

104TH CONGRESS
2^D SESSION

H. R. 2880

AN ACT

Making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

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poses

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are hereby appropriated, out of

1 any money in the Treasury not otherwise appropriated,
2 and out of applicable corporate or other revenues, receipts,
3 and funds, for the several departments, agencies, corpora-
4 tions, and other organizational units of Government for
5 the fiscal year 1996, and for other purposes, namely:

6 TITLE I

7 SEC. 101. (a) Such amounts as may be necessary
8 under the authority and conditions provided in the appli-
9 cable appropriations Act for the fiscal year 1995 including
10 the authority and conditions provided in emergency sup-
11 plemental appropriations Acts for fiscal year 1995 for con-
12 tinuing projects or activities, except for those projects and
13 activities provided for in Public Law 104–91 and Public
14 Law 104–92, including the costs of direct loans and loan
15 guarantees (not otherwise specifically provided for in this
16 Act) which were conducted in the fiscal year 1995 and
17 for which appropriations, funds, or other authority would
18 be available in the following appropriations Act as passed
19 each House, excluding conference reports:

20 The Department of the Interior and Related
21 Agencies Appropriations Act, 1996; and

22 The Departments of Labor, Health and Human
23 Services, and Education, and Related Agencies Ap-
24 propriations Act, 1996:

1 *Provided*, That whenever the amount which would be made
2 available or the authority which would be granted in these
3 Acts is greater than that which would be available or
4 granted under current operations, the pertinent project or
5 activity shall be continued at a rate for operations not ex-
6 ceeding the current rate.

7 (b) Whenever the amount which would be made avail-
8 able or the authority which would be granted under an
9 Act listed in this section as passed by the House as of
10 the date of enactment of this Act, is different from that
11 which would be available or granted under such Act as
12 passed by the Senate as of the date of enactment of this
13 Act, the pertinent project or activity shall be continued
14 at a rate for operations not exceeding the current rate or
15 the rate permitted by the action of the House or the Sen-
16 ate, whichever is lower, under the authority and conditions
17 provided in the applicable appropriations Act for the fiscal
18 year 1995: *Provided*, That where an item is not included
19 in either version or where an item is included in only one
20 version of the Act as passed by both Houses as of the
21 date of enactment of this Act, the pertinent project or ac-
22 tivity shall not be continued except as provided for in sec-
23 tion 111 under the appropriation, fund, or authority
24 granted by the applicable appropriations Act for the fiscal
25 year 1995 and under the authority and conditions pro-

1 vided in the applicable appropriations Act for the fiscal
2 year 1995.

3 (c) Whenever an Act listed in this section has been
4 passed by only the House or only the Senate as of the
5 date of enactment of this Act, the pertinent project or ac-
6 tivity shall be continued under the appropriation, fund, or
7 authority granted by the one House at a rate for oper-
8 ations not exceeding the current rate or the rate permitted
9 by the action of the one House, whichever is lower, and
10 under the authority and conditions provided in the appli-
11 cable appropriations Act for the fiscal year 1995: *Pro-*
12 *vided*, That where an item is funded in the applicable ap-
13 propriations Act for the fiscal year 1995 and not included
14 in the version passed by the one House as of the date
15 of enactment of this Act, the pertinent project or activity
16 shall not be continued except as provided for in section
17 111 under the appropriation, fund, or authority granted
18 by the applicable appropriations Act for the fiscal year
19 1995 and under the authority and conditions provided in
20 the applicable appropriations Act for the fiscal year 1995.

21 SEC. 102. Appropriations made by section 101 shall
22 be available to the extent and in the manner which would
23 be provided by the pertinent appropriations Act.

24 SEC. 103. No appropriations or funds made available
25 or authority granted pursuant to section 101 shall be used

1 to initiate or resume any project or activity for which ap-
2 propriations, funds, or other authority were not available
3 during the fiscal year 1995.

4 SEC. 104. No provision which is included in an appro-
5 priations Act enumerated in section 101 but which was
6 not included in the applicable appropriations Act for fiscal
7 year 1995 and which by its terms is applicable to more
8 than one appropriation, fund, or authority shall be appli-
9 cable to any appropriation, fund, or authority provided in
10 this title of this Act.

11 SEC. 105. Appropriations made and authority grant-
12 ed pursuant to this title of this Act shall cover all obliga-
13 tions or expenditures incurred for any program, project,
14 or activity during the period for which funds or authority
15 for such project or activity are available under this Act.

16 SEC. 106. Unless otherwise provided for in this title
17 of this Act or in the applicable appropriations Act, appro-
18 priations and funds made available and authority granted
19 pursuant to this title of this Act shall be available until
20 (a) enactment into law of an appropriation for any project
21 or activity provided for in this title of this Act, or (b) the
22 enactment into law of the applicable appropriations Act
23 without any provision for such project or activity, or (c)
24 March 15, 1996, whichever first occurs.

1 SEC. 107. This title of this Act shall be implemented
2 so that only the most limited funding action of that per-
3 mitted in title of this Act shall be taken in order to provide
4 for continuation of projects and activities.

5 SEC. 108. Expenditures made pursuant to this title
6 of this Act shall be charged to the applicable appropria-
7 tion, fund, or authorization whenever a bill in which such
8 applicable appropriation, fund, or authorization is con-
9 tained is enacted into law.

10 SEC. 109. No provision in the appropriations Act for
11 the fiscal year 1996 referred to in section 101 of this Act
12 that makes the availability of any appropriation provided
13 therein dependent upon the enactment of additional au-
14 thorizing or other legislation shall be effective before the
15 date set forth in section 106(e) of this Act.

16 SEC. 110. Appropriations and funds made available
17 by or authority granted pursuant to this title of this Act
18 may be used without regard to the time limitations for
19 submission and approval of apportionments set forth in
20 section 1513 of title 31, United States Code, but nothing
21 herein shall be construed to waive any other provision of
22 law governing the apportionment of funds.

23 SEC. 111. Notwithstanding any other provision of
24 this title of this Act, except section 106, whenever an Act
25 listed in section 101 as passed by both the House and

1 the Senate as of the date of enactment of this Act, does
2 not include funding for an ongoing project or activity for
3 which there is a budget request, or whenever an Act listed
4 in section 101 has been passed by only the House or only
5 the Senate as of the date of enactment of this Act, and
6 an item funded in fiscal year 1995 is not included in the
7 version passed by the one House, or whenever the rate
8 for operations for an ongoing project or activity provided
9 by section 101 for which there is a budget request would
10 result in the project or activity being significantly reduced,
11 the pertinent project or activity may be continued under
12 the authority and conditions provided in the applicable ap-
13 propriations Act for the fiscal year 1995 by increasing the
14 rate for operations provided by section 101 to a rate for
15 operations not to exceed one that provides the minimal
16 level that would enable existing activities to continue. No
17 new contracts or grants shall be awarded in excess of an
18 amount that bears the same ratio to the rate for oper-
19 ations provided by this section as the number of days cov-
20 ered by this title of this Act bears to 366. For the pur-
21 poses of this title of this Act, the minimal level means a
22 rate for operations that is reduced from the current rate
23 by 25 percent.

24 SEC. 112. Notwithstanding any other provision of
25 this title of this Act, except section 106, whenever the rate

1 for operations for any continuing project or activity pro-
2 vided by section 101 or section 111 for which there is a
3 budget request would result in a furlough of Government
4 employees, that rate for operations may be increased to
5 the minimum level that would enable the furlough to be
6 avoided. No new contracts or grants shall be awarded in
7 excess of an amount that bears the same ratio to the rate
8 for operations provided by this section as the number of
9 days covered by this resolution bears to 366: *Provided,*
10 That the first sentence of section 112 shall not apply ex-
11 cept to furloughs that exceed one workday per pay period
12 for the affected workforce during the period of January
13 26, 1996 through March 15, 1996.

14 SEC. 113. Notwithstanding any other provision of
15 this title of this Act, except sections 106 and 111, for
16 those programs that had high initial rates of operation or
17 complete distribution of funding at the beginning of the
18 fiscal year in fiscal year 1995 because of distributions of
19 funding to States, foreign countries, grantees, or others,
20 similar distributions of funds for fiscal year 1996 shall
21 not be made and no grants shall be awarded for such pro-
22 grams funded by this title of this Act that would impinge
23 on final funding prerogatives.

24 SEC. 114. Notwithstanding any other provision of
25 this title of this Act, except section 106, any distribution

1 of funding under the Rehabilitation Services and Disabil-
2 ity Research account in the Department of Education may
3 be made up to an amount that bears the same ratio to
4 the rate for operation for this account provided by this
5 title of this Act as the number of days covered by this
6 title of this Act bears to 366.

7 SEC. 115. Notwithstanding any other provision of
8 this Act, except section 106, the rate for operations of the
9 following projects or activities shall be only the minimum
10 necessary to accomplish orderly termination:

11 Child Development Associate Scholarships in
12 the Department of Health and Human Services;

13 Dependent Care Planning and Development in
14 the Department of Health and Human Services;

15 Law Related Education in the Department of
16 Education;

17 Dropout Prevention Demonstrations in the De-
18 partment of Education;

19 Aid for Institutional Development—Endowment
20 Grants in the Department of Education;

21 Aid for Institutional Development—Evaluation
22 in the Department of Education;

23 Native Hawaiian and Alaska Native Cultural
24 Arts;

1 Innovative Projects in Community Service in
2 the Department of Education;
3 Cooperative Education in the Department of
4 Education; and
5 Douglas Teacher Scholarships in the Depart-
6 ment of Education.

7 SEC. 116. COMPENSATION AND RATIFICATION OF
8 AUTHORITY.—(a) Any Federal employees furloughed as a
9 result of a lapse in appropriations, if any, after midnight
10 November 13, 1995, until the enactment of this Act shall
11 be compensated at their standard rate of compensation for
12 the period during which there was a lapse in appropria-
13 tions.

14 All obligations incurred in anticipation of the appro-
15 priations made and the authority granted by this title of
16 this Act for the purposes of maintaining the essential level
17 of activity to protect life and property and bring about
18 orderly termination of Government functions are hereby
19 ratified and approved if otherwise in accord with the provi-
20 sions of this title of this Act.

21 SEC. 117. Notwithstanding any other provision of
22 this title of this Act, except section 106, upon enactment
23 of this Act any new grants or contracts for the following
24 programs shall be made at a level not to exceed a rate
25 of 75 per centum of prior monthly awards:

1 Department of Health and Human Services:
2 Health Resources and Services Administration:
3 Health Resources and Services:
4 Trauma Care
5 Health Care Facilities
6 Assistant Secretary for Health:
7 Office of the Assistant Secretary for
8 Health:
9 National Vaccine Program
10 Health Care Reform Data Analysis
11 National AIDS Program Office
12 Health Care Financing Administration:
13 Program Management:
14 Essential Access Community
15 Hospitals
16 Administration for Children and Families:
17 Children and Families Services Program:
18 Youth Gang Substance Abuse
19 Advisory Board on Child Abuse and
20 Neglect
21 Child Welfare Research
22 Social Services Research
23 Homeless Service Grants
24 Community Schools (crime trust fund)
25 Administration on Aging:

1 Aging Services Programs:
2 Pension Counseling
3 Federal Council on Aging
4 White House Conference on Aging
5 Department of Education:
6 Education for the Disadvantaged:
7 State School Improvement
8 School Improvement Programs:
9 Safe and Drug Free Schools and
10 Communities: National Program
11 Women’s Educational Equity
12 Bilingual and Immigrant Education:
13 Bilingual Education Support Services
14 Higher Education:
15 Faculty Development Fellowships
16 School, College, and University
17 Partnerships
18 Related Agencies:
19 Corporation for National and Community
20 Service:
21 Domestic Volunteer Service Programs,
22 Operating Expenses:
23 Senior Demonstration Program
24 National Education Standards and
25 Improvement Council.

1 SEC. 118. Notwithstanding any other provision of law
2 or this Act, upon enactment of this Act the Secretary of
3 each cabinet level department other than State, Defense,
4 Ambassador to the United Nations, and Central Intel-
5 ligence shall not obligate a total amount of funds for their
6 individual official travel expenses for fiscal year 1996 that
7 would be greater than 110 per centum of the average total
8 amount of the individual official travel expenses of the rel-
9 evant departmental secretary for the fiscal years 1990
10 through 1995.

11 SEC. 119. Notwithstanding any other provision of law
12 or of this title of this Act, the maximum Pell Grant for
13 which a student shall be eligible under the Higher Edu-
14 cation Act of 1965, as amended, during award year 1996–
15 1997 shall be at least \$2,440.

16 SEC. 120. Notwithstanding any other provision of
17 law, the first proviso under the heading “Education for
18 the disadvantaged” in title III of H.R. 2127, as passed
19 by the House of Representatives, shall take effect upon
20 enactment of this Act.

21 SEC. 121. 501 FIRST STREET SE., DISTRICT OF
22 COLUMBIA.

23 (a) DISPOSAL OF REAL PROPERTY.—

24 (1) IN GENERAL.—The Architect of the Capitol
25 shall dispose of by sale at fair market value all right,

1 title, and interest of the United States in and to the
2 parcel of real property described in paragraph (9),
3 including all improvements to such real property.
4 Such disposal shall be made by quitclaim deed.

5 (2) HOUSE OFFICE BUILDING COMMISSION.—
6 The Architect of the Capitol shall carry out this sec-
7 tion under the direction of the House Office Build-
8 ing Commission.

9 (3) PROCEDURES.—Notwithstanding any other
10 provision of law, the disposal under paragraph (1)
11 shall be made in accordance with such procedures as
12 the Architect of the Capitol determines appropriate.

13 (4) SENSE OF CONGRESS.—It is the sense of
14 Congress that the child care center of the House of
15 Representatives should remain in operation during
16 the implementation of this section.

17 (5) TERMS AND CONDITIONS.—The deed of
18 conveyance for the property to be disposed of under
19 paragraph (1) shall contain such terms and condi-
20 tions as the Architect of the Capitol determines are
21 necessary to protect the interests of the United
22 States.

23 (6) DEPOSIT OF PROCEEDS.—All proceeds from
24 the disposal under paragraph (1) shall be deposited
25 in the account established by subsection (b).

1 (7) ADVERTISING AND MARKETING.—The Ar-
2 chitect of the Capitol shall begin advertising and
3 marketing the property to be disposed of under
4 paragraph (1) not later than 30 days after the date
5 of the enactment of this Act.

6 (8) LOCAL ZONING AND OCCUPANCY REQUIRE-
7 MENTS.—Until such date as the purchaser of the
8 property to be disposed of under paragraph (1)
9 takes full occupancy of such property, such property
10 and the tenants of such property shall be deemed to
11 be in compliance with all applicable zoning and occu-
12 pancy requirements of the District of Columbia.

13 (9) PROPERTY DESCRIPTION.—The parcel of
14 real property referred to in paragraph (1) is the ap-
15 proximately 31,725 square feet of land located at
16 501 First Street, SE., on square 736 S, Lot 801
17 (formerly part of Reservation 17) in the District of
18 Columbia. Such parcel is bounded by E Street, SE.,
19 to the north, First Street, SE., to the east, New Jer-
20 sey Avenue, SE., to the west, and Garfield Park to
21 the south.

22 (b) SEPARATE ACCOUNT IN THE TREASURY.—

23 (1) ESTABLISHMENT.—There is established in
24 the Treasury of the United States a separate ac-
25 count which shall consist of amounts deposited into

1 the account by the Architect of the Capitol under
2 subsection (a).

3 (2) AVAILABILITY OF FUNDS.—Funds in the
4 account established by paragraph (1) shall be avail-
5 able, in such amounts as are specified in appropria-
6 tions Acts, to the Architect of the Capitol for—

7 (A) payment of expenses associated with
8 relocating the tenants of the property to be dis-
9 posed of under subsection (a)(1);

10 (B) payment of expenses associated with
11 renovating facilities under the jurisdiction of
12 the Architect for the purpose of accommodating
13 such tenants; and

14 (C) reimbursement of expenses incurred
15 for advertising and marketing activities related
16 to the disposal under subsection (a)(1) in a
17 total amount of not to exceed \$75,000.

18 Funds made available under this paragraph shall
19 not be subject to any fiscal year limitation.

20 (3) REPORTING OF TRANSACTIONS.—Receipts,
21 obligations, and expenditures of funds in the account
22 established by paragraph (1) shall be reported in an-
23 nual estimates submitted to Congress by the Archi-
24 tect of the Capitol for the operation and mainte-
25 nance of the Capitol Buildings and Grounds.

1 (4) TERMINATION OF ACCOUNT.—Not later
2 than 2 years after the date of settlement on the
3 property to be disposed of under subsection (a)(1),
4 the Architect of the Capitol shall terminate the ac-
5 count established by paragraph (1) and all amounts
6 remaining in the account shall be deposited into the
7 general fund of the Treasury of the United States
8 and credited as miscellaneous receipts.

9 (c) AUTHORITY TO FURNISH STEAM AND CHILLED
10 WATER.—

11 (1) IN GENERAL.—The Architect of the Capitol
12 is authorized to furnish steam and chilled water
13 from the Capitol Power Plant to the owner of the
14 property to be disposed of under subsection (a)(1) if
15 the owner agrees to pay for such steam and chilled
16 water at market rates, as determined by the Archi-
17 tect of the Capitol.

18 (2) AUTHORITY LIMITED TO EXISTING FACILI-
19 TIES.—The Architect of the Capitol may furnish
20 steam and chilled water under paragraph (1) only
21 with respect to facilities which, on the date of the
22 enactment of this Act, are located on the property
23 to be disposed of under subsection (a)(1).

24 (3) PROCEEDS.—All proceeds from the sale of
25 steam and chilled water under paragraph (1) shall

1 be deposited into the general fund of the Treasury
2 of the United States and credited as miscellaneous
3 receipts.

4 SEC. 122. Notwithstanding any other provision of
5 this title of this Act except section 106, such sums as nec-
6 essary are hereby appropriated for all projects and activi-
7 ties funded under the account heading “Office for Civil
8 Rights” under the Office of the Secretary in the Depart-
9 ment of Health and Human Services at a rate for oper-
10 ations not to exceed an annual rate for new obligational
11 authority of \$16,153,000 for general funds together with
12 not to exceed an annual rate for new obligational authority
13 of \$3,314,000 to be transferred and expended as author-
14 ized by section 201(g)(1) of the Social Security Act from
15 the Hospital Insurance Trust Fund and the Supplemental
16 Medical Insurance Trust Fund.

17 SEC. 123. Activities necessary to effect the following
18 program eliminations and transfers of selected functions
19 are funded under the terms and conditions and at a rate
20 of operations, notwithstanding any other provision of this
21 title of this Act, provided for in the conference report and
22 joint explanatory statement of the Committee of Con-
23 ference (House Report 104–402) on the Department of
24 the Interior and Related Agencies Appropriations Act,

1 1996 (H.R. 1977), as passed by the House of Representa-
2 tives on December 13, 1995:

3 All projects and activities under the account
4 heading “Public Development” under the Pennsylva-
5 nia Avenue Development Corporation;

6 All projects and activities under the account
7 heading “Mines and Minerals” under the Bureau of
8 Mines in Department of the Interior;

9 All activities related to the transfer of functions
10 from the Bureau of Mines under the account head-
11 ing “Management of Lands and Resources” under
12 the Bureau of Land Management in the Department
13 of the Interior;

14 All activities related to the transfers of func-
15 tions from the Bureau of Mines and from the Na-
16 tional Biological Service under the account heading
17 “Surveys, Investigations, and Research” under the
18 United States Geological Survey in the Department
19 of the Interior; and

20 All activities related to the transfer of functions
21 from the Bureau of Mines under the account head-
22 ing “Fossil Energy Research and Development” in
23 the Department of Energy.

24 SEC. 124. Notwithstanding any other provision of
25 this title of this Act, the appropriations and funds made

1 available and authority granted pursuant to the preceding
2 section shall be available until (a) enactment into law of
3 an appropriation for any project or activity provided for
4 in that section, or (b) the enactment into law of the appli-
5 cable appropriations Act without any provision for such
6 project or activity, or (c) September 30, 1996, whichever
7 first occurs.

8 SEC. 125. Notwithstanding any other provision of
9 this title of this Act, except section 106, such amounts
10 as may be necessary are hereby appropriated to effect the
11 sale of Weeks Island oil from the Strategic Petroleum Re-
12 serve under the terms and conditions and at a rate of op-
13 erations provided for in the conference report and joint
14 explanatory statement of the Committee of Conference
15 (House Report 104-402) on the Department of the Inte-
16 rior and Related Agencies Appropriations Act, 1996 (H.R.
17 1977), as passed by the House of Representatives on De-
18 cember 13, 1995.

19 SEC. 126. Notwithstanding any other provision of
20 this title of this Act, such amounts as may be necessary
21 are hereby appropriated under the authority and condi-
22 tions provided in the applicable appropriations Act for the
23 fiscal year 1995 for continuing, at a rate for operations
24 provided for in the conference report and joint explanatory
25 statement of the Committee of Conference (House Report

1 104–402) on the Department of the Interior and Related
2 Agencies Appropriations Act, 1996 (H.R. 1977), as
3 passed by the House of Representatives on December 13,
4 1995, for the following projects or activities including the
5 costs of direct loans and loan guarantees (not otherwise
6 specifically provided for in this Act) which are conducted
7 in the fiscal year 1995: all projects or activities of the In-
8 dian Health Services, Indian Health Service Facilities,
9 Bureau of Indian Affairs, National Park Service, notwith-
10 standing any other provision of law, the United States
11 Fish and Wildlife Service, notwithstanding any other pro-
12 vision of law, and the Forest Service, notwithstanding any
13 other provision of law: *Provided*, That appropriations and
14 funds made available and authority granted pursuant to
15 this section shall be available until (a) enactment into law
16 of an appropriation for any project or activity provided
17 for in this section, or (b) the enactment into law of the
18 applicable appropriations Act without any provision for
19 such project or activity, or (c) March 15, 1996, whichever
20 first occurs.

21 SEC. 127. Notwithstanding any other provision of
22 this title of this Act except section 106, projects and ac-
23 tivities under the account heading “Salaries and expenses”
24 under the National Labor Relations Board shall be subject
25 to the provisions of section 112 of Public law 104–56.

1 SEC. 128. None of the funds made available by Public
2 Law 104–91 may be used for—

3 (1) the creation of a human embryo or embryos
4 for research purposes; or

5 (2) research in which a human embryo or em-
6 bryos are destroyed, discarded, or knowingly sub-
7 jected to risk of injury or death greater than that
8 allowed for research on fetuses in utero under 45
9 CFR 46.208(a)(2) and 42 U.S.C. 289g(b).

10 For purposes of this section, the phrase “human embryo
11 or embryos” shall include any organism, not protected as
12 a human subject under 45 CFR 46 as of the date of enact-
13 ment of this Act, that is derived by fertilization, par-
14 thenogenesis, cloning, or any other means from one or
15 more human gametes.

16 SEC. 129. TECHNICAL AMENDMENT TO PROHIBITION
17 OF GRANTS FOR 501(c)(4) ORGANIZATIONS ENGAGING IN
18 LOBBYING ACTIVITIES.

19 (a) IN GENERAL.—Section 18 of the Lobbying Dis-
20 closure Act of 1995 is amended by striking “award, grant,
21 contract, loan, or any other form” and inserting “award,
22 grant, or loan”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect as if included in the Lobby-

1 ing Disclosure Act of 1995 on the date of the enactment
2 of such Act.

3 SEC. 130. No funds appropriated under this or any
4 other Act shall be used to review or modify sourcing areas
5 previously approved under section 490(c)(3) of the Forest
6 Resources Conservation and Shortage Relief Act of 1990
7 (Public Law 101–382) or to enforce or implement Federal
8 regulations 36 CFR part 223 promulgated on September
9 8, 1995. The regulations and interim rules in effect prior
10 to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87,
11 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and
12 36 CFR 261.6) shall remain in effect. The Secretary of
13 Agriculture or the Secretary of the Interior shall not adopt
14 any policies concerning Public Law 101–382 or existing
15 regulations that would restrain domestic transportation or
16 processing of timber from private lands or impose addi-
17 tional accountability requirements on any timber. The Sec-
18 retary of Commerce shall extend until September 30,
19 1996, the order issued under section 491(b)(2)(A) of Pub-
20 lic Law 101–382 and shall issue an order under section
21 491(b)(2)(B) of such law that will be effective October 1,
22 1996.

23 SEC. 131. Notwithstanding any other provision of
24 this Act, an additional \$2,000,000 is hereby appropriated
25 for the National Park Service, Park Service Construction

1 for repair of flood damage to the Chesapeake and Ohio
2 Canal National Historical Park.

3 TITLE II

4 DEPARTMENTS OF COMMERCE, JUSTICE, AND
5 STATE, THE JUDICIARY, AND RELATED
6 AGENCIES APPROPRIATIONS

7 SEC. 201. (a) Such amounts as may be necessary
8 under the authority and conditions provided in the appli-
9 cable appropriations Act for the fiscal year 1995 for
10 projects or activities, except for those projects and activi-
11 ties provided for in Public Law 104–91 and Public Law
12 104–92, including the costs of direct loans and loan guar-
13 antees (not otherwise specifically provided for in this Act)
14 at a rate for operations provided for in the conference re-
15 port and joint explanatory statement of the Committee of
16 Conference, House Report 104–378, on the Departments
17 of Commerce, Justice, and State, the Judiciary, and Re-
18 lated Agencies Appropriations Act, 1996 (H.R. 2076), as
19 passed the House of Representatives on December 6,
20 1995, notwithstanding section 15 of the State Department
21 Basic Authorities Act of 1956, section 701 of the United
22 States Information and Educational Exchange Act of
23 1948, section 313 of the Foreign Relations Authorization
24 Act, Fiscal Years 1994 and 1995 (Public Law 103–236),
25 and section 53 of the Arms Control and Disarmament Act:

1 *Provided*, That, notwithstanding any other provision of
2 this title of this Act, the rate for operations only for pro-
3 gram administration and the continuation of grants
4 awarded in fiscal year 1995 and prior years of the Ad-
5 vanced Technology Program of the National Institute of
6 Standards and Technology, and the rate for operations for
7 the Ounce of Prevention Council, Drug Courts, Global
8 Learning and Observations to Benefit the Environment,
9 and for the Cops on the Beat Program may be increased
10 up to a level of 75 per centum of the final fiscal year 1995
11 appropriated amount: *Provided further*, That, under the
12 previous proviso, no contracts or grants shall be awarded
13 in excess of an amount that bears the same ratio to the
14 rate for operations provided by the previous proviso as the
15 number of days covered by this resolution bears to 366:
16 *Provided further*, That any costs incurred by a Depart-
17 ment or agency funded under this subsection resulting
18 from personnel actions taken in response to funding re-
19 ductions resulting from this Act shall be absorbed within
20 the total budgetary resources available to such Depart-
21 ment or agency: *Provided further*, That the authority to
22 transfer funds between appropriations accounts as may be
23 necessary to carry out the preceding proviso is provided
24 in addition to authorities provided elsewhere in this sub-
25 section: *Provided further*, That funds to carry out the pre-

1 ceding two provisos shall not be available for obligation
2 or expenditure except in compliance with established
3 reprogramming procedures: *Provided further*, That, not-
4 withstanding any other provision of this title of this Act,
5 the amount of funds obligated or expended by the Legal
6 Services Corporation shall not exceed an amount that
7 bears the same ratio to the rate for operations available
8 to the Legal Services Corporation as the number of days
9 covered by this resolution bears to 366: *Provided further*,
10 That, notwithstanding any other provision of this title of
11 this Act, funding provided for Violent Offender Incarcer-
12 ation and Truth in Sentencing Incentive Grants, with the
13 exception of funds available to States for incarceration of
14 criminal aliens and the Cooperative Agreement Program,
15 shall be withheld, pending enactment of revisions to sub-
16 title A of title II of the Violent Crime Control and Law
17 Enforcement Act of 1994, so as not to impinge upon final
18 funding prerogatives: *Provided further*, That, notwith-
19 standing any other provision of this title of this Act, suffi-
20 cient funds shall be provided to continue the Office of In-
21 spector General of the United States Information Agency,
22 to be derived from funds otherwise available to the Office
23 of Inspector General of the Department of State.

1 DEPARTMENTS OF VETERANS AFFAIRS AND
2 HOUSING AND URBAN DEVELOPMENT, AND
3 INDEPENDENT AGENCIES APPROPRIA-
4 TIONS

5 (b) Such amounts as may be necessary under the au-
6 thority and conditions provided in the applicable appro-
7 priations Act for the fiscal year 1995 for continuing
8 projects or activities, except for those projects and activi-
9 ties provided for in Public Law 104–91 and Public Law
10 104–92, including the costs of direct loans and loan guar-
11 antees (not otherwise specifically provided for in this Act)
12 at a rate for operations provided for in the conference re-
13 port and joint explanatory statement of the Committee of
14 Conference, House Report 104–384, on the Departments
15 of Veterans Affairs and Housing and Urban Development,
16 and Independent Agencies Appropriations Act, 1996
17 (H.R. 2099), as passed the House of Representatives on
18 December 7, 1995: *Provided*, That Senate amendment 63
19 shall be disposed of in the manner passed by the House
20 on December 7, 1995, as if enacted into law: *Provided fur-*
21 *ther*, That, notwithstanding any other provision of this
22 title of this Act, the rate for operations for the Corpora-
23 tion for National and Community Service, the Community
24 Development Financial Institutions Fund, and the Office
25 of Consumer Affairs may be increased up to a level of 75

1 per centum of the fiscal year 1995 level: *Provided further*,
2 That, under the previous proviso, no new contracts or
3 grants shall be awarded in excess of an amount that bears
4 the same ratio to the rate for operations provided by the
5 previous proviso as the number of days covered by this
6 resolution bears to 366: *Provided further*, That the penul-
7 timate proviso under the heading “General Operating Ex-
8 penses” and sections 107 and 109 under the heading “Ad-
9 ministrative Provisions” in the Department of Veterans
10 Affairs are effective to the extent and in the manner, not-
11 withstanding any other provision of this Act, provided for
12 in the conference report and joint explanatory statement
13 of the Committee of Conference (House Report 104–384)
14 on the Departments of Veterans Affairs and Housing and
15 Urban Development, and Independent Agencies Appro-
16 priations Act, 1996 (H.R. 2099), as passed by the House
17 of Representatives on December 7, 1995.

18 SEC. 202. Unless otherwise provided for in this title
19 of this Act or in the applicable appropriations Act, appro-
20 priations and funds made available and authority granted
21 pursuant to this title of this Act shall be available until
22 (a) the enactment into law of an appropriation for any
23 project or activity provided for in this title of this Act,
24 or (b) the enactment into law of the applicable appropria-
25 tions Act by both Houses without any provision for such

1 project or activity, or (c) March 15, 1996, whichever first
2 occurs.

3 SEC. 203. Appropriations made and authority grant-
4 ed pursuant to this title of this Act shall cover all obliga-
5 tions or expenditures incurred for any program, project,
6 or activity during the period for which funds or authority
7 for such project or activity are available under this title
8 of this Act.

9 SEC. 204. Expenditures made pursuant to this title
10 of this Act shall be charged to the applicable appropria-
11 tion, fund, or authorization whenever a bill in which such
12 applicable appropriation, fund, or authorization is con-
13 tained is enacted into law.

14 SEC. 205. Appropriations made by section 201 shall
15 be available to the extent and in the manner which would
16 be provided by the pertinent appropriations Act.

17 SEC. 206. No provision in the appropriations Act for
18 the fiscal year 1996 referred to in section 201 of this Act
19 that makes the availability of any appropriation provided
20 therein dependent upon the enactment of additional au-
21 thorizing or other legislation shall be effective before the
22 date set forth in section 202(c) of this Act.

23 SEC. 207. Appropriations and funds made available
24 by or authority granted pursuant to this title of this Act
25 may be used without regard to the time limitations for

1 submission and approval of apportionments set forth in
2 section 1513 of title 31, United States Code, but nothing
3 herein shall be construed to waive any other provision of
4 law governing the apportionment of funds.

5 SEC. 208. Public Law 104–92 is amended by repeal-
6 ing Title II and by inserting in section 101(a) after the
7 paragraph ending with “under the Railroad Retirement
8 Board;” the following paragraphs: “All activities, includ-
9 ing administrative and beneficiary travel expenses of all
10 veterans benefit programs, necessary for the provision of
11 veterans benefits funded in the Department of Veterans
12 Affairs under the headings “Compensation and pensions”,
13 “Readjustment benefits”, “Veterans insurance and indem-
14 nities”, “Guaranty and indemnity program account”,
15 “Loan guaranty program account”, “Direct loan program
16 account”, “Education loan fund program account”, “Vo-
17 cational rehabilitation loans program account”, “Native
18 American veteran housing loan program account”, and “
19 Administrative provisions, sec. 107” to the extent and in
20 the manner and at the rate for operations, notwithstand-
21 ing any other provision of this joint resolution, provided
22 for in the conference report and joint explanatory state-
23 ment of the Committee of Conference (House Report 104–
24 384) on the Departments of Veterans Affairs and Housing
25 and Urban Development, and Independent Agencies Ap-

1 appropriations Act, 1996 (H.R. 2099), as passed by the
2 House of Representatives on December 7, 1995;

3 All payments to contractors of the Veterans Health
4 Administration of the Department of Veterans Affairs for
5 goods and services that directly relate to patient health
6 and safety to the extent and in the manner and at the
7 rate for operations, notwithstanding any other provision
8 of this joint resolution, provided for in the conference re-
9 port and joint explanatory statement of the Committee of
10 Conference (House Report 104–384) on the Departments
11 of Veterans Affairs and Housing and Urban Development,
12 and Independent Agencies Appropriations Act, 1996
13 (H.R. 2099), as passed by the House of Representatives
14 on December 7, 1995;”.

15 SEC. 209. Notwithstanding any other provision of
16 this title of this Act, except section 202, the amount made
17 available to the Securities and Exchange Commission,
18 under the heading Salaries and Expenses, shall include,
19 in addition to direct appropriations, the amount it collects
20 under the fee rate and offsetting collection authority con-
21 tained in Public Law 103–352, which fee rate and offset-
22 ting collection authority shall remain in effect during the
23 period of this title of this Act.

24 SEC. 210. Notwithstanding any other provision of
25 this title of this Act, except section 202, funds for the En-

1 vironmental Protection Agency shall be made available in
2 the appropriation accounts which are provided in H.R.
3 2099 as reported on September 13, 1995.

4 SEC. 211. Public Law 104–91 is amended by insert-
5 ing after the words “the protection of the Federal judici-
6 ary” in section 101(a), the following: “to the extent and
7 in the manner and”, and by inserting at the end of the
8 paragraph containing those words, but before the semi-
9 colon, the following: “: *Provided*, That, with the exception
10 of section 114, the General Provisions for the Department
11 of Justice included in title I of the aforementioned con-
12 ference report are hereby enacted into law”.

13 SEC. 212. Notwithstanding any other provision of
14 law or regulation, the National Aeronautics and Space Ad-
15 ministration shall convey, without reimbursement, to the
16 State of Mississippi, all rights, title and interest of the
17 United States in the property known as the Yellow Creek
18 Facility and consisting of approximately 1,200 acres near
19 the city of Iuka, Mississippi, including all improvements
20 thereon and also including any personal property owned
21 by NASA that is currently located on-site and which the
22 State of Mississippi requires to facilitate the transfer: *Pro-*
23 *vided*, That appropriated funds shall be used to effect this
24 conveyance: *Provided further*, That \$10,000,000 in appro-
25 priated funds otherwise available to the National Aero-

1 nautics and Space Administration shall be transferred to
2 the State of Mississippi to be used in the transition of
3 the facility: *Provided further*, That each Federal agency
4 with prior contact to the site shall remain responsible for
5 any and all environmental remediation made necessary as
6 a result of its activities on the site: *Provided further*, That
7 in consideration of this conveyance, the National Aero-
8 nautics and Space Administration may require such other
9 terms and conditions as the Administrator deems appro-
10 priate to protect the interests of the United States: *Pro-*
11 *vided further*, That the conveyance of the site and the
12 transfer of the funds to the State of Mississippi shall occur
13 not later than thirty days from the date of enactment of
14 this Act.

15 SEC. 213. Notwithstanding any other provision of
16 this title of this Act except section 202, projects and ac-
17 tivities under the account heading “Council on Environ-
18 mental Quality and Office of Environmental Quality” shall
19 be subject to the provisions of section 112 of Public Law
20 104–56.

21 SEC. 214. Notwithstanding any other provision of
22 this title of this Act except section 202, whenever the rate
23 for operations for any continuing project or activity pro-
24 vided by section 201 for which there is a budget request
25 would result in a furlough of Government employees, that

1 rate for operations may be increased to the minimum level
2 that would enable the furlough to be avoided. No new con-
3 tracts or grants shall be awarded in excess of an amount
4 that bears the same ratio to the rate for operations pro-
5 vided by this section as the number of days covered by
6 this resolution bears to 366: *Provided*, That the first sen-
7 tence of section 214 shall not apply except to furloughs
8 that exceed one workday per pay period for the affected
9 workforce during the period of January 26, 1996 through
10 March 15, 1996.

11

TITLE III

12 FOREIGN OPERATIONS, EXPORT FINANCING,
13 AND RELATED PROGRAMS APPROPRIATIONS

14 SEC. 301. Such amounts as may be necessary for pro-
15 grams, projects, or activities provided for in the Foreign
16 Operations, Export Financing, and Related Programs Ap-
17 propriations Act, 1996 (H.R. 1868), at a rate for oper-
18 ations and to the extent and in the manner provided for
19 in the conference report and joint explanatory statement
20 of the Committee of Conference (House Report 104–295)
21 as passed by the House of Representatives on October 31,
22 1995, as if enacted into law, notwithstanding any other
23 provision of this title of this Act: *Provided*, That Senate
24 amendment numbered 115 shall be disposed of as follows,
25 as if enacted into law:

1 In lieu of the matter proposed by the Senate in
2 amendment numbered 115, insert the following:

3 “AUTHORIZATION OF POPULATION PLANNING

4 “SEC. 518A. Notwithstanding section 526 of this Act,
5 none of the funds made available in this Act for population
6 planning activities or other population assistance pursuant
7 to section 104(b) of the Foreign Assistance Act or any
8 other provision of law, or funds made available in title IV
9 of this Act as a contribution to the United Nations Popu-
10 lation Fund (UNFPA) may be obligated or expended prior
11 to July 1, 1996, unless such funding is expressly author-
12 ized by law: *Provided*, That if such funds are not author-
13 ized by law prior to July 1, 1996, funds appropriated in
14 title II of this Act for population planning activities or
15 other population assistance may be made available for ob-
16 ligation and expenditure in an amount not to exceed 65
17 percent of the total amount appropriated or otherwise
18 made available by Public Law 103–306 and Public Law
19 104–19 for such activities for fiscal year 1995, and funds
20 appropriated in title IV of this Act as a contribution to
21 the United Nations Population Fund (UNFPA) may be
22 made available for obligation and expenditure in an
23 amount not to exceed 65 percent of the total amount ap-
24 propriated or otherwise made available by Public Law
25 103–306 and Public Law 104–19 for a contribution to

1 UNFPA for fiscal year 1995: *Provided further*, That, pur-
2 suant to the previous proviso, such funds may be appor-
3 tioned only on a monthly basis, beginning July 1, 1996
4 and ending September 30, 1997, and such monthly appor-
5 tionments may not exceed 6.67 percent of the total avail-
6 able for such activities: *Provided further*, That notwith-
7 standing any other provision of this Act, funds appro-
8 priated by this Act for the United Nations Population
9 Fund (UNFPA) shall remain available for obligation until
10 September 30, 1997.”.

11 SEC. 302. Unless otherwise provided for in this title
12 of this Act or in the applicable appropriations Act, appro-
13 priations and funds made available and authority granted
14 pursuant to this this title of this Act shall be available
15 until (a) the enactment into law of an appropriation for
16 any project or activity provided for in this title of this Act,
17 or (b) the enactment into law of the applicable appropria-
18 tions Act by both Houses without any provision for such
19 project or activity, or (c) September 30, 1996, whichever
20 first occurs.

21 SEC. 303. Appropriations made and authority grant-
22 ed pursuant to this title of this Act shall cover all obliga-
23 tions or expenditures incurred for any program, project,
24 or activity during the period for which funds or authority

1 for such project or activity are available under this title
2 of this Act.

3 SEC. 304. Expenditures made pursuant to this title
4 of this act shall be charged to the applicable appropriation,
5 fund, or authorization whenever a bill in which such appli-
6 cable appropriation, fund, or authorization is contained is
7 enacted into law.

8 TITLE IV

9 HOUSING AND URBAN DEVELOPMENT

10 SEC. 401. During fiscal year 1996, the Secretary of
11 Housing and Urban Development may manage and dis-
12 pose of multifamily properties owned by the Secretary, in-
13 cluding the provision for grants from the General Insur-
14 ance Fund (12 U.S.C. 1735c) for the necessary costs of
15 rehabilitation and other related development costs and
16 multifamily mortgages held by the Secretary without re-
17 gard to any other provision of law.

18 PUBLIC AND ASSISTED HOUSING RENTS, INCOME

19 ADJUSTMENTS, AND PREFERENCES

20 SEC. 402. (a) MINIMUM RENTS.—Notwithstanding
21 sections 3(a) and 8(o)(2) of the United States Housing
22 Act of 1937, as amended, effective for fiscal year 1996
23 and no later than October 30, 1995—

24 (1) public housing agencies shall require each
25 family who is assisted under the certificate or mod-

1 erate rehabilitation program under section 8 of such
2 Act to pay a minimum monthly rent of not less than
3 \$25, and may require a minimum monthly rent of
4 up to \$50;

5 (2) public housing agencies shall reduce the
6 monthly assistance payment on behalf of each family
7 who is assisted under the voucher program under
8 section 8 of such Act so that the family pays a mini-
9 mum monthly rent of not less than \$25, and may re-
10 quire a minimum monthly rent of up to \$50;

11 (3) with respect to housing assisted under other
12 programs for rental assistance under section 8 of
13 such Act, the Secretary shall require each family
14 who is assisted under such program to pay a mini-
15 mum monthly rent of not less than \$25 for the unit,
16 and may require a minimum monthly rent of up to
17 \$50; and

18 (4) public housing agencies shall require each
19 family who is assisted under the public housing pro-
20 gram (including public housing for Indian families)
21 of such Act to pay a minimum monthly rent of not
22 less than \$25, and may require a minimum monthly
23 rent of up to \$50.

24 (b) ESTABLISHMENT OF CEILING RENTS.—

1 (1) Section 3(a)(2) of the United States Hous-
2 ing Act of 1937 is amended to read as follows:

3 “(2) Notwithstanding paragraph (1), a public
4 housing agency may—

5 “(A) adopt ceiling rents that reflect the
6 reasonable market value of the housing, but
7 that are not less than the monthly costs—

8 “(i) to operate the housing of the
9 agency; and

10 “(ii) to make a deposit to a replace-
11 ment reserve (in the sole discretion of the
12 public housing agency); and

13 “(B) allow families to pay ceiling rents re-
14 ferred to in subparagraph (A), unless, with re-
15 spect to any family, the ceiling rent established
16 under this paragraph would exceed the amount
17 payable as rent by that family under paragraph
18 (1).”.

19 (2) REGULATIONS.—

20 (A) IN GENERAL.—The Secretary shall, by
21 regulation, after notice and an opportunity for
22 public comment, establish such requirements as
23 may be necessary to carry out section
24 3(a)(2)(A) of the United States Housing Act of
25 1937, as amended by paragraph (1).

1 (B) TRANSITION RULE.—Prior to the issu-
2 ance of final regulations under paragraph (1),
3 a public housing agency may implement ceiling
4 rents, which shall be not less than the monthly
5 costs to operate the housing of the agency
6 and—

7 (i) determined in accordance with sec-
8 tion 3(a)(2)(A) of the United States Hous-
9 ing Act of 1937, as that section existed on
10 the day before enactment of this Act;

11 (ii) equal to the 95th percentile of the
12 rent paid for a unit of comparable size by
13 tenants in the same public housing project
14 or a group of comparable projects totaling
15 50 units or more; or

16 (iii) equal to the fair market rent for
17 the area in which the unit is located.

18 (c) DEFINITION OF ADJUSTED INCOME.—Section
19 3(b)(5) of the United States Housing Act of 1937 is
20 amended—

21 (1) at the end of subparagraph (F), by striking
22 “and”;

23 (2) at the end of subparagraph (G), by striking
24 the period and inserting “; and”; and

1 (3) by inserting after subparagraph (G) the fol-
2 lowing:

3 “(H) for public housing, any other adjust-
4 ments to earned income established by the pub-
5 lic housing agency. If a public housing agency
6 adopts other adjustments to income pursuant to
7 subparagraph (H), the Secretary shall not take
8 into account any reduction of or increase in the
9 public housing agency’s per unit dwelling rental
10 income resulting from those adjustments when
11 calculating the contributions under section 9 for
12 the public housing agency for the operation of
13 the public housing.”.

14 (d) REPEAL OF FEDERAL PREFERENCES.—

15 (1) PUBLIC HOUSING.—Section 6(c)(4)(A) of
16 the United States Housing Act of 1937 (42 U.S.C.
17 1437d(c)(4)(A)) is amended to read as follows:

18 “(A) the establishment, after public notice
19 and an opportunity for public comment, of a
20 written system of preferences for admission to
21 public housing, if any, that is not inconsistent
22 with the comprehensive housing affordability
23 strategy under title I of the Cranston-Gonzalez
24 National Affordable Housing Act;”.

1 (2) SECTION 8 EXISTING AND MODERATE REHA-
2 BILITATION.—Section 8(d)(1)(A) of the United
3 States Housing Act of 1937 (42 U.S.C.
4 1437f(d)(1)(A)) is amended to read as follows:

5 “(A) the selection of tenants shall be the
6 function of the owner, subject to the provisions
7 of the annual contributions contract between
8 the Secretary and the agency, except that for
9 the certificate and moderate rehabilitation pro-
10 grams only, for the purpose of selecting families
11 to be assisted, the public housing agency may
12 establish, after public notice and an opportunity
13 for public comment, a written system of pref-
14 erences for selection that is not inconsistent
15 with the comprehensive housing affordability
16 strategy under title I of the Cranston-Gonzalez
17 National Affordable Housing Act;”.

18 (3) SECTION 8 VOUCHER PROGRAM.—Section
19 8(o)(3)(B) of the United States Housing Act of
20 1937 (42 U.S.C. 1437f(o)(3)(B)) is amended to read
21 as follows:

22 “(B) For the purpose of selecting families
23 to be assisted under this subsection, the public
24 housing agency may establish, after public no-
25 tice and an opportunity for public comment, a

1 written system of preferences for selection that
2 is not inconsistent with the comprehensive
3 housing affordability strategy under title I of
4 the Cranston-Gonzalez National Affordable
5 Housing Act.”.

6 (4) SECTION 8 NEW CONSTRUCTION AND SUB-
7 STANTIAL REHABILITATION.—

8 (A) REPEAL.—Section 545(c) of the Cran-
9 ston-Gonzalez National Affordable Housing Act
10 (42 U.S.C. 1437f note) is amended to read as
11 follows:

12 “(c) [Reserved.]”.

13 (B) PROHIBITION.—Notwithstanding any
14 other provision of law, no Federal tenant selec-
15 tion preferences under the United States Hous-
16 ing Act of 1937 shall apply with respect to—

17 (i) housing constructed or substan-
18 tially rehabilitated pursuant to assistance
19 provided under section 8(b)(2) of the Unit-
20 ed States Housing Act of 1937 (as such
21 section existed on the day before October
22 1, 1983); or

23 (ii) projects financed under section
24 202 of the Housing Act of 1959 (as such
25 section existed on the day before the date

1 of enactment of the Cranston-Gonzalez
2 National Affordable Housing Act).

3 (5) RENT SUPPLEMENTS.—Section 101(k) of
4 the Housing and Urban Development Act of 1965
5 (12 U.S.C. 1701s(k)) is amended to read as follows:
6 “(k) [Reserved.]”.

7 (6) CONFORMING AMENDMENTS.—

8 (A) UNITED STATES HOUSING ACT OF
9 1937.—The United States Housing Act of 1937
10 (42 U.S.C. 1437 et seq.) is amended—

11 (i) in section 6(o), by striking “pref-
12 erence rules specified in” and inserting
13 “written system of preferences for selection
14 established pursuant to”;

15 (ii) in the second sentence of section
16 7(a)(2), by striking “according to the pref-
17 erences for occupancy under” and inserting
18 “in accordance with the written system of
19 preferences for selection established pursu-
20 ant to”;

21 (iii) in section 8(d)(2)(A), by striking
22 the last sentence;

23 (iv) in section 8(d)(2)(H), by striking
24 “Notwithstanding subsection (d)(1)(A)(i),
25 an” and inserting “An”;

1 (v) in section 16(c), in the second sen-
2 tence, by striking “the system of pref-
3 erences established by the agency pursuant
4 to section 6(c)(4)(A)(ii)” and inserting
5 “the written system of preferences for se-
6 lection established by the public housing
7 agency pursuant to section 6(c)(4)(A)”;
8 and

9 (vi) in section 24(e)—

10 (I) by striking “(e) EXCEP-
11 TIONS” and all that follows through
12 “The Secretary may” and inserting
13 the following:

14 “(e) EXCEPTION TO GENERAL PROGRAM REQUIRE-
15 MENTS.—The Secretary may”; and

16 (II) by striking paragraph (2).

17 (B) CRANSTON-GONZALEZ NATIONAL AF-
18 FORDABLE HOUSING ACT.—Section
19 522(f)(6)(B) of the Cranston-Gonzalez National
20 Affordable Housing Act (42 U.S.C. 12704 et
21 seq.) is amended by striking “any preferences
22 for such assistance under section 8(d)(1)(A)(i)”
23 and inserting “the written system of pref-
24 erences for selection established pursuant to
25 section 8(d)(1)(A)”.

1 (C) HOUSING AND COMMUNITY DEVELOP-
2 MENT ACT OF 1992.—Section 655 of the Hous-
3 ing and Community Development Act of 1992
4 (42 U.S.C. 13615) is amended by striking “the
5 preferences” and all that follows up to the pe-
6 riod at the end and inserting “any preferences”.

7 (D) REFERENCES IN OTHER LAW.—Any
8 reference in any Federal law other than any
9 provision of any law amended by paragraphs
10 (1) through (5) of this subsection to the pref-
11 erences for assistance under section
12 6(c)(4)(A)(i), 8(d)(1)(A)(i), or 8(o)(3)(B) of the
13 United States Housing Act of 1937 (as such
14 sections existed on the day before the date of
15 enactment of this Act) shall be considered to
16 refer to the written system of preferences for
17 selection established pursuant to section
18 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B), respec-
19 tively, of the United States Housing Act of
20 1937, as amended by this section.

21 (e) APPLICABILITY.—In accordance with section
22 201(b)(2) of the United States Housing Act of 1937, the
23 amendments made by subsections (a), (b), (c), (d), and
24 (f) of this section shall also apply to public housing devel-
25 oped or operated pursuant to a contract between the Sec-

1 retary of Housing and Urban Development and an Indian
2 housing authority.

3 (f) This section shall be effective upon the enactment
4 of this Act and only for fiscal year 1996.

5 SECTION 8 FAIR MARKET RENTALS, ADMINISTRATIVE
6 FEES, AND DELAY IN REISSUANCE

7 SEC. 403. (a) FAIR MARKET RENTALS.—The Sec-
8 retary shall establish fair market rentals for purposes of
9 section 8(c)(1) of the United States Housing Act of 1937,
10 as amended, that shall be effective for fiscal year 1996
11 and shall be based on the 40th percentile rent of rental
12 distributions of standard quality rental housing units. In
13 establishing such fair market rentals, the Secretary shall
14 consider only the rents for dwelling units occupied by re-
15 cent movers and may not consider the rents for public
16 housing dwelling units or newly constructed rental dwell-
17 ing units.

18 (b) ADMINISTRATIVE FEES.—Notwithstanding sec-
19 tions 8(q) (1) and (4) of the United States Housing Act
20 of 1937, for fiscal year 1996, the fee for each month for
21 which a dwelling unit is covered by an assistance contract
22 under the certificate, voucher, or moderate rehabilitation
23 program under section 8 of such Act shall be equal to the
24 monthly fee payable for fiscal year 1995: *Provided*, That
25 this subsection shall be applicable to all amounts made

1 avail-able for such fees during fiscal year 1996, as if in
2 effect on October 1, 1995.

3 (c) DELAY REISSUANCE OF VOUCHERS AND CERTIFI-
4 CATES.—Notwithstanding any other provision of law, a
5 public housing agency administering certificate or voucher
6 assistance provided under subsection (b) or (o) of section
7 8 of the United States Housing Act of 1937, as amended,
8 shall delay for 3 months, the use of any amounts of such
9 assistance (or the certificate or voucher representing as-
10 sistance amounts) made available by the termination dur-
11 ing fiscal year 1996 of such assistance on behalf of any
12 family for any reason, but not later than October 1, 1996;
13 with the exception of any certificates assigned or commit-
14 ted to project-based assistance as permitted otherwise by
15 the Act, accomplished prior to the effective date of this
16 Act.

17 REPEAL OF PROVISIONS REGARDING INCOME DISREGARDS

18 SEC. 404. (a) MAXIMUM ANNUAL LIMITATION ON
19 RENT INCREASES RESULTING FROM EMPLOYMENT.—
20 Section 957 of the Cranston-Gonzalez National Affordable
21 Housing Act is hereby repealed, retroactive to November
22 28, 1990, and shall be of no effect.

23 (b) ECONOMIC INDEPENDENCE.—Section 923 of the
24 Housing and Community Development Act of 1992 is

1 hereby repealed, retroactive to October 28, 1992, and shall
2 be of no effect.

3 SECTION 8 CONTRACT RENEWALS

4 SEC. 405. (a) For fiscal year 1996 and henceforth,
5 the Secretary of Housing and Urban Development may
6 use amounts available for the renewal of assistance under
7 section 8 of the United States Housing Act of 1937, upon
8 termination or expiration of a contract for assistance
9 under section 8 of such Act of 1937 (other than a contract
10 for tenant-based assistance and notwithstanding section
11 8(v) of such Act for loan management assistance), to pro-
12 vide assistance under section 8 of such Act, subject to the
13 Section 8 Existing Fair Market Rents, for the eligible
14 families assisted under the contracts at expiration or ter-
15 mination, which assistance shall be in accordance with
16 terms and conditions prescribed by the Secretary.

17 (b) Notwithstanding subsection (a) and except for
18 projects assisted under section 8(e)(2) of the United
19 States Housing Act of 1937 (as it existed immediately
20 prior to October 1, 1991), at the request of the owner,
21 the Secretary shall renew for a period of one year con-
22 tracts for assistance under section 8 that expire or termi-
23 nate during fiscal year 1996 at the current rent levels.

24 (c) Section 8(v) of the United States Housing Act
25 of 1937 is amended to read as follows: "The Secretary

1 may extend expiring contracts entered into under this sec-
2 tion for project-based loan management assistance to the
3 extent necessary to prevent displacement of low-income
4 families receiving such assistance as of September 30,
5 1996.”.

6 (d) Section 236(f) of the National Housing Act (12
7 U.S.C. 1715z-1(f)) is amended:

8 (1) by striking the second sentence in para-
9 graph (1) and inserting in lieu thereof the following:
10 “The rental charge for each dwelling unit shall be at
11 the basic rental charge or such greater amount, not
12 exceeding the lower of (i) the fair market rental
13 charge determined pursuant to this paragraph, or
14 (ii) the fair market rental established under section
15 8(c) of the United States Housing Act of 1937 for
16 the market area in which the housing is located, as
17 represents 30 per centum of the tenant’s adjusted
18 income.”; and

19 (2) by striking paragraph (6).”.

20 EXTENSION OF HOME EQUITY CONVERSION MORTGAGE

21 PROGRAM

22 SEC. 406. Section 255(g) of the National Housing
23 Act (12 U.S.C. 1715z-20(g)) is amended—

1 (1) in the first sentence, by striking “Septem-
2 ber 30, 1995” and inserting “September 30, 1996”;
3 and

4 (2) in the second sentence, by striking
5 “25,000” and inserting “30,000”.

6 FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

7 SEC. 407. (a) FORECLOSURE AVOIDANCE.—Except
8 as provided in subsection (e), the last sentence of section
9 204(a) of the National Housing Act (12 U.S.C. 1710(a))
10 is amended by inserting before the period the following:
11 “:And provided further, That the Secretary may pay insur-
12 ance benefits to the mortgagee to recompense the mortga-
13 gee for its actions to provide an alternative to the fore-
14 closure of a mortgage that is in default, which actions may
15 include special foreclosure, loan modification, and deeds
16 in lieu of foreclosure, all upon terms and conditions as
17 the mortgagee shall determine in the mortgagee’s sole dis-
18 cretion, within guidelines provided by the Secretary, but
19 which may not include assignment of a mortgage to the
20 Secretary: *And provided further*, That for purposes of the
21 preceding proviso, no action authorized by the Secretary
22 and no action taken, nor any failure to act, by the Sec-
23 retary or the mortgagee shall be subject to judicial re-
24 view.”.

1 (b) AUTHORITY TO ASSIST MORTGAGORS IN DE-
2 FAULT.—Except as provided in subsection (e), section 230
3 of the National Housing Act (12 U.S.C. 1715u) is amend-
4 ed to read as follows:

5 “AUTHORITY TO ASSIST MORTGAGORS IN DEFAULT

6 “SEC. 230. (a) PAYMENT OF PARTIAL CLAIM.—The
7 Secretary may establish a program for payment of a par-
8 tial claim to a mortgagee that agrees to apply the claim
9 amount to payment of a mortgage on a 1- to 4-family resi-
10 dence that is in default. Any such payment under such
11 program to the mortgagee shall be made in the sole discre-
12 tion of the Secretary and on terms and conditions accept-
13 able to the Secretary, except that—

14 “(1) the amount of the payment shall be in an
15 amount determined by the Secretary, not to exceed
16 an amount equivalent to 12 of the monthly mortgage
17 payments and any costs related to the default that
18 are approved by the Secretary; and

19 “(2) the mortgagor shall agree to repay the
20 amount of the insurance claim to the Secretary upon
21 terms and conditions acceptable to the Secretary.

22 The Secretary may pay the mortgagee, from the appro-
23 priate insurance fund, in connection with any activities
24 that the mortgagee is required to undertake concerning

1 repayment by the mortgagor of the amount owed to the
2 Secretary.

3 “(b) ASSIGNMENT.—

4 “(1) PROGRAM AUTHORITY.—The Secretary
5 may establish a program for assignment to the Sec-
6 retary, upon request of the mortgagee, of a mort-
7 gage on a 1- to 4-family residence insured under this
8 Act.

9 “(2) PROGRAM REQUIREMENTS.—The Sec-
10 retary may accept assignment of a mortgage under
11 a program under this subsection only if—

12 “(A) the mortgage was in default;

13 “(B) the mortgagee has modified the mort-
14 gage to cure the default and provide for mort-
15 gage payments within the reasonable ability of
16 the mortgagor to pay, at interest rates not ex-
17 ceeding current market interest rates; and

18 “(C) the Secretary arranges for servicing
19 of the assigned mortgage by a mortgagee
20 (which may include the assigning mortgagee)
21 through procedures that the Secretary has de-
22 termined to be in the best interests of the ap-
23 propriate insurance fund.

24 “(3) PAYMENT OF INSURANCE BENEFITS.—

25 Upon accepting assignment of a mortgage under a

1 program established under this subsection, the Sec-
2 retary may pay insurance benefits to the mortgagee
3 from the appropriate insurance fund, in an amount
4 that the Secretary determines to be appropriate, not
5 to exceed the amount necessary to compensate the
6 mortgagee for the assignment and any losses and ex-
7 penses resulting from the mortgage modification.

8 “(c) PROHIBITION OF JUDICIAL REVIEW.—No deci-
9 sion by the Secretary to exercise or forego exercising any
10 authority under this section shall be subject to judicial re-
11 view.

12 “(d) SAVINGS PROVISION.—Any mortgage for which
13 the mortgagor has applied to the Secretary, before the
14 date of enactment of the Departments of Veterans Affairs
15 and Housing and Urban Development, and Independent
16 Agencies Appropriations Act, 1996, for assignment pursu-
17 ant to subsection (b) of this section as in effect before
18 such date of enactment shall continue to be governed by
19 the provisions of this section, as in effect immediately be-
20 fore such date of enactment.

21 “(e) APPLICABILITY OF OTHER LAWS.—No provision
22 of this Act, or any other law, shall be construed to require
23 the Secretary to provide an alternative to foreclosure for
24 mortgagees with mortgages on 1- to 4-family residences

1 insured by the Secretary under this Act, or to accept as-
2 signments of such mortgages.”.

3 (c) APPLICABILITY OF AMENDMENTS.—Except as
4 provided in subsection (e), the amendments made by sub-
5 sections (a) and (b) shall apply only with respect to mort-
6 gages insured under the National Housing Act that are
7 originated before October 1, 1995.

8 (d) REGULATIONS.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary of Housing
10 and Urban Development shall issue interim regulations to
11 implement this section and the amendments made by this
12 section.

13 (e) EFFECTIVENESS AND APPLICABILITY.—If this
14 Act is enacted after the date of enactment of the Balanced
15 Budget Act of 1995—

16 (1) subsections (a), (b), (c), and (d) of this sec-
17 tion shall not take effect; and

18 (2) section 2052(c) of the Balanced Budget Act
19 of 1995 is amended by striking “that are originated
20 on or after October 1, 1995” and inserting in lieu
21 thereof “that are originated before, during, and after
22 fiscal year 1996.”.

1 This Act may be cited as “The Balanced Budget
2 Downpayment Act, I”.

 Passed the House of Representatives January 25,
1996.

Attest:

Clerk.