

103^D CONGRESS
2^D SESSION

H. R. 3721

To provide grants to the Bureau of Justice Assistance to expand the capacity of correctional facilities in the States, increase programs for major offenders and parolees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1994

Mr. ANDREWS of Texas introduced the following bill; which was referred jointly to the Committees on the Judiciary, Ways and Means, Foreign Affairs, Public Works and Transportation, Armed Services, Agriculture, Science, Space, and Technology, Government Operations, Energy and Commerce, Natural Resources, House Administration, Rules, Banking, Finance and Urban Affairs, Veterans' Affairs, Education and Labor, and Post Office and Civil Service

A BILL

To provide grants to the Bureau of Justice Assistance to expand the capacity of correctional facilities in the States, increase programs for major offenders and parolees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Violent and Repeat
5 Offenders Act of 1994".

1 **TITLE I—TARGETING HABITUAL**
2 **REPEAT AND VIOLENT CRIMI-**
3 **NAL OFFENDERS**

4 **Subtitle A—Expanding the Capac-**
5 **ity of State Correctional Facili-**
6 **ties**

7 **SEC. 101. GRANT AUTHORIZATION.**

8 (a) IN GENERAL.—The Director of the Bureau of
9 Justice Assistance may make grants under this subtitle
10 to States to construct additional correctional facilities for
11 the purpose of increasing prison capacity to make habitual
12 repeat and violent criminal offenders serve the full term
13 of their sentences.

14 (b) CONSTRUCTION OF ADDITIONAL PRISONS.—The
15 construction referred to in subsection (a) should aim to
16 provide sufficient capacity to incarcerate habitual repeat
17 and violent criminal offenders who exhibit a high risk for
18 continued or violent criminal activity, for the full length
19 of their sentences, including—

20 (1) individuals with 3 or more arrests by the
21 age of 18, representing less than 2 percent of all ju-
22 veniles arrested, but who commit a disproportionate
23 share of crimes;

1 (2) individuals with a history of violent criminal
2 offenses, including murder, aggravated assault, rape,
3 and armed robbery; and

4 (3) individuals exhibiting a pattern of crimes of
5 premeditation and deliberation for whom a prison
6 stay may have a significant deterrent value.

7 (c) OPERATIONAL ASSISTANCE.—The Director of the
8 Bureau of Justice Assistance may make grants under this
9 subtitle to States to operate prison facilities, including
10 costs for administration and staff.

11 **SEC. 102. STATE APPLICATIONS.**

12 (a) IN GENERAL.—(1) To be eligible to receive a
13 grant under this subtitle, the chief executive of the State,
14 in consultation with the State Department of Corrections,
15 shall submit an application to the Director in such a form
16 and containing such information as the Director may rea-
17 sonably require.

18 (2) In such application, a State office or agency shall
19 be designated by the chief executive as the lead agency
20 responsible for the coordination, implementation, adminis-
21 tration, and evaluation of the services described in the ap-
22 plication in accordance with this subtitle.

23 (3) Each State application will contain assurances
24 that the lead agency will work in cooperation with the
25 State Department of Corrections, and other appropriate

1 State and local agencies to implement inter agency agree-
2 ments to carry out the provisions of this subtitle.

3 (b) GENERAL CONTENTS.—Each State application
4 under subsection (a) shall include—

5 (1) a description of the prison overcrowding
6 problems encountered in the areas and populations
7 to be served under this grant;

8 (2) assurances that Federal funds received
9 under this subtitle shall supplement, not supplant,
10 non-Federal funds that would otherwise be available
11 for activities funded under this subtitle; and

12 (3) assurances that the State has eliminated
13 parole for criminal offenders described in section
14 101(b).

15 (c) COMPREHENSIVE PLAN.—Each State application
16 shall include a comprehensive plan that contains—

17 (1) a description of the correctional facility
18 needs in the State, including relevant supporting
19 data;

20 (2) a description of the resources available to
21 build additional correctional facility capacity, to-
22 gether with an account of the expenses involved that
23 cannot be met with existing resources at the State
24 and local levels;

1 (3) an explanation of how the State will be able
2 to sustain the increased operation and maintenance
3 costs of expanded correctional facility capacity; and

4 (4) an evaluation component, including quan-
5 tifiable data, that measures progress toward meeting
6 the prison capacity goals under this subtitle.

7 **SEC. 103. ALLOCATION OF FUNDS.**

8 Funds appropriated for this subtitle shall be allocated
9 as follows:

10 (1) 0.4 percent shall be allocated to each of the
11 States; and

12 (2) of the total funds remaining after the allo-
13 cation under paragraph (1), there shall be allocated
14 to each State an amount which bears the same ratio
15 to the amount of remaining funds described in this
16 paragraph as the population of such State bears to
17 the population of all States.

18 **SEC. 104. RENEWAL AND LIMITATIONS OF GRANTS.**

19 (a) RENEWAL OF GRANTS.—A grant may be renewed
20 to each State up to 4 additional years after the initial
21 grant is awarded, subject to availability of funds, if the
22 Director determines that the funds were used in a manner
23 required under the approved application and if the appli-
24 cant can demonstrate significant progress in attaining the
25 stated goals of this subtitle.

1 (b) CONSTRUCTION FUNDS.—Funds allocated under
2 this subtitle shall be used only for the construction of cor-
3 rectional facilities. Funds provided under this subtitle
4 shall not be used for purposes of land acquisition or for
5 additional correctional facility operations and maintenance
6 costs.

7 (c) ADMINISTRATIVE COST LIMITATION.—The State
8 shall use not more than 5 percent of the funds available
9 under this subtitle for purposes of administration, tech-
10 nical assistance, and evaluation.

11 **SEC. 105. GRANT AWARDS.**

12 (a) APPROVAL.—The application submitted under
13 this subtitle shall be considered approved, in whole or in
14 part, by the Bureau not later than 45 days after first re-
15 ceived unless the Bureau informs the applicant of specific
16 reasons for disapproval.

17 (b) DISAPPROVAL NOTICE AND RECONSIDER-
18 ATION.—The Bureau shall not disapprove any application
19 without first affording the applicant reasonable notice and
20 an opportunity for reconsideration.

21 **SEC. 106. DEFINITIONS.**

22 For purposes of this subtitle, the term “correctional
23 facilities” means high security prison facilities.

1 **Subtitle B—Major Offenders Pro-**
2 **grams and Felony Parole Viola-**
3 **tors**

4 **SEC. 111. PURPOSES.**

5 The purpose of this subtitle is to establish or increase
6 the capacity of programs in prosecutorial offices and law
7 enforcement agencies that prioritize the arrest and pros-
8 ecution of major offenders and felony parole violators.

9 **SEC. 112. GRANT AUTHORIZATION.**

10 (a) IN GENERAL.—The Director of the Bureau of
11 Justice Assistance may make grants under this subtitle
12 to States, for use by the States and units of local govern-
13 ments in the States, for purposes of developing and in-
14 creasing the capacity and the effectiveness of major of-
15 fenders programs that prioritize the arrest and prosecu-
16 tion of habitual repeat and violent criminal offenders.

17 (b) MAJOR OFFENDERS PROGRAMS.—The programs
18 referred to in subsection (a) shall include the following:

19 (1) Establishment or expansion of specialized
20 major offender units in law enforcement and crimi-
21 nal prosecutor offices to identify, monitor, arrest,
22 and prosecute major offenders.

23 (2) Establishment or expansion of a State
24 crime information center computer data base to in-
25 clude the complete arrest histories of major offend-

1 ers and parole violator units and other relevant in-
2 formation for use by law enforcement officers and
3 criminal prosecutors.

4 **SEC. 113. STATE APPLICATIONS.**

5 (a) IN GENERAL.—(1) To be eligible to receive a
6 grant under this subtitle, the chief executive of a State
7 shall submit an application to the Director of the Bureau
8 of Justice Assistance in such a form and containing such
9 information as the Director may reasonably require.

10 (2) The State application shall be drafted in consulta-
11 tion and cooperation with State and local law enforcement,
12 State and local criminal prosecution offices, local govern-
13 ing bodies, and other appropriate State and local agencies.

14 (3) In such application, a State office or agency shall
15 be designated by the chief executive as the lead agency
16 responsible for the coordination, implementation, adminis-
17 tration, and evaluation of the services described in the ap-
18 plication in accordance with this subtitle.

19 (4) Each State application will contain assurances
20 that the lead agency will work in cooperation with the ap-
21 propriate State and local agencies and offices to imple-
22 ment inter agency agreements to carry out the provisions
23 of this subtitle.

24 (b) GENERAL CONTENTS.—Each State application
25 under subsection (a) shall include—

1 (1) a description of the law enforcement and
2 prosecutorial problems, as well as the crime prob-
3 lems attributable to major offenders that are en-
4 countered in the areas and populations to be served
5 under this grant; and

6 (2) assurances that Federal funds received
7 under this subtitle shall supplement, not supplant,
8 non-Federal funds that would otherwise be available
9 for activities funded under this subtitle.

10 (c) COMPREHENSIVE PLAN.—Under this subtitle,
11 each State application shall include a comprehensive plan,
12 containing—

13 (1) a description, with supporting data, of the
14 crime problems attributable to major offenders and
15 parole violators that improved law enforcement and
16 prosecution programs may be able to decrease;

17 (2) a description of the resources available to
18 implement or expand major offenders and parole vio-
19 lators programs, together with an account of the ex-
20 penses involved in the plan that cannot be met with
21 existing resources at the State and county levels;
22 and

23 (3) an evaluation component, including quan-
24 tifiable data, that will measure progress toward
25 meeting the goals under this subtitle.

1 **SEC. 114. LOCAL APPLICATIONS.**

2 (a) IN GENERAL.—To request funds under this sub-
3 title from a State, the chief executive of a unit of local
4 government shall submit an application to the lead agency
5 designated under section 112(a)(2) which shall, to the ex-
6 tent possible, include all the elements required for State
7 grant applications enumerated under this subtitle.

8 (b) APPROVAL.—(1) Such application shall be consid-
9 ered approved, in whole or in part, by the State not later
10 than 45 days after such application is received unless the
11 State informs the applicant in writing of specific reasons
12 for disapproval.

13 (2) The State shall not disapprove any application
14 submitted to the State without first affording the
15 applicant reasonable notice and an opportunity for
16 reconsideration.

17 (3) If such application is approved, the unit of local
18 government is eligible to receive such funds.

19 (c) PRIORITY.—In drafting a grant proposal for
20 funds under this section, the State shall give priority to
21 applications from local governments or geographic regions
22 which have the highest crime rate per capita, relative to
23 the rest of the State.

24 **SEC. 115. ALLOCATION OF FUNDS.**

25 (a) ALLOCATION TO THE STATES.—Funds appro-
26 priated for this subtitle shall be allocated as follows:

1 (1) 0.4 percent shall be allocated to each of the
2 States; and

3 (2) of the total funds remaining after the allo-
4 cation under paragraph (1), there shall be allocated
5 to each State an amount which bears the same ratio
6 to the amount of remaining funds described in this
7 paragraph as the population of such State bears to
8 the population of all States.

9 (b) ALLOCATION TO UNITS OF LOCAL GOVERN-
10 MENT.—(1) Each State which receives funds under sub-
11 section (a) in a fiscal year shall distribute among units
12 of local government in such State that portion of such
13 funds which bears the same ratio to the aggregate amount
14 of such funds as the amount of funds expended by all units
15 of local government for major offenders in the preceding
16 fiscal year bears to the aggregate amount of funds ex-
17 pended by the State and all units of local government in
18 such State for major offenders in such preceding fiscal
19 year.

20 (2) In distributing funds received under this subtitle
21 among urban, rural, and suburban units of local govern-
22 ment, the State shall give priority to jurisdictions with the
23 greatest need.

1 **SEC. 116. RENEWAL AND LIMITATIONS.**

2 (a) RENEWAL OF GRANTS.—A grant may be renewed
3 to each State for up to 4 additional years after the first
4 fiscal year a grant is received, subject to availability of
5 funds, if the Director determines that funds were used in
6 a manner required under the approved application and if
7 the applicant can demonstrate significant progress in at-
8 taining the stated goals of this subtitle.

9 (b) LAND RESTRICTION.—Funds provided under this
10 subtitle shall not be used for purposes of land acquisition,
11 construction, or facility operations and maintenance costs.

12 (c) ADMINISTRATIVE COST LIMITATION.—The chief
13 executive of the State shall use not more than 5 percent
14 of the funds available under this subtitle for purposes of
15 administration, technical assistance, and evaluation.

16 **SEC. 117. AWARD OF GRANTS.**

17 (a) IN GENERAL.—The Bureau of Justice Assistance
18 shall make a grant to carry out the projects described in
19 the State application upon determining that—

20 (1) the application is consistent with the re-
21 quirements under this subtitle; and

22 (2) before the approval of the application the
23 Bureau has made an affirmative finding in writing
24 that the application has been reviewed in accordance
25 with this title.

1 (b) APPROVAL.—The application submitted under
2 this subtitle shall be considered approved, in whole or in
3 part, by the Bureau not later than 45 days after first re-
4 ceived unless the Bureau informs the applicant of specific
5 reasons for disapproval.

6 (c) DISAPPROVAL NOTICE AND RECONSIDER-
7 ATION.—The Bureau shall not disapprove any application
8 without first affording the applicant reasonable notice and
9 an opportunity for reconsideration.

10 (d) RESTRICTION.—Grant funds received under this
11 subtitle shall not be used for land acquisition or construc-
12 tion purposes.

13 **SEC. 118. DEFINITIONS.**

14 For purposes of this subtitle:

15 (1) The term “major offender” includes the
16 meaning of the terms habitual repeat offender and
17 violent criminal offender defined in paragraphs (2)
18 and (3), respectively.

19 (2) The term “habitual repeat offender” means
20 an individual with more than 3 State or Federal fel-
21 ony convictions.

22 (3) The term “violent criminal offender” means
23 an individual with a conviction for a State or Fed-
24 eral felony offense which—

1 (A) has as an element the use, attempted
2 use, or threatened use of physical force against
3 the person of another; or

4 (B) is burglary, arson, or extortion, in-
5 volves the use of explosives, or otherwise in-
6 volves conduct that presents a serious potential
7 risk of physical injury to another.

8 (4) The term “felony parole violator” means an
9 individual who violates parole.

10 **SEC. 119. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated
12 \$10,000,000,000 for each of the fiscal years 1994 through
13 1998 to carry out the projects under this title.

14 **TITLE II—ENDING THE DOUBLE**
15 **VICTIMIZATION OF SOCIETY**

16 **SEC. 201. PURPOSE.**

17 The purpose of this title is to address the “double
18 victimization” of society by restricting taxpayer funds that
19 support individuals who make a career of committing
20 criminal offenses against society and requiring all able-
21 bodied prisoners to repay society for the expense of incar-
22 ceration through prison work programs.

1 **Subtitle A—Denial of Federal**
2 **Benefits**

3 **SEC. 211. DENIAL OF FEDERAL BENEFITS TO THIRD-TIME**
4 **FELONS.**

5 Any individual who is convicted of 3 Federal or State
6 felony offenses shall be ineligible for any Federal benefits.

7 **SEC. 212. CLEARINGHOUSE AND PUBLICATION.**

8 (a) STATE AND FEDERAL COURTS.—State and Fed-
9 eral courts shall send information, as determined nec-
10 essary by the Director of the Office of Justice Assistance,
11 regarding the conviction of third-time felons to the Office
12 of Justice Assistance in a timely manner.

13 (b) JUSTICE ASSISTANCE.—The Office of Justice As-
14 sistance shall maintain a computer listing of individuals
15 convicted of a third Federal or State felony offense and
16 update such list in a timely manner.

17 (c) GENERAL SERVICES ADMINISTRATION.—The Of-
18 fice of Justice Assistance shall transfer the names of such
19 individuals to the General Services Administration for in-
20 clusion in the publication “Lists of Parties Excluded from
21 Federal Procurement or Nonprocurement Programs”.

22 (d) GOVERNMENT AGENCIES.—Representatives of a
23 Government agency that is responsible for the distribution
24 of a Federal benefit shall consult such publication before
25 granting such benefit.

1 **SEC. 213. DEFINITIONS.**

2 For purposes of this title, the term “Federal bene-
3 fit”—

4 (1) means the issuance of any grant, contract,
5 loan, professional license, commercial license, wel-
6 fare, or public housing provided by an agency of the
7 United States or by appropriated funds of the
8 United States; and

9 (2) does not include a benefit for which pay-
10 ment or services are required for eligibility.

11 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as may be necessary to carry out the provisions of this
14 subtitle.

15 **SEC. 215. EFFECTIVE DATE.**

16 The denial of Federal benefits set forth in this sub-
17 title shall take effect for convictions occurring after the
18 date of the enactment of this Act.

19 **Subtitle B—Prison Work Programs**

20 **SEC. 221. FORMULA GRANT REDUCTION.**

21 Section 506 of title I of the Omnibus Crime Control
22 and Safe Streets Act of 1968 is amended by adding at
23 the end the following:

24 “(g) In order not to reduce the funds available under
25 this subpart by 25 percent (for redistribution to other par-
26 ticipating States), a State shall, on the first day of each

1 fiscal year succeeding fiscal year 1993 implement or con-
 2 tinue a prison work fare program that requires an inmate,
 3 who is physically able (as determined by the State Director
 4 of Corrections), to work a portion of each day.”.

5 **TITLE III—REPEAL OF SUPER-**
 6 **VISED RELEASE PROGRAM**

7 **SEC. 301. ELIMINATION OF SUPERVISED RELEASE.**

8 Section 3583 of title 18, United States Code, is
 9 repealed.

10 **TITLE IV—DRUG**
 11 **PARAPHERNALIA TAX**

12 **SEC. 401. TAX ON SMOKING PARAPHERNALIA; DRUG USE**
 13 **PREVENTION TRUST FUND.**

14 (a) TAX ON SMOKING PARAPHERNALIA.—

15 (1) IN GENERAL.—Section 5701 of the Internal
 16 Revenue Code of 1986 (relating to rate of tax on ci-
 17 gars, cigarettes, smokeless tobacco, pipe tobacco,
 18 and cigarette papers and tubes) is amended by re-
 19 designating subsection (g) as subsection (h) and by
 20 inserting after subsection (f) the following new sub-
 21 section:

22 “(g) CERTAIN SMOKING PARAPHERNALIA.—On tax-
 23 able smoking paraphernalia manufactured in or imported
 24 into the United States, there shall be imposed a tax equal
 25 to 100 percent of the price for which sold.”.

1 (2) DETERMINATION OF PRICE.—Subsection
2 (m) of section 5702 of such Code is amended—

3 (A) by striking “ON CIGARS” in the head-
4 ing, and

5 (B) by striking “section 5701(a)(2)” and
6 inserting “subsections (a)(2) and (g) of section
7 5701”.

8 (3) TAXABLE SMOKING PARAPHERNALIA.—Sec-
9 tion 5702 of such Code is amended by adding at the
10 end thereof the following new subsection:

11 “(o) TAXABLE SMOKING PARAPHERNALIA.—The
12 term ‘taxable smoking paraphernalia’ means metal, plas-
13 tic, or glass smoking pipes; water pipes; smoking and
14 carburetion masks; chamber pipes; carburetor pipes; elec-
15 tric pipes; air-driven pipes; chillums; bongs; ice pipes or
16 chillers, and any other item that the Secretary determines
17 is primarily used for smoking any substance other than
18 tobacco.”.

19 (b) INCREASE IN TAX ON CIGARETTE PAPERS.—Sub-
20 section (c) of section 5701 of such Code is amended by
21 striking “0.75 cent (0.625 cent on cigarette papers re-
22 moved during 1991 or 1992)” and inserting “2 cents”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsections (a) and (b) shall apply to articles removed
25 after the date of the enactment of this Act.

1 **TITLE V—FINANCING**
2 **Subtitle A—National Security**

3 **SEC. 501. SENSE OF CONGRESS ON INCREASED BURDEN**
4 **SHARING BY ALLIES OF THE UNITED STATES.**

5 (a) **DEFENSE COST-SHARING AGREEMENTS.**—It is
6 the sense of Congress that the President should enter into
7 negotiations with each foreign nation referred to in sub-
8 section (b)(1) that is not excluded by subsection (b)(2)
9 to seek to conclude an agreement that provides for such
10 nation to pay at least 50 percent of the overseas basing
11 costs that are incurred for the stationing of members of
12 the Armed Forces of the United States and related civilian
13 employees of the Department of Defense in that nation
14 as a result of the implementation of a bilateral or multilat-
15 eral defense agreement with that nation.

16 (b) **COVERED FOREIGN NATIONS.**—(1) Except as
17 provided in paragraph (2), subsection (a) applies with re-
18 spect to the following foreign nations:

19 (A) Each member nation of the North Atlantic
20 Treaty Organization (other than the United States).

21 (B) Every other foreign nation with which the
22 United States has a bilateral or multilateral defense
23 agreement that provides for the assignment of com-
24 bat units of the Armed Forces of the United States
25 to permanent duty ashore in that nation.

1 (2) Subsection (a) does not apply with respect to any
2 foreign nation—

3 (A) that receives assistance or financing
4 under—

5 (i) section 23 of the Arms Export Control
6 Act (22 U.S.C. 2763), relating to the foreign
7 military financing program; or

8 (ii) the provisions of chapter 4 of part II
9 of the Foreign Assistance Act of 1961 (22
10 U.S.C. 2346 et seq.);

11 (B) in which not more than 1,000 members of
12 the Armed Forces of the United States and related
13 civilian employees of the Department of Defense are
14 assigned to permanent duty ashore as a result of the
15 implementation of a bilateral or multilateral defense
16 agreement; or

17 (C) that has agreed to assume, not later than
18 January 1, 1995, at least 50 percent of the overseas
19 basing costs of the United States in that nation.

20 (c) USE OF FUNDS FOR PAYING OVERSEAS BASING
21 COSTS.—(1) It is the sense of Congress that funds should
22 not be expended to pay more than the allowable percent
23 of the overseas basing costs that are incurred during a
24 fiscal year referred to in paragraph (2) for the stationing
25 of members of the Armed Forces of the United States and

1 related civilian employees of the Department of Defense
2 in a nation referred to in subsection (a) as a result of
3 the implementation of a bilateral or multilateral defense
4 agreement with that nation.

5 (2) For purposes of paragraph (1), the allowable per-
6 cent for a fiscal year is as follows:

7 (A) For fiscal year 1995, 84 percent.

8 (B) For fiscal year 1996, 75 percent.

9 (C) For fiscal year 1997, 60 percent.

10 (D) For each fiscal year that begins after Sep-
11 tember 30, 1997, 50 percent.

12 (d) OVERSEAS BASING COSTS DEFINED.—In this
13 section, the term “overseas basing costs” means all costs
14 related to the operation of installations in foreign coun-
15 tries at which forces of the Armed Forces of the United
16 States are based, as determined by the Secretary of De-
17 fense using the methodology used in preparing the “Fiscal
18 Year 1994 Budget Estimate, Department of Defense”,
19 dated April 1993, and the “Report on Allied Contributions
20 to the Common Defense”, dated May 1993. The term—

21 (1) includes, among other costs—

22 (A) pay for foreign nationals;

23 (B) costs of utilities;

24 (C) costs of local services;

25 (D) costs of military construction projects;

1 (E) costs of real property maintenance;

2 (F) costs of environmental restoration;

3 (G) leasing costs;

4 (H) taxes;

5 (I) user fees;

6 (J) tolls; and

7 (K) import duties;

8 (2) does not include—

9 (A) the rent value of land or facilities pro-
10 vided to the United States by foreign nations
11 covered by this section in excess of amounts ac-
12 tually paid by such nations to private owners of
13 such land or facilities; and

14 (B) revenue foregone by foreign nations
15 covered by this section in providing rent-free
16 land or facilities to the United States; and

17 (3) does not include the pay and allowances of
18 members of the Armed Forces of the United States
19 and civilian employees of the Department of De-
20 fense.

21 **SEC. 502. STREAMLINING AND REORGANIZATION OF CORPS**
22 **OF ENGINEERS.**

23 The Secretary of the Army shall reorganize the
24 United States Army Corps of Engineers by reorganizing
25 the headquarters offices, reducing the number of division

1 offices from 11 to not more than 6, and restructuring the
2 district functions so as to increase the efficiency of the
3 United States Army Corps of Engineers and reduce staff
4 and costs, to achieve at least \$50,000,000 in net annual
5 savings by fiscal year 1998.

6 **SEC. 503. RESCISSION OF CERTAIN DEFENSE ADD-ONS.**

7 (a) **MILITARY CONSTRUCTION.**—Of the funds made
8 available under the heading “Military Construction, Army
9 Reserve” in the Military Construction Appropriations Act,
10 1994 (Pub. L. 103–110), \$15,000,000 is rescinded, to be
11 derived from the Georgia-Fort McPherson Command
12 Headquarters, Phase I, project.

13 (b) **DEFENSE PROCUREMENT.**—Of the funds made
14 available in the Department of Defense Appropriations
15 Act, 1994 (Pub. L. 103–139), the following amounts are
16 rescinded from the following accounts and programs:

17 (1) “Other Procurement, Army”, \$15,000,000,
18 to be derived from common hardware and software.

19 (2) “Other Procurement, Navy”, \$30,000,000,
20 to be derived from spare and repair parts.

21 (3) “Other Procurement, Navy”, \$12,000,000,
22 to be derived from weapons range support equip-
23 ment.

24 (4) “Other Procurement, Army”, \$10,000,000,
25 to be derived from tactical trailers/dolly sets.

1 (5) “Shipbuilding and Conversion, Navy”,
2 \$50,000,000, to be derived from advance procure-
3 ment of LHD-7.

4 **SEC. 504. RESCISSION OF FUNDS FOR MK-19 GRENADE**
5 **LAUNCHER PROGRAM.**

6 Of the funds made available under the heading “Pro-
7 curement of Weapons and Tracked Combat Vehicles,
8 Army” in the Department of Defense Appropriations Act,
9 1994 (Pub. L. 103-139), \$15,000,000 is rescinded, to be
10 derived from the MK-19 automatic grenade launcher pro-
11 gram.

12 **SEC. 505. TERMINATION OF C-26 AIRCRAFT PROGRAM.**

13 The Secretary of Defense shall cancel the C-26 air-
14 craft program. Funds appropriated for the Department of
15 Defense may not be obligated after the date of the enact-
16 ment of this Act for procurement of new aircraft under
17 that program other than for contract termination or can-
18 cellation costs.

19 **SEC. 506. TERMINATION OF MOBILE IN-SHORE UNDERSEA**
20 **WARFARE VANS PROGRAM.**

21 The Secretary of Defense shall cancel the Mobile In-
22 Shore Undersea Warfare Vans program. Funds appro-
23 priated for the Department of Defense may not be obli-
24 gated after the date of the enactment of this Act for pro-

1 curement under that program other than for contract ter-
2 mination or cancellation costs.

3 **SEC. 507. RESCISSION OF CERTAIN DEFENSE OPERATION**
4 **AND MAINTENANCE FUNDS.**

5 Of the funds made available in the Department of
6 Defense Appropriations Act, 1994 (Pub. L. 103–139), the
7 following amounts are rescinded from the following ac-
8 counts:

9 (1) “Operation and Maintenance, Army”,
10 \$88,020,000 to be derived from general reduction
11 DBOF, and \$15,180,000 to be derived from inven-
12 tories.

13 (2) “Operation and Maintenance, Navy”,
14 \$109,270,000 to be derived from general reduction
15 DBOF, and \$27,555,000 to be derived from inven-
16 tories.

17 (3) “Operation and Maintenance, Air Force”,
18 \$94,140,000 to be derived from general reduction
19 DBOF, and \$12,265,000 to be derived from inven-
20 tories.

21 **SEC. 508. REDUCTION IN PUBLIC LAW 480 FOOD FOR PEACE**
22 **PROGRAM.**

23 (a) IN GENERAL.—Section 103 of title I of the Agri-
24 cultural Trade Development and Assistance Act of 1954
25 is amended by adding at the end the following:

1 “(f) MODIFICATION OF TERMS AND CONDITIONS
2 DURING CERTAIN YEARS.—The Secretary shall set the
3 terms and conditions of agreements entered into under
4 this title after the date of the enactment of this subsection
5 so that—

6 “(1) the length of the loan does not exceed 20
7 years;

8 “(2) the length of the grace period does not ex-
9 ceed 5 years;

10 “(3) the interest rate during the grace period is
11 not less than 3 percent; and

12 “(4) the interest rate during the payback period
13 is not less than 5 percent.”.

14 (b) RESCISSION OF FUNDS.—Of the funds made
15 available under the heading “Public Law 480 Program
16 Account” in the Agriculture, Rural Development, Food
17 and Drug Administration, and Related Agencies Appro-
18 priations Act, 1994 (Pub. L. 103–111)—

19 (1) \$69,378,000 is rescinded from the amounts
20 provided for programs under title I of the Agricul-
21 tural Trade Development and Assistance Act of
22 1954 and the Food for Progress Act of 1985; and

23 (2) \$56,017,000 is rescinded from the amount
24 provided for commodities supplied in connection with
25 dispositions abroad pursuant to title III of the Agri-

1 cultural Trade Development and Assistance Act of
2 1954.

3 **SEC. 509. RESCISSION OF FUNDS FOR WORLD BANK.**

4 Of the funds made available under the heading “Con-
5 tribution to the International Bank for Reconstruction
6 and Development” in the Foreign Operations, Export Fi-
7 nancing, and Related Programs Appropriations Act, 1994
8 (Pub. L. 103–87)—

9 (1) \$27,910,500 provided for paid-in capital is
10 rescinded; and

11 (2) \$902,439,500 provided for callable capital
12 is rescinded.

13 **SEC. 510. REDUCTION IN FUNDING FOR INTERNATIONAL**
14 **DEVELOPMENT ASSOCIATION.**

15 (a) IN GENERAL.—Section 526 of the Foreign Oper-
16 ations, Export Financing, and Related Programs Appro-
17 priations Act, 1994 (Public Law 103–87) is amended by
18 inserting before the period at the end “, of which not more
19 than \$957,142,857 shall be available for fiscal year 1994,
20 and not more than \$957,142,857 shall be available for fis-
21 cal year 1995”.

22 (b) RESCISSION OF FUNDS.—Of the funds made
23 available under the heading “Contribution to the Inter-
24 national Development Association” in the Foreign Oper-
25 ations, Export Financing, and Related Programs Appro-

1 priations Act, 1994 (Pub. L. 103–87), \$67,189,143 is re-
2 scinded.

3 **SEC. 511. RESCISSION OF FUNDS FOR FOREIGN MILITARY**
4 **FINANCING.**

5 Of the funds made available under the heading “For-
6 eign Military Financing Program” in the Foreign Oper-
7 ations, Export Financing, and Related Programs Appro-
8 priations Act, 1994 (Pub. L. 103–87), \$25,721,000 is re-
9 scinded, to be derived from grants.

10 **SEC. 512. RESCISSION OF FUNDS FOR AGENCY FOR INTER-**
11 **NATIONAL DEVELOPMENT, DEPARTMENT OF**
12 **STATE, AND UNITED STATES INFORMATION**
13 **AGENCY.**

14 (a) AID.—Of the funds made available under the
15 heading “Agency for International Development—Devel-
16 opment Assistance Fund” in appropriations Acts for fiscal
17 year 1994 and prior fiscal years to carry out the provisions
18 of sections 103 through 106 of the Foreign Assistance Act
19 of 1961, \$160,000,000 is rescinded.

20 (b) DEPARTMENT OF STATE.—Of the funds made
21 available under the heading “Department of State—Ad-
22 ministration of Foreign Affairs—Diplomatic and Consular
23 Programs” in the Departments of Commerce, Justice, and
24 State, the Judiciary, and Related Agencies Appropriations
25 Act, 1994 (Pub. L. 103–121), \$600,000 is rescinded.

1 (c) USIA.—

2 (1) SALARIES AND EXPENSES.—Of the funds
3 made available under the heading “United States In-
4 formation Agency—Salaries and Expenses” in the
5 Departments of Commerce, Justice, and State, the
6 Judiciary, and Related Agencies Appropriations Act,
7 1994 (Pub. L. 103–121), \$3,000,000 is rescinded.

8 (2) NORTH/SOUTH CENTER.—Of the funds
9 made available under the heading “United States In-
10 formation Agency—North/South Center” in the De-
11 partments of Commerce, Justice, and State, the Ju-
12 diciary, and Related Agencies Appropriations Act,
13 1994 (Pub. L. 103–121), \$8,700,000 is rescinded.

14 **Subtitle B—Physical Capital,**
15 **Natural Resources, and Science**

16 **SEC. 521. TERMINATION OF SPACELIFTER PROGRAM.**

17 (a) IN GENERAL.—The United States shall not obli-
18 gate any funds for the acquisition or operation of any
19 space launch system not in operation as of the date of
20 enactment of this Act.

21 (b) RESCISSION OF FUNDS.—Of the funds made
22 available under the heading “Research, Development, Test
23 and Evaluation, Defense-Wide” in the Department of De-
24 fense Appropriations Act, 1994 (Pub. L. 103–139),

1 \$10,000,000 is rescinded, to be derived from the new me-
2 dium lift vehicle (Spacelifter) program.

3 **SEC. 522. DEPARTMENT OF SCIENCE, SPACE, ENERGY AND**
4 **TECHNOLOGY.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Department of Science, Space, Energy, and Technology
7 Organization Act of 1993”.

8 (b) GENERAL PROVISIONS.—

9 (1) FINDINGS.—The Congress finds that—

10 (A) the advancement of science and tech-
11 nology is a vital national goal which is essential
12 for the continued economic well being of the
13 United States;

14 (B) the creation of new scientific informa-
15 tion and technological development are genera-
16 tors of new wealth and jobs;

17 (C) consolidation of the Federal agencies
18 which conduct and support science and tech-
19 nology activities will focus the resources of the
20 Federal Government and will lead to better co-
21 ordination of the overall effort of those agencies
22 to carry out the research and development ob-
23 jectives of the United States;

24 (D) the elimination of duplication of func-
25 tions within the scientific and technical agencies

1 of the Federal Government will lead to cost sav-
2 ings for the Government; and

3 (E) the creation of the Department of
4 Science, Space, Energy, and Technology will in-
5 crease the dissemination of technology through
6 the improved coordination of technology trans-
7 fer from the Federal Government to the private
8 sector.

9 (2) DEFINITIONS.—As used in this section, un-
10 less otherwise provided or indicated by the context—

11 (A) the term “Department” means the De-
12 partment of Science, Space, Energy, and Tech-
13 nology;

14 (B) the term “Secretary” means the Sec-
15 retary of Science, Space, Energy, and Tech-
16 nology;

17 (C) the term “Deputy Secretary” means
18 the Deputy Secretary of Science, Space, En-
19 ergy, and Technology;

20 (D) the term “function” includes any duty,
21 obligation, power, authority, responsibility,
22 right, privilege, activity, or program; and

23 (E) the term “office” includes any office,
24 institute, council, unit, or organizational entity,
25 or any component thereof.

1 (c) ESTABLISHMENT OF THE DEPARTMENT.—

2 (1) ESTABLISHMENT.—There is authorized an
3 executive department to be known as the Depart-
4 ment of Science, Space, Energy, and Technology.
5 The Department shall be administered, in accord-
6 ance with the provisions of this section, under the
7 supervision and direction of a Secretary of Science,
8 Space, Energy, and Technology. The Secretary shall
9 be appointed by the President, by and with the ad-
10 vice and consent of the Senate. The Secretary shall
11 receive basic pay at the rate payable for level I of
12 the Executive Schedule under section 5312 of title
13 5, United States Code.

14 (2) PRINCIPAL OFFICERS.—

15 (A) DEPUTY SECRETARY.—(i) There shall
16 be in the Department a Deputy Secretary of
17 Science, Space, Energy, and Technology who
18 shall be appointed by the President, by and
19 with the advice and consent of the Senate. Dur-
20 ing the absence or disability of the Secretary, or
21 in the event of a vacancy in the office of the
22 Secretary, the Deputy Secretary shall act as
23 Secretary. The Secretary shall designate the
24 order in which other officials of the Department
25 shall act for and perform the functions of the

1 Secretary during the absence or disability of
2 both the Secretary and Deputy Secretary or in
3 the event of vacancies in both of those offices.
4 The Deputy Secretary shall receive basic pay at
5 the rate payable for level II of the Executive
6 Schedule under section 5313 of title 5, United
7 States Code.

8 (ii) The Deputy Secretary shall perform
9 such other duties and exercise such powers as
10 the Secretary may from time to time prescribe.

11 (B) UNDER SECRETARIES.—(i) There shall
12 be in the Department—

13 (I) an Under Secretary of Research
14 who shall, on the transfer of functions and
15 offices under subsection (d), serve as the
16 Director of the National Science Founda-
17 tion;

18 (II) an Under Secretary of Tech-
19 nology who shall, on the transfer of func-
20 tions and offices under subsection (d),
21 serve as the Administrator of the National
22 Institute of Standards and Technology, the
23 National Technical Information Service,
24 the National Telecommunications and In-

1 formation Administration, and the Patent
2 and Trademark Office;

3 (III) an Under Secretary of Energy
4 who shall, on the transfer of functions and
5 offices under subsection (d), serve as the
6 Administrator of the National Energy Ad-
7 ministration;

8 (IV) an Under Secretary of Space who
9 shall, on the transfer of functions and of-
10 fices under subsection (d), serve as the Ad-
11 ministrator of the National Aeronautics
12 and Space Administration; and

13 (V) an Under Secretary of Oceanic
14 and Atmospheric Affairs who shall, on the
15 transfer of functions and offices under
16 subsection (d), serve as the Administrator
17 of the National Oceanic and Atmospheric
18 Administration.

19 (ii) Each of the Under Secretaries shall be
20 appointed by the President, by and with the ad-
21 vice and consent of the Senate. The Under Sec-
22 retaries shall receive basic pay at the rate pay-
23 able for level III of the Executive Schedule
24 under section 5314 of title 5, United States
25 Code.

1 (C) ASSISTANT SECRETARIES.—(i) There
2 shall be as many as 20 Assistant Secretaries in
3 the Department. Among the Assistant Secretar-
4 ies shall be—

5 (I) an Assistant Secretary for Admin-
6 istration who shall serve as the Chief Fi-
7 nancial Officer of the Department;

8 (II) an Assistant Secretary for Policy
9 and Budget;

10 (III) an Assistant Secretary for Con-
11 gressional and Intergovernmental Affairs;

12 (IV) an Assistant Secretary for Tech-
13 nology Transfer and Commercial Pro-
14 grams; and

15 (V) an Assistant Secretary for Inter-
16 national Programs.

17 (ii) Each of the Assistant Secretaries shall
18 be appointed by the President, by and with the
19 advice and consent of the Senate. The Assistant
20 Secretaries shall receive basic pay at the rate
21 payable for level IV of the Executive Schedule
22 under section 5315 of title 5, United States
23 Code.

24 (D) GENERAL COUNSEL.—There shall be
25 in the Department a General Counsel who shall

1 administer the Office of General Counsel. The
2 General Counsel shall be appointed by the
3 President, by and with the advice and consent
4 of the Senate. The General Counsel shall re-
5 ceive basic pay at the rate payable for level IV
6 of the Executive Schedule under section 5315
7 of title 5, United States Code.

8 (E) INSPECTOR GENERAL.—There shall be
9 in the Department an Inspector General ap-
10 pointed in accordance with the Inspector Gen-
11 eral Act of 1978. The Inspector General shall
12 receive basic pay at the rate payable for level
13 IV of the Executive Schedule under section
14 5315 of title 5, United States Code.

15 (F) ADDITIONAL OFFICERS.—In addition
16 to the officers specified in subparagraphs (A)
17 through (E) and the 24 members of the Board
18 of Directors of the National Science Founda-
19 tion, there shall be in the Department not more
20 than 10 additional officers who shall be ap-
21 pointed by the President, by and with the ad-
22 vice and consent of the Senate. The officers ap-
23 pointed under this subparagraph shall perform
24 such functions as the Secretary shall prescribe.

1 (G) SPECIFICATION OF FUNCTIONS.—

2 Whenever the President submits the name of an
3 individual to the Senate for confirmation as an
4 officer of the Department under this paragraph,
5 the President shall state the particular func-
6 tions of the Department such individual will ex-
7 ercise upon taking office, consistent with the re-
8 quirements of this section.

9 (H) LINE OF AUTHORITY; ADDITIONAL
10 FUNCTIONS.—Each officer of the Department
11 referred to in subparagraphs (A) through (F)
12 shall report directly to the Secretary and shall,
13 in addition to any functions vested in or re-
14 quired to be delegated to such officer, perform
15 such additional functions as the Secretary may
16 prescribe.

17 (d) TRANSFERS OF FUNCTIONS AND OFFICES.—

18 (1) TRANSFER OF THE NATIONAL AERO-
19 NAUTICS AND SPACE ADMINISTRATION.—There is
20 transferred to the Department the National Aero-
21 nautics and Space Administration, along with all of
22 its functions and offices.

23 (2) TRANSFER OF THE NATIONAL INSTITUTE
24 OF STANDARDS AND TECHNOLOGY.—There is trans-
25 ferred to the Department the National Institute of

1 Standards and Technology, along with all of its
2 functions and offices.

3 (3) TRANSFER OF THE NATIONAL SCIENCE
4 FOUNDATION.—There is transferred to the Depart-
5 ment the National Science Foundation, along with
6 all of its functions and offices.

7 (4) TRANSFER OF THE NATIONAL OCEANIC AND
8 ATMOSPHERIC ADMINISTRATION.—There is trans-
9 ferred to the Department the National Oceanic and
10 Atmospheric Administration, along with all of its
11 functions and offices.

12 (5) TRANSFER OF THE NATIONAL TECHNICAL
13 INFORMATION SERVICE.—There is transferred to the
14 Department the National Technical Information
15 Service, along with all of its functions and offices.

16 (6) TRANSFER OF THE PATENT AND TRADE-
17 MARK OFFICE.—There is transferred to the Depart-
18 ment the Patent and Trademark Office, along with
19 all of its functions and offices.

20 (7) TRANSFER OF THE DEPARTMENT OF EN-
21 ERGY.—There is transferred to the Department the
22 Department of Energy, which shall be renamed the
23 National Energy Administration, along with all of
24 its functions and offices, except for the following fa-

1 cilities, which shall be transferred to the Department
2 of Defense:

3 (A) The Feed Materials Production Center
4 at Fernald, Ohio.

5 (B) The Extrusion Plant at Ashtabula,
6 Ohio.

7 (C) The Savannah River Plant, including
8 the Savannah River Weapons Facility, at Aiken,
9 South Carolina.

10 (D) The Hanford Production Operations
11 at Richland, Washington.

12 (E) The Nevada Test Site.

13 (F) The Kansas City Plant at Kansas
14 City, Missouri.

15 (G) The Rocky Flats Plant located be-
16 tween Golden and Boulder, Colorado.

17 (H) The Pantex Plant located near Ama-
18 rillo, Texas.

19 (I) The Pinellas Plant at St. Petersburg,
20 Florida.

21 (J) The Mound Facility at Miamisburg,
22 Ohio.

23 (K) The Y-12 Plant at Oak Ridge, Ten-
24 nessee.

1 (8) TRANSFER OF THE NATIONAL TELE-
2 COMMUNICATIONS AND INFORMATION ADMINISTRA-
3 TION.—There is transferred to the Department the
4 National Telecommunications and Information Ad-
5 ministration, along with all of its functions and of-
6 fices.

7 (9) EFFECTIVE DATE.—This subsection shall
8 take effect—

9 (A) 180 days after the first Secretary
10 takes office under subsection (c)(1); or

11 (B) on any date earlier than the date de-
12 scribed in subparagraph (A), but later than
13 September 30, 1994, that the President des-
14 ignates through publication in the Federal Reg-
15 ister.

16 (e) ADMINISTRATIVE PROVISIONS.—

17 (1) PERSONNEL PROVISIONS.—

18 (A) OFFICERS AND EMPLOYEES.—

19 (i) GENERAL AUTHORITY.—The Sec-
20 retary is authorized to appoint and fix the
21 compensation of such officers and employ-
22 ees as may be necessary to carry out the
23 functions of the Secretary and the Depart-
24 ment. Except as otherwise provided by law,
25 such officers and employees shall be ap-

1 pointed in accordance with the civil service
2 laws and their compensation fixed in ac-
3 cordance with title 5 of the United States
4 Code.

5 (ii) TEMPORARY SUPER GRADE AND
6 TECHNICAL POSITIONS.—(I)(aa) At the re-
7 quest of the Secretary, the Director of the
8 Office of Personnel Management shall,
9 under section 5108 of title 5, United
10 States Code, provide for the establishment
11 in each of the grade levels GS-16, GS-17,
12 and GS-18 of a number of positions in the
13 Department equal to the number of posi-
14 tions in that grade level which were used
15 primarily for the performance of functions
16 and offices transferred under subsection
17 (d) and which were assigned and filled on
18 the day before such transfer.

19 (bb) Appointments to positions pro-
20 vided for under this subclause may be
21 made without regard to the provisions of
22 section 3324 of title 5, United States
23 Code, if the individual appointed in such
24 position is an individual who is transferred
25 in connection with the transfer of functions

1 and offices under subsection (d) and, on
2 the day before such transfer, holds a posi-
3 tion and has duties comparable to those of
4 the position to which appointed hereunder.

5 (II) At the request of the Secretary,
6 the Director of the Office of Personnel
7 Management shall, under section 3104 of
8 title 5, United States Code, provide for the
9 establishment in the Department of a
10 number of scientific and professional posi-
11 tions outside of the General Schedule equal
12 to the number of such positions which were
13 used primarily for the performance of
14 functions and offices transferred under
15 subsection (d) and which were assigned
16 and filled on the day before such transfer.

17 (III) The authority under this clause
18 with respect to any position shall terminate
19 when the person first appointed to fill such
20 position ceases to hold such position.

21 (IV) For purposes of section
22 414(a)(3)(A) of the Civil Service Reform
23 Act of 1978, an individual appointed under
24 this clause shall be deemed to occupy the
25 same position as the individual occupied on

1 the day before the transfer of functions
2 and offices under subsection (d).

3 (iii) TRANSITIONAL SENIOR EXECU-
4 TIVE SERVICE POSITIONS.—Notwithstand-
5 ing any other provision of law, the Director
6 of the Office of Personnel Management
7 shall establish positions within the Senior
8 Executive Service for 5 limited-term ap-
9 pointees. The Secretary shall appoint indi-
10 viduals to such positions as provided by
11 section 3394 of title 5, United States
12 Code. Such positions shall expire on the
13 later of 3 years after the date of the trans-
14 fer of functions and offices under sub-
15 section (d) or 3 years after the initial ap-
16 pointment to each position. Positions in ef-
17 fect under this clause shall be taken into
18 account in applying the limitation on posi-
19 tions prescribed under section 3134(e) and
20 section 5108 of such title.

21 (B) EXPERTS AND CONSULTANTS.—The
22 Secretary may as provided in appropriation
23 Acts obtain the services of experts and consult-
24 ants in accordance with the provisions of sec-
25 tion 3109 of title 5, United States Code, and

1 may compensate such experts and consultants
2 at rates not to exceed the daily rate prescribed
3 for GS-18 of the General Schedule under sub-
4 chapter III of chapter 53 of such title.

5 (C) PERSONNEL REDUCTION.—

6 (i) FULL-TIME EMPLOYEE LIMITA-
7 TIONS.—Not later than the end of the first
8 fiscal year beginning after the date of the
9 transfer of functions and offices under
10 subsection (d), the number of full-time
11 equivalent personnel positions available for
12 performing functions transferred to the
13 Secretary or the Department under such
14 subsection shall be reduced by not less
15 than 350.

16 (ii) COMPUTATIONS.—Computations
17 required to be made for purposes of this
18 subparagraph shall be made on the basis
19 of all personnel employed by the Depart-
20 ment, including experts and consultants
21 employed under section 3109 of title 5,
22 United States Code, and all other part-
23 time and full-time personnel employed to
24 perform functions of the Secretary or the
25 Department, except personnel employed

1 under special programs for students and
2 disadvantaged youth (including temporary
3 summer employment).

4 (iii) REPORT TO CONGRESS.—The Di-
5 rector of the Office of Personnel Manage-
6 ment shall, as soon as practicable, but not
7 later than one year after the date of the
8 transfer of functions and offices under
9 subsection (d), prepare and transmit to the
10 Congress a report on the effects on em-
11 ployees of the reorganization under this
12 section, which shall include—

13 (I) an identification of any posi-
14 tion within the Department or else-
15 where in the executive branch, which
16 it considers unnecessary due to con-
17 solidation of functions under this sec-
18 tion;

19 (II) a statement of the number of
20 employees entitled to grade or pay re-
21 tention under subchapter VI of chap-
22 ter 53 of title 5, United States Code,
23 by reason of the reorganization under
24 this section;

1 (III) a statement of the number
2 of employees who are voluntarily or
3 involuntarily separated by reason of
4 such reorganization;

5 (IV) an estimate of the personnel
6 costs associated with such reorganiza-
7 tion;

8 (V) the effects of such reorga-
9 nization on labor management rela-
10 tions; and

11 (VI) such legislative and adminis-
12 trative recommendations for improve-
13 ments in personnel management with-
14 in the Department as the Director
15 considers necessary.

16 (2) GENERAL ADMINISTRATIVE PROVISIONS.—

17 (A) GENERAL AUTHORITY.—In carrying
18 out any function transferred by this section, the
19 Secretary, or any officer or employee of the De-
20 partment, may exercise any authority available
21 by law with respect to such function to the offi-
22 cial or agency from which such function is
23 transferred, and the actions of the Secretary in
24 exercising such authority shall have the same

1 force and effect as when exercised by such offi-
2 cial or agency.

3 (B) DELEGATION.—Except as otherwise
4 provided in this section, the Secretary may dele-
5 gate any function to such officers and employ-
6 ees of the Department as the Secretary may
7 designate, and may authorize such successive
8 redelegations of such functions within the De-
9 partment as may be necessary or appropriate.
10 No delegation of functions by the Secretary
11 under this subparagraph or under any other
12 provision of this section shall relieve the Sec-
13 retary of responsibility for the administration of
14 such functions.

15 (C) REORGANIZATION.—

16 (i) AUTHORITY OF SECRETARY.—Ex-
17 cept as provided in clause (ii), the Sec-
18 retary is authorized to allocate or reallo-
19 cate functions among the officers of the
20 Department, and to establish, consolidate,
21 alter, or abolish such offices or positions
22 within the Department as may be nec-
23 essary or appropriate.

1 (ii) AUTHORITY WITH RESPECT TO
2 STATUTORY ENTITIES.—The Secretary
3 may not—

4 (I) abolish any office or position
5 transferred to the Department and es-
6 tablished by statute, or any function
7 vested by statute in such an office or
8 an officer of such an office;

9 (II) abolish any office or position
10 established by this section; or

11 (III) alter the delegation of func-
12 tions to any specific office or position
13 required by this section,

14 unless a period of 90 days has passed after
15 the receipt by the Committee on Com-
16 merce, Science, and Transportation of the
17 Senate and the Committee on Science,
18 Space, and Technology of the House of
19 Representatives of notice given by the Sec-
20 retary containing a full and complete state-
21 ment of the action proposed to be taken
22 pursuant to this clause and the facts and
23 circumstances relied upon in support of
24 such proposed action.

1 (D) REGULATIONS.—The Secretary is au-
2 thorized to prescribe such rules and regulations
3 as the Secretary determines necessary or appro-
4 priate to administer and manage the functions
5 of the Secretary or the Department, in accord-
6 ance with chapter 5 of title 5, United States
7 Code.

8 (E) CONTRACTS.—

9 (i) IN GENERAL.—Subject to the Fed-
10 eral Property and Administrative Services
11 Act of 1949 and other applicable Federal
12 law, the Secretary is authorized to make,
13 enter into, and perform such contracts,
14 grants, leases, cooperative agreements, and
15 other similar transactions with Federal or
16 other public agencies (including State and
17 local governments) and private organiza-
18 tions and persons, and to make such pay-
19 ments, by way of advance or reimburse-
20 ment, as the Secretary may determine nec-
21 essary or appropriate to carry out func-
22 tions of the Secretary or the Department.

23 (ii) APPROPRIATION AUTHORITY RE-
24 QUIRED.—No authority to enter into con-
25 tracts or to make payments under this sec-

1 tion shall be effective except to such extent
2 or in such amounts as are provided in ad-
3 vance under appropriation Acts. This sub-
4 section shall not apply with respect to the
5 authority granted under subparagraph (J).

6 (F) REGIONAL AND FIELD OFFICES.—The
7 Secretary is authorized to establish, alter, dis-
8 continue, or maintain such regional or other
9 field offices as the Secretary may find necessary
10 or appropriate to perform functions of the Sec-
11 retary or the Department.

12 (G) ACQUISITION AND MAINTENANCE OF
13 PROPERTY.—

14 (i) AUTHORITY OF SECRETARY.—To
15 the extent necessary to carry out functions
16 under this and any other Act, the Sec-
17 retary is authorized to provide appropriate
18 facilities and services necessary for carry-
19 ing out such functions or necessary for the
20 health and welfare of the Department's
21 employees, including—

22 (I) to acquire (by purchase, lease,
23 condemnation, contract, or otherwise),
24 construct, improve, repair, operate,

1 maintain, and provide transportation
2 to—

3 (aa) schools and related fa-
4 cilities;

5 (bb) laboratories;

6 (cc) research and testing
7 sites and facilities;

8 (dd) quarters and related
9 accommodations, including eating
10 facilities, for employees and de-
11 pendents of employees of the De-
12 partment; and

13 (ee) personal property (in-
14 cluding patents), or any interest
15 therein; and

16 (II) to provide reimbursement for
17 food, clothing, medicine, and other
18 supplies furnished by such employees
19 in emergencies for the temporary re-
20 lief of distressed persons.

21 (ii) LIMITATION.—The authority
22 granted by clause (i) shall be available only
23 with respect to facilities of a special pur-
24 pose nature or at a remote location that
25 cannot readily be reassigned from similar

1 Federal activities and are not otherwise
2 available for assignment to the Depart-
3 ment by the Administrator of General
4 Services.

5 (H) USE OF FACILITIES.—

6 (i) AUTHORITY TO USE.—With their
7 consent, the Secretary may, with or with-
8 out reimbursement, use the research,
9 equipment, services, and facilities of any
10 agency or instrumentality of the United
11 States, of any State or political subdivision
12 thereof, or of any foreign government, in
13 carrying out any function of the Secretary
14 or the Department.

15 (ii) AUTHORITY TO PERMIT USE.—

16 The Secretary is authorized to permit pub-
17 lic and private agencies, corporations, asso-
18 ciations, organizations, or individuals to
19 use any real property, or any facilities,
20 structures, or other improvements thereon,
21 under the custody and control of the Sec-
22 retary for Department purposes. The Sec-
23 retary shall permit the use of such prop-
24 erty, facilities, structures, or improvements
25 under such terms and rates and for such

1 period as may be in the public interest, ex-
2 cept that the periods of such uses may not
3 exceed 5 years. The Secretary may require
4 permittees under this subparagraph to re-
5 condition and maintain, at their own ex-
6 pense, the real property, facilities, struc-
7 tures, and improvements used by such per-
8 mittees to a standard satisfactory to the
9 Secretary. This clause shall not apply to
10 excess property as defined in section 3(e)
11 of the Federal Property and Administra-
12 tive Services Act of 1949.

13 (iii) CREDITING OF REIMBURSE-
14 MENTS.—Proceeds from reimbursements
15 under this subparagraph shall be deposited
16 in a separate fund which shall be available
17 to the Secretary without appropriation or
18 fiscal year limitation, for carrying out the
19 functions of the Secretary under this or
20 any other Act.

21 (iv) INTERESTS IN REAL PROPERTY.—
22 Any interest in real property acquired pur-
23 suant to this section shall be acquired in
24 the name of the United States Govern-
25 ment.

1 (I) COPYRIGHTS AND PATENTS.—

2 (i) ACQUISITION OF RIGHTS.—The
3 Secretary is authorized to acquire any of
4 the following described rights if the rights
5 acquired thereby are for use by or for, or
6 useful to, the Department:

7 (I) Copyrights, patents, designs,
8 processes, and manufacturing data.

9 (II) Licenses in connection with
10 copyrights and patents.

11 (III) Releases for past infringe-
12 ment of patents or copyrights.

13 (ii) DISPOSITION.—Notwithstanding
14 clause (i), the disposition of all copyrights
15 and patents and other intellectual property
16 owned or developed for the Department
17 shall be governed by chapter 18 of title 35,
18 United States Code (commonly referred to
19 as the Bayh-Dole Act), section 12 of the
20 Stevenson-Wydler Technology Innovation
21 Act of 1980 (15 U.S.C. 3710(a)), the Na-
22 tional Aeronautics and Space Act of 1958
23 (42 U.S.C. 2451 et seq.), or the National
24 Competitiveness Technology Transfer Act
25 of 1989, as appropriate.

1 (J) GIFTS AND BEQUESTS.—The Secretary
2 is authorized to accept, hold, administer, and
3 utilize gifts, bequests, and devises of property,
4 both real and personal, for the purpose of aid-
5 ing or facilitating the work of the Department.
6 Gifts, bequests, and devises of money, and pro-
7 ceeds from sales of other property received as
8 gifts, bequests, or devises, shall be deposited in
9 the Treasury and shall be available for dis-
10 bursement upon the order of the Secretary.

11 (K) TECHNICAL ADVICE.—

12 (i) AUTHORITY TO PROVIDE.—The
13 Secretary is authorized, upon request, to
14 provide advice, counsel, and technical as-
15 sistance to applicants or potential appli-
16 cants for grants and contracts and other
17 interested persons with respect to any
18 functions of the Secretary or the Depart-
19 ment.

20 (ii) CONSOLIDATION OF APPLICA-
21 TIONS.—The Secretary may permit the
22 consolidation of applications for grants or
23 contracts with respect to two or more func-
24 tions of the Secretary or the Department,
25 but such consolidation shall not alter the

1 statutory criteria for approval of applica-
2 tions for funding with respect to such
3 functions.

4 (L) WORKING CAPITAL FUND.—

5 (i) ESTABLISHMENT AND USE.—The
6 Secretary, with the approval of the Direc-
7 tor of the Office of Management and
8 Budget, is authorized to establish for the
9 Department a working capital fund (in this
10 subparagraph referred to as the “fund”),
11 to be available without fiscal year limita-
12 tion, for expenses necessary for the main-
13 tenance and operation of an administrative
14 services office to provide such common ad-
15 ministrative services as the Secretary shall
16 find to be desirable in the interests of
17 economy and efficiency, including such
18 services as—

19 (I) a central supply service for
20 stationery and other supplies and
21 equipment for which adequate stocks
22 may be maintained to meet in whole
23 or in part the requirements of the De-
24 partment and its offices;

1 (II) central messenger, mail, tele-
2 phone, and other communications
3 services;

4 (III) office space, and central
5 services for document reproduction,
6 for graphics, and for visual aids; and

7 (IV) a central library service.

8 (ii) OPERATION OF FUND.—The cap-
9 ital of the fund shall consist of any appro-
10 priations made for the purpose of provid-
11 ing working capital and the fair and rea-
12 sonable value of such stocks of supplies,
13 equipment, and other assets and inven-
14 tories on order as the Secretary may trans-
15 fer to the administrative services office,
16 less the related liabilities and unpaid obli-
17 gations. There shall be transferred to the
18 administrative services office the stocks of
19 supplies, equipment, other assets, liabil-
20 ities, and unpaid obligations relating to the
21 services which the Secretary determines,
22 with the approval of the Director of the
23 Office of Management and Budget, will be
24 performed. Administrative supplies and
25 services provided by such office shall be

1 paid for in advance from available funds of
2 agencies and offices in the Department, or
3 from other sources, at rates that will ap-
4 proximate the expense of operation. The
5 fund shall also be credited with receipts
6 from sale or exchange of property and re-
7 ceipts in payment for loss or damage to
8 property.

9 (M) FUNDS TRANSFER.—The Secretary
10 may, when authorized in an appropriation Act
11 for any fiscal year, transfer funds from one ap-
12 propriation to another within the Department,
13 except that no appropriations for any fiscal
14 year shall be either increased or decreased pur-
15 suant to this subparagraph by more than 10
16 percent and no such transfer shall result in in-
17 creasing any such appropriation above the
18 amount authorized to be appropriated therefor.

19 (N) SEAL OF DEPARTMENT.—The Sec-
20 retary shall cause a seal of office to be made for
21 the Department of such design as the Secretary
22 shall approve. Judicial notice shall be taken of
23 such seal.

24 (O) ANNUAL REPORT.—

1 (i) IN GENERAL.—The Secretary
2 shall, as soon as practicable after the close
3 of each fiscal year, make a single, com-
4 prehensive report to the President for
5 transmission to the Congress on the activi-
6 ties of the Department during such fiscal
7 year.

8 (ii) CONTRACTING-OUT REPORT.—The
9 report required by clause (i) shall also in-
10 clude an estimate of the extent of the non-
11 Federal personnel employed pursuant to
12 contracts entered into by the Department
13 under subparagraph (E) or under any
14 other authority (including any subcontract
15 thereunder), the number of such contracts
16 and subcontracts pursuant to which non-
17 Federal personnel are employed, and the
18 total cost of those contracts and sub-
19 contracts.

20 (f) TRANSITIONAL, SAVINGS, AND CONFORMING PRO-
21 VISIONS.—

22 (1) TRANSFER AND ALLOCATION OF APPRO-
23 PRIATIONS AND PERSONNEL.—

24 (A) TRANSFER TO SECRETARY.—Except as
25 otherwise provided in this section, the personnel

1 employed in connection with, and the assets, li-
2 abilities, contracts, property, records, and unex-
3 pended balance of appropriations, authoriza-
4 tions, allocations, and other funds employed,
5 held, used, arising from, available to, or to be
6 made available in connection with, the functions
7 and offices, or portions thereof, transferred by
8 this section, subject to section 1531 of title 31,
9 United States Code, shall be transferred to the
10 Secretary for appropriate allocation. Unex-
11 pended funds transferred pursuant to this sub-
12 paragraph shall be used only for the purposes
13 for which the funds were originally authorized
14 and appropriated.

15 (B) EFFECT OF TERMINATIONS.—Posi-
16 tions expressly specified by statute or reorga-
17 nization plan to carry out functions or offices
18 transferred by this section, personnel occupying
19 those positions on the date of such transfer,
20 and personnel authorized to receive compensa-
21 tion in such positions at the rate prescribed for
22 offices and positions at level IV or V of the Ex-
23 ecutive Schedule under section 5315 or 5316 of
24 title 5, United States Code, on the date of such

1 transfer, shall be subject to paragraph (3) of
2 this subsection.

3 (2) EFFECT ON PERSONNEL.—

4 (A) PRESERVATION OF GRADE AND COM-
5 PENSATION FOR 1 YEAR.—Except as otherwise
6 provided in this section, the transfer pursuant
7 to this section of full-time personnel (except
8 special Government employees) and part-time
9 personnel holding permanent positions shall not
10 cause any such employee to be separated or re-
11 duced in grade or compensation for 1 year after
12 the date of transfer to the Department.

13 (B) PRESERVATION OF COMPENSATION
14 FOR EXECUTIVE SCHEDULE APPOINTEES.—Any
15 person who, on the day preceding the date of
16 the transfer of functions and offices under sub-
17 section (d), held a position compensated in ac-
18 cordance with the Executive Schedule pre-
19 scribed in chapter 53 of title 5, United States
20 Code, and who, without a break in service, is
21 appointed in the Department to a position hav-
22 ing duties comparable to the duties performed
23 immediately preceding such appointment shall
24 continue to be compensated in the new position
25 at not less than the rate provided for the pre-

1 various position, for the duration of the service of
2 such person in the new position.

3 (3) AGENCY TERMINATIONS.—

4 (A) TERMINATIONS.—On the date of the
5 transfer of functions and offices under sub-
6 section (d), the following entities shall termi-
7 nate:

8 (i) The Office of the Secretary of
9 Commerce.

10 (ii) The Office of the Deputy Sec-
11 retary of Commerce.

12 (iii) The Office of the General Counsel
13 of the Department of Commerce.

14 (iv) The Office of the Secretary of
15 Energy.

16 (v) The Office of Deputy Secretary of
17 Energy.

18 (vi) The Office of the Under Secretary
19 of Commerce for Technology.

20 (vii) The Office of the Assistant Sec-
21 retary of Commerce for Technology Policy.

22 (viii) The Office of Science and Tech-
23 nology Policy in the Executive Office of the
24 President.

1 (B) TERMINATION OF EXECUTIVE SCHED-
2 ULE POSITIONS.—Each position which was ex-
3 pressly authorized by law, or the incumbent of
4 which was authorized to receive compensation
5 at the rate prescribed for levels I through V of
6 the Executive Schedule under sections 5312
7 through 5315 of title 5, United States Code, in
8 an office terminated pursuant to this section
9 shall also terminate.

10 (4) ADDITIONAL TRANSFERS.—

11 (A) IN GENERAL.—The Director of the Of-
12 fice of Management and Budget, in conjunction
13 with the Secretary, shall make such determina-
14 tions as may be necessary with regard to the
15 functions, offices, or portions thereof trans-
16 ferred by this section, and make such additional
17 incidental dispositions of personnel, assets, li-
18 abilities, grants, contracts, property, records,
19 and unexpended balances of appropriations, au-
20 thorizations, allocations, and other funds held,
21 used, arising from, available to, or to be made
22 available in connection with such functions, of-
23 fices, or portions thereof, as may be necessary
24 to carry out this section. The Director shall
25 provide for the termination of the affairs of all

1 entities terminated by this section and, in con-
2 junction with the Secretary, for such further
3 measures and dispositions as may be necessary
4 to effectuate the purposes of this section.

5 (B) ALLOCATION OF SES POSITIONS.—

6 After consultation with the Director of the Of-
7 fice of Personnel Management, the Director of
8 the Office of Management and Budget is au-
9 thorized to make such determinations as may
10 be necessary with regard to the transfer of posi-
11 tions within the Senior Executive Service in
12 connection with functions and offices trans-
13 ferred by this section.

14 (C) MISCELLANEOUS FUNCTIONS.—(i) The

15 Economics and Statistics Administration, in-
16 cluding the Bureau of Census and the Bureau
17 of Economic Analysis, and the Bureau of Ex-
18 port Administration shall be transferred to the
19 Department of the Treasury.

20 (ii) The Economic Development Adminis-
21 tration shall be transferred to the Department
22 of Housing and Urban Development.

23 (iii) The International Trade Administra-
24 tion and the United States Travel and Tourism

1 Administration shall be transferred to the Of-
2 fice of the United States Trade Representative.

3 (iv) The Minority Business Development
4 Administration shall be transferred to the Small
5 Business Administration.

6 (5) SAVINGS PROVISIONS.—

7 (A) CONTINUITY OF LEGAL FORCE AND
8 EFFECT.—All orders, determinations, rules,
9 regulations, permits, grants, contracts, certifi-
10 cates, licenses, and privileges—

11 (i) which have been issued, made,
12 granted, or allowed to become effective by
13 the President, by any Federal department
14 or agency or official thereof, or by a court
15 of competent jurisdiction, in the perform-
16 ance of functions which are transferred
17 under this section to the Secretary or the
18 Department; and

19 (ii) which are in effect at the time of
20 such transfer,

21 shall continue in effect according to their terms
22 until modified, terminated, superseded, set
23 aside, or revoked by the President, the Sec-
24 retary, or the authorized official, a court of
25 competent jurisdiction, or by operation of law.

1 (B) PENDING PROCEEDINGS.—(i) This sec-
2 tion shall not affect any proceedings, including
3 notices of proposed rulemaking, or any applica-
4 tion for any license, permit, certificate, or fi-
5 nancial assistance pending on the date of the
6 transfer of functions and offices under sub-
7 section (d) before any department, agency, com-
8 mission, or component thereof, functions of
9 which are transferred by this section. Such pro-
10 ceedings and applications, to the extent that
11 they relate to functions so transferred, shall be
12 continued, except as provided in clause (iii).

13 (ii) Orders may be issued in such proceed-
14 ings, appeals may be taken therefrom, and pay-
15 ments may be made pursuant to such orders, as
16 if this section had not been enacted. Orders is-
17 sued in any such proceedings shall continue in
18 effect until modified, terminated, superseded, or
19 revoked by the Secretary, by a court of com-
20 petent jurisdiction, or by operation of law.

21 (iii) Nothing in this subparagraph shall be
22 considered to prohibit the discontinuance or
23 modification of any such proceeding under the
24 same terms and conditions and to the same ex-
25 tent that such proceeding could have been dis-

1 continued or modified if this section had not
2 been enacted.

3 (iv) The Secretary is authorized to promul-
4 gate regulations providing for the orderly trans-
5 fer of proceedings continued under this sub-
6 paragraph to the Department.

7 (C) NO EFFECT ON JUDICIAL PROCEED-
8 INGS.—Except as provided in subparagraph
9 (E)—

10 (i) the transfer of functions and of-
11 fices under subsection (d) shall not affect
12 suits commenced prior to the date of such
13 transfer; and

14 (ii) in all such suits, proceedings shall
15 be had, appeals taken, and judgments ren-
16 dered in the same manner and effect as if
17 this section had not been enacted.

18 (D) NONABATEMENT OF PROCEEDINGS.—
19 No suit, action, or other proceeding commenced
20 by or against any officer in the official capacity
21 of such individual as an officer of any depart-
22 ment or agency, functions of which are trans-
23 ferred by this section, shall abate by reason of
24 the enactment of this section. No cause of ac-
25 tion by or against any department or agency,

1 functions of which are transferred by this sec-
2 tion, or by or against any officer thereof in the
3 official capacity of such officer shall abate by
4 reason of the enactment of this section.

5 (E) CONTINUATION OF PROCEEDING WITH
6 SUBSTITUTION OF PARTIES.—If, before the date
7 of the transfer of functions and offices under
8 subsection (d), any department or agency, or
9 officer thereof in the official capacity of such
10 officer, is a party to a suit, and under this sec-
11 tion any function of such department, agency,
12 or officer is transferred to the Secretary or any
13 other official of the Department, then such suit
14 shall be continued with the Secretary or other
15 appropriate official of the Department sub-
16 stituted or added as a party.

17 (F) REVIEWABILITY OF ORDERS AND AC-
18 TIONS UNDER TRANSFERRED FUNCTIONS.—Or-
19 ders and actions of the Secretary in the exercise
20 of functions transferred under this section shall
21 be subject to judicial review to the same extent
22 and in the same manner as if such orders and
23 actions had been by the agency or office, or
24 part thereof, exercising such functions imme-
25 diately preceding their transfer. Any statutory

1 requirements relating to notice, hearings, action
2 upon the record, or administrative review that
3 apply to any function transferred by this sec-
4 tion shall apply to the exercise of such function
5 by the Secretary.

6 (6) REFERENCE.—With respect to any function
7 transferred by this section and exercised on or after
8 the date of such transfer, reference in any other
9 Federal law to any department, commission, or
10 agency or any officer or office the functions of which
11 so transferred shall be deemed to refer to the Sec-
12 retary, other official, or component of the Depart-
13 ment to which this section transfers such functions.

14 (7) AMENDMENTS.—

15 (A) DEPARTMENT OF ENERGY ORGANIZA-
16 TION ACT.—Sections 201 through 203 of the
17 Department of Energy Organization Act (42
18 U.S.C. 7131–7133) are repealed.

19 (B) INSPECTOR GENERAL ACT OF 1978.—
20 The Inspector General Act of 1978 is amend-
21 ed—

22 (i) in section 8E(a)(2), by striking
23 “the National Science Foundation,”;

24 (ii) in section 8E(a)(4), by striking “,
25 except that with respect to the National

1 Science Foundation, such term means the
2 National Science Board”;

3 (iii) in section 11(1)—

4 (I) by striking “Commerce,”;

5 (II) by striking “Energy,”;

6 (III) by inserting “Science,
7 Space, Energy, and Technology,”
8 after “the Interior, Labor,”; and

9 (IV) by striking “National Aero-
10 nautics and Space,”; and

11 (iv) in section 11(2)—

12 (I) by striking “Commerce,”;

13 (II) by striking “Energy,”;

14 (III) by inserting “Science,
15 Space, Energy, and Technology,”
16 after “Justice, Labor,”; and

17 (IV) by striking “the National
18 Aeronautics and Space Administra-
19 tion,”.

20 (C) NATIONAL AERONAUTICS AND SPACE
21 ACT OF 1958.—Section 207 of the National Aer-
22 onautics and Space Act of 1958 (42 U.S.C.
23 2476a) is repealed.

24 (8) TRANSITION.—

1 (A) USE OF FUNDS.—Funds available to
2 any department or agency (or any official or
3 component thereof), the functions or offices of
4 which are transferred to the Secretary or the
5 Department by this section, may, with the ap-
6 proval of the Director of the Office of Manage-
7 ment and Budget, be used to pay the com-
8 pensation and expenses of any officer appointed
9 pursuant to this section and other transitional
10 and planning expenses associated with the es-
11 tablishment of the Department or transfer of
12 functions or offices thereto until such time as
13 funds for such purposes are otherwise available.

14 (B) USE OF PERSONNEL.—With the con-
15 sent of the appropriate department or agency
16 head concerned, the Secretary is authorized to
17 utilize the services of such officers, employees,
18 and other personnel of the departments and
19 agencies from which functions or offices have
20 been transferred to the Secretary or the De-
21 partment, for such period of time as may rea-
22 sonably be needed to facilitate the orderly im-
23 plementation of this section.

24 (9) INTERIM APPOINTMENTS.—

1 (A) AUTHORITY TO APPOINT.—Notwith-
2 standing any other provision of law, in the
3 event that one or more officers required by this
4 section to be appointed by and with the advice
5 and consent of the Senate shall not have en-
6 tered upon office on the date of the transfer of
7 functions and offices under subsection (d), the
8 President may designate an officer in the execu-
9 tive branch to act in such office for 120 days
10 or until the office is filled as provided in this
11 section, whichever occurs first.

12 (B) COMPENSATION.—Any officer acting
13 in an office in the Department pursuant to the
14 provisions of subparagraph (A) shall receive
15 compensation at the rate prescribed for such of-
16 fice under this section.

17 (g) RELATION TO OTHER PROVISIONS.—

18 (1) MODIFICATIONS IN AUTHORITY.—If any
19 other section of this Act increases, restricts, or oth-
20 erwise modifies any authority (including the author-
21 ity to assess or collect fees) with respect to any func-
22 tion or office, or portion thereof, transferred by this
23 section, the authority transferred by this section
24 shall be the authority as so modified.

1 (2) RESCISSIONS.—If any other section of this
2 Act rescinds funds that are to be transferred pursu-
3 ant to this section, such rescission shall be made
4 prior to such transfer.

5 **SEC. 523. ELIMINATION OF FUNDING FOR MAGLEV PROTO-**
6 **TYPE DEVELOPMENT PROGRAM.**

7 (a) IN GENERAL.—Section 1036(d) of the Intermodal
8 Surface Transportation Efficiency Act of 1991 (49 U.S.C.
9 309 note; 105 Stat. 1986) is amended—

10 (1) in paragraph (1) by striking “the following”
11 and all that follows through “DEMONSTRATION PRO-
12 GRAM.—For” and inserting “for”; and

13 (2) in paragraph (2) by striking subparagraph
14 (A) and by redesignating subparagraphs (B) and (C)
15 as subparagraphs (A) and (B), respectively.

16 (b) RESCISSION OF FUNDS.—Of the funds made
17 available under the heading “Federal Railroad Adminis-
18 tration—Railroad Research and Development” in the De-
19 partment of Transportation and Related Agencies Appro-
20 priations Act, 1994 (Pub. L. 103–122), \$20,000,000 is
21 rescinded, to be derived from magnetic levitation research
22 and analysis activities.

1 **SEC. 524. RESCISSION OF FUNDS FOR FEDERALLY SPON-**
2 **SORED UNIVERSITY RESEARCH AND DEVEL-**
3 **OPMENT.**

4 (a) IN GENERAL.—Of the aggregate funds made
5 available for the accounts specified in subsection (b),
6 \$220,000,000 is rescinded, to be derived from university
7 research and development programs. The Director of the
8 Office of Management and Budget shall allocate such re-
9 scission among such accounts, and shall submit to the
10 Congress a report setting forth such allocation.

11 (b) AFFECTED ACCOUNTS.—The funds subject to the
12 rescission made by subsection (a) are the following:

13 (1) NATIONAL INSTITUTES OF HEALTH.—The
14 amounts made available under the heading “Depart-
15 ment of Health and Human Services—National In-
16 stitutes of Health” in the Departments of Labor,
17 Health and Human Services, and Education, and
18 Related Agencies Appropriations Act, 1994 (Pub. L.
19 103–112), for the following accounts:

20 (A) “National Cancer Institute”.

21 (B) “National Heart, Lung, and Blood In-
22 stitute”.

23 (C) “National Institute of Dental Re-
24 search”.

25 (D) “National Institute of Diabetes and
26 Digestive and Kidney Diseases”.

1 (E) “National Institute of Neurological
2 Disorders and Stroke”.

3 (F) “National Institute of Allergy and In-
4 fectious Diseases”.

5 (G) “National Institute of General Medical
6 Sciences”.

7 (H) “National Institute of Child Health
8 and Human Development”.

9 (I) “National Eye Institute”.

10 (J) “National Institute of Environmental
11 Health Sciences”.

12 (K) “National Institute on Aging”.

13 (L) “National Institute of Arthritis and
14 Musculoskeletal and Skin Diseases”.

15 (M) “National Institute on Deafness and
16 Other Communication Disorders”.

17 (N) “National Institute of Nursing Re-
18 search”.

19 (O) “National Institute on Alcohol Abuse
20 and Alcoholism”.

21 (P) “National Institute on Drug Abuse”.

22 (Q) “National Institute of Mental Health”.

23 (R) “National Center for Research Re-
24 sources”.

1 (S) “National Center for Human Genome
2 Research”.

3 (T) “John E. Fogarty International Cen-
4 ter”.

5 (U) “National Library of Medicine”.

6 (V) “Office of the Director”.

7 (2) INDEPENDENT AGENCIES.—The amounts
8 made available in the Departments of Veterans Af-
9 fairs and Housing and Urban Development, and
10 Independent Agencies Appropriations Act, 1994
11 (Pub. L. 103–124), for the following accounts:

12 (A) “National Science Foundation—Re-
13 search and Related Activities”.

14 (B) “National Aeronautics and Space Ad-
15 ministration—Research and Development”.

16 (3) DEPARTMENT OF DEFENSE.—The amounts
17 made available in the Department of Defense Appro-
18 priations Act, 1994 (Pub. L. 103–139), for the fol-
19 lowing accounts:

20 (A) “Research, Development, Test and
21 Evaluation, Army”.

22 (B) “Research, Development, Test and
23 Evaluation, Navy”.

24 (C) “Research, Development, Test and
25 Evaluation, Air Force”.

1 (D) “Research, Development, Test and
2 Evaluation, Defense-Wide”.

3 **SEC. 525. RECOUPMENT OF CERTAIN GRANTS.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Secretary of Energy and the Secretary
6 of Commerce shall establish procedures and criteria for
7 the recoupment of the Federal share of all cost shared re-
8 search, development, demonstration, and commercial ap-
9 plication projects undertaken by such Departments. If re-
10 quired, such recoupment shall occur within a reasonable
11 period of time following the date of completion of a
12 project, but not later than 20 years following such date,
13 taking into account the effect of recoupment on—

14 (1) the commercial competitiveness of the entity
15 carrying out the project;

16 (2) the profitability of the project; and

17 (3) the commercial viability of the technology
18 utilized.

19 The Secretary of Energy and the Secretary of Commerce
20 may require recoupment under this section as appropriate.

21 **SEC. 526. COVERAGE OF FEDERALLY FUNDED RESEARCH**
22 **AND DEVELOPMENT CENTERS BY COMPETI-**
23 **TION IN CONTRACTING ACT.**

24 (a) CONTRACTS WITH EXECUTIVE AGENCIES.—Sec-
25 tion 303 of the Federal Property and Administrative Serv-

1 ices Act of 1949 (41 U.S.C. 253) is amended in subsection
2 (b)(1)(C) and in subsection (c)(3) by striking out “or a
3 federally funded research and development center” each
4 place it appears.

5 (b) CONTRACTS WITH DEPARTMENT OF DEFENSE.—
6 Section 2304 of title 10, United States Code, is amended
7 in subsection (b)(1)(C) and in subsection (c)(3) by strik-
8 ing out “or a federally funded research and development
9 center” each place it appears.

10 **SEC. 527. TERMINATION OF MODULAR HIGH-TEMPERA-**
11 **TURE GAS-COOLED REACTOR PROJECT.**

12 (a) IN GENERAL.—The United States shall not obli-
13 gate any funds for the Modular High-Temperature Gas-
14 Cooled Reactor program.

15 (b) AMENDMENTS.—Section 2122(b) of the Energy
16 Policy Act of 1992 (42 U.S.C. 13492(b)) is amended—

17 (1) in paragraph (1)(B), by striking “the modu-
18 lar high-temperature gas-cooled reactor technology
19 and”; and

20 (2) in paragraph (2)(C)—

21 (A) by striking “high-temperature gas-
22 cooled reactor technology and”; and

23 (B) by striking “one or both of those tech-
24 nologies” and inserting in lieu thereof “that
25 technology”.

1 (c) RESCISSION OF FUNDS.—Of the funds made
2 available under the heading “Department of Energy—En-
3 ergy Supply, Research and Development Activities” in the
4 Energy and Water Development Appropriations Act, 1994
5 (Pub. L. 103–126), \$12,000,000 is rescinded, to be de-
6 rived from the gas turbine-modular helium reactor pro-
7 gram.

8 **SEC. 528. DEPARTMENT OF ENERGY FACILITIES CLOSURE**
9 **AND RECONFIGURATION COMMISSION.**

10 (a) DEPARTMENT OF ENERGY FACILITIES CLOSURE
11 AND RECONFIGURATION COMMISSION.—

12 (1) ESTABLISHMENT.—There is established an
13 independent commission to be known as the “De-
14 partment of Energy Facilities Closure and Reconfig-
15 uration Commission”.

16 (2) DUTIES.—The Commission shall carry out
17 the duties specified for the Commission in this sec-
18 tion.

19 (3) APPOINTMENT.—

20 (A) IN GENERAL.—The Commission shall
21 be composed of 7 members appointed by the
22 President, by and with the advise and consent
23 of the Senate. The President shall transmit to
24 the Senate the nominations for appointment to

1 the Commission not later than 3 months after
2 the date of the enactment of this Act.

3 (B) CONSULTATION.—In selecting individ-
4 uals for nominations for appointments to the
5 Commission, the President should consult
6 with—

7 (i) the Speaker of the House of Rep-
8 resentatives concerning the appointment of
9 1 member;

10 (ii) the majority leader of the Senate
11 concerning the appointment of 1 member;

12 (iii) the minority leader of the House
13 of Representatives concerning the appoint-
14 ment of 1 member; and

15 (iv) the minority leader of the Senate
16 concerning the appointment of 1 member.

17 (C) CHAIRPERSON.—At the time the Presi-
18 dent nominates individuals for appointment to
19 the Commission, the President shall designate
20 one such individual who shall serve as Chair-
21 person of the Commission.

22 (4) TERMS.—Each member of the Commission
23 shall serve until the termination of the Commission
24 under paragraph (12).

1 (5) MEETINGS.—Each meeting of the Commis-
2 sion, other than meetings in which classified infor-
3 mation is to be discussed, shall be open to the pub-
4 lic.

5 (6) VACANCIES.—A vacancy in the Commission
6 shall be filled in the same manner as the original ap-
7 pointment, but the individual appointed to fill the
8 vacancy shall serve only for the unexpired portion of
9 the term for which the individual's predecessor was
10 appointed.

11 (7) PAY AND TRAVEL EXPENSES.—

12 (A) IN GENERAL.—

13 (i) BASIC PAY.—Each member, other
14 than the Chairperson, shall be paid at a
15 rate equal to the daily equivalent of the
16 minimum annual rate of basic pay payable
17 for level IV of the Executive Schedule
18 under section 5315 of title 5, United
19 States Code, for each day (including travel
20 time) during which the member is engaged
21 in the actual performance of duties vested
22 in the Commission.

23 (ii) PAY OF CHAIRPERSON.—The
24 Chairperson shall be paid for each day re-
25 ferred to in clause (i) at a rate equal to the

1 daily equivalent of the minimum annual
2 rate of basic pay payable for level III of
3 the Executive Schedule under section 5314
4 of title 5, United States Code.

5 (B) TRAVEL EXPENSES.—Members shall
6 receive travel expenses, including per diem in
7 lieu of subsistence, in accordance with sections
8 5702 and 5703 of title 5, United States Code.

9 (8) DIRECTOR.—

10 (A) IN GENERAL.—The Commission shall,
11 without regard to section 5311(b) of title 5,
12 United States Code, appoint a Director who has
13 not served as a civilian employee of the Depart-
14 ment of Energy during the one-year period pre-
15 ceding the date of such appointment.

16 (B) PAY.—The Director shall be paid at
17 the rate of basic pay payable for level IV of the
18 Executive Schedule under section 5315 of title
19 5, United States Code.

20 (9) STAFF.—

21 (A) APPOINTMENT BY DIRECTOR.—Subject
22 to subparagraphs (B) and (C), the Director,
23 with the approval of the Commission, may ap-
24 point and fix the pay of additional personnel.

1 (B) APPLICABILITY OF CERTAIN CIVIL
2 SERVICE LAWS.—The Director may make such
3 appointments without regard to the provisions
4 of title 5, United States Code, governing ap-
5 pointments in the competitive service, and any
6 personnel so appointed may be paid without re-
7 gard to the provisions of chapter 51 and sub-
8 chapter III of chapter 53 of that title relating
9 to classification and General Schedule pay
10 rates, except that an individual so appointed
11 may not receive pay in excess of the annual rate
12 of basic pay payable for level IV of the Execu-
13 tive Schedule under section 5315 of title 5,
14 United States Code.

15 (C) LIMITATION.—Not more than one-
16 third of the personnel employed by or detailed
17 to the Commission may be on detail from the
18 Department of Energy.

19 (D) SUPPORT FROM OTHER AGENCIES.—
20 Upon request of the Director, the head of a
21 Federal agency may detail any of the personnel
22 of that agency to the Commission to assist the
23 Commission in carrying out its duties under
24 this section.

1 (E) SUPPORT FROM COMPTROLLER GEN-
2 ERAL.—The Comptroller General of the United
3 States shall provide assistance, including the
4 detailing of employees, to the Commission in ac-
5 cordance with an agreement entered into with
6 the Commission.

7 (10) OTHER AUTHORITY.—

8 (A) TEMPORARY AND INTERMITTENT
9 SERVICES.—The Commission may procure by
10 contract, to the extent funds are available, the
11 temporary or intermittent services of experts or
12 consultants pursuant to section 3109 of title 5,
13 United States Code.

14 (B) AUTHORITY TO LEASE SPACE AND AC-
15 QUIRE CERTAIN PROPERTY.—The Commission
16 may lease space and acquire personal property
17 to the extent funds are available. To the extent
18 practicable, the Commission shall use suitable
19 real property available under the most recent
20 inventory of real property assets published by
21 the Resolution Trust Corporation under section
22 21A(b)(11)(F) of the Federal Home Loan
23 Bank Act (12 U.S.C. 1441a(b)(12)(F)).

24 (11) FUNDING.—There is appropriated for fis-
25 cal year 1994, out of any money in the Treasury not

1 otherwise appropriated, \$1,000,000 to the Commis-
2 sion to carry out its duties under this section. Such
3 funds shall remain available until expended.

4 (12) TERMINATION.—The Commission shall
5 terminate not later than 20 months after the date
6 of the enactment of this Act.

7 (b) PROCEDURE FOR MAKING RECOMMENDATIONS
8 FOR CLOSURE AND RECONFIGURATION OF FACILITIES.—

9 (1) SELECTION CRITERIA.—

10 (A) IN GENERAL.—Not later than 3
11 months after the date of the enactment of this
12 Act, the Secretary of Energy shall publish in
13 the Federal Register and transmit to the con-
14 gressional energy committees the criteria pro-
15 posed to be used by the Secretary in making
16 recommendations for the closure or reconfigura-
17 tion of Department of Energy facilities result-
18 ing in an overall budget for such facilities for
19 a fiscal year in an amount equal to the amount
20 appropriated for such facilities for the previous
21 fiscal year reduced by 25 percent. The Sec-
22 retary shall provide an opportunity for public
23 comment on the proposed criteria for a period
24 of at least 30 days and shall include notice of
25 that opportunity in the publication required

1 under this paragraph. In developing the cri-
2 teria, the Secretary shall consider—

3 (i) the program costs and program
4 distributions on a State and county basis,
5 including real and personal property costs
6 associated with each Department of En-
7 ergy facility considered;

8 (ii) the number of participants in pro-
9 grams conducted through a Department of
10 Energy facility and staff resources in-
11 volved;

12 (iii) duplication of effort by Depart-
13 ment of Energy facilities and overhead
14 costs as a proportion of program benefits
15 distributed through a Department of En-
16 ergy facility; and

17 (iv) cost savings and increases that
18 would accrue through the reconfiguration
19 of Department of Energy facilities.

20 (B) FINAL CRITERIA.—Not later than 5
21 months after the date of the enactment of this
22 Act, the Secretary shall publish in the Federal
23 Register and transmit to the congressional en-
24 ergy committees the final criteria to be used in
25 making recommendations for the closure or re-

1 configuration of Department of Energy facili-
2 ties under this section.

3 (2) SECRETARY'S RECOMMENDATIONS.—

4 (A) PUBLICATION IN FEDERAL REG-
5 ISTER.—Not later than 9 months after the date
6 of the enactment of this Act, the Secretary shall
7 publish in the Federal Register and transmit to
8 the congressional energy committees and to the
9 Commission a list of the Department of Energy
10 facilities that the Secretary recommends for clo-
11 sure or reconfiguration on the basis of the final
12 criteria referred to in paragraph (1).

13 (B) SUMMARY OF SELECTION PROCESS.—
14 The Secretary shall include, with the list of rec-
15 ommendations published and transmitted pur-
16 suant to subparagraph (A), a summary of the
17 selection process that resulted in the rec-
18 ommendation for each Department of Energy
19 facility, including a justification for each rec-
20 ommendation.

21 (C) EQUAL CONSIDERATION OF FACILI-
22 TIES.—In considering Department of Energy
23 facilities for closure or reconfiguration, the Sec-
24 retary shall consider all such facilities equally
25 without regard to whether a facility has been

1 previously considered or proposed for closure or
2 reconfiguration by the Secretary.

3 (D) AVAILABILITY OF INFORMATION.—The
4 Secretary shall make available to the Commis-
5 sion and the Comptroller General of the United
6 States all information used by the Secretary in
7 making recommendations to the Commission
8 for closures and reconfiguration.

9 (3) REVIEW AND RECOMMENDATIONS BY THE
10 COMMISSION.—

11 (A) PUBLIC HEARINGS.—After receiving
12 the recommendations from the Secretary pursu-
13 ant to paragraph (2), the Commission shall
14 conduct public hearings on the recommenda-
15 tions.

16 (B) REPORT.—Not later than 15 months
17 after the date of the enactment of this Act, the
18 Commission shall transmit to the President and
19 the congressional energy committees a report
20 containing the Commission's findings and con-
21 clusions based on a review and analysis of the
22 recommendations made by the Secretary, to-
23 gether with the Commission's recommendations
24 for closures and reconfigurations of Department
25 of Energy facilities.

1 (C) DEVIATION FROM SECRETARY'S REC-
2 OMMENDATIONS.—In making its recommenda-
3 tions, the Commission may make changes in
4 any of the recommendations made by the Sec-
5 retary if the Commission determines that the
6 Secretary deviated substantially from the final
7 criteria referred to in paragraph (1) in making
8 recommendations. The Commission shall ex-
9 plain and justify in the report any recommenda-
10 tion made by the Commission that is different
11 from the recommendations made by the Sec-
12 retary.

13 (D) PROVISION OF CERTAIN INFORMA-
14 TION.—After transmitting the report, the Com-
15 mission shall promptly provide, upon request, to
16 any Member of Congress information used by
17 the Commission in making its recommenda-
18 tions.

19 (4) ASSISTANCE FROM COMPTROLLER GEN-
20 ERAL.—The Comptroller General of the United
21 States shall—

22 (A) assist the Commission, to the extent
23 requested, in the Commission's review and anal-
24 ysis of the recommendations made by the Sec-
25 retary pursuant to paragraph (2); and

1 (B) not later than 12 months after the
2 date of the enactment of this Act, transmit to
3 the congressional energy committees and to the
4 Commission a report containing a detailed anal-
5 ysis of the Secretary's recommendations and se-
6 lection process.

7 (5) REVIEW BY THE PRESIDENT.—

8 (A) IN GENERAL.—Not later than 16
9 months after the date of the enactment of this
10 Act, the President shall transmit to the Com-
11 mission and to the congressional energy com-
12 mittees a report containing the President's ap-
13 proval or disapproval of the Commission's rec-
14 ommendations.

15 (B) PRESIDENTIAL APPROVAL.—If the
16 President approves all of the recommendations
17 of the Commission, the President shall transmit
18 a copy of such recommendations to the congres-
19 sional energy committees together with a cer-
20 tification of such approval.

21 (C) PRESIDENTIAL DISAPPROVAL.—If the
22 President disapproves the recommendations of
23 the Commission, in whole or in part, the Presi-
24 dent shall transmit to the Commission and the
25 congressional energy committees the reasons for

1 that disapproval. The Commission shall then
2 transmit to the President, not later than 17
3 months after the date of the enactment of this
4 Act, a revised list of recommendations for the
5 closure and reconfiguration of Department of
6 Energy facilities resulting in an overall budget
7 for such facilities for a fiscal year in an amount
8 equal to the amount appropriated for such fa-
9 cilities for the previous fiscal year reduced by
10 25 percent.

11 (D) CERTIFICATION.—If the President ap-
12 proves all of the revised recommendations of the
13 Commission transmitted to the President under
14 subparagraph (C), the President shall transmit
15 a copy of such revised recommendations to the
16 congressional energy committees, together with
17 a certification of such approval.

18 (E) FAILURE TO CERTIFY.—If the Presi-
19 dent does not transmit to the congressional en-
20 ergy committees an approval and certification
21 described in subparagraph (B) or (D) by 18
22 months after the date of the enactment of this
23 Act, the process by which Department of En-
24 ergy facilities may be selected for closure or re-

1 configuration under this section shall be termi-
2 nated.

3 (c) CLOSURE AND RECONFIGURATION OF DEPART-
4 MENT OF ENERGY FACILITIES.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 the Secretary shall—

7 (A) close all Department of Energy facili-
8 ties recommended for closure by the Commis-
9 sion in the report transmitted to the congres-
10 sional energy committees by the President pur-
11 suant to subsection (b)(5);

12 (B) reconfigure all such facilities rec-
13 ommended for reconfiguration by the Commis-
14 sion in the report; and

15 (C) complete the closures and
16 reconfigurations not later than the end of the 6-
17 year period beginning on the date on which the
18 President transmits the report pursuant to sub-
19 section (b)(5).

20 (2) CONGRESSIONAL DISAPPROVAL.—

21 (A) IN GENERAL.—The Secretary may not
22 carry out any closure or reconfiguration of a fa-
23 cility recommended by the Commission in the
24 report transmitted from the President pursuant
25 to subsection (b)(5) if a joint resolution is en-

1 acted, in accordance with the provisions of sub-
2 section (g), disapproving the recommendations
3 of the Commission before the earlier of—

4 (i) the end of the 45-day period begin-
5 ning on the date on which the President
6 transmits the report; or

7 (ii) the adjournment of Congress sine
8 die for the session during which the report
9 is transmitted.

10 (B) For purposes of subparagraph (A) of
11 this paragraph and paragraphs (1) and (3) of
12 subsection (g), the days on which either House
13 of Congress is not in session because of an ad-
14 journment of more than three days to a day
15 certain shall be excluded in the computation of
16 a period.

17 (d) IMPLEMENTATION OF CLOSURE AND RECONFIG-
18 URATION ACTIONS.—

19 (1) ACTIONS OF THE SECRETARY.—In closing
20 or reconfiguring a Department of Energy facility
21 under this section, the Secretary shall—

22 (A) take such actions as may be necessary
23 to close or reconfigure the facility;

24 (B) provide outplacement assistance to any
25 employees employed by the Department of En-

1 ergy at the office whose employment is being
2 terminated, and may use for such purpose
3 funds in the Account or funds appropriated to
4 the Department of Energy for outplacement as-
5 sistance to employees;

6 (C) take such steps as may be necessary to
7 ensure the safe keeping of all records stored at
8 the facility; and

9 (D) reimburse other Federal agencies for
10 actions performed at the request of the Sec-
11 retary with respect to any such closure or re-
12 configuration, and may use for such purpose
13 funds in the Account or funds appropriated to
14 the Department of Energy and available for
15 such purpose.

16 (2) MANAGEMENT AND DISPOSAL OF PROP-
17 ERTY.—

18 (A) IN GENERAL.—The Administrator of
19 General Services shall delegate to the Secretary
20 of Energy, with respect to excess and surplus
21 real property and facilities located at a Depart-
22 ment of Energy facility closed or reconfigured
23 under this section—

24 (i) the authority of the Administrator
25 to utilize excess property under section 202

1 of the Federal Property and Administra-
2 tive Services Act of 1949 (40 U.S.C. 483);

3 (ii) the authority of the Administrator
4 to dispose of surplus property under sec-
5 tion 203 of that Act (40 U.S.C. 484);

6 (iii) the authority of the Adminis-
7 trator to grant approvals and make deter-
8 minations under section 13(g) of the Sur-
9 plus Property Act of 1944 (50 U.S.C. App.
10 1622(g)); and

11 (iv) the authority of the Administrator
12 to determine the availability of excess or
13 surplus real property for wildlife conserva-
14 tion purposes in accordance with the Act
15 of May 19, 1948 (16 U.S.C. 667b).

16 (B) EXERCISE OF AUTHORITY.—

17 (i) IN GENERAL.—Subject to clause
18 (iii), the Secretary shall exercise the au-
19 thority delegated to the Secretary pursuant
20 to subparagraph (A) in accordance with—

21 (I) all regulations in effect on the
22 date of the enactment of this Act gov-
23 erning the utilization of excess prop-
24 erty and the disposal of surplus prop-
25 erty under the Federal Property and

1 Administrative Services Act of 1949;
2 and

3 (II) all regulations in effect on
4 the date of the enactment of this Act
5 governing the conveyance and disposal
6 of property under section 13(g) of the
7 Surplus Property Act of 1944 (50
8 U.S.C. App. 1622(g)).

9 (ii) REGULATIONS.—The Secretary,
10 after consulting with the Administrator of
11 General Services, may issue regulations
12 that are necessary to carry out the delega-
13 tion of authority required by subparagraph
14 (A).

15 (iii) LIMITATION.—The authority re-
16 quired to be delegated by subparagraph
17 (A) to the Secretary by the Administrator
18 of General Services shall not include the
19 authority to prescribe general policies and
20 methods for utilizing excess property and
21 disposing of surplus property.

22 (3) WAIVER.—The Secretary may close or
23 reconfigure Department of Energy facilities under
24 this section without regard to any provision of law
25 restricting the use of funds for closing or

1 reconfiguring such facilities included in any appro-
2 priations or authorization Act.

3 (e) ACCOUNT.—

4 (1) ESTABLISHMENT.—There is hereby estab-
5 lished on the books of the Treasury an account to
6 be known as the “Department of Energy Facility
7 Closure Account” which shall be administered by the
8 Secretary as a single account.

9 (2) CONTENT OF ACCOUNT.—There shall be de-
10 posited into the Account—

11 (A) funds authorized for and appropriated
12 to the Account;

13 (B) any funds that the Secretary may,
14 subject to approval in an appropriation Act,
15 transfer to the Account from funds appro-
16 priated to the Department of Energy for any
17 purpose, except that such funds may be trans-
18 ferred only after the date on which the Sec-
19 retary transmits written notice of, and justifica-
20 tion for, such transfer to the congressional en-
21 ergy committees; and

22 (C) proceeds received from the transfer or
23 disposal of any property at an office closed or
24 reconfigured under this section.

1 (3) USE OF FUNDS.—The Secretary may use
2 the funds in the Account only for the purposes de-
3 scribed in subsection (d)(1).

4 (4) REPORTS.—

5 (A) IN GENERAL.—Not later than 60 days
6 after the end of each fiscal year in which the
7 Secretary carries out activities under this sec-
8 tion, the Secretary shall transmit a report to
9 the congressional energy committees of the
10 amount and nature of the deposits into, and the
11 expenditures from, the Account during such fis-
12 cal year and of the amount and nature of other
13 expenditures made pursuant to subsection
14 (d)(1) during such fiscal year.

15 (B) UNOBLIGATED FUNDS.—Unobligated
16 funds which remain in the Account after the
17 termination of the Commission shall be held in
18 the Account until transferred by law after the
19 congressional energy committees receive the re-
20 port transmitted under subparagraph (C).

21 (C) ACCOUNTING REPORT.—Not later than
22 60 days after the termination of the Commis-
23 sion, the Secretary shall transmit to the con-
24 gressional energy committees a report contain-
25 ing an accounting of—

1 (i) all the funds deposited into and ex-
2 pended from the Account or otherwise ex-
3 pended under this section; and

4 (ii) any amount remaining in the Ac-
5 count.

6 (f) REPORTS ON IMPLEMENTATION.—As part of the
7 budget request for each fiscal year in which the Secretary
8 will carry out activities under this section, the Secretary
9 shall transmit to the congressional energy committees—

10 (1) a schedule of the closure and reconfigura-
11 tion actions to be carried out under this section in
12 the fiscal year for which the request is made and an
13 estimate of the total expenditures required and cost
14 savings to be achieved by each such closure and re-
15 configuration and of the time period in which these
16 savings are to be achieved in each case; and

17 (2) a description of the Department of Energy
18 facilities, including those under construction and
19 those planned for construction, to which functions
20 are to be transferred as a result of such closures and
21 reconfigurations.

22 (g) CONGRESSIONAL CONSIDERATION OF COMMIS-
23 SION REPORT.—

24 (1) TERMS OF THE RESOLUTION.—For pur-
25 poses of subsection (c)(2), the term “joint resolu-

1 tion” means only a joint resolution which is intro-
2 duced within the 10-day period beginning on the
3 date on which the President transmits the report to
4 the Congress under subsection (b)(5), and—

5 (A) which does not have a preamble;

6 (B) the matter after the resolving clause of
7 which is as follows: “That Congress disapproves
8 the recommendations of the Department of En-
9 ergy Facilities Closure and Reconfiguration
10 Commission as submitted by the President on
11 _____”, the blank space being filled in with
12 the appropriate date; and

13 (C) the title of which is as follows: “Joint
14 resolution disapproving the recommendations of
15 the Department of Energy Facilities Closure
16 and Reconfiguration Commission.”.

17 (2) REFERRAL.—A resolution described in
18 paragraph (1) that is introduced in the House of
19 Representatives shall be referred to the Committee
20 on Armed Services and the Committee on Science,
21 Space, and Technology of the House of Representa-
22 tives. A resolution described in paragraph (1) intro-
23 duced in the Senate shall be referred to the Commit-
24 tee on Armed Services and the Committee on En-
25 ergy and Natural Resources of the Senate.

1 (3) DISCHARGE.—If the committee to which a
2 resolution described in paragraph (1) is referred has
3 not reported such resolution (or an identical resolu-
4 tion) by the end of the 20-day period beginning on
5 the date on which the President transmits the report
6 to the Congress under subsection (b)(5), such com-
7 mittee shall be, at the end of such period, discharged
8 from further consideration of such resolution, and
9 such resolution shall be placed on the appropriate
10 calendar of the House involved.

11 (4) CONSIDERATION.—

12 (A) IN GENERAL.—On or after the third
13 day after the date on which the committee to
14 which such a resolution is referred has re-
15 ported, or has been discharged (under para-
16 graph (3)) from further consideration of, such
17 a resolution, it is in order (even though a pre-
18 vious motion to the same effect has been dis-
19 agreed to) for any Member of the respective
20 House to move to proceed to the consideration
21 of the resolution (but only on the day after the
22 calendar day on which such Member announces
23 to the House concerned the Member's intention
24 to do so). All points of order against the resolu-
25 tion (and against consideration of the resolu-

1 tion) are waived. The motion is highly privi-
2 leged in the House of Representatives and is
3 privileged in the Senate and is not debatable.
4 The motion is not subject to amendment, or to
5 a motion to postpone, or to a motion to proceed
6 to the consideration of other business. A motion
7 to reconsider the vote by which the motion is
8 agreed to or disagreed to shall not be in order.
9 If a motion to proceed to the consideration of
10 the resolution is agreed to, the respective House
11 shall immediately proceed to consideration of
12 the joint resolution without intervening motion,
13 order, or other business, and the resolution
14 shall remain the unfinished business of the re-
15 spective House until disposed of.

16 (B) DEBATE.—Debate on the resolution,
17 and on all debatable motions and appeals in
18 connection therewith, shall be limited to not
19 more than 2 hours, which shall be divided
20 equally between those favoring and those oppos-
21 ing the resolution. An amendment to the resolu-
22 tion is not in order. A motion further to limit
23 debate is in order and not debatable. A motion
24 to postpone, or a motion to proceed to the con-
25 sideration of other business, or a motion to re-

1 commit the resolution is not in order. A motion
2 to reconsider the vote by which the resolution is
3 agreed to or disagreed to is not in order.

4 (C) QUORUM CALL.—Immediately follow-
5 ing the conclusion of the debate on a resolution
6 described in paragraph (1) and a single quorum
7 call at the conclusion of the debate if requested
8 in accordance with the rules of the appropriate
9 House, the vote on final passage of the resolu-
10 tion shall occur.

11 (D) APPEALS FROM DECISION OF CHAIR.—
12 Appeals from the decisions of the Chair relating
13 to the application of the rules of the Senate or
14 the House of Representatives, as the case may
15 be, to the procedure relating to a resolution de-
16 scribed in paragraph (1) shall be decided with-
17 out debate.

18 (5) CONSIDERATION BY OTHER HOUSE.—

19 (A) If, before the passage by one House of
20 a resolution of that House described in para-
21 graph (1), that House receives from the other
22 House a resolution described in paragraph (1),
23 then the following procedures shall apply:

24 (i) The resolution of the other House
25 shall not be referred to a committee and

1 may not be considered in the House receiv-
2 ing it except in the case of final passage as
3 provided in clause (ii)(II).

4 (ii) With respect to a resolution de-
5 scribed in paragraph (1) of the House re-
6 ceiving the resolution—

7 (I) the procedure in that House
8 shall be the same as if no resolution
9 had been received from the other
10 House; but

11 (II) the vote on final passage
12 shall be on the resolution of the other
13 House.

14 (B) CONSIDERATION AFTER DISPOSITION
15 BY OTHER HOUSE.—Upon disposition of the
16 resolution received from the other House, it
17 shall no longer be in order to consider the reso-
18 lution that originated in the receiving House.

19 (6) RULES OF THE SENATE AND HOUSE.—This
20 subsection is enacted by Congress—

21 (A) as an exercise of the rulemaking power
22 of the Senate and House of Representatives, re-
23 spectively, and as such it is deemed a part of
24 the rules of each House, respectively, but appli-
25 cable only with respect to the procedure to be

1 followed in that House in the case of a resolu-
2 tion described in paragraph (1), and it super-
3 sedes other rules only to the extent that it is in-
4 consistent with such rules; and

5 (B) with full recognition of the constitu-
6 tional right of either House to change the rules
7 (so far as relating to the procedure of that
8 House) at any time, in the same manner, and
9 to the same extent as in the case of any other
10 rule of that House.

11 (h) DEFINITIONS.—For purposes of this section:

12 (1) The term “Account” means the Department
13 of Energy Facility Closure Account established in
14 subsection (e)(1).

15 (2) The term “Commission” means the Depart-
16 ment of Energy Facilities Closure and Reconfigura-
17 tion Commission.

18 (3) The term “congressional energy commit-
19 tees” means the Committees on Armed Services of
20 the Senate and House of Representatives, the Com-
21 mittee on Science, Space, and Technology of the
22 House of Representatives, and the Committee on
23 Energy and Natural Resources of the Senate.

24 (4) The term “Secretary” means the Secretary
25 of Energy.

1 **SEC. 529. ALASKA POWER ADMINISTRATION SALE.**

2 (a) SALE OF SNETTISHAM AND EKLUTNA HYDRO-
3 ELECTRIC PROJECTS.—(1) The Secretary of Energy may
4 sell the Snettisham Hydroelectric Project (referred to in
5 this section as “Snettisham”) to the State of Alaska
6 Power Authority (now known as the Alaska Industrial De-
7 velopment and Export Authority, and referred to in this
8 section as the “Authority”), or its successor, in accordance
9 with the February 10, 1989, Snettisham Purchase Agree-
10 ment between the Alaska Power Administration of the
11 United States Department of Energy and the Authority.

12 (2) The Secretary of Energy may sell the Eklutna
13 Hydroelectric Project (referred to in this section as
14 “Eklutna”) to the Municipality of Anchorage doing busi-
15 ness as Municipal Light and Power, the Chugach Electric
16 Association, Inc., and the Matanuska Electric Association,
17 Inc. (referred to in this section as “Eklutna Purchasers”)
18 in accordance with the August 2, 1989, Eklutna Purchase
19 Agreement between the United States Department of En-
20 ergy and the Eklutna Purchasers.

21 (3) The heads of other affected Federal departments
22 and agencies, including the Secretary of the Interior, shall
23 assist the Secretary of Energy in implementing the sales
24 authorized by this Act.

1 (4) The Secretary of Energy shall deposit sale pro-
2 ceeds in the Treasury of the United States to the credit
3 of miscellaneous receipts.

4 (5) There are authorized to be appropriated such
5 sums as are necessary to prepare or acquire Eklutna and
6 Snettisham assets for sale and conveyance, such prepara-
7 tions to provide sufficient title to ensure the beneficial use,
8 enjoyment, and occupancy to the purchasers of the assets
9 to be sold.

10 (6) No later than one year after both of the sales
11 authorized in this subsection have occurred, as measured
12 by the Transaction Dates stipulated in the Purchase
13 Agreements, the Secretary of Energy shall—

14 (A) complete the business of, and close out, the
15 Alaska Power Administration; and

16 (B) prepare and submit to Congress a report
17 documenting the sales.

18 (b) ASSESSMENT OF ALTERNATIVE OPTIONS.—Be-
19 fore taking any action authorized in subsection (a), the
20 Secretary shall assess the feasibility of alternative options
21 for maximizing the return to the Treasury from the sale
22 of the Alaska Power Marketing Administration.

1 **SEC. 530. FEDERAL-PRIVATE COGENERATION OF ELEC-**
2 **TRICITY.**

3 Section 804(2)(B) of the National Energy Conserva-
4 tion Policy Act (42 U.S.C. 8287c(2)(B)) is amended by
5 striking “, excluding any cogeneration process for other
6 than a federally owned building or buildings or other fed-
7 erally owned facilities”.

8 **SEC. 531. RESCISSION OF FUNDS FROM SPR PETROLEUM**
9 **ACCOUNT.**

10 The unobligated balance of the funds in the SPR pe-
11 troleum account on the date of the enactment of this Act
12 is rescinded.

13 **SEC. 532. STUDY OF TERMINATION OF HELIUM SUBSIDY.**

14 (a) FINDINGS.—The Congress finds that—

15 (1) the United States Government’s helium re-
16 covery program was instituted in 1925, when helium
17 conservation was deemed to be a matter of national
18 security and no private sector helium recovery indus-
19 try existed;

20 (2) today, as compared to 1925, there is little
21 likelihood that the United States will have to field a
22 fleet of blimps on an emergency basis;

23 (3) private sources of helium are more than
24 adequate for serving existing and foreseeable future
25 national needs;

1 (4) since 1925, there has been a dramatic in-
2 crease in private industry's involvement in helium
3 recovery, as a result of the free market discovery of
4 numerous commercial uses for helium;

5 (5) currently, private industry accounts for 90
6 percent of all helium extraction and consumption;

7 (6) the Government's helium recovery program
8 currently owes the Department of the Treasury
9 \$1,400,000,000 and loses an additional
10 \$120,000,000 yearly on interest alone, and there is
11 no prospect for repayment of this debt without sig-
12 nificant reform; and

13 (7) with combined public and private helium re-
14 serves considerably in excess of foreseeable national
15 helium needs, there is no longer any need for the
16 Federal Government to own and operate a helium
17 refining and marketing program.

18 (b) STUDY.—(1) The Secretary of the Interior, in
19 consultation with private industry, shall conduct a study
20 to determine how best to—

21 (A) sell or otherwise dispose of, at the best pos-
22 sible terms available to the United States, all facili-
23 ties, equipment, and other real or personal property,
24 or rights thereto, held by the United States in con-
25 nection with activities carried out under the Helium

1 Act, unless such facilities, equipment, or other real
2 or personal property, or rights thereto, are required
3 for other Federal purposes;

4 (B) sell or otherwise dispose of, at the best pos-
5 sible terms available to the United States, the he-
6 lium reserves held by the United States other than
7 amounts required for the specific immediate needs of
8 the Federal Government, in a manner consistent
9 with the orderly conduct of commercial helium mar-
10 kets; and

11 (C) ensure the full repayment of loans made
12 under section 12 of the Helium Act.

13 (2) The Secretary of the Interior shall transmit to
14 the Congress within one year after the date of enactment
15 of this Act a report containing the results of the study
16 conducted under paragraph (1).

17 **SEC. 533. RESCISSION OF FUNDS FOR LOW-PRIORITY**
18 **WATER PROJECTS.**

19 (a) CORPS OF ENGINEERS GENERAL INVESTIGA-
20 TIONS.—Of the funds made available under the heading
21 “Corps of Engineers-Civil—General Investigations” in the
22 Energy and Water Development Appropriations Act, 1994
23 (Pub. L. 103–126), \$24,970,000 is rescinded, to be de-
24 rived from projects that—

1 (1) are not continuations of ongoing work
2 under contract;

3 (2) are not economically justified, or environ-
4 mentally beneficial in a manner commensurate with
5 costs;

6 (3) are not environmentally acceptable;

7 (4) are not in compliance with standard cost
8 sharing;

9 (5) do not have available the necessary non-
10 Federal sponsorship and funding;

11 (6) represent a Federal assumption of tradition-
12 ally non-Federal responsibility; or

13 (7) have not completed normal executive branch
14 project review requirements.

15 (b) CORPS OF ENGINEERS CONSTRUCTION.—Of the
16 funds made available under the heading “Corps of Engi-
17 neers-Civil—Construction, General” in the Energy and
18 Water Development Appropriations Act, 1994 (Pub. L.
19 103–126), \$97,319,000 is rescinded, to be derived from
20 projects that—

21 (1) are not continuations of ongoing work
22 under contract;

23 (2) are not economically justified, or environ-
24 mentally beneficial in a manner commensurate with
25 costs;

1 (3) are not environmentally acceptable;

2 (4) are not in compliance with standard cost
3 sharing;

4 (5) do not have available the necessary non-
5 Federal sponsorship and funding;

6 (6) represent a Federal assumption of tradition-
7 ally non-Federal responsibility; or

8 (7) have not completed normal executive branch
9 project review requirements.

10 (c) BUREAU OF RECLAMATION.—Of the funds made
11 available under the heading “Department of the Inte-
12 rior—Bureau of Reclamation—Construction Program” in
13 the Energy and Water Development Appropriations Act,
14 1994 (Pub. L. 103–126), \$16,000,000 is rescinded, to be
15 derived from projects that—

16 (1) are not continuations of ongoing work
17 under contract;

18 (2) in the case of new projects, are inconsistent
19 with the priorities of the Secretary of the Interior;

20 (3) are not environmentally beneficial in a man-
21 ner commensurate with costs; or

22 (4) do not have available the necessary non-
23 Federal cost sharing.

1 **SEC. 534. PREFERENCE FOR INTERIM MEASURES IN**
2 **SUPERFUND RESPONSE ACTIONS.**

3 (a) AMENDMENT OF CERCLA.—Section 121(a) of
4 the Comprehensive Environmental Response, Compensa-
5 tion, and Liability Act of 1980 (42 U.S.C. 9621(a)) is
6 amended by adding at the end the following: “Notwith-
7 standing any other provision of this Act, in selecting ap-
8 propriate remedial actions in any record of decision issued
9 on or after October 1, 1994, the President shall give a
10 preference to the use of institutional controls (such as
11 deed and access restrictions, monitoring, and provision of
12 alternate water supplies), containment methods (including
13 caps, slurry walls, and surface water diversion), and other
14 interim measures, rather than permanent treatment tech-
15 nologies, if such measures are sufficient to assure the pro-
16 tection of human health and the environment.”.

17 (b) CLEANUP STANDARDS.—Section 121(d)(2) of the
18 Comprehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9621(d)(2)) shall
20 not apply to any remedial action described in the amend-
21 ment made by subsection (a).

22 (c) AUTHORIZATION OF APPROPRIATIONS.—(1) Sec-
23 tion 517(b) of the Superfund Amendments and Reauthor-
24 ization Act of 1986 is amended by striking “and” at the
25 end of paragraph (8), by striking paragraph (9) and by
26 inserting the following after paragraph (8):

1 “(9) 1995, \$1,065,536,000,
2 “(10) 1996, \$1,100,198,000,
3 “(11) 1997, \$1,254,824,000, and
4 “(12) 1998, \$1,321,018,000.”.

5 (2) Section 9507(c) of the Internal Revenue Code of
6 1986 is amended by adding the following new paragraph
7 at the end thereof:

8 “(3) LIMITATION ON APPROPRIATIONS
9 FROM FUND.—For fiscal years 1995, 1996,
10 1997, and 1998, the total of all amounts au-
11 thorized to be appropriated from the Superfund
12 shall not exceed the amounts specified in para-
13 graphs (9) through (12) of the Superfund
14 Amendments and Reauthorization Act of
15 1986.”.

16 (d) REPORT REQUIREMENT.—(1) The President
17 shall submit to Congress a report, during each of the 5
18 years listed in paragraph (2), on the use of measures
19 under the last sentence of section 121(a) of the Com-
20 prehensive Environmental Response, Compensation, and
21 Liability Act of 1980 (42 U.S.C. 9621), as required by
22 the amendment made by subsection (a). The report shall
23 cover the preceding fiscal year and shall include the esti-
24 mated savings resulting from the use of such measures
25 in comparison to using permanent treatment technologies.

1 (2) The President shall submit the report required
2 by paragraph (1) by December 1 of 1995, 1996, 1997,
3 1998, and 1999.

4 **SEC. 535. RESERVATION OF FUNDS FOR DISASTER RELIEF.**

5 (a) ESTABLISHMENT OF DISASTER RELIEF AC-
6 COUNT.—On the date of the enactment of this Act the
7 Secretary of the Treasury shall establish a Disaster Relief
8 Account within the Office of the Secretary of the Treas-
9 ury.

10 (b) RESERVATION OF FUNDS.—For each domestic
11 discretionary spending account, the head of each Federal
12 agency shall transfer 1 percent of all funds appropriated
13 for each fiscal year beginning after September 30, 1993,
14 to the account established under subsection (a) upon en-
15 actment of the appropriations Act for the agency for the
16 fiscal year.

17 (c) TRANSFER OF FUNDS.—Upon enactment of an
18 emergency disaster supplemental appropriations Act, the
19 Secretary of the Treasury shall transfer such sums as are
20 specified in such Act with respect to a disaster declared
21 by the President from the Disaster Relief Account to the
22 accounts specified by such Act.

23 (d) USE OF DISASTER RELIEF ACCOUNT PRIOR TO
24 PROVISION OF EMERGENCY FUNDS IN EXCESS OF
25 CAPS.—All funds in the Disaster Relief Account estab-

1 lished under subsection (a) shall be exhausted before any
2 funds shall be made available pursuant to section
3 251(b)(2)(D) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 (e) RELEASE OF FUNDS.—Any funds reserved under
6 subsection (b) for a fiscal year which have not been trans-
7 ferred under subsection (c) by August 1 of such fiscal year
8 shall after that date be returned to the account from which
9 they were reserved in an amount proportionate to the
10 amount originally reserved under subsection (b) if no
11 emergency disaster supplemental appropriations bill has
12 been reported from a committee of, or passed by, the
13 House of Representatives or the Senate. If such a bill has
14 been so reported or passed by August 1, such funds as
15 may be required by such bill shall be retained in the Disas-
16 ter Relief Account established under subsection (a) until
17 transferred under subsection (c). Any funds in excess of
18 those required for such bill shall be returned to the ac-
19 counts from which they were reserved in an amount pro-
20 portionate to the amount originally reserved under sub-
21 section (b) upon enactment of such bill as law.

22 (f) DEFINITION.—For purposes of this section, the
23 term “domestic discretionary spending account” means
24 each budget account that was for purposes of section
25 601(a) of the Congressional Budget Act of 1974 consid-

1 ered to be with respect to fiscal year 1993 within the do-
2 mestic discretionary category, and each new account not
3 classified as within function 050 or 150.

4 (g) RESCISSION OF FUNDS.—Of the funds made
5 available under the heading “Federal Emergency Manage-
6 ment Agency—Disaster Relief” in the Departments of
7 Veterans Affairs and Housing and Urban Development,
8 and Independent Agencies Appropriations Act, 1994 (Pub.
9 L. 103–124), \$15,000,000 is rescinded.

10 **SEC. 536. ELIMINATION OF WEATHER OFFICE CLOSURE**

11 **CERTIFICATION PROCEDURES.**

12 (a) IN GENERAL.—Title VII of the National Oceanic
13 and Atmospheric Administration Authorization Act of
14 1992 is repealed.

15 (b) SENSE OF CONGRESS.—It is the sense of the
16 Congress that the repeal made by subsection (a) will not
17 result in a degradation of weather forecasting service.

18 (c) RESCISSION OF FUNDS.—Of the funds made
19 available under the heading “National Oceanic And At-
20 mospheric Administration—Operations, Research, and
21 Facilities” in the Departments of Commerce, Justice, and
22 State, the Judiciary, and Related Agencies Appropriations
23 Act, 1994 (Pub. L. 103–121), \$20,000,000 is rescinded,
24 to be derived from the National Weather Service.

1 **SEC. 537. RESCISSION OF FUNDS FOR NOAA RESEARCH**
2 **FLEET.**

3 Of the funds made available under the heading “Na-
4 tional Oceanic And Atmospheric Administration—Fleet
5 Modernization, Shipbuilding and Conversion” in the De-
6 partments of Commerce, Justice, and State, the Judiciary,
7 and Related Agencies Appropriations Act, 1994 (Pub. L.
8 103–121), \$77,064,000 is rescinded.

9 **SEC. 538. RESCISSION OF FUNDS FOR NOAA ADD-ONS.**

10 Of the funds made available under the heading “Na-
11 tional Oceanic And Atmospheric Administration” in the
12 Departments of Commerce, Justice, and State, the Judici-
13 ary, and Related Agencies Appropriations Act, 1994 (Pub.
14 L. 103–121), there are rescinded the following amounts
15 from the following accounts:

16 (1) “Operations, Research, and Facilities”,
17 \$71,298,000.

18 (2) “Construction”, \$29,840,000.

19 (3) “Aircraft Procurement and Modernization”,
20 \$43,000,000.

21 **SEC. 539. STUDY CONCERNING MERGER OF BUREAU OF**
22 **RECLAMATION AND UNITED STATES ARMY**
23 **CORPS OF ENGINEERS.**

24 (a) FINDING.—The Congress finds—

25 (1) that similar functions should be adminis-
26 tered in the same agency;

1 (2) that the Bureau of Reclamation is currently
2 reevaluating its mission; and

3 (3) now is the proper time for the Bureau of
4 Reclamation and the Corps of Engineers to evaluate
5 the feasibility of a merger.

6 (b) STUDY.—Not later than one year after the date
7 of enactment of this Act, the Secretary of the Interior,
8 acting through the Commissioner of Reclamation, and the
9 Secretary of the Army, acting through the Chief of Engi-
10 neers, shall jointly conduct a study and submit a report
11 to the Congress on merging the Bureau of Reclamation
12 with the Corps of Engineers. The study shall include an
13 examination of the administrative efficiencies that could
14 be achieved in addition to the change and reorganization
15 referred to in subsection (a), including—

16 (1) a the financial savings through administra-
17 tive efficiency that would be obtained through such
18 a merger; and

19 (2) the realignment of water projects such that
20 similar projects are treated in a similar manner.

21 **SEC. 540. RESCISSION OF FUNDS FOR AGRICULTURE**
22 **BUILDING AND FACILITIES ACCOUNT.**

23 Of the funds made available under the heading “Co-
24 operative State Research Service—Buildings and Facili-
25 ties” in the Agriculture, Rural Development, Food and

1 Drug Administration, and Related Agencies Appropria-
2 tions Act, 1994 (Pub. L. 103–111), \$56,874,000 is re-
3 scinded.

4 **SEC. 541. REPEAL OF AUTHORIZATIONS FOR THE AIRWAY**
5 **SCIENCE PROGRAM, COLLEGIATE TRAINING**
6 **INITIATIVE, AND AIR CARRIER MAINTEN-**
7 **NANCE TECHNICIAN TRAINING FACILITY**
8 **GRANT PROGRAM.**

9 (a) AIRWAY SCIENCE PROGRAM.—All authority for—
10 (1) the Secretary of Transportation to enter
11 into grant agreements with universities or colleges
12 having an airway science curriculum recognized by
13 the Federal Aviation Administration for conducting
14 demonstration projects with respect to the develop-
15 ment, advancement, and expansion of airway science
16 programs, and
17 (2) the Federal Aviation Administration to
18 enter into competitive grant agreements with institu-
19 tions of higher education having airway science cur-
20 ricula,
21 and all authorizations to appropriate funds for such pur-
22 poses, including all authorizations for which funds were
23 appropriated for such purposes under the heading “Fed-
24 eral Aviation Administration, Facilities and Equipment”

1 in the Department of Transportation and Related Agen-
2 cies Appropriations Acts, 1994 are repealed.

3 (b) COLLEGIATE TRAINING INITIATIVE.—Section
4 362 of the Department of Transportation and Related
5 Agencies Appropriations Act, 1993 (106 Stat. 1560) is re-
6 pealed. Notwithstanding such repeal, the Administrator of
7 the Federal Aviation Administration may continue to con-
8 vert appointment of persons who have been appointed pur-
9 suant to such section prior to the effective date of this
10 Act from the excepted service to a career conditional or
11 career appointment in the competitive civil service, pursu-
12 ant to subsection (c) of such section.

13 (c) AIR CARRIER MAINTENANCE TECHNICIAN
14 TRAINING FACILITY GRANT PROGRAM.—Section 119 of
15 the Airport and Airway Safety, Capacity, Noise Improve-
16 ment, and Intermodal Transportation Act of 1992 (49
17 U.S.C. App. 1354 note; 106 Stat. 4883–4884) is repealed.

18 (d) RESCISSION OF FUNDS.—

19 (1) FAA OPERATIONS.—Of the funds made
20 available under the heading “Federal Aviation Ad-
21 ministration—Operations” in the Department of
22 Transportation and Related Agencies Appropriations
23 Act, 1994 (Pub. L. 103–122), \$2,750,000 is re-
24 scinded, to be derived from grants to the Mid-Amer-

1 ican Aviation Resource Consortium and vocational
2 technical institutions.

3 (2) FAA FACILITIES AND EQUIPMENT.—Of the
4 unobligated balance of funds made available under
5 the heading “Federal Aviation Administration—Fa-
6 cilities and Equipment” in appropriations Acts for
7 fiscal year 1994 and prior fiscal years, \$40,257,111
8 is rescinded, to be derived from the airway science
9 program.

10 **SEC. 542. REPEAL OF NATIONAL RECREATIONAL TRAILS**
11 **PROGRAM.**

12 The Symms National Recreational Trails Act of 1991
13 (16 U.S.C. 1261–1262; 105 Stat. 2064–2069) is repealed.

14 **SEC. 543. RESCISSION OF FUNDS FOR EDA.**

15 Of the funds made available under the heading “Eco-
16 nomic Development Administration—Economic Develop-
17 ment Assistance Programs” in the Departments of Com-
18 merce, Justice, and State, the Judiciary, and Related
19 Agencies Appropriations Act, 1994 (Pub. L. 103–121),
20 \$159,892,000 is rescinded.

21 **SEC. 544. ELIMINATION OF FUNDING FOR PUBLIC TELE-**
22 **COMMUNICATIONS FACILITIES.**

23 (a) REPEAL OF AUTHORIZATION OF APPROPRIA-
24 TIONS.—Subpart A of Part IV of title III of the Commu-
25 nications Act of 1934 (47 U.S.C. 390–393a) is repealed.

1 (b) RESCISSION OF FUNDS.—Of the funds made
2 available under the heading “National Telecommuni-
3 cations and Information Administration—Public Tele-
4 communications Facilities, Planning and Construction” in
5 the Departments of Commerce, Justice, and State, the Ju-
6 diciary, and Related Agencies Appropriations Act, 1994
7 (Pub. L. 103–121), \$24,000,000 is rescinded.

8 **SEC. 545. MORATORIUM ON CONSTRUCTION AND ACQUISI-**
9 **TION OF NEW FEDERAL BUILDINGS.**

10 (a) GENERAL RULE.—After the date of the enact-
11 ment of this Act and before October 1, 1998, the Adminis-
12 trator of General Services may not obligate any funds for
13 construction or acquisition of any public building under
14 the authority of the Public Buildings Act of 1959 or any
15 other provision of law (other than a public building under
16 construction or under contract for acquisition on such date
17 of enactment).

18 (b) PUBLIC BUILDING DEFINED.—In this section,
19 the term “public building” has the meaning such term has
20 under the Public Buildings Act of 1959.

21 **Subtitle C—Government**
22 **Management**

23 **SEC. 551. GOVERNMENT INFORMATION DISSEMINATION**
24 **AND PRINTING IMPROVEMENT.**

25 (a) TRANSFER OF FUNCTIONS.—

1 (1) PUBLIC PRINTER.—The position of Public
2 Printer and all functions of the position of Public
3 Printer (other than functions of the Superintendent
4 of Documents) under title 44, United States Code,
5 or any other provision of law are transferred from
6 the legislative branch of the Government to the execu-
7 tive branch of the Government.

8 (2) SUPERINTENDENT OF DOCUMENTS.—The
9 position of Superintendent of Documents and all
10 functions of the position of Superintendent of Docu-
11 ments under title 44, United States Code, or any
12 other provision of law are transferred to the Library
13 of Congress and shall be carried out by the Super-
14 intendent of Documents under the direction of the
15 Librarian of Congress. The Superintendent of Docu-
16 ments shall be appointed by, and serve at the pleas-
17 ure of, the Librarian of Congress.

18 (3) REVOCATION OF CHARTERS.—All printing
19 plant charters authorized under section 501 of title
20 44, United States Code, are revoked.

21 (4) EFFECTIVE DATE.—The transfer under
22 paragraph (1) and the revocation under paragraph
23 (3) shall each take effect 2 years after the date of
24 the enactment of this Act. The transfer under para-

1 graph (2) shall take effect one year after the date
2 of the enactment of this Act.

3 (b) GOVERNMENT PUBLICATIONS TO BE AVAILABLE
4 THROUGHOUT THE GOVERNMENT.—All Government pub-
5 lications shall be available throughout the Government to
6 any department, agency, or entity of the Government for
7 use or redissemination.

8 (c) INVENTORY AND FURNISHING OF GOVERNMENT
9 PUBLICATIONS.—Each department, agency, and other en-
10 tity of the Government shall—

11 (1) establish and maintain a comprehensive in-
12 ventory of its Government publications;

13 (2) make such inventory available through the
14 electronic directory under chapter 41 of title 44,
15 United States Code; and

16 (3) in the form and manner prescribed by the
17 Superintendent of Documents, furnish its Govern-
18 ment publications to the Superintendent of Docu-
19 ments.

20 (d) ADDITIONAL RESPONSIBILITIES OF THE PUBLIC
21 PRINTER.—

22 (1) IN GENERAL.—The Public Printer shall,
23 with respect to the executive branch of the Govern-
24 ment and the judicial branch of the Government—

1 (A) use all necessary measures to remedy
2 neglect, delay, duplication, and waste in the
3 public printing and binding of Government pub-
4 lications, including the reduction and elimi-
5 nation of internal printing and high-speed du-
6 plicating capacities of departments, agencies,
7 and entities;

8 (B) prescribe Government publishing
9 standards, which, to the greatest extent prac-
10 ticable, shall be consistent with the United
11 States Government Printing Office Style Man-
12 ual;

13 (C) prescribe Government procurement
14 and manufacturing requirements for printing
15 paper and writing paper, which, to the greatest
16 extent practicable, shall be consistent with Gov-
17 ernment Paper Specification Standards;

18 (D) authorize the acquisition and transfer
19 of equipment requisitioned by publishing facili-
20 ties authorized under section 501 of title 44,
21 United States Code;

22 (E) authorize the disposal of such equip-
23 ment pursuant to section 312 of title 44,
24 United States Code; and

1 (F) establish policy for the acquisition of
2 printing, which, to the greatest extent prac-
3 ticable, shall be consistent with (i) Printing
4 Procurement Regulation (GPO Publication
5 305.3), (ii) Government Printing and Binding
6 Regulations (JCP No. 26), and (ii) Printing
7 Procurement Department Instruction
8 (PP304.1B).

9 (2) POLICY STANDARDS.—The policy referred
10 to in paragraph (1)(F) shall be formulated to maxi-
11 mize competitive procurement from the private sec-
12 tor. Government in-house printing and duplicating
13 operations authorized under section 501 of title 44,
14 United States Code, or otherwise authorized by law,
15 may be used if they provide printing at the lowest
16 cost to the Government, taking into consideration
17 the total expense of production, materials, labor,
18 equipment, and general and administrative expense,
19 including all levels of overhead.

20 (e) ADDITIONAL RESPONSIBILITIES OF THE SUPER-
21 INTENDENT OF DOCUMENTS.—

22 (1) GOVERNMENT PUBLICATIONS TO BE FUR-
23 NISHED TO THE SUPERINTENDENT OF DOCU-
24 MENTS.—If a department, agency, or other entity of
25 the Government publishes a Government publication,

1 the head of the department, agency, or entity shall
2 furnish the Government publication to the Super-
3 intendent of Documents not later than the date of
4 release of the material to the public.

5 (2) DISSEMINATION OR REPUBLICATION.—In
6 addition to any other dissemination provided for by
7 law, the Superintendent of Documents shall dissemi-
8 nate or republish Government publications, if, as de-
9 termined by the Superintendent, the dissemination
10 by the department, agency, or entity of the Govern-
11 ment is inadequate. The Superintendent shall have
12 authority to carry out the preceding sentence by ap-
13 propriate means, including the dissemination and re-
14 publication of Government publications furnished
15 under paragraph (1), with the cost of dissemination
16 and republication to be borne by the department,
17 agency, or entity involved.

18 (3) COST.—The cost charged to the public by
19 the superintendent of documents under paragraph
20 (2) for any government publication (whether such
21 government publication is made available to the pub-
22 lic by a department, agency, or entity of the govern-
23 ment, or by the superintendent of documents) may
24 include the incremental cost of dissemination, but
25 may not include any profit.

1 (f) DEPOSITORY LIBRARIES.—In addition to any
2 other distribution provided for by law, the Superintendent
3 of Documents shall make Government publications avail-
4 able to designated depository libraries and State libraries.
5 The Superintendent shall have authority to carry out the
6 preceding sentence by appropriate means, including the
7 dissemination and republication of Government publica-
8 tions furnished under subsection (e)(1), with the cost of
9 dissemination and republication to be borne by the depart-
10 ment, agency, or entity involved.

11 (g) DEFINITIONS.—As used in this section—

12 (1) the term “Government publication” means
13 any informational matter that is published at Gov-
14 ernment expense, or as required by law; and

15 (2) the term “publish” means, with respect to
16 informational matter, make available for dissemina-
17 tion.

18 **SEC. 552. SENSE OF CONGRESS REGARDING REORGANIZA-**
19 **TION OF BUREAU OF INDIAN AFFAIRS.**

20 It is the sense of the Congress that—

21 (1) the Bureau of Indian Affairs should be re-
22 organized, with special attention given to reorganiz-
23 ing the Bureau’s 12 area offices into not more than
24 5 regional service centers and 2 special service of-
25 fices; and

1 (2) such reorganization should be pursued in
2 coordination with the Task Force on Bureau of In-
3 dian Affairs reorganization, as provided in the De-
4 partment of the Interior and Related Agencies Ap-
5 propriations Act, 1994 (Pub. L. 103–138).

6 **SEC. 553. RESCISSION OF FUNDS FOR PRINTING AND RE-**
7 **PRODUCTION AND FOR SUPPLIES AND MATE-**
8 **RIALS.**

9 (a) IN GENERAL.—Of the funds made available in
10 appropriations Acts for fiscal year 1994 to the following
11 agencies for printing and reproduction and for supplies
12 and materials, the following amounts are rescinded:

- 13 (1) Department of Agriculture, \$186,000,000.
- 14 (2) Department of Commerce, \$6,000,000.
- 15 (3) Department of Health and Human Services,
16 \$22,400,000.
- 17 (4) Department of the Interior, \$14,400,000.
- 18 (5) Department of Justice, \$15,600,000.
- 19 (6) Department of Labor, \$2,000,000.
- 20 (7) Department of State, \$4,400,000.
- 21 (8) Department of the Treasury, \$13,200,000.
- 22 (9) Department of Education, \$400,000.
- 23 (10) Department of Energy, \$2,800,000.
- 24 (11) Environmental Protection Agency,
25 \$11,200,000.

1 (12) Department of Transportation,
2 \$33,200,000.

3 (13) Department of Housing and Urban Devel-
4 opment, \$240,000.

5 (14) Department of Veterans Affairs,
6 \$97,200,000.

7 (b) ALLOCATION.—The Director of the Office of
8 Management and Budget shall allocate the rescissions
9 made by subsection (a) among the appropriate accounts,
10 and shall submit to the Congress a report setting forth
11 such allocation.

12 **SEC. 554. STREAMLINING OF DEPARTMENT OF HOUSING**
13 **AND URBAN DEVELOPMENT.**

14 (a) IN GENERAL.—During the 5-year period begin-
15 ning on the date of the enactment of this Act, the Sec-
16 retary of Housing and Urban Development shall stream-
17 line the headquarters, regional, and field office structure
18 of the Department of Housing and Urban Development
19 by consolidating various such offices and reducing the size
20 of the Department, without regard to the requirements of
21 section 7(p) of the Department of Housing and Urban De-
22 velopment Act.

23 (b) WORKFORCE REDUCTIONS.—In carrying out sub-
24 section (a), during the period referred to in such sub-
25 section, the Secretary of Housing and Urban Development

1 shall eliminate not less than 1,500 full-time employment
2 positions in the Department of Housing and Urban Devel-
3 opment.

4 **SEC. 555. TERMINATION OF INTERSTATE COMMERCE COM-**
5 **MISSION.**

6 (a) **IN GENERAL.**—There are transferred to the Sec-
7 retary, effective January 1, 1994, all functions of the
8 Commission.

9 (b) **AUTHORITY OF OFFICE OF MANAGEMENT AND**
10 **BUDGET.**—The Director of the Office of Management and
11 Budget, in consultation with the Commission and the Sec-
12 retary, may make such determinations as may be nec-
13 essary with regard to the functions transferred by this sec-
14 tion, and make such additional incidental dispositions of
15 assets, liabilities, contracts, property, and records, as may
16 be necessary to carry out the provisions of this section.
17 The unobligated funds of the Commission shall not be
18 transferred to the Department of Transportation in order
19 to carry out the transfer of functions under this section,
20 and the number of full-time employee positions within the
21 Department of Transportation shall not be increased as
22 a result of such transfer of functions.

23 (c) **JOINT PLANNING FOR TRANSFER.**—The Chair-
24 man of the Commission and the Secretary shall, beginning
25 as soon as practicable after the date of enactment of this

1 section, jointly plan for the orderly transfer of functions
2 under this section.

3 (d) INTERIM USE OF INTERSTATE COMMERCE COM-
4 MISSION PERSONNEL.—Prior to January 1, 1994, and
5 with the consent of the Commission, the Secretary may
6 use the services of officers, employees, and other personnel
7 of the Commission under such terms and conditions as
8 will reasonably facilitate the orderly transfer of functions
9 under this section.

10 (e) SAVINGS PROVISIONS.—

11 (1) IN GENERAL.—All orders, determinations,
12 rules, regulations, permits, contracts, certificates, li-
13 censes, and privileges—

14 (A) which have been issued, made, grant-
15 ed, or allowed to become effective by any agency
16 or official thereof, or by a court of competent
17 jurisdiction, in the performance of any function
18 which is transferred by this section to the Sec-
19 retary from the Commission; and

20 (B) which are in effect immediately before
21 the transfer of functions by this section,
22 shall continue in effect according to their terms until
23 modified, terminated, superseded, set aside, or re-
24 voked in accordance with law by the Secretary or

1 any other duly authorized official, by any court of
2 competent jurisdiction, or by operation of law.

3 (2) CONTINUATION OF PROCEEDINGS.—The
4 transfer of functions by this section shall not affect
5 any proceedings, including rulemaking proceedings,
6 or any application for any license, permit, or certifi-
7 cate, pending before the Commission immediately
8 before the transfer takes effect. Such proceedings
9 and applications shall be continued at the Depart-
10 ment of Transportation. Orders shall be issued in
11 such proceedings, and appeals shall be taken there-
12 from, as if this section had not been enacted; and
13 orders issued in any such proceedings shall continue
14 in effect until modified, terminated, superseded, or
15 revoked by the Secretary of Transportation, by a
16 court of competent jurisdiction, or by operation of
17 law. Nothing in this subsection shall be deemed to
18 prohibit the discontinuance or modification of any
19 such proceeding under the same terms and condi-
20 tions and to the same extent that such proceeding
21 could have been discontinued or modified if this sec-
22 tion had not been enacted.

23 (3) EFFECT ON PENDING CIVIL ACTIONS.—Ex-
24 cept as provided in paragraph (5)—

1 (A) the transfer of any function under this
2 section shall not affect any civil action relating
3 to such function which is commenced prior to
4 the date the transfer takes effect; and

5 (B) in all such actions, proceedings shall
6 be had, appeals taken, and judgments rendered,
7 in the same manner and effect as if this section
8 had not been enacted.

9 (4) NONABATEMENT OF ACTIONS.—No action
10 or other proceeding commenced by or against any
11 officer in that officer's official capacity as an officer
12 of the Commission shall abate by reason of the
13 transfer of any function under this section. No cause
14 of action by or against the Commission, or by or
15 against any officer thereof in that officer's official
16 capacity, shall abate by reason of the transfer of any
17 function under this section.

18 (5) JUDICIAL ADMINISTRATIVE PROVISION.—If
19 immediately before the transfer of functions by this
20 section the Commission or any officer thereof in that
21 officer's official capacity is a party to an action re-
22 lating to a function transfer by this section, then
23 such action shall be continued with the Secretary or
24 other appropriate official of the Department of
25 Transportation substituted or added as a party.

1 (6) REFERENCES.—With respect to any func-
2 tion transferred by this section and performed on or
3 after the effective date of the transfer, reference in
4 any Federal law to the Interstate Commerce Com-
5 mission or the Commission (insofar as such term re-
6 fers to the Interstate Commerce Commission), or to
7 any officer or office thereof, shall be deemed to refer
8 to the Department of Transportation, or other offi-
9 cial or component of the Department of Transpor-
10 tation in which such function vests.

11 (7) EXERCISE OF FUNCTIONS BY SEC-
12 RETARY.—In the exercise of any function trans-
13 ferred by this section, the Secretary shall have the
14 same authority as that vested in the Commission
15 with respect to such function immediately preceding
16 its transfer, and actions of the Secretary shall have
17 the same force and effect as when exercised by the
18 Commission. Orders and actions of the Secretary in
19 the exercise of the functions transferred under this
20 section shall be subject to judicial review to the same
21 extent and in the same manner as if such orders and
22 actions had been by the Commission in the exercise
23 of such functions immediately preceding their trans-
24 fer. Any statutory requirements relating to notice,
25 hearings, actions upon the record, or administrative

1 review that apply to any functions transferred by
2 this section shall apply to the exercise of such func-
3 tions by the Secretary.

4 (f) REPORTS.—No later than July 1, 1994, the Sec-
5 retary shall submit to the appropriate committees of Con-
6 gress a report on the functions transferred from the Com-
7 mission to the Department of Transportation under this
8 section. The report shall include—

9 (1) an assessment of benefits compared to costs
10 associated with each of these functions, both with re-
11 spect to persons affected directly and to the public
12 generally;

13 (2) recommendations for the elimination of
14 functions identified as redundant, or substantially
15 the same as functions or services which are per-
16 formed by the Department of Transportation or
17 other public or private organizations prior to the
18 transfer of functions under this section; and

19 (3) recommendations to modify or eliminate
20 those functions that do not provide substantial eco-
21 nomic or safety benefits to the general public.

22 (g) CONFORMING AMENDMENTS.—

23 (1) EXECUTIVE LEVEL PAY RATES.—

1 (A) Section 5314 of title 5, United States
2 Code, is amended by striking “Chairman, Inter-
3 state Commerce Commission.”.

4 (B) Section 5315 of title 5, United States
5 Code, is amended by striking “Members, Inter-
6 state Commerce Commission.”.

7 (2) TERMINATION OF COMMISSION.—Sections
8 10301 through 10308 of title 49, United States
9 Code, are repealed.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this section shall become effective on January 1,
12 1994.

13 (h) DEFINITIONS.—In this section—

14 (1) the term “Commission” means the Inter-
15 state Commerce Commission;

16 (2) the term “function” means a function,
17 power, or duty; and

18 (3) the term “Secretary” means the Secretary
19 of Transportation.

20 (i) RESCISSION AND TRANSFER OF FUNDS.—Of the
21 funds made available under the heading “Interstate Com-
22 merce Commission—Salaries and Expenses” in the De-
23 partment of Transportation and Related Agencies Appro-
24 priations Act, 1994 (Pub. L. 103–122)—

25 (1) \$18,000,000 is rescinded; and

1 (2) \$15,000,000 shall be transferred to and
2 merged with the appropriation in such Act for “DE-
3 PARTMENT OF TRANSPORTATION—OFFICE
4 OF THE SECRETARY—Immediate Office of the
5 Secretary”.

6 **SEC. 556. RESCISSION OF FUNDS FROM TENNESSEE VAL-**
7 **LEY AUTHORITY FUND.**

8 Of the funds in the Area and Regional Account of
9 the Tennessee Valley Authority Fund, \$23,000,000 is re-
10 scinded.

11 **SEC. 557. RESCISSION OF FUNDS FOR APPALACHIAN RE-**
12 **GIONAL COMMISSION.**

13 Of the funds made available under the heading “Ap-
14 palachian Regional Commission” in the Energy and Water
15 Development Appropriations Act, 1994 (Pub. L. 103-
16 126), \$59,000,000 is rescinded.

17 **SEC. 558. IMPROVEMENTS TO MANAGMENT OF VETERANS’**
18 **HOSPITALS.**

19 The Secretary of Veterans Affairs, in consultation
20 with the Secretary of Health and Human Services, shall
21 implement for the Veterans Health Administration a fi-
22 nancing system known as a “Prospective Payment Sys-
23 tem”. In implementing such a system, the Secretary shall
24 classify each individual receiving health care and services
25 under chapter 17 of title 38, United States Code, in a

1 Diagnosis-Related Group (DRG). The Prospective Pay-
2 ment System implemented by the Secretary shall be mod-
3 eled as closely as is practicable on the Prospective Pay-
4 ment System in use for the Medicare program under title
5 XVIII of the Social Security Act. The Secretary may, to
6 the extent necessary to implement this section, waive any
7 provisions of law inconsistent with this section. In imple-
8 menting this section, it shall be a goal of the Secretary
9 to achieve savings in outlays for the Department of Veter-
10 ans Affairs medical system of not less than
11 \$1,000,000,000 over the five-year period of fiscal years
12 1994 through 1998.

13 **SEC. 559. RESCISSION OF FUNDS FOR LEGAL SERVICES**
14 **CORPORATION.**

15 Of the funds made available under the heading
16 “Legal Services Corporation—Payment to the Legal Serv-
17 ices Corporation” in the Departments of Commerce, Jus-
18 tice, and State, the Judiciary, and Related Agencies Ap-
19 propriations Act, 1994 (Pub. L. 103–121), \$20,000,000
20 is rescinded.

21 **SEC. 560. TERMINATION OF STATE JUSTICE INSTITUTE.**

22 (a) IN GENERAL.—The State Justice Institute Act
23 of 1984 (42 U.S.C. 10701 et seq.) is repealed.

24 (b) RESCISSION OF FUNDS.—Of the funds made
25 available under the heading “State Justice Institute—Sal-

1 aries and Expenses” in the Departments of Commerce,
2 Justice, and State, the Judiciary, and Related Agencies
3 Appropriations Act, 1994 (Pub. L. 103–121), \$6,775,000
4 is rescinded.

5 **SEC. 561. IMPROVEMENT OF U.S. MARSHALS SERVICE.**

6 (a) PHASING OUT OF POLITICAL APPOINTEES.—

7 (1) UNCONFIRMED APPOINTEES.—Any individ-
8 ual serving as a United States marshal to whose ap-
9 pointment to such office the Senate has not given its
10 advice and consent as of the date of the enactment
11 of this Act, may no longer serve in such position on
12 or after such date of enactment, except pursuant to
13 appointment by the Attorney General under the
14 amendments made by this section. The Attorney
15 General shall, before appointing any other individual
16 to such vacated position, offer such vacated position
17 to the individual then serving as deputy marshal in
18 that office of United States marshal. The individual
19 appointed to fill such vacated position shall be ap-
20 pointed for the remainder of the unexpired term of
21 his or her predecessor.

22 (2) CONFIRMED APPOINTEES.—Any individual
23 who, on the date of the enactment of this Act, is a
24 United States marshal to whose appointment the
25 Senate has given its advice and consent, may not

1 serve in such position on or after December 31,
2 1994, except pursuant to appointment by the Attor-
3 ney General under the amendments made by this
4 section. The Attorney General shall, before appoint-
5 ing any other individual to such vacated position,
6 offer such vacated position to the individual then
7 serving as deputy marshal in that office of United
8 States marshal. The individual appointed to fill such
9 vacated position shall be appointed for the remain-
10 der of the unexpired term of his or her predecessor.

11 (b) APPOINTMENT OF UNITED STATES MAR-
12 SHALS.—Section 561 of title 28, United States Code, is
13 amended—

14 (1) in subsection (c) by striking “The President
15 shall appoint, by and with the advice and consent of
16 the Senate,” and inserting “The Attorney General
17 shall appoint”; and

18 (2) in subsection (d) by striking “President”
19 and inserting “Attorney General”.

20 (c) OVERALL REDUCTION IN NUMBER OF POSI-
21 TIONS.—

22 (1) ELIMINATION OF POSITIONS OF DEPUTY
23 MARSHAL.—The position of deputy marshal in the
24 70 judicial districts having the least population of all
25 judicial districts shall be abolished, as of—

1 (A) the date of the enactment of this Act,
2 in a case in which subsection (a)(1) applies; or

3 (B) the date on which the United States
4 marshal leaves office under the first sentence of
5 subsection (a)(2), in a case in which such sub-
6 section applies;

7 and no equivalent position in such districts shall
8 thereafter be created.

9 (2) OVERALL REDUCTION.—The number of
10 full-time equivalent positions in the United States
11 Marshals Service as of January 1, 1995, may not
12 exceed the number of full-time equivalent positions
13 in the United States Marshals Service on the date
14 of the enactment of this Act, minus 70.

15 (d) CONFORMING AMENDMENTS.—(1) Section 562 of
16 title 28, United States Code, and the item relating to such
17 section in the table of sections at the beginning of chapter
18 37 of such title, are repealed.

19 (2) Section 569 of such title is amended—

20 (A) by striking “(a)”; and

21 (B) by striking subsection (b).

22 **SEC. 562. RESCISSION OF FUNDS FOR BATF.**

23 Of the funds made available under the heading “Bu-
24 reau of Alcohol, Tobacco and Firearms—Salaries and Ex-
25 penses” in the Treasury, Postal Service, and General Gov-

1 ernment Appropriations Act, 1994 (Pub. L. 103–123),
2 \$2,000,000 is rescinded.

3 **SEC. 563. RESCISSION OF FUNDS FOR CONSTRUCTION OF**
4 **NEW FEDERAL OFFICES AND COURTHOUSES.**

5 Of the funds made available under the heading “Gen-
6 eral Services Administration—Federal Buildings Fund”
7 in the Treasury, Postal Service, and General Government
8 Appropriations Act, 1994 (Pub. L. 103–123),
9 \$288,000,000 is rescinded.

10 **SEC. 564. LIMITATION ON OFFICE EQUIPMENT AND FUR-**
11 **NISHINGS PURCHASES BY DEPARTING MEM-**
12 **BERS OF HOUSE OF REPRESENTATIVES.**

13 The first section of the Act entitled “An Act to au-
14 thorize the disposition of certain office equipment and fur-
15 nishings, and for other purposes”, enacted October 20,
16 1974 (2 U.S.C. 59a) is repealed.

17 **SEC. 565. RESCISSION OF FUNDS FOR EXECUTIVE OFFICE**
18 **OF THE PRESIDENT.**

19 (a) IN GENERAL.—Of the funds made available for
20 each account under the heading “Executive Office of the
21 President and Funds Appropriated to the President” in
22 the Treasury, Postal Service, and General Government
23 Appropriations Act, 1994 (Pub. L. 103–123), there is re-
24 scinded an amount equal to 5 percent of such funds.

1 (b) ADDITIONAL OFFICES.—Of the funds made avail-
2 able for each account under the heading “Executive Office
3 of the President” in the Departments of Veterans Affairs
4 and Housing and Urban Development, and Independent
5 Agencies Appropriations Act, 1994 (Pub. L. 103–124),
6 there is rescinded an amount equal to 5 percent of such
7 funds.

8 **SEC. 566. RESCISSION OF FUNDS FOR LEGISLATIVE**
9 **BRANCH.**

10 (a) IN GENERAL.—Of the funds made available for
11 each account in the Legislative Branch Appropriations
12 Act, 1994 (Pub. L. 103–69), there is rescinded an amount
13 equal to 7.5 percent of such funds.

14 (b) EXCEPTIONS.—Subsection (a) shall not apply
15 to—

16 (1) funds made available under the heading
17 “Congressional Operations—Senate”; or

18 (2) funds for which amounts are rescinded by
19 section 317.

20 **SEC. 567. RESCISSION OF FUNDS FOR HOUSE FRANKING.**

21 Of the funds made available under the heading
22 “House of Representatives—Salaries and Expenses” in
23 the Legislative Branch Appropriations Act, 1994 (Pub. L.
24 103–69), \$12,000,000 is rescinded, to be derived from
25 “Official Mail Costs”.

1 **SEC. 568. PROVISIONS RELATING TO ANNUAL PAY ADJUST-**
2 **MENTS FOR MEMBERS OF CONGRESS.**

3 (a) CALENDAR YEAR 1994.—Notwithstanding sec-
4 tion 601(a)(2) of the Legislative Reorganization Act of
5 1946 (2 U.S.C. 31(2)), the cost of living adjustment (re-
6 lating to pay for Members of Congress) which would be-
7 come effective under such provision of law during calendar
8 year 1994 shall not take effect.

9 (b) LIMITATION ON FUTURE ADJUSTMENTS.—Effec-
10 tive as of December 31, 1994, paragraph (2) of section
11 601(a) of the Legislative Reorganization Act of 1946 is
12 amended—

13 (1) by striking “(2) Effective” and inserting
14 “(2)(A) Subject to subparagraph (B), effective”; and
15 (2) by adding at the end the following:

16 “(B) In no event shall the percentage adjustment tak-
17 ing effect under subparagraph (A) in any calendar year
18 exceed the percentage adjustment taking effect in such
19 calendar year under section 5303 of title 5, United States
20 Code, in the rates of pay under the General Schedule.”.

21 **SEC. 569. SES ANNUAL LEAVE ACCUMULATION.**

22 (a) IN GENERAL.—Effective on the last day of the
23 last applicable pay period beginning in calendar year
24 1993, subsection (f) of section 6304 of title 5, United
25 States Code, is repealed.

1 (b) SAVINGS PROVISION.—Notwithstanding the
2 amendment made by subsection (a), in the case of an em-
3 ployee who, on the effective date of subsection (a), is sub-
4 ject to subsection (f) of section 6304 of title 5, United
5 States Code, and who has to such employee’s credit annual
6 leave in excess of the maximum accumulation otherwise
7 permitted by subsection (a) or (b) of section 6304, such
8 excess annual leave shall remain to the credit of the em-
9 ployee and be subject to reduction, in the same manner
10 as provided in subsection (c) of section 6304.

11 (c) CONFORMING AMENDMENT.—Section 6304(a) of
12 title 5, United States Code, is amended by striking “(e),
13 (f), and (g)” and inserting “(e) and (g)”, effective as of
14 the effective date of subsection (a).

15 (d) RESCISSION OF FUNDS.—Of the aggregate funds
16 made available to executive departments and agencies in
17 appropriations Act for fiscal year 1994 for purposes of
18 payments for accrued leave upon termination of employ-
19 ment, \$2,000,000 is rescinded. The Director of the Office
20 of Management and Budget shall allocate such rescission
21 among the appropriate accounts, and shall submit to the
22 Congress a report setting forth such allocation.

1 **SEC. 570. REDUCTION OF FEDERAL FULL-TIME EQUIVA-**
2 **LENT POSITIONS.**

3 (a) DEFINITION.—For purposes of this section, the
4 term “agency” means an Executive agency as defined
5 under section 105 of title 5, United States Code, but does
6 not include the General Accounting Office.

7 (b) LIMITATIONS ON FULL-TIME EQUIVALENT POSI-
8 TIONS.—The President, through the Office of Manage-
9 ment and Budget (in consultation with the Office of Per-
10 sonnel Management), shall ensure that the total number
11 of full-time equivalent positions in all agencies shall not
12 exceed—

- 13 (1) 2,053,600 during fiscal year 1994;
- 14 (2) 1,999,600 during fiscal year 1995;
- 15 (3) 1,945,600 during fiscal year 1996;
- 16 (4) 1,895,600 during fiscal year 1997; and
- 17 (5) 1,851,600 during fiscal year 1998.

18 (c) MONITORING AND NOTIFICATION.—The Office of
19 Management and Budget, after consultation with the Of-
20 fice of Personnel Management, shall—

- 21 (1) continuously monitor all agencies and make
22 a determination on the first date of each quarter of
23 each applicable fiscal year of whether the require-
24 ments under subsection (b) are met; and
- 25 (2) notify the President and the Congress on
26 the first date of each quarter of each applicable fis-

1 cal year of any determination that any requirement
2 of subsection (b) is not met.

3 (d) COMPLIANCE.—If at any time during a fiscal
4 year, the Office of Management and Budget notifies the
5 President and the Congress that any requirement under
6 subsection (b) is not met, no agency may hire any em-
7 ployee for any position in such agency until the Office of
8 Management and Budget notifies the President and the
9 Congress that the total number of full-time equivalent po-
10 sitions for all agencies equals or is less than the applicable
11 number required under subsection (b).

12 (e) WAIVER.—Any provision of this section may be
13 waived upon—

14 (1) a determination by the President of the ex-
15 istence of war or a national security requirement; or

16 (2) the enactment of a joint resolution upon an
17 affirmative vote of three-fifths of the Members of
18 each House of the Congress duly chosen and sworn.

19 (f) RESCISSION OF FUNDS.—Of the aggregate funds
20 made available to executive departments and agencies in
21 appropriations Act for fiscal year 1994 for purposes of
22 employee compensation, \$2,122,000,000 is rescinded. The
23 Director of the Office of Management and Budget shall
24 allocate such rescission among the appropriate accounts,

1 and shall submit to the Congress a report setting forth
2 such allocation.

3 **SEC. 571. RESCISSION OF FUNDS FOR TRAVEL ACCOUNTS.**

4 (a) IN GENERAL.—Of the funds made available in
5 any appropriations Act for fiscal year 1994 to any execu-
6 tive department or agency, or any entity in the legislative
7 branch, for purposes of official travel, 15 percent is re-
8 scinded. The Director of the Office of Management and
9 Budget shall allocate such rescission among the appro-
10 priate accounts, and shall submit to the Congress a report
11 setting forth such allocation.

12 (b) EXCEPTIONS.—Subsection (a) shall not apply
13 to—

14 (1) the Department of Defense, the Department
15 of Justice, the Department of State, the Department
16 of the Treasury, the Department of Veterans Af-
17 fairs, or any agency or office within any such de-
18 partment; or

19 (2) the Office of Personnel Management in car-
20 rying out its responsibilities under the Voting Rights
21 Act of 1965.

22 **SEC. 572. TERMINATION OF FEDERAL ADVISORY COMMIT-**
23 **TEES.**

24 (a) TERMINATION.—The entities described in sub-
25 section (b) are terminated.

1 (b) ENTITIES DESCRIBED.—The entities referred to
2 in subsection (a) are the following:

3 (1) Preservation of Jazz Advisory Commission.

4 (2) Mt. Saint Helen's Scientific Advisory
5 Board.

6 (3) Advisory Panel for the Dictionary of Occu-
7 pational Titles.

8 (4) U.S. Army Medical Research and Develop-
9 ment Advisory Board.

10 (5) Secretary of the Navy's Advisory Committee
11 on Naval History.

12 (6) Scientific Advisory Committee on Effects.

13 (7) Advisory Committee on Publications Sub-
14 vention.

15 (8) National Advisory Council on Educational
16 Research and Improvement.

17 (9) Advisory Panel for the Decontamination of
18 TMI-2.

19 (10) Technical Advisory Group on Cigarette
20 Fire Safety.

21 (11) Advisory Commission of Swine Health
22 Protection.

23 (c) SAVINGS PROVISIONS.—

24 (1) CONTINUATION OF AGREEMENTS, GRANTS,
25 CONTRACTS, PRIVILEGES, AND OTHER ADMINISTRA-

1 TIVE ACTIONS.—All agreements, grants, contracts,
2 privileges, and other administrative actions—

3 (A) which have been issued, made, grant-
4 ed, or allowed to become effective by an entity
5 described in subsection (b) in the performance
6 of its functions or by a court of competent ju-
7 risdiction with respect to those functions, and

8 (B) which are in effect on the date of the
9 enactment of this Act, or were final before that
10 date of enactment and are to become effective
11 on or after that date of enactment,

12 shall continue in effect according to their terms until
13 modified, terminated, superseded, set aside, or re-
14 voked in accordance with law by the President, any
15 other authorized official, a court of competent juris-
16 diction, or operation of law.

17 (2) SUITS NOT AFFECTED.—The provisions of
18 this section shall not affect suits commenced before
19 the date of the enactment of this Act, and in all
20 such suits, proceedings shall be had, appeals taken,
21 and judgments rendered in the same manner and
22 with the same effect as if this section had not been
23 enacted.

24 (3) SUITS INVOLVING COUNCIL OR OFFICE.—
25 No suit, action, or other proceeding commenced by

1 or against an entity described in subsection (b), or
2 by or against any individual in the official capacity
3 of such individual as an officer or employee of such
4 an entity, shall abate by reason of the enactment of
5 this section.

6 **SEC. 573. INCREASE IN THRESHOLD FOR APPLICATION OF**
7 **DAVIS-BACON ACT.**

8 (a) IN GENERAL.—Subsection (a) of the first section
9 of the Act of March 3, 1931 (40 U.S.C. 276a et seq.)
10 (known as the “Davis-Bacon Act”) is amended by striking
11 “\$2,000” and inserting “\$100,000”.

12 (b) RESCISSION OF FUNDS.—Of the aggregate funds
13 made available to executive departments and agencies in
14 appropriations Act for fiscal year 1994 for purposes of
15 construction activities under the Act of March 3, 1931 (40
16 U.S.C. 276a et seq.) (known as the “Davis-Bacon Act”) or
17 similar prevailing wage requirements applicable to
18 projects assisted by Federal funds, \$62,000,000 is re-
19 scinded. The Director of the Office of Management and
20 Budget shall allocate such rescission among the appro-
21 priate accounts, and shall submit to the Congress a report
22 setting forth such allocation.

1 **SEC. 574. ELIMINATION OF CERTAIN REPORTS REQUIRED**
2 **ON CONTRACTS COVERED BY DAVIS-BACON**
3 **ACT.**

4 (a) **IN GENERAL.**—The first sentence of section 2 of
5 the Act of June 13, 1934, entitled “An Act to effectuate
6 the purpose of certain statutes concerning rates of pay for
7 labor, by making it unlawful to prevent anyone from re-
8 ceiving the compensation contracted for thereunder, and
9 for other purposes” (40 U.S.C. 276c) (known as the
10 “Copeland Act”) is amended by striking “shall furnish
11 weekly a statement with respect to the wages paid each
12 employee during the preceding week” and inserting “shall
13 furnish, at least once per month, a statement of compli-
14 ance with the labor standards provisions of applicable law,
15 certifying the payroll with respect to the wages paid em-
16 ployees during the preceding period for which the state-
17 ment is furnished, covering each week any contract work
18 is performed”.

19 (b) **RESCISSION OF FUNDS.**—Of the aggregate funds
20 made available to executive departments and agencies in
21 appropriations Act for fiscal year 1994 for purposes of
22 construction activities submitted under section 2 of the
23 Act of June 13, 1934 (40 U.S.C. 276c) (known as the
24 “Copeland Act”), \$55,000,000 is rescinded. The Director
25 of the Office of Management and Budget shall allocate
26 such rescission among the appropriate accounts, and shall

1 submit to the Congress a report setting forth such alloca-
2 tion.

3 **SEC. 575. FEES FOR APPLICATIONS FOR ALCOHOL LABEL-**
4 **ING AND FORMULA REVIEWS.**

5 (a) IN GENERAL.—The Secretary of the Treasury or
6 his delegate (in this section referred to as the “Secretary”)
7 shall establish a program requiring the payment of user
8 fees for—

9 (1) requests for each certificate of alcohol label
10 approval required under the Federal Alcohol Admin-
11 istration Act (27 U.S.C. 201 et seq.) and for each
12 request for exemption from such requirement, and

13 (2) requests for each formula review, and re-
14 quests for each statement of process (including lab-
15 oratory tests and analyses), under such Act or under
16 chapter 51 of the Internal Revenue Code of 1986.

17 (b) PROGRAM CRITERIA.—

18 (1) IN GENERAL.—The fees charged under the
19 program required by subsection (a) shall be deter-
20 mined such that the Secretary estimates that the ag-
21 gregate of such fees received during any fiscal year
22 will be \$5,000,000.

23 (2) MINIMUM FEES.—The fee charged under
24 the program required by subsection (a) shall not be
25 less than—

1 (A) \$50 for each request referred to in
2 subsection (a)(1), and

3 (B) \$250 for each request referred to in
4 subsection (a)(2).

5 (c) APPLICATION OF SECTION.—Subsection (a) shall
6 apply to requests made on or after the 90th day after the
7 date of the enactment of this Act.

8 (d) DEPOSIT AND CREDIT AS OFFSETTING RE-
9 CEIPTS.—The amounts collected by the Secretary under
10 the program required by subsection (a) (to the extent such
11 amounts do not exceed \$5,000,000) shall be deposited into
12 the Treasury as offsetting receipts and ascribed to the al-
13 cohol compliance program of the Bureau of Alcohol, To-
14 bacco, and Firearms.

15 **SEC. 576. INCREASE IN SEC REGISTRATION FEES.**

16 (a) SECURITIES ACT OF 1933.—Section 6(b) of the
17 Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by
18 striking “one-fiftieth of 1 per centum” and inserting “ $\frac{1}{29}$
19 of 1 percent”.

20 (b) SECURITIES EXCHANGE ACT OF 1934.—Sections
21 13(e)(3) and 14(g)(1)(A)(i) of the Securities Exchange
22 Act of 1934 (47 U.S.C. 78m(e)(3), 78n(g)(1)(A)(i)) are
23 each amended by striking “ $\frac{1}{50}$ of 1 per centum” and in-
24 serting “ $\frac{1}{29}$ of 1 percent”.

1 (c) DEPOSIT AND CREDIT AS OFFSETTING RE-
2 CEIPTS.—The amounts collected under the provisions
3 amended by this section shall be deposited into the Treas-
4 ury as offsetting receipts and ascribed to the salaries and
5 expenses account of the Securities and Exchange Commis-
6 sion.

7 (d) APPLICABILITY.—The amendments made by sub-
8 sections (a) and (b) shall not apply after September 30,
9 1998.

10 **SEC. 577. TRAVEL, TOURISM, AND EXPORT PROMOTION**
11 **FEES.**

12 (a) TRAVEL AND TOURISM FEES.—

13 (1) IN GENERAL.—Each State that participates
14 in marketing activities or tourism promotion abroad
15 through the United States Travel and Tourism Ad-
16 ministration shall pay a fee in an amount deter-
17 mined by such Administration so that the total re-
18 cepts from such fees shall equal the budget of such
19 Administration.

20 (2) DEPOSIT AND CREDIT AS OFFSETTING RE-
21 CEIPTS.—The amounts collected under this sub-
22 section shall be deposited into the Treasury as off-
23 setting receipts and ascribed to the salaries and ex-
24 penses account of the United States Travel and
25 Tourism Administration.

1 (b) EXPORT PROMOTION FEES.—

2 (1) IN GENERAL.—The Secretary of Commerce
3 or his delegate (in this subsection referred to as the
4 “Secretary”) shall establish a program requiring the
5 payment of user fees for all services provided to all
6 entities outside the Federal Government by the
7 International Trade Administration in carrying out
8 its export promotion programs.

9 (2) SETTING OF FEES.—The fees charged
10 under the program required by paragraph (1) shall
11 be determined such that the Secretary estimates
12 that the aggregate of such fees received during the
13 following fiscal years will equal the following
14 amounts:

15 (A) \$100,000,000 during fiscal year 1994.

16 (B) \$212,154,000 during fiscal year 1995.

17 (C) \$224,821,000 during fiscal year 1996.

18 (D) \$237,830,000 during fiscal year 1997.

19 (E) \$251,648,000 during fiscal year 1998.

20 (3) APPLICATION OF SECTION.—Paragraph (1)
21 shall apply to services provided on or after the 90th
22 day after the date of the enactment of this Act.

23 (4) DEFINITION.—As used in this subsection,
24 the term “export promotion program” has the mean-
25 ing given that term in section 201(d) of the export

1 administration amendments act of 1985 (15 U.S.C.
2 4051(d)) and includes—

3 (A) the provision of information and tech-
4 nical assistance; and

5 (B) any form of assistance in the market-
6 ing of goods and services.

7 (5) DEPOSIT AND CREDIT AS OFFSETTING RE-
8 CEIPTS.—The amounts collected by the Secretary
9 under the program required by paragraph (1) (to
10 the extent such amounts do not exceed the amounts
11 specified in paragraph (2)) shall be deposited into
12 the Treasury as offsetting receipts and ascribed to
13 the operations and administrations account of the
14 International Trade Administration.

15 **Subtitle D—Human Resources**

16 **SEC. 581. SUBSTITUTION OF VOUCHER ASSISTANCE FOR** 17 **PUBLIC HOUSING NEW CONSTRUCTION.**

18 (a) TERMINATION OF ASSISTANCE FOR CONSTRUC-
19 TION OF PUBLIC HOUSING.—

20 (1) LOAN AUTHORITY.—After the date of the
21 enactment of this Act, the Secretary of Housing and
22 Urban Development may not enter into any new
23 commitment to make loans under section 4 of the
24 United States Housing Act of 1937 to public hous-

1 ing agencies for the development or acquisition of
2 public housing projects by such agencies.

3 (2) CONTRIBUTION AUTHORITY.—After the
4 date of the enactment of this Act, the Secretary of
5 Housing and Urban Development may not enter into
6 any new contract to make contributions under sec-
7 tion 5 of the United States Housing Act of 1937 to
8 public housing agencies for the development or ac-
9 quisition of public housing projects by such agencies.

10 (3) EXISTING COMMITMENTS.—After the date
11 of the enactment of this Act, the Secretary of Hous-
12 ing and Urban Development may make contributions
13 and loans for the development or acquisition of pub-
14 lic housing projects only pursuant to legally binding
15 commitments to make such loans or contracts for
16 such contributions entered into on or before the date
17 of the enactment of this Act.

18 (4) INAPPLICABILITY TO INDIAN HOUSING.—
19 The provisions of this section shall not apply to pub-
20 lic housing developed pursuant to a contract between
21 the Secretary of Housing and Urban Development
22 and an Indian housing authority.

23 (5) DEFINITIONS.—For purposes of this sec-
24 tion, the terms “Indian housing authority”,
25 “project”, “public housing”, and “public housing

1 agency” have the meanings given the terms in sec-
2 tion 3(b) of the United States Housing Act of 1937.

3 (b) PERMISSIBLE USES.—Vouchers for rental assist-
4 ance provided with the amounts made available under this
5 section may be used for the rental of dwelling units or
6 costs of residency, as determined by qualified voucher re-
7 cipients.

8 (c) RESCISSION AND TRANSFER OF FUNDS.—Of the
9 funds made available under the heading “Department of
10 Housing and Urban Development—Housing Programs—
11 Annual Contributions for Assisted Housing” in the De-
12 partments of Veterans Affairs and Housing and Urban
13 Development, and Independent Agencies Appropriations
14 Act, 1994 (Pub. L. 103–124)—

15 (1) \$367,000,000 is rescinded from the total
16 amount under such heading and from the amount
17 specified under such heading for the development or
18 acquisition cost of public housing; and

19 (2) \$230,701,000 of the amount specified under
20 such heading for the development or acquisition cost
21 of public housing shall be reallocated to and merged
22 with the amount specified under such heading for
23 the housing voucher program under section 8(o) of
24 the United States Housing Act of 1937.

1 **SEC. 582. REFORM OF HUD MULTIFAMILY PROPERTY DIS-**
2 **POSITION.**

3 (a) FINDINGS.—The Congress finds that—

4 (1) the portfolio of multifamily housing project
5 mortgages insured by the FHA is severely troubled
6 and at risk of default, requiring the Secretary to in-
7 crease loss reserves from \$5,500,000,000 in 1991 to
8 \$11,900,000,000 in 1992 to cover estimated future
9 losses;

10 (2) the inventory of multifamily housing
11 projects owned by the Secretary has more than tri-
12 pled since 1989, and, by the end of 1993, may ex-
13 ceed 75,000 units;

14 (3) the cost to the Federal Government of own-
15 ing and maintaining multifamily housing projects es-
16 calated to approximately \$250,000,000 in fiscal year
17 1992;

18 (4) the inventory of multifamily housing
19 projects subject to mortgages held by the Secretary
20 has increased dramatically, to more than 2,400
21 mortgages, and approximately half of these mort-
22 gages, with over 230,000 units, are delinquent;

23 (5) the inventory of insured and formerly in-
24 sured multifamily housing projects is rapidly deterio-
25 rating, endangering tenants and neighborhoods;

1 “(A) preserving housing so that it can re-
2 main available to and affordable by low-income
3 persons;

4 “(B) preserving and revitalizing residential
5 neighborhoods;

6 “(C) maintaining existing housing stock in
7 a decent, safe, and sanitary condition;

8 “(D) minimizing the involuntary displace-
9 ment of tenants;

10 “(E) maintaining housing for the purpose
11 of providing rental housing, cooperative hous-
12 ing, and homeownership opportunities for low-
13 income persons; and

14 “(F) minimizing the need to demolish mul-
15 tifamily housing projects.

16 The Secretary, in determining the manner in which a
17 project is to be managed or disposed of, may balance com-
18 peting goals relating to individual projects in a manner
19 that will further the purposes of this section.

20 “(b) DEFINITIONS.—For purposes of this section, the
21 following definitions shall apply:

22 “(1) MULTIFAMILY HOUSING PROJECT.—The
23 term ‘multifamily housing project’ means any multi-
24 family rental housing project which is, or prior to
25 acquisition by the Secretary was, assisted or insured

1 under the National Housing Act, or was subject to
2 a loan under section 202 of the Housing Act of
3 1959.

4 “(2) SUBSIDIZED PROJECT.—The term ‘sub-
5 sidized project’ means a multifamily housing project
6 receiving any of the following types of assistance im-
7 mediately prior to the assignment of the mortgage
8 on such project to, or the acquisition of such mort-
9 gage by, the Secretary:

10 “(A) Below market interest rate mortgage
11 insurance under the proviso of section
12 221(d)(5) of the National Housing Act.

13 “(B) Interest reduction payments made in
14 connection with mortgages insured under sec-
15 tion 236 of the National Housing Act.

16 “(C) Direct loans made under section 202
17 of the Housing Act of 1959.

18 “(D) Assistance in the form of—

19 “(i) rent supplement payments under
20 section 101 of the Housing and Urban De-
21 velopment Act of 1965;

22 “(ii) housing assistance payments
23 made under section 23 of the United
24 States Housing Act of 1937 (as in effect
25 before January 1, 1975); or

1 “(iii) housing assistance payments
2 made under section 8 of the United States
3 Housing Act of 1937 (excluding payments
4 made for tenant-based assistance under
5 section 8),

6 if (except for purposes of section 183(c) of the
7 Housing and Community Development Act of
8 1987) such assistance payments are made to
9 more than 50 percent of the units in the
10 project.

11 “(3) FORMERLY SUBSIDIZED PROJECT.—The
12 term ‘formerly subsidized project’ means a multi-
13 family housing project owned by the Secretary that
14 was a subsidized project immediately prior to its ac-
15 quisition by the Secretary.

16 “(4) UNSUBSIDIZED PROJECT.—The term
17 ‘unsubsidized project’ means a multifamily housing
18 project owned by the Secretary that is not a sub-
19 sidized project or a formerly subsidized project.

20 “(c) MANAGEMENT OR DISPOSITION OF PROP-
21 ERTY.—

22 “(1) DISPOSITION TO PURCHASERS.—The Sec-
23 retary is authorized, in carrying out this section, to
24 dispose of a multifamily housing project owned by
25 the Secretary on a negotiated, competitive bid, or

1 other basis, on such terms as the Secretary deems
2 appropriate considering the low-income character of
3 the project and the requirements of subsection (a),
4 to a purchaser determined by the Secretary to be ca-
5 pable of—

6 “(A) satisfying the conditions of the dis-
7 position;

8 “(B) implementing a sound financial and
9 physical management program that is designed
10 to enable the project to meet anticipated oper-
11 ating and repair expenses to ensure that the
12 project will remain in decent, safe, and sanitary
13 condition;

14 “(C) responding to the needs of the ten-
15 ants and working cooperatively with tenant or-
16 ganizations;

17 “(D) providing adequate organizational
18 staff and financial resources to the project; and

19 “(E) meeting such other requirements as
20 the Secretary may determine.

21 “(2) CONTRACTING FOR MANAGEMENT SERV-
22 ICES.—The Secretary is authorized, in carrying out
23 this section—

24 “(A) to contract for management services
25 for a multifamily housing project that is owned

1 by the Secretary (or for which the Secretary is
2 mortgagee in possession), on a negotiated, com-
3 petitive bid, or other basis at a price deter-
4 mined by the Secretary to be reasonable, with
5 a manager the Secretary has determined is ca-
6 pable of—

7 “(i) implementing a sound financial
8 and physical management program that is
9 designed to enable the project to meet an-
10 ticipated operating and maintenance ex-
11 penses to ensure that the project will re-
12 main in decent, safe, and sanitary condi-
13 tion;

14 “(ii) responding to the needs of the
15 tenants and working cooperatively with
16 tenant organizations;

17 “(iii) providing adequate organiza-
18 tional, staff, and other resources to imple-
19 ment a management program determined
20 by the Secretary; and

21 “(iv) meeting such other requirements
22 as the Secretary may determine;

23 “(B) to require the owner of a multifamily
24 housing project that is subject to a mortgage
25 held by the Secretary to contract for manage-

1 ment services for the project in the manner de-
2 scribed in subparagraph (A).

3 “(d) MAINTENANCE OF HOUSING PROJECTS.—

4 “(1) HOUSING PROJECTS OWNED BY THE SEC-
5 RETARY.—In the case of multifamily housing
6 projects that are owned by the Secretary (or for
7 which the Secretary is mortgagee in possession), the
8 Secretary shall—

9 “(A) to the greatest extent possible, main-
10 tain all such occupied projects in a decent, safe,
11 and sanitary condition;

12 “(B) to the greatest extent possible, main-
13 tain full occupancy in all such projects; and

14 “(C) maintain all such projects for pur-
15 poses of providing rental or cooperative hous-
16 ing.

17 “(2) HOUSING PROJECTS SUBJECT TO A MORT-
18 GAGE HELD BY THE SECRETARY.—In the case of
19 any multifamily housing project that is subject to a
20 mortgage held by the Secretary, the Secretary shall
21 require the owner of the project to carry out the re-
22 quirements of paragraph (1).

23 “(e) REQUIRED ASSISTANCE.—In carrying out the
24 goal specified in subsection (a)(3)(A), the Secretary shall
25 take not less than one of the following actions:

1 “(1) CONTRACT WITH OWNER.—Enter into con-
2 tracts under section 8 of the United States Housing
3 Act of 1937, to the extent budget authority is avail-
4 able, with owners of multifamily housing projects
5 that are acquired by a purchaser other than the Sec-
6 retary at foreclosure or after sale by the Secretary:

7 “(A) SUBSIDIZED OR FORMERLY SUB-
8 SIDIZED PROJECTS RECEIVING CERTAIN ASSIST-
9 ANCE.—In the case of a subsidized or formerly
10 subsidized project referred to in subparagraphs
11 (A) through (C) of subsection (b)(2)—

12 “(i) the contract shall be sufficient to
13 assist at least all units covered by an as-
14 sistance contract under any of the authori-
15 ties referred to in subsection (b)(2)(D) be-
16 fore acquisition, unless the Secretary acts
17 pursuant to the provisions of subparagraph
18 (C);

19 “(ii) in the case of units requiring
20 project-based rental assistance pursuant to
21 this paragraph that are occupied by fami-
22 lies who are not eligible for assistance
23 under section 8, a contract under this sub-
24 paragraph shall also provide that when a
25 vacancy occurs, the owner shall lease the

1 available unit to a family eligible for assist-
2 ance under section 8; and

3 “(iii) the Secretary shall take actions
4 to ensure the availability and affordability,
5 as defined in paragraph (3)(B), for the re-
6 maining useful life of the project, as de-
7 fined by the Secretary, of any unit located
8 in any project referred to in subparagraphs
9 (A) through (C) of subsection (b)(2) that
10 does not otherwise receive project-based as-
11 sistance under this subparagraph. To carry
12 out this clause, the Secretary may require
13 purchasers to establish use or rent restric-
14 tions maintaining affordability, as defined
15 in paragraph (3)(B).

16 “(B) SUBSIDIZED OR FORMERLY SUB-
17 SIDIZED PROJECTS RECEIVING OTHER ASSIST-
18 ANCE.—In the case of a subsidized or formerly
19 subsidized project referred to in subsection
20 (b)(2)(D)—

21 “(i) the contract shall be sufficient to
22 assist at least all units in the project that
23 are covered, or were covered immediately
24 before foreclosure on or acquisition of the
25 project by the Secretary, by an assistance

1 contract under any of the authorities re-
2 ferred to in such subsection, unless the
3 Secretary acts pursuant to provisions of
4 subparagraph (C); and

5 “(ii) in the case of units requiring
6 project-based rental assistance pursuant to
7 this paragraph that are occupied by fami-
8 lies who are not eligible for assistance
9 under section 8, a contract under this
10 paragraph shall also provide that when a
11 vacancy occurs, the owner shall lease the
12 available unit to a family eligible for assist-
13 ance under section 8.

14 “(C) EXCEPTIONS TO SUBPARAGRAPHS (A)
15 AND (B).—In lieu of providing project-based as-
16 sistance under subparagraph (A) or (B), the
17 Secretary may require certain units in
18 unsubsidized projects to contain use restrictions
19 providing that such units will be available to
20 and affordable by very low-income families for
21 the remaining useful life of the project, as de-
22 fined by the Secretary, if—

23 “(i) the Secretary matches any reduc-
24 tion in units otherwise required to be as-
25 sisted with project-based assistance under

1 subparagraph (A) or (B) with at least an
2 equivalent increase in units made afford-
3 able to very low-income persons within
4 unsubsidized projects;

5 “(ii) low-income tenants residing in
6 units otherwise requiring project-based as-
7 sistance under subparagraph (A) or (B)
8 upon disposition receive section 8 tenant-
9 based assistance; and

10 “(iii) the units described in clause (i)
11 are located within the same market area.

12 “(D) CONTRACT REQUIREMENTS FOR
13 UNSUBSIDIZED PROJECTS.—Notwithstanding
14 actions taken pursuant to subparagraph (C), in
15 unsubsidized projects, the contract shall at least
16 be sufficient to provide—

17 “(i) project-based rental assistance for
18 all units that are covered or were covered
19 immediately before foreclosure or acquisi-
20 tion by an assistance contract under—

21 “(I) section 8(b)(2) of the United
22 States Housing Act of 1937 (as such
23 section existed before October 1,
24 1983) (new construction and substan-
25 tial rehabilitation); section 8(b) of

1 such Act (property disposition); sec-
2 tion 8(d)(2) of such Act (project-
3 based certificates); section 8(e)(2) of
4 such Act (moderate rehabilitation);
5 section 23 of such Act (as in effect
6 before January 1, 1975); or section
7 101 of the Housing and Urban Devel-
8 opment Act of 1965 (rent supple-
9 ments); or

10 “(II) section 8 of the United
11 States Housing Act of 1937, following
12 conversion from section 101 of the
13 Housing and Urban Development Act
14 of 1965; and

15 “(ii) tenant-based assistance under
16 section 8 of the United States Housing Act
17 of 1937 for tenants currently residing in
18 units that were covered by an assistance
19 contract under the Loan Management Set-
20 Aside program under section 8(b) of the
21 United States Housing Act of 1937 imme-
22 diately before foreclosure or acquisition of
23 the project by the Secretary.

24 “(2) ANNUAL CONTRIBUTION CONTRACTS.—In
25 the case of multifamily housing projects that are ac-

1 quired by a purchaser other than the Secretary at
2 foreclosure or after sale by the Secretary, enter into
3 annual contribution contracts with public housing
4 agencies to provide tenant-based assistance under
5 section 8 of the United States Housing Act of 1937
6 to all low-income families who are eligible for such
7 assistance on the date that the project is acquired
8 by the purchaser. The Secretary shall take action
9 under this paragraph only after making a deter-
10 mination that there is available in the area an ade-
11 quate supply of habitable affordable housing for low-
12 income families. Actions taken pursuant to this
13 paragraph may be taken in connection with not
14 more than 10 percent of the aggregate number of
15 units in subsidized or formerly subsidized projects
16 disposed of by the Secretary annually.

17 “(3) OTHER ASSISTANCE.—

18 “(A) IN GENERAL.—In accordance with
19 the authority provided under the National
20 Housing Act, reduce the selling price, apply use
21 or rent restrictions on certain units, or provide
22 other financial assistance to the owners of mul-
23 tifamily housing projects that are acquired by a
24 purchaser other than the Secretary at fore-

1 closure, or after sale by the Secretary, on terms
2 which will ensure that—

3 “(i) at least those units otherwise re-
4 quired to receive project-based section 8
5 assistance pursuant to subparagraphs (A),
6 (B), or (D) of paragraph (1) are available
7 to and affordable by low-income persons;
8 and

9 “(ii) for the remaining useful life of
10 the project, as defined by the Secretary,
11 there shall be in force such use or rent re-
12 strictions as the Secretary may prescribe.

13 “(B) DEFINITION.—A unit shall be consid-
14 ered affordable under this paragraph if—

15 “(i) for very low-income tenants, the
16 rent for such unit does not exceed 30 per-
17 cent of 50 percent of the area median in-
18 come, as determined by the Secretary, with
19 adjustments for family size; and

20 “(ii) for low-income tenants other
21 than very low-income tenants, the rent for
22 such unit does not exceed 30 percent of 80
23 percent of the area median income, as de-
24 termined by the Secretary, with adjust-
25 ments for family size.

1 “(C) VERY LOW-INCOME TENANTS.—The
2 Secretary shall provide assistance under section
3 8 of the United States Housing Act of 1937 to
4 any very low-income tenant currently residing
5 in a unit otherwise required to receive project-
6 based assistance under section 8, pursuant to
7 subparagraph (A), (B), or (D) of paragraph
8 (1), if the rents charged such tenants as a re-
9 sult of actions taken pursuant to this para-
10 graph exceed the amount payable as rent under
11 section 3(a) of the United States Housing Act
12 of 1937.

13 “(4) TRANSFER FOR USE UNDER OTHER PRO-
14 GRAMS OF THE SECRETARY.—

15 “(A) IN GENERAL.—Enter into an agree-
16 ment providing for the transfer of a multifamily
17 housing project—

18 “(i) to a public housing agency for use
19 of the project as public housing; or

20 “(ii) to an owner or another appro-
21 priate entity for use of the project under
22 section 202 of the Housing Act of 1959 or
23 under section 811 of the Cranston-Gon-
24 zalez National Affordable Housing Act.

1 “(B) REQUIREMENTS FOR AGREEMENT.—

2 The agreement described in subparagraph (A)
3 shall—

4 “(i) contain such terms, conditions,
5 and limitations as the Secretary deter-
6 mines appropriate, including requirements
7 to assure use of the project under the pub-
8 lic housing, section 202, and section 811
9 programs; and

10 “(ii) ensure that no current tenant
11 will be displaced as a result of actions
12 taken under this paragraph.

13 “(f) OTHER ASSISTANCE.—In addition to the actions
14 authorized by subsection (e), the Secretary may take any
15 of the following actions:

16 “(1) SHORT-TERM LOANS.—Provide short-term
17 loans to facilitate the sale of multifamily housing
18 projects to nonprofit organizations or to public agen-
19 cies if—

20 “(A) authority for such loans is provided
21 in advance in an appropriations Act;

22 “(B) such loans are for a term of not more
23 than 5 years;

24 “(C) the Secretary is presented with satis-
25 factory documentation, evidencing a commit-

1 ment of permanent financing to replace such
2 short-term loan, from a lender who meets
3 standards set forth by the Secretary; and

4 “(D) the terms of such loans are consist-
5 ent with prevailing practices in the marketplace
6 or the provision of such loans results in no cost
7 to the Government, as defined in section 502 of
8 the Congressional Budget Act.

9 “(2) TENANT-BASED ASSISTANCE.—In connec-
10 tion with projects referred to in subsection (e), make
11 available tenant-based assistance under section 8 of
12 the United States Housing Act of 1937 to very low-
13 income families (as defined in section 3(b)(2) of the
14 United States Housing Act of 1937) that do not
15 otherwise qualify for project-based assistance.

16 “(3) ALTERNATIVE USES.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, and subject to notice to
19 and comment from existing tenants, allow not
20 more than—

21 “(i) 5 percent of the total number of
22 units in multifamily housing projects that
23 are disposed of by the Secretary during
24 any 1-year period to be made available for
25 uses other than rental or cooperative uses,

1 including low-income homeownership op-
2 portunities, or in any particular project,
3 community space, office space for tenant
4 or housing-related service providers or se-
5 curity programs, or small business uses, if
6 such uses benefit the tenants of the
7 project; and

8 “(ii) 5 percent of the total number of
9 units in multifamily housing projects that
10 are disposed of by the Secretary during
11 any 1-year period to be used in any man-
12 ner, if the Secretary and the unit of gen-
13 eral local government or area-wide govern-
14 ing body determine that such use will fur-
15 ther fair housing, community development,
16 or neighborhood revitalization goals.

17 “(B) DISPLACEMENT PROTECTION.—The
18 Secretary shall make available tenant-based
19 rental assistance under section 8 of the United
20 States Housing Act of 1937 to any tenant dis-
21 placed as a result of actions taken by the Sec-
22 retary pursuant to subparagraph (A), and the
23 Secretary shall take such actions as the Sec-
24 retary determines necessary to ensure the suc-
25 cessful use of any tenant-based assistance.

1 “(g) AUTHORIZATION OF USE OR RENT RESTRIC-
2 TIONS IN UNSUBSIDIZED PROJECTS.—In carrying out the
3 goals specified in subsection (a), the Secretary may re-
4 quire certain units in unsubsidized projects to contain use
5 or rent restrictions providing that such units will be avail-
6 able to and affordable by very low-income persons for the
7 remaining useful life of the property, as defined by the
8 Secretary.

9 “(h) CONTRACT REQUIREMENTS.—

10 “(1) CONTRACT TERM.—

11 “(A) IN GENERAL.—Contracts for project-
12 based rental assistance under section 8 of the
13 United States Housing Act of 1937 provided
14 pursuant to this section shall be for a term of
15 not more than 15 years; and

16 “(B) CONTRACT TERM OF LESS THAN 15
17 YEARS.—Notwithstanding subparagraph (A), to
18 the extent that units receive project-based as-
19 sistance for a contract term of less than 15
20 years, the Secretary shall require that rents
21 charged to tenants for such units not exceed
22 the amount payable for rent under section 3(a)
23 of the United States Housing Act of 1937 for
24 a period of at least 15 years.

25 “(2) CONTRACT RENT.—

1 “(A) IN GENERAL.—The Secretary shall
2 set contract rents for section 8 project-based
3 rental contracts issued under this section at lev-
4 els that, in conjunction with other resources
5 available to the purchaser, provide for the nec-
6 essary costs of rehabilitation of such project
7 and do not exceed the percentage of the existing
8 housing fair market rents for the area (as de-
9 termined by the Secretary under section 8(c) of
10 the United States Housing Act of 1937) as the
11 Secretary may prescribe.

12 “(B) UP-FRONT GRANTS AND LOANS.—If
13 such an approach is determined to be more
14 cost-effective, the Secretary may utilize the
15 budget authority provided for project-based sec-
16 tion 8 contracts issued under this section to—

17 “(i) provide project-based section 8
18 rental assistance; and

19 “(ii) (I) provide up-front grants for the
20 necessary cost of rehabilitation; or

21 “(II) pay for any cost to the Govern-
22 ment, as defined in section 502 of the Con-
23 gressional Budget Act, for loans made pur-
24 suant to subsection (f)(1).

25 “(i) DISPOSITION PLAN.—

1 “(1) IN GENERAL.—Prior to the sale of a mul-
2 tifamily housing project that is owned by the Sec-
3 retary, the Secretary shall develop a disposition plan
4 for the project that specifies the minimum terms
5 and conditions of the Secretary for disposition of the
6 project, the initial sales price that is acceptable to
7 the Secretary, and the assistance that the Secretary
8 plans to make available to a prospective purchaser
9 in accordance with this section. The initial sales
10 price shall reflect the intended use of the property
11 after sale.

12 “(2) COMMUNITY AND TENANT INPUT INTO
13 DISPOSITION PLANS AND SALES.—

14 “(A) IN GENERAL.—In carrying out this
15 section, the Secretary shall develop procedures
16 to obtain appropriate and timely input into dis-
17 position plans from officials of the unit of gen-
18 eral local government affected, the community
19 in which the project is situated, and the tenants
20 of the project.

21 “(B) TENANT ORGANIZATIONS.—The Sec-
22 retary shall develop procedures to facilitate,
23 where feasible and appropriate, the sale of mul-
24 tifamily housing projects to existing tenant or-
25 ganizations with demonstrated capacity or to

1 public or nonprofit entities which represent or
2 are affiliated with existing tenant organizations.

3 “(C) TECHNICAL ASSISTANCE.—

4 “(i) USE OF FUNDS.—To carry out
5 the procedures developed under subpara-
6 graphs (A) and (B), the Secretary is au-
7 thorized to provide technical assistance, di-
8 rectly or indirectly, and to use amounts ap-
9 propriated for technical assistance under
10 the Emergency Low Income Housing Pres-
11 ervation Act of 1987, the Low-Income
12 Housing Preservation and Resident Home-
13 ownership Act of 1990, subtitle B of title
14 IV of the Cranston-Gonzalez National Af-
15 fordable Housing Act, or under this section
16 for the provision of technical assistance
17 under this section.

18 “(ii) SOURCE OF FUNDS.—Recipients
19 of technical assistance funding under the
20 Emergency Low Income Housing Preserva-
21 tion Act of 1987, the Low-Income Housing
22 Preservation and Resident Homeownership
23 Act of 1990, subtitle B of title IV of the
24 Cranston-Gonzalez National Affordable
25 Housing Act, or under this section shall be

1 permitted to provide technical assistance to
2 the extent of such funding under any of
3 such programs or under this section, not-
4 withstanding the source of funding.

5 “(j) RIGHT OF FIRST REFUSAL.—

6 “(1) PROCEDURE.—

7 “(A) NOTIFICATION BY SECRETARY OF
8 THE ACQUISITION OF TITLE.—Not later than
9 30 days after acquiring title to a project, the
10 Secretary shall notify the unit of general local
11 government and the State agency or agencies
12 designated by the Governor of the acquisition of
13 such title.

14 “(B) EXPRESSION OF INTEREST.—Not
15 later than 45 days after receiving notification
16 from the Secretary under subparagraph (A),
17 the unit of general local government or des-
18 ignated State agency may submit to the Sec-
19 retary a preliminary expression of interest in
20 the project. The Secretary may take such ac-
21 tions as may be necessary to require the unit of
22 general local government or designated State
23 agency to substantiate such interest.

24 “(C) TIMELY EXPRESSION OF INTER-
25 EST.—If the unit of general local government or

1 designated State agency has expressed interest
2 in the project before the expiration of the 45-
3 day period referred to in subparagraph (B), and
4 has substantiated such interest if requested, the
5 Secretary, upon approval of a disposition plan
6 for a project, shall notify the unit of general
7 local government and designated State agency
8 of the terms and conditions of the disposition
9 plan and give the unit of general local govern-
10 ment or designated State agency not more than
11 90 days after the date of such notification to
12 make an offer to purchase the project.

13 “(D) NO TIMELY EXPRESSION OF INTER-
14 EST.—If the unit of general local government or
15 designated State agency does not express inter-
16 est before the expiration of the 45-day period
17 referred to in subparagraph (B), or does not
18 substantiate an expressed interest if requested,
19 the Secretary, upon approval of a disposition
20 plan, may offer the project for sale to any inter-
21 ested person or entity.

22 “(2) ACCEPTANCE OF OFFERS.—Where the
23 Secretary has given the unit of general local govern-
24 ment or designated State agency 90 days to make
25 an offer to purchase the project, the Secretary shall

1 accept an offer that complies with the terms and
2 conditions of the disposition plan. The Secretary
3 may accept an offer that does not comply with the
4 terms and conditions of the disposition plan if the
5 Secretary determines that the offer will further the
6 goals specified in subsection (a) by actions that in-
7 clude extension of the duration of low-income afford-
8 ability restrictions or otherwise restructuring the
9 transaction in a manner that enhances the long-term
10 affordability for low-income persons. The Secretary
11 shall, in particular, have discretion to reduce the ini-
12 tial sales price in exchange for the extension of low-
13 income affordability restrictions beyond the period of
14 assistance contemplated by the attachment of assist-
15 ance pursuant to subsection (e). If the Secretary and
16 the unit of general local government or designated
17 State agency cannot reach agreement within 90
18 days, the Secretary may offer the project for sale to
19 the general public.

20 “(3) PURCHASE BY UNIT OF GENERAL LOCAL
21 GOVERNMENT OR DESIGNATED STATE AGENCY.—
22 Notwithstanding any other provision of law, a unit
23 of general local government (including a public hous-
24 ing agency) or designated State agency may pur-

1 chase a subsidized or formerly subsidized project in
2 accordance with this subsection.

3 “(4) APPLICABILITY.—This subsection shall
4 apply to projects that are acquired on or after the
5 effective date of this subsection. With respect to
6 projects acquired before such effective date, the Sec-
7 retary may apply—

8 “(A) the requirements of paragraphs (2)
9 and (3) of section 203(e) as such paragraphs
10 existed immediately before the effective date of
11 this subsection; or

12 “(B) the requirements of paragraphs (1)
13 and (2) of this subsection, if the Secretary gives
14 the unit of general local government or des-
15 ignated State agency—

16 “(i) 45 days to express interest in the
17 project; and

18 “(ii) if the unit of general local gov-
19 ernment or designated State agency ex-
20 presses interest in the project before the
21 expiration of the 45-day period, and sub-
22 stantiates such interest if requested, 90
23 days from the date of notification of the
24 terms and conditions of the disposition

1 plan to make an offer to purchase the
2 project.

3 “(k) DISPLACEMENT OF TENANTS AND RELOCATION
4 ASSISTANCE.—

5 “(1) IN GENERAL.—Whenever tenants will be
6 displaced as a result of the disposition of, or repairs
7 to, a multifamily housing project that is owned by
8 the Secretary (or for which the Secretary is mortga-
9 gagee in possession), the Secretary shall identify ten-
10 ants who will be displaced, and shall notify all such
11 tenants of their pending displacement and of any re-
12 location assistance which may be available. In the
13 case of a multifamily housing project that is not
14 owned by the Secretary (and for which the Secretary
15 is not mortgagee in possession), the Secretary shall
16 require the owner of the project to carry out the re-
17 quirements of this paragraph.

18 “(2) RIGHTS OF DISPLACED TENANTS.—The
19 Secretary shall assure for any such tenant (who con-
20 tinues to meet applicable qualification standards)
21 the right—

22 “(A) to return, whenever possible, to a re-
23 paired unit;

24 “(B) to occupy a unit in another multifam-
25 ily housing project owned by the Secretary;

1 “(C) to obtain housing assistance under
2 the United States Housing Act of 1937; or

3 “(D) to receive any other available reloca-
4 tion assistance as the Secretary determines to
5 be appropriate.

6 “(I) MORTGAGE AND PROJECT SALES.—

7 “(1) IN GENERAL.—The Secretary may not ap-
8 prove the sale of any loan or mortgage held by the
9 Secretary (including any loan or mortgage owned by
10 the Government National Mortgage Association) on
11 any subsidized project or formerly subsidized
12 project, unless such sale is made as part of a trans-
13 action that will ensure that such project will con-
14 tinue to operate at least until the maturity date of
15 such loan or mortgage, in a manner that will provide
16 rental housing on terms at least as advantageous to
17 existing and future tenants as the terms required by
18 the program under which the loan or mortgage was
19 made or insured prior to the assignment of the loan
20 or mortgage on such project to the Secretary.

21 “(2) SALE OF CERTAIN PROJECTS.—The Sec-
22 retary may not approve the sale of any subsidized
23 project—

24 “(A) that is subject to a mortgage held by
25 the Secretary; or

1 “(B) if the sale transaction involves the
2 provision of any additional subsidy funds by the
3 Secretary or a recasting of the mortgage, unless
4 such sale is made as part of a transaction that
5 will ensure that such project will continue to
6 operate at least until the maturity date of the
7 loan or mortgage, in a manner that will provide
8 rental housing on terms at least as advan-
9 tageous to existing and future tenants as the
10 terms required by the program under which the
11 loan or mortgage was made or insured prior to
12 the proposed sale of the project.

13 “(3) MORTGAGE SALES TO STATE AND LOCAL
14 GOVERNMENTS.—Notwithstanding any provision of
15 law that may require competitive sales or bidding,
16 the Secretary may carry out negotiated sales of sub-
17 sidized or formerly subsidized mortgages held by the
18 Secretary, without the competitive selection of pur-
19 chasers or intermediaries, to units of general local
20 government or State agencies, or groups of investors
21 that include at least one such unit of general local
22 government or State agency, if the negotiations are
23 conducted with such agencies, except that—

24 “(A) the terms of any such sale shall in-
25 clude the agreement of the purchasing agency

1 or unit of local government or State agency to
2 act as mortgagee or owner of a beneficial inter-
3 est in such mortgages, in a manner consistent
4 with maintaining the projects that are subject
5 to such mortgages for occupancy by the general
6 tenant group intended to be served by the appli-
7 cable mortgage insurance program, including,
8 to the extent the Secretary determines appro-
9 priate, authorizing such unit of local govern-
10 ment or State agency to enforce the provisions
11 of any regulatory agreement or other program
12 requirements applicable to the related projects;
13 and

14 “(B) the sale prices for such mortgages
15 shall be, in the determination of the Secretary,
16 the best prices that may be obtained for such
17 mortgages from a unit of general local govern-
18 ment or State agency, consistent with the ex-
19 pectation and intention that the projects fi-
20 nanced will be retained for use under the appli-
21 cable mortgage insurance program for the life
22 of the initial mortgage insurance contract.

23 “(4) SALE OF MORTGAGES COVERING
24 UNSUBSIDIZED PROJECTS.—Notwithstanding any
25 other provision of law, the Secretary may sell mort-

1 gages held on unsubsidized projects on such terms
2 and conditions as the Secretary may prescribe.

3 “(m) REPORT TO CONGRESS.—Not later than June
4 1 of each year, the Secretary shall submit to the Commit-
5 tee on Banking, Housing, and Urban Affairs of the Senate
6 and the Committee on Banking, Finance and Urban Af-
7 fairs of the House of Representatives, a report describing
8 the status of multifamily housing projects owned by or
9 subject to mortgages held by the Secretary, which report
10 shall include—

11 “(1) the name, address, and size of each
12 project;

13 “(2) the nature and date of assignment;

14 “(3) the status of the mortgage;

15 “(4) the physical condition of the project;

16 “(5) an occupancy profile of the project, includ-
17 ing the income, family size, and race of current resi-
18 dents as well as the rents paid by such residents;

19 “(6) the proportion of units in a project that
20 are vacant;

21 “(7) the date on which the Secretary became
22 mortgagee in possession;

23 “(8) the date and conditions of any foreclosure
24 sale;

25 “(9) the date of acquisition by the Secretary;

1 “(10) the date and conditions of any property
2 disposition sale;

3 “(11) a description of actions undertaken pur-
4 suant to this section, including—

5 “(A) a comparison of results between ac-
6 tions taken after enactment of the Housing and
7 Community Development Act of 1993 and ac-
8 tions taken in years prior to such enactment;

9 “(B) a description of any impediments to
10 the disposition or management of multifamily
11 housing projects, together with a recommenda-
12 tion of proposed legislative or regulatory
13 changes designed to ameliorate such impedi-
14 ments;

15 “(C) a description of actions taken to re-
16 structure or commence foreclosure on delin-
17 quent multifamily mortgages held by the De-
18 partment; and

19 “(D) a description of actions taken to
20 monitor and prevent the default of multifamily
21 housing mortgages held by the Federal Housing
22 Administration;

23 “(12) a description of any of the functions per-
24 formed in connection with this section that are con-

1 tracted out to public or private entities or to States,
2 including—

3 “(A) the costs associated with such delega-
4 tion;

5 “(B) the implications of contracting out or
6 delegating such functions for current Depart-
7 ment field or regional personnel, including an-
8 ticipated personnel or work load reductions;

9 “(C) necessary oversight required by De-
10 partment personnel, including anticipated per-
11 sonnel hours devoted to such oversight;

12 “(D) a description of any authority grant-
13 ed to such public or private entities or States
14 in conjunction with the functions that have
15 been delegated or contracted out or that are not
16 otherwise available for use by Department per-
17 sonnel; and

18 “(E) the extent to which such public or
19 private entities or States include tenants of
20 multifamily housing projects in the disposition
21 planning for such projects;

22 “(13) a description of the activities carried out
23 under subsection (j) during the preceding year; and

24 “(14) a description and assessment of the rules,
25 guidelines, and practices governing the Department’s

1 management of multifamily housing projects that
2 are owned by the Secretary (or for which the Sec-
3 retary is mortgagee in possession) as well as the
4 steps that the Secretary has taken or plans to take
5 to improve the management performance of the De-
6 partment.”.

7 (c) EFFECTIVE DATE.—The Secretary shall, by no-
8 tice published in the Federal Register, which shall take
9 effect upon publication, establish such requirements as
10 may be necessary to implement the amendments made by
11 this section. The notice shall invite public comments, and
12 the Secretary shall issue final regulations based on the ini-
13 tial notice, taking into account any public comments re-
14 ceived.

15 **SEC. 583. TERMINATION OF ANNUAL DIRECT GRANT AS-**
16 **SISTANCE**

17 (a) TERMINATION.—Pursuant to section 704(d) of
18 the Covenant to Establish a Commonwealth of the North-
19 ern Mariana Islands in Political Union with the United
20 States of America (48 U.S.C. 1681 note), the annual pay-
21 ments under section 702 of the Covenant shall terminate
22 as of September 30, 1993.

23 (b) REPEAL.—Sections 3 and 4 of the Act of March
24 24, 1976 (Public Law 94–241; 48 U.S.C. 1681 note), as
25 amended, are repealed, effective October 1, 1993.

1 **Subtitle E—Social Services and**
2 **Retirement**

3 **SEC. 591. INCREASE IN RETIREMENT AGE UNDER FERS TO**
4 **65.**

5 (a) IN GENERAL.—Chapter 84 of title 5, United
6 States Code, is amended by adding at the end the follow-
7 ing:

8 “SUBCHAPTER VIII—SPECIAL RULES FOR CER-
9 TAIN POST-1993 NEW EMPLOYEES AND
10 MEMBERS

11 **“§ 8481. Applicability**

12 “(a) This subchapter sets forth special rules in con-
13 formance with which this chapter shall be applied with re-
14 spect to any employee who first becomes an employee sub-
15 ject to this chapter, or who is first elected as a Member,
16 after December 31, 1993.

17 “(b) Nothing in this subchapter shall be considered
18 to apply with respect to any employee or Member not de-
19 scribed in subsection (a) or to have any effect except for
20 the purpose referred to in such subsection.

21 **“§ 8482. Immediate retirement**

22 “Deem section 8412 to be amended as follows:

23 “(1) Subsection (c) is amended by striking ‘62’
24 and inserting ‘65’.

1 “(2) Subsections (a), (b), (f), and (g) are re-
2 pealed.

3 **“§ 8483. Deferred retirement**

4 “Deem section 8413 to be amended as follows:

5 “(1) Subsection (a) is amended by striking ‘62’
6 and inserting ‘65’.

7 “(2) Subsection (b) is repealed.

8 **“§ 8484. References to age 62**

9 “(a) Deem section 8415 to be amended as follows:

10 “(1) Subsection (f) is repealed.

11 “(2) Subsection (g)(2)(B) is amended by strik-
12 ing ‘is at least 62 years of age and’.

13 “(b) Deem section 8442 to be amended in subsections
14 (c)(2)(B) and (g)(2)(B) by striking ‘62’ each place it ap-
15 pears and inserting ‘65’.

16 “(c) Deem section 8452(b)(1) to be amended by
17 striking ‘sixty-second’ and inserting ‘sixty-fifth’.”.

18 (b) CHAPTER ANALYSIS.—The analysis for chapter
19 84 of title 5, United States Code, is amended by adding
20 at the end the following:

“SPECIAL RULES FOR CERTAIN POST-1993 NEW EMPLOYEES AND MEMBERS

“8481. Applicability.

“8482. Immediate retirement.

“8483. Deferred retirement.

“8484. References to age 62.”.

1 **SEC. 592. PROVISION RELATING TO GOVERNMENT CON-**
2 **TRIBUTIONS TO THE THRIFT SAVINGS PLAN.**

3 Section 8432(c)(2)(B) of title 5, United States Code,
4 is amended by adding at the end the following:

5 “Clause (ii) shall not apply with respect to any employee
6 or Member described in section 8481(a).”.

7 **SEC. 593. DEFERRAL UNTIL AGE 62 OF COST-OF-LIVING AD-**
8 **JUSTMENTS FOR MILITARY RETIREES WHO**
9 **FIRST ENTERED MILITARY SERVICE ON OR**
10 **AFTER JANUARY 1, 1994.**

11 Section 1401a(b)(1) of title 10, United States Code,
12 is amended by adding at the end the following new sen-
13 tence: “In the case of a member or former member under
14 age 62 (other than a member retired under chapter 61
15 of this title) who first became a member on or after Janu-
16 ary 1, 1994, such increase shall not become payable as
17 part of the retired pay of the member or former member
18 until the month in which the member or former member
19 becomes 62 years of age.”.

20 **SEC. 594. CONSOLIDATION OF CERTAIN SOCIAL SERVICES**
21 **PROGRAMS INTO A SINGLE BLOCK GRANT**
22 **PROGRAM.**

23 (a) AT-RISK CHILD CARE PROGRAM MERGED INTO
24 PROGRAM OF BLOCK GRANTS TO STATES FOR SOCIAL
25 SERVICES.—

1 (1) CONSOLIDATION OF SERVICES.—Section
2 2002(a)(2)(A) of the Social Security Act (42 U.S.C.
3 1397a(a)(2)(A)) is amended by inserting “(including
4 services that could have been provided under section
5 402(i), as in effect immediately before the effective
6 date of section 504 of the Common Cents Deficit
7 Reduction Act of 1993)” after “child care services”.

8 (2) CONSOLIDATION OF FUNDING.—Section
9 2003(c) of such Act (42 U.S.C. 1397b(c)) is amend-
10 ed—

11 (A) in paragraph (4), by striking “and”;

12 (B) in paragraph (5), by striking “each
13 fiscal year after fiscal year 1989.” and inserting
14 “the fiscal years 1990, 1991, 1992, 1993, and
15 1994; and”; and

16 (C) by adding at the end the following:

17 “(6) \$2,976,000,000 for each of the fiscal years
18 1995, 1996, 1997, and 1998.”.

19 (b) CERTAIN DISCRETIONARY SOCIAL SERVICES
20 PROGRAMS MERGED INTO PROGRAM OF BLOCK GRANTS
21 TO STATES FOR SOCIAL SERVICES BUT LEFT DISCRE-
22 TIONARY.—

23 (1) CONSOLIDATION OF SERVICES.—Section
24 2002 of such Act (42 U.S.C. 1397a) is amended—

1 (A) in subsection (a), by adding at the end
2 the following:

3 “(3) In addition to payments pursuant to paragraph
4 (1), the Secretary may make payments to a State under
5 this title for a fiscal year in an amount equal to its addi-
6 tional allotment for such fiscal year, to be used by such
7 State for services directed at the goals set forth in section
8 2001, subject to the requirements of this title.

9 “(4) For purposes of paragraph (3)—

10 “(A) services which are directed at the goals set
11 forth in section 2001 include services that could
12 have been provided under—

13 “(i) the Community Services Block Grant
14 Act;

15 “(ii) the Child Care and Development
16 Block Grant Act of 1990;

17 “(iii) title III or VII of the Older Ameri-
18 cans Act of 1965; or

19 “(iv) the State Dependent Care Develop-
20 ment Grants Act,

21 as in effect immediately before the effective date of
22 section 504 of the Common Cents Deficit Reduction
23 Act of 1993; and

24 “(B) expenditures for such services may include
25 expenditures described in paragraph (2)(B).”; and

1 (B) in each of subsections (b), (c), and (d),
2 by inserting “or additional allotment” after “al-
3 lotment” each place such term appears.

4 (2) CONSOLIDATION OF FUNDING.—Section
5 2003 of such Act (42 U.S.C. 1397b) is amended by
6 adding at the end the following:

7 “(d) The additional allotment for any fiscal year to
8 each State shall be determined in the same manner in
9 which the allotment for the fiscal year is determined for
10 the State under the preceding subsections of this section,
11 except that, in making such determination the following
12 amounts shall be used in lieu of the amount specified in
13 subsection (c):

14 “(1) \$2,301,000,000 for the fiscal year 1995.

15 “(2) \$2,359,000,000 for the fiscal year 1996.

16 “(3) \$2,419,000,000 for the fiscal year 1997.

17 “(4) \$2,478,000,000 for the fiscal year 1998.”.

18 (c) CONFORMING AMENDMENTS AND REPEALS.—

19 (1) COMMUNITY SERVICES BLOCK GRANT
20 ACT.—The Community Services Block Grant Act
21 (42 U.S.C. 9901 et seq.) is hereby repealed.

22 (2) CHILD CARE AND DEVELOPMENT BLOCK
23 GRANT ACT OF 1990.—The Child Care and Develop-
24 ment Block Grant Act of 1990 (42 U.S.C. 9858 et
25 seq.) is hereby repealed.

1 (3) OLDER AMERICANS ACT OF 1965.—The
2 Older Americans Act of 1965 (42 U.S.C. 3001 et
3 seq.) is amended by striking titles III and VII.

4 (4) STATE DEPENDENT CARE DEVELOPMENT
5 GRANTS ACT.—The State Dependent Care Develop-
6 ment Grants Act (42 U.S.C. 9871 et seq.) is hereby
7 repealed.

8 (5) AT-RISK CHILD CARE PROGRAM.—

9 (A) PROGRAM AUTHORITY.—Section 402
10 of the Social Security Act (42 U.S.C. 602) is
11 amended—

12 (i) in subsection (g)(7), by striking
13 “and subsection (i)”; and

14 (ii) by striking subsection (i).

15 (B) FUNDING PROVISIONS.—Section 403
16 of the Social Security Act (42 U.S.C. 603) is
17 amended by striking subsection (n).

18 (d) EFFECTIVE DATE.—The amendments and re-
19 peals made by this section shall take effect on October
20 1, 1994.

21 **SEC. 595. AWARDS OF PELL GRANTS TO PRISONERS PRO-**
22 **HIBITED.**

23 (a) IN GENERAL.—Section 401(b)(8) the Higher
24 Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amend-
25 ed to read as follows:

1 “(8) No basic grant shall be awarded under this sub-
 2 part to any individual who is incarcerated in any Federal
 3 or State penal institution.”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 this section shall apply with respect to periods of enroll-
 6 ment beginning on or after the date of enactment of this
 7 Act.

○

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