus, as we celebrate the 100th anniversary of this historic place, evocative symbol of so much of our Nation's heritage, let us not only salute the many generous contributors who made its renovation possible but also offer a warm welcome to the immigrants of today—our fellow Americans of tomorrow.

The Congress, by Public Law 102–177, has designated January 1, 1992, as "National Ellis Island Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim January 1, 1992, as National Ellis Island Day. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

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