

***In the Senate of the United States,***

*March 19, 1996.*

*Resolved*, That the bill from the House of Representatives (H.R. 3019) entitled “An Act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, and out*  
3 *of applicable corporate or other revenues, receipts, and*  
4 *funds, for the several departments, agencies, corporations,*  
5 *and other organizational units of the Government for the*  
6 *fiscal year 1996, and for other purposes, namely:*

7 ***TITLE I—OMNIBUS APPROPRIATIONS***

8 *SEC. 101. (a) Such amounts as may be necessary for*  
9 *programs, projects or activities provided for in the Depart-*  
10 *ments of Commerce, Justice, and State, the Judiciary, and*

1 *Related Agencies Appropriations Act, 1996 at a rate of op-*  
2 *erations and to the extent and in the manner provided as*  
3 *follows, to be effective as if it had been enacted into law*  
4 *as the regular appropriations Act:*

5 *AN ACT*

6 *Making appropriations for the Departments of Com-*  
7 *merce, Justice, and State, the Judiciary, and related agen-*  
8 *cies for the fiscal year ending September 30, 1996, and for*  
9 *other purposes.*

10 *TITLE I—DEPARTMENT OF JUSTICE*

11 *GENERAL ADMINISTRATION*

12 *SALARIES AND EXPENSES*

13 *For expenses necessary for the administration of the*  
14 *Department of Justice, \$74,282,000; including not to exceed*  
15 *\$3,317,000 for the Facilities Program 2000, and including*  
16 *\$5,000,000 for management and oversight of Immigration*  
17 *and Naturalization Service activities, both sums to remain*  
18 *available until expended: Provided, That not to exceed 76*  
19 *permanent positions and 90 full-time equivalent workyears*  
20 *and \$9,487,000 shall be expended for the Offices of Legisla-*  
21 *tive Affairs, Public Affairs and Policy Development: Pro-*  
22 *vided further, That the latter three aforementioned offices*  
23 *shall not be augmented by personnel details, temporary*  
24 *transfers of personnel on either a reimbursable or non-reim-*  
25 *bursable basis or any other type of formal or informal*

1 *transfer or reimbursement of personnel or funds on either*  
2 *a temporary or long-term basis.*

3 *COUNTERTERRORISM FUND*

4 *For necessary expenses, as determined by the Attorney*  
5 *General, \$16,898,000, to remain available until expended,*  
6 *to reimburse any Department of Justice organization for*  
7 *(1) the costs incurred in reestablishing the operational ca-*  
8 *pability of an office or facility which has been damaged*  
9 *or destroyed as a result of the bombing of the Alfred P.*  
10 *Murrah Federal Building in Oklahoma City or any domes-*  
11 *tic or international terrorist incident, (2) the costs of pro-*  
12 *viding support to counter, investigate or prosecute domestic*  
13 *or international terrorism, including payment of rewards*  
14 *in connection with these activities, and (3) the costs of con-*  
15 *ducting a terrorism threat assessment of Federal agencies*  
16 *and their facilities: Provided, That funds provided under*  
17 *this section shall be available only after the Attorney Gen-*  
18 *eral notifies the Committees on Appropriations of the House*  
19 *of Representatives and the Senate in accordance with sec-*  
20 *tion 605 of this Act.*

21 *ADMINISTRATIVE REVIEW AND APPEALS*

22 *For expenses necessary for the administration of par-*  
23 *don and clemency petitions and immigration related activi-*  
24 *ties, \$38,886,000: Provided, That the obligated and unobli-*  
25 *gated balances of funds previously appropriated to the Gen-*  
26 *eral Administration, Salaries and Expenses appropriation*

1 *for the Executive Office for Immigration Review and the*  
2 *Office of the Pardon Attorney shall be merged with this ap-*  
3 *propriation.*

4 *VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE*  
5 *REVIEW AND APPEALS*

6 *For activities authorized by sections 130005 and*  
7 *130007 of Public Law 103–322, \$47,780,000, to remain*  
8 *available until expended, which shall be derived from the*  
9 *Violent Crime Reduction Trust Fund: Provided, That the*  
10 *obligated and unobligated balances of funds previously ap-*  
11 *propriated to the General Administration, Salaries and Ex-*  
12 *penses appropriation under title VIII of Public Law 103–*  
13 *317 for the Executive Office for Immigration Review shall*  
14 *be merged with this appropriation.*

15 *OFFICE OF INSPECTOR GENERAL*

16 *For necessary expenses of the Office of Inspector Gen-*  
17 *eral in carrying out the provisions of the Inspector General*  
18 *Act of 1978, as amended, \$28,960,000; including not to ex-*  
19 *ceed \$10,000 to meet unforeseen emergencies of a confiden-*  
20 *tial character, to be expended under the direction of, and*  
21 *to be accounted for solely under the certificate of, the Attor-*  
22 *ney General; and for the acquisition, lease, maintenance*  
23 *and operation of motor vehicles without regard to the gen-*  
24 *eral purchase price limitation.*

1 *UNITED STATES PAROLE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the United States Parole*  
4 *Commission as authorized by law, \$5,446,000.*

5 *LEGAL ACTIVITIES*6 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For expenses necessary for the legal activities of the*  
9 *Department of Justice, not otherwise provided for, includ-*  
10 *ing not to exceed \$20,000 for expenses of collecting evidence,*  
11 *to be expended under the direction of, and to be accounted*  
12 *for solely under the certificate of, the Attorney General; and*  
13 *rent of private or Government-owned space in the District*  
14 *of Columbia; \$401,929,000; of which not to exceed*  
15 *\$10,000,000 for litigation support contracts shall remain*  
16 *available until expended: Provided, That of the funds avail-*  
17 *able in this appropriation, not to exceed \$22,618,000 shall*  
18 *remain available until expended for office automation sys-*  
19 *tems for the legal divisions covered by this appropriation,*  
20 *and for the United States Attorneys, the Antitrust Division,*  
21 *and offices funded through "Salaries and Expenses", Gen-*  
22 *eral Administration: Provided further, That of the total*  
23 *amount appropriated, not to exceed \$1,000 shall be avail-*  
24 *able to the United States National Central Bureau,*  
25 *INTERPOL, for official reception and representation ex-*  
26 *penses: Provided further, That notwithstanding 31 U.S.C.*

1 1342, the Attorney General may accept on behalf of the  
2 United States and credit to this appropriation, gifts of  
3 money, personal property and services, for the purpose of  
4 hosting the International Criminal Police Organization's  
5 (INTERPOL) American Regional Conference in the United  
6 States during fiscal year 1996.

7       In addition, for reimbursement of expenses of the De-  
8 partment of Justice associated with processing cases under  
9 the National Childhood Vaccine Injury Act of 1986, not to  
10 exceed \$4,028,000, to be appropriated from the Vaccine In-  
11 jury Compensation Trust Fund, as authorized by section  
12 6601 of the Omnibus Budget Reconciliation Act, 1989, as  
13 amended by Public Law 101-512 (104 Stat. 1289).

14       In addition, for Salaries and Expenses, General Legal  
15 Activities, \$12,000,000 shall be made available to be derived  
16 by transfer from unobligated balances of the Working Cap-  
17 ital Fund in the Department of Justice.

18       VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL  
19                               ACTIVITIES

20       For the expeditious deportation of denied asylum ap-  
21 plicants, as authorized by section 130005 of Public Law  
22 103-322, \$7,591,000, to remain available until expended,  
23 which shall be derived from the Violent Crime Reduction  
24 Trust Fund.

1            *SALARIES AND EXPENSES, ANTITRUST DIVISION*

2            *For expenses necessary for the enforcement of antitrust*  
3 *and kindered laws, \$65,783,000: Provided, That notwith-*  
4 *standing any other provision of law, not to exceed*  
5 *\$48,262,000 of offsetting collections derived from fees col-*  
6 *lected for premerger notification filings under the Hart-*  
7 *Scott-Rodino Antitrust Improvements Act of 1976 (15*  
8 *U.S.C. 18(a)) shall be retained and used for necessary ex-*  
9 *penses in this appropriation, and shall remain available*  
10 *until expended: Provided further, That the sum herein ap-*  
11 *propriated from the General Fund shall be reduced as such*  
12 *offsetting collections are received during fiscal year 1996,*  
13 *so as to result in a final fiscal year 1996 appropriation*  
14 *from the General Fund estimated at not more than*  
15 *\$17,521,000: Provided further, That any fees received in ex-*  
16 *cess of \$48,262,000 in fiscal year 1996, shall remain avail-*  
17 *able until expended, but shall not be available for obligation*  
18 *until October 1, 1996.*

19            *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

20            *For necessary expenses of the Office of the United*  
21 *States Attorneys, including intergovernmental agreements,*  
22 *\$895,509,000, of which not to exceed \$2,500,000 shall be*  
23 *available until September 30, 1997 for the purposes of (1)*  
24 *providing training of personnel of the Department of Jus-*  
25 *tice in debt collection, (2) providing services to the Depart-*  
26 *ment of Justice related to locating debtors and their prop-*

1 *erty, such as title searches, debtor skiptracing, asset*  
2 *searches, credit reports and other investigations, (3) paying*  
3 *the costs of the Department of Justice for the sale of prop-*  
4 *erty not covered by the sale proceeds, such as auctioneers’*  
5 *fees and expenses, maintenance and protection of property*  
6 *and businesses, advertising and title search and surveying*  
7 *costs, and (4) paying the costs of processing and tracking*  
8 *debts owed to the United States Government: Provided,*  
9 *That of the total amount appropriated, not to exceed \$8,000*  
10 *shall be available for official reception and representation*  
11 *expenses: Provided further, That not to exceed \$10,000,000*  
12 *of those funds available for automated litigation support*  
13 *contracts and \$4,000,000 for security equipment shall re-*  
14 *main available until expended: Provided further, That in*  
15 *addition to reimbursable full-time equivalent workyears*  
16 *available to the Office of the United States Attorneys, not*  
17 *to exceed 8,595 positions and 8,862 full-time equivalent*  
18 *workyears shall be supported from the funds appropriated*  
19 *in this Act for the United States Attorneys.*

20 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*

21 *ATTORNEYS*

22 *For activities authorized by sections 190001(d), 40114*  
23 *and 130005 of Public Law 103–322, \$30,000,000, to remain*  
24 *available until expended, which shall be derived from the*  
25 *Violent Crime Reduction Trust Fund, of which \$20,269,000*  
26 *shall be available to help meet increased demands for litiga-*



1 *tion and related activities, \$500,000 to implement a pro-*  
2 *gram to appoint additional Federal Victim's Counselors,*  
3 *and \$9,231,000 for expeditious deportation of denied asy-*  
4 *lum applicants.*

5 *UNITED STATES TRUSTEE SYSTEM FUND*

6 *For necessary expenses of the United States Trustee*  
7 *Program, \$102,390,000, as authorized by 28 U.S.C.*  
8 *589a(a), to remain available until expended, for activities*  
9 *authorized by section 115 of the Bankruptcy Judges, United*  
10 *States Trustees, and Family Farmer Bankruptcy Act of*  
11 *1986 (Public Law 99-554), which shall be derived from the*  
12 *United States Trustee System Fund: Provided, That depos-*  
13 *its to the Fund are available in such amounts as may be*  
14 *necessary to pay refunds due depositors: Provided further,*  
15 *That, notwithstanding any other provision of law, not to*  
16 *exceed \$44,191,000 of offsetting collections derived from fees*  
17 *collected pursuant to section 589a(f) of title 28, United*  
18 *States Code, as amended, shall be retained and used for nec-*  
19 *essary expenses in this appropriation: Provided further,*  
20 *That the \$102,390,000 herein appropriated from the United*  
21 *States Trustee System Fund shall be reduced as such offset-*  
22 *ting collections are received during fiscal year 1996, so as*  
23 *to result in a final fiscal year 1996 appropriation from*  
24 *such Fund estimated at not more than \$58,199,000: Pro-*  
25 *vided further, That any of the aforementioned fees collected*  
26 *in excess of \$44,191,000 in fiscal year 1996 shall remain*

1 *available until expended, but shall not be available for obli-*  
2 *gation until October 1, 1996.*

3 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*

4 *COMMISSION*

5 *For expenses necessary to carry out the activities of*  
6 *the Foreign Claims Settlement Commission, including serv-*  
7 *ices as authorized by 5 U.S.C. 3109, \$830,000.*

8 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*

9 *SERVICE*

10 *For necessary expenses of the United States Marshals*  
11 *Service; including the acquisition, lease, maintenance, and*  
12 *operation of vehicles and aircraft, and the purchase of pas-*  
13 *senger motor vehicles for police-type use without regard to*  
14 *the general purchase price limitation for the current fiscal*  
15 *year; \$423,248,000, as authorized by 28 U.S.C. 561(i), of*  
16 *which not to exceed \$6,000 shall be available for official*  
17 *reception and representation expenses.*

18 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*

19 *MARSHALS SERVICE*

20 *For activities authorized by section 190001(b) of Pub-*  
21 *lic Law 103-322, \$25,000,000, to remain available until*  
22 *expended, which shall be derived from the Violent Crime*  
23 *Reduction Trust Fund.*

1                    *FEDERAL PRISONER DETENTION*  
2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For expenses related to United States prisoners in the*  
4 *custody of the United States Marshals Service as authorized*  
5 *in 18 U.S.C. 4013, but not including expenses otherwise*  
6 *provided for in appropriations available to the Attorney*  
7 *General; \$252,820,000, as authorized by 28 U.S.C. 561(i),*  
8 *to remain available until expended.*

9            *In addition, for Federal Prisoner Detention,*  
10 *\$9,000,000 shall be made available until expended to be de-*  
11 *rived by transfer from unobligated balances of the Working*  
12 *Capital Fund in the Department of Justice.*

13                    *FEES AND EXPENSES OF WITNESSES*

14            *For expenses, mileage, compensation, and per diems*  
15 *of witnesses, for expenses of contracts for the procurement*  
16 *and supervision of expert witnesses, for private counsel ex-*  
17 *penses, and for per diems in lieu of subsistence, as author-*  
18 *ized by law, including advances, \$85,000,000, to remain*  
19 *available until expended; of which not to exceed \$4,750,000*  
20 *may be made available for planning, construction, renova-*  
21 *tions, maintenance, remodeling, and repair of buildings*  
22 *and the purchase of equipment incident thereto for protected*  
23 *witness safesites; of which not to exceed \$1,000,000 may be*  
24 *made available for the purchase and maintenance of ar-*  
25 *mored vehicles for transportation of protected witnesses;*  
26 *and of which not to exceed \$4,000,000 may be made avail-*

1 *able for the purchase, installation and maintenance of a*  
2 *secure automated information network to store and retrieve*  
3 *the identities and locations of protected witnesses.*

4 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*

5 *For necessary expenses of the Community Relations*  
6 *Service, established by title X of the Civil Rights Act of*  
7 *1964, \$5,319,000: Provided, That notwithstanding any*  
8 *other provision of this title, upon a determination by the*  
9 *Attorney General that emergent circumstances require addi-*  
10 *tional funding for conflict prevention and resolution activi-*  
11 *ties of the Community Relations Service, the Attorney Gen-*  
12 *eral may transfer such amounts to the Community Rela-*  
13 *tions Service, from available appropriations for the current*  
14 *fiscal year for the Department of Justice, as may be nec-*  
15 *essary to respond to such circumstances: Provided further,*  
16 *That any transfer pursuant to this section shall be treated*  
17 *as a reprogramming under section 605 of this Act and shall*  
18 *not be available for obligation or expenditure except in com-*  
19 *pliance with the procedures set forth in that section.*

20 *ASSETS FORFEITURE FUND*

21 *For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii),*  
22 *(B), (C), (F), and (G), as amended, \$30,000,000 to be de-*  
23 *rived from the Department of Justice Assets Forfeiture*  
24 *Fund.*

1                   *RADIATION EXPOSURE COMPENSATION*2                               *ADMINISTRATIVE EXPENSES*

3           *For necessary administrative expenses in accordance*  
4 *with the Radiation Exposure Compensation Act,*  
5 *\$2,655,000.*

6   *PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST*7                                       *FUND*

8           *For payments to the Radiation Exposure Compensa-*  
9 *tion Trust Fund, \$16,264,000, to become available on Octo-*  
10 *ber 1, 1996.*

11                   *INTERAGENCY LAW ENFORCEMENT*12                               *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

13           *For necessary expenses for the detection, investigation,*  
14 *and prosecution of individuals involved in organized crime*  
15 *drug trafficking not otherwise provided for, to include inter-*  
16 *governmental agreements with State and local law enforce-*  
17 *ment agencies engaged in the investigation and prosecution*  
18 *of individuals involved in organized crime drug trafficking,*  
19 *\$359,843,000, of which \$50,000,000 shall remain available*  
20 *until expended: Provided, That any amounts obligated from*  
21 *appropriations under this heading may be used under au-*  
22 *thorities available to the organizations reimbursed from this*  
23 *appropriation: Provided further, That any unobligated bal-*  
24 *ances remaining available at the end of the fiscal year shall*  
25 *revert to the Attorney General for reallocation among par-*  
26 *ticipating organizations in succeeding fiscal years, subject*

1 *to the reprogramming procedures described in section 605*  
2 *of this Act.*

3 *FEDERAL BUREAU OF INVESTIGATION*

4 *SALARIES AND EXPENSES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For expenses necessary for detection, investigation, and*  
7 *prosecution of crimes against the United States; including*  
8 *purchase for police-type use of not to exceed 1,815 passenger*  
9 *motor vehicles of which 1,300 will be for replacement only,*  
10 *without regard to the general purchase price limitation for*  
11 *the current fiscal year, and hire of passenger motor vehicles;*  
12 *acquisition, lease, maintenance and operation of aircraft;*  
13 *and not to exceed \$70,000 to meet unforeseen emergencies*  
14 *of a confidential character, to be expended under the direc-*  
15 *tion of, and to be accounted for solely under the certificate*  
16 *of, the Attorney General; \$2,189,183,000, of which not to*  
17 *exceed \$50,000,000 for automated data processing and tele-*  
18 *communications and technical investigative equipment and*  
19 *\$1,000,000 for undercover operations shall remain available*  
20 *until September 30, 1997; of which not less than*  
21 *\$102,345,000 shall be for counterterrorism investigations,*  
22 *foreign counterintelligence, and other activities related to*  
23 *our national security; of which not to exceed \$98,400,000*  
24 *shall remain available until expended; of which not to ex-*  
25 *ceed \$10,000,000 is authorized to be made available for*  
26 *making payments or advances for expenses arising out of*

1 *contractual or reimbursable agreements with State and*  
2 *local law enforcement agencies while engaged in cooperative*  
3 *activities related to violent crime, terrorism, organized*  
4 *crime, and drug investigations; and of which \$1,500,000*  
5 *shall be available to maintain an independent program of-*  
6 *fice dedicated solely to the relocation of the Criminal Justice*  
7 *Information Services Division and the automation of fin-*  
8 *gerprint identification services: Provided, That not to ex-*  
9 *ceed \$45,000 shall be available for official reception and*  
10 *representation expenses: Provided further, That \$58,000,000*  
11 *shall be made available for NCIC 2000, of which not less*  
12 *than \$35,000,000 shall be derived from ADP and Tele-*  
13 *communications unobligated balances, and of which*  
14 *\$22,000,000 shall be derived by transfer and available until*  
15 *expended from unobligated balances in the Working Capital*  
16 *Fund of the Department of Justice.*

17 *VIOLENT CRIME REDUCTION PROGRAMS*

18 *For activities authorized by Public Law 103-322,*  
19 *\$218,300,000, to remain available until expended, which*  
20 *shall be derived from the Violent Crime Reduction Trust*  
21 *Fund, of which \$208,800,000 shall be for activities author-*  
22 *ized by section 190001(c); \$4,000,000 for Training and In-*  
23 *vestigative Assistance authorized by section 210501(c)(2);*  
24 *and \$5,500,000 for establishing DNA quality assurance and*  
25 *proficiency testing standards, establishing an index to fa-*  
26 *cilitate law enforcement exchange of DNA identification in-*

1 *formation, and related activities authorized by section*  
2 *210306.*

3 *CONSTRUCTION*

4 *For necessary expenses to construct or acquire build-*  
5 *ings and sites by purchase, or as otherwise authorized by*  
6 *law (including equipment for such buildings); conversion*  
7 *and extension of federally-owned buildings; and prelimi-*  
8 *nary planning and design of projects; \$97,589,000, to re-*  
9 *main available until expended.*

10 *DRUG ENFORCEMENT ADMINISTRATION*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Drug Enforcement Ad-*  
13 *ministration, including not to exceed \$70,000 to meet un-*  
14 *foreseen emergencies of a confidential character, to be ex-*  
15 *pended under the direction of, and to be accounted for solely*  
16 *under the certificate of, the Attorney General; expenses for*  
17 *conducting drug education and training programs, includ-*  
18 *ing travel and related expenses for participants in such pro-*  
19 *grams and the distribution of items of token value that pro-*  
20 *mote the goals of such programs; purchase of not to exceed*  
21 *1,208 passenger motor vehicles, of which 1,178 will be for*  
22 *replacement only, for police-type use without regard to the*  
23 *general purchase price limitation for the current fiscal year;*  
24 *and acquisition, lease, maintenance, and operation of air-*  
25 *craft; \$750,168,000, of which not to exceed \$1,800,000 for*  
26 *research and \$15,000,000 for transfer to the Drug Diversion*



1 *Control Fee Account for operating expenses shall remain*  
2 *available until expended, and of which not to exceed*  
3 *\$4,000,000 for purchase of evidence and payments for infor-*  
4 *mation, not to exceed \$4,000,000 for contracting for ADP*  
5 *and telecommunications equipment, and not to exceed*  
6 *\$2,000,000 for technical and laboratory equipment shall re-*  
7 *main available until September 30, 1997, and of which not*  
8 *to exceed \$50,000 shall be available for official reception*  
9 *and representation expenses.*

10 *VIOLENT CRIME REDUCTION PROGRAMS*

11 *For activities authorized by sections 180104 and*  
12 *190001(b) of Public Law 103-322, \$60,000,000, to remain*  
13 *available until expended, which shall be derived from the*  
14 *Violent Crime Reduction Trust Fund.*

15 *IMMIGRATION AND NATURALIZATION SERVICE*

16 *SALARIES AND EXPENSES*

17 *For expenses, not otherwise provided for, necessary for*  
18 *the administration and enforcement of the laws relating to*  
19 *immigration, naturalization, and alien registration, in-*  
20 *cluding not to exceed \$50,000 to meet unforeseen emer-*  
21 *gencies of a confidential character, to be expended under*  
22 *the direction of, and to be accounted for solely under the*  
23 *certificate of, the Attorney General; purchase for police-type*  
24 *use (not to exceed 813 of which 177 are for replacement*  
25 *only) without regard to the general purchase price limita-*  
26 *tion for the current fiscal year, and hire of passenger motor*

1 *vehicles; acquisition, lease, maintenance and operation of*  
2 *aircraft; and research related to immigration enforcement;*  
3 *\$1,394,825,000, of which \$36,300,000 shall remain avail-*  
4 *able until September 30, 1997; of which \$506,800,000 is*  
5 *available for the Border Patrol; of which not to exceed*  
6 *\$400,000 for research shall remain available until ex-*  
7 *pended; and of which not to exceed \$10,000,000 shall be*  
8 *available for costs associated with the training program for*  
9 *basic officer training: Provided, That none of the funds*  
10 *available to the Immigration and Naturalization Service*  
11 *shall be available for administrative expenses to pay any*  
12 *employee overtime pay in an amount in excess of \$25,000*  
13 *during the calendar year beginning January 1, 1996: Pro-*  
14 *vided further, That uniforms may be purchased without re-*  
15 *gard to the general purchase price limitation for the current*  
16 *fiscal year: Provided further, That not to exceed \$5,000*  
17 *shall be available for official reception and representation*  
18 *expenses: Provided further, That the Attorney General may*  
19 *transfer to the Department of Labor and the Social Security*  
20 *Administration not to exceed \$10,000,000 for programs to*  
21 *verify the immigration status of persons seeking employ-*  
22 *ment in the United States: Provided further, That none of*  
23 *the funds provided in this or any other Act shall be used*  
24 *for the continued operation of the San Clemente and*  
25 *Temecula checkpoints unless: (1) the checkpoints are open*

1 *and traffic is being checked on a continuous 24-hour basis*  
2 *and (2) the Immigration and Naturalization Service under-*  
3 *takes a commuter lane facilitation pilot program at the San*  
4 *Clemente checkpoint within 90 days of enactment of this*  
5 *Act: Provided further, That the Immigration and Natu-*  
6 *ralization Service shall undertake the renovation and im-*  
7 *provement of the San Clemente checkpoint, to include the*  
8 *addition of two to four lanes, and which shall be exempt*  
9 *from Federal procurement regulations for contract forma-*  
10 *tion, from within existing balances in the Immigration and*  
11 *Naturalization Service Construction account: Provided fur-*  
12 *ther, That if renovation of the San Clemente checkpoint is*  
13 *not completed by July 1, 1996, the San Clemente checkpoint*  
14 *will close until such time as the renovations and improve-*  
15 *ments are completed unless funds for the continued oper-*  
16 *ation of the checkpoint are provided and made available*  
17 *for obligation and expenditure in accordance with proce-*  
18 *dures set forth in section 605 of this Act, as the result of*  
19 *certification by the Attorney General that exigent cir-*  
20 *cumstances require the checkpoint to be open and delays*  
21 *in completion of the renovations are not the result of any*  
22 *actions that are or have been in the control of the Depart-*  
23 *ment of Justice: Provided further, That the Office of Public*  
24 *Affairs at the Immigration and Naturalization Service*  
25 *shall conduct its business in areas only relating to its*

1 *central mission, including: research, analysis, and dissemi-*  
2 *nation of information, through the media and other commu-*  
3 *nications outlets, relating to the activities of the Immigra-*  
4 *tion and Naturalization Service: Provided further, That the*  
5 *Office of Congressional Relations at the Immigration and*  
6 *Naturalization Service shall conduct business in areas only*  
7 *relating to its central mission, including: providing services*  
8 *to Members of Congress relating to constituent inquiries*  
9 *and requests for information; and working with the relevant*  
10 *congressional committees on proposed legislation affecting*  
11 *immigration matters: Provided further, That in addition*  
12 *to amounts otherwise made available in this title to the At-*  
13 *torney General, the Attorney General is authorized to accept*  
14 *and utilize, on behalf of the United States, the \$100,000*  
15 *Innovation in American Government Award for 1995 from*  
16 *the Ford Foundation for the Immigration and Naturaliza-*  
17 *tion Service's Operation Jobs program.*

18 *VIOLENT CRIME REDUCTION PROGRAMS*

19 *For activities authorized by sections 130005, 130006,*  
20 *and 130007 of Public Law 103-322, \$316,198,000, to re-*  
21 *main available until expended, which will be derived from*  
22 *the Violent Crime Reduction Trust Fund, of which*  
23 *\$38,704,000 shall be for expeditious deportation of denied*  
24 *asylum applicants, \$231,570,000 for improving border con-*  
25 *trols, and \$45,924,000 for expanded special deportation*

1 *proceedings: Provided, That of the amounts made available,*  
2 *\$75,765,000 shall be for the Border Patrol.*

3 *CONSTRUCTION*

4 *For planning, construction, renovation, equipping and*  
5 *maintenance of buildings and facilities necessary for the ad-*  
6 *ministration and enforcement of the laws relating to immi-*  
7 *gration, naturalization, and alien registration, not other-*  
8 *wise provided for, \$25,000,000, to remain available until*  
9 *expended.*

10 *FEDERAL PRISON SYSTEM*

11 *SALARIES AND EXPENSES*

12 *For expenses necessary for the administration, oper-*  
13 *ation, and maintenance of Federal penal and correctional*  
14 *institutions, including purchase (not to exceed 853, of which*  
15 *559 are for replacement only) and hire of law enforcement*  
16 *and passenger motor vehicles; and for the provision of tech-*  
17 *nical assistance and advice on corrections related issues to*  
18 *foreign governments; \$2,567,578,000: Provided, That there*  
19 *may be transferred to the Health Resources and Services*  
20 *Administration such amounts as may be necessary, in the*  
21 *discretion of the Attorney General, for direct expenditures*  
22 *by that Administration for medical relief for inmates of*  
23 *Federal penal and correctional institutions: Provided fur-*  
24 *ther, That the Director of the Federal Prison System (FPS),*  
25 *where necessary, may enter into contracts with a fiscal*  
26 *agent/fiscal intermediary claims processor to determine the*

1 amounts payable to persons who, on behalf of the FPS, fur-  
2 nish health services to individuals committed to the custody  
3 of the FPS: Provided further, That uniforms may be pur-  
4 chased without regard to the general purchase price limita-  
5 tion for the current fiscal year: Provided further, That not  
6 to exceed \$6,000 shall be available for official reception and  
7 representation expenses: Provided further, That not to ex-  
8 ceed \$50,000,000 for the activation of new facilities shall  
9 remain available until September 30, 1997: Provided fur-  
10 ther, That of the amounts provided for Contract Confine-  
11 ment, not to exceed \$20,000,000 shall remain available  
12 until expended to make payments in advance for grants,  
13 contracts and reimbursable agreements and other expenses  
14 authorized by section 501(c) of the Refugee Education As-  
15 sistance Act of 1980 for the care and security in the United  
16 States of Cuban and Haitian entrants: Provided further,  
17 That no funds appropriated in this Act shall be used to  
18 privatize any Federal prison facilities located in Forrest  
19 City, Arkansas, and Yazoo City, Mississippi.

20 *VIOLENT CRIME REDUCTION PROGRAMS*

21 *For substance abuse treatment in Federal prisons as*  
22 *authorized by section 32001(e) of Public Law 103–322,*  
23 *\$13,500,000, to remain available until expended, which*  
24 *shall be derived from the Violent Crime Reduction Trust*  
25 *Fund.*

## BUILDINGS AND FACILITIES

1  
2       *For planning, acquisition of sites and construction of*  
3 *new facilities; leasing the Oklahoma City Airport Trust Fa-*  
4 *cility; purchase and acquisition of facilities and remodeling*  
5 *and equipping of such facilities for penal and correctional*  
6 *use, including all necessary expenses incident thereto, by*  
7 *contract or force account; and constructing, remodeling,*  
8 *and equipping necessary buildings and facilities at existing*  
9 *penal and correctional institutions, including all necessary*  
10 *expenses incident thereto, by contract or force account;*  
11 *\$334,728,000, to remain available until expended, of which*  
12 *not to exceed \$14,074,000 shall be available to construct*  
13 *areas for inmate work programs: Provided, That labor of*  
14 *United States prisoners may be used for work performed*  
15 *under this appropriation: Provided further, That not to ex-*  
16 *ceed 10 percent of the funds appropriated to “Buildings and*  
17 *Facilities” in this Act or any other Act may be transferred*  
18 *to “Salaries and Expenses”, Federal Prison System upon*  
19 *notification by the Attorney General to the Committees on*  
20 *Appropriations of the House of Representatives and the*  
21 *Senate in compliance with provisions set forth in section*  
22 *605 of this Act: Provided further, That of the total amount*  
23 *appropriated, not to exceed \$22,351,000 shall be available*  
24 *for the renovation and construction of United States Mar-*  
25 *shals Service prisoner holding facilities.*

1            *FEDERAL PRISON INDUSTRIES, INCORPORATED*

2            *The Federal Prison Industries, Incorporated, is hereby*  
3 *authorized to make such expenditures, within the limits of*  
4 *funds and borrowing authority available, and in accord*  
5 *with the law, and to make such contracts and commitments,*  
6 *without regard to fiscal year limitations as provided by sec-*  
7 *tion 9104 of title 31, United States Code, as may be nec-*  
8 *essary in carrying out the program set forth in the budget*  
9 *for the current fiscal year for such corporation, including*  
10 *purchase of (not to exceed five for replacement only) and*  
11 *hire of passenger motor vehicles.*

12            *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*  
13            *PRISON INDUSTRIES, INCORPORATED*

14            *Not to exceed \$3,559,000 of the funds of the corporation*  
15 *shall be available for its administrative expenses, and for*  
16 *services as authorized by 5 U.S.C. 3109, to be computed*  
17 *on an accrual basis to be determined in accordance with*  
18 *the corporation's current prescribed accounting system, and*  
19 *such amounts shall be exclusive of depreciation, payment*  
20 *of claims, and expenditures which the said accounting sys-*  
21 *tem requires to be capitalized or charged to cost of commod-*  
22 *ities acquired or produced, including selling and shipping*  
23 *expenses, and expenses in connection with acquisition, con-*  
24 *struction, operation, maintenance, improvement, protec-*  
25 *tion, or disposition of facilities and other property belong-*  
26 *ing to the corporation or in which it has an interest.*



1                    *OFFICE OF JUSTICE PROGRAMS*2                    *JUSTICE ASSISTANCE*

3            *For grants, contracts, cooperative agreements, and*  
4 *other assistance authorized by title I of the Omnibus Crime*  
5 *Control and Safe Streets Act of 1968, as amended, and the*  
6 *Missing Children’s Assistance Act, as amended, including*  
7 *salaries and expenses in connection therewith, and with the*  
8 *Victims of Crime Act of 1984, as amended, \$99,977,000,*  
9 *to remain available until expended, as authorized by section*  
10 *1001 of title I of the Omnibus Crime Control and Safe*  
11 *Streets Act, as amended by Public Law 102–534 (106 Stat.*  
12 *3524).*

13                    *VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE*14                    *ASSISTANCE*

15            *For assistance (including amounts for administrative*  
16 *costs for management and administration, which amounts*  
17 *shall be transferred to and merged with the “Justice Assist-*  
18 *ance” account) authorized by the Violent Crime Control and*  
19 *Law Enforcement Act of 1994, Public Law 103–322 (“the*  
20 *1994 Act”); the Omnibus Crime Control and Safe Streets*  
21 *Act of 1968, as amended (“the 1968 Act”); and the Victims*  
22 *of Child Abuse Act of 1990, as amended (“the 1990 Act”);*  
23 *\$202,400,000, to remain available until expended, which*  
24 *shall be derived from the Violent Crime Reduction Trust*  
25 *Fund; of which \$6,000,000 shall be for the Court Appointed*  
26 *Special Advocate Program, as authorized by section 218 of*

1 *the 1990 Act; \$750,000 for Child Abuse Training Programs*  
2 *for Judicial Personnel and Practitioners, as authorized by*  
3 *section 224 of the 1990 Act; \$130,000,000 for Grants to*  
4 *Combat Violence Against Women to States, units of local*  
5 *governments and Indian tribal governments, as authorized*  
6 *by section 1001(a)(18) of the 1968 Act; \$28,000,000 for*  
7 *Grants to Encourage Arrest Policies to States, units of local*  
8 *governments and Indian tribal governments, as authorized*  
9 *by section 1001(a)(19) of the 1968 Act; \$7,000,000 for*  
10 *Rural Domestic Violence and Child Abuse Enforcement As-*  
11 *sistance Grants, as authorized by section 40295 of the 1994*  
12 *Act; \$1,000,000 for training programs to assist probation*  
13 *and parole officers who work with released sex offenders,*  
14 *as authorized by section 40152(c) of the Violent Crime Con-*  
15 *trol and Law Enforcement Act of 1994; \$50,000 for grants*  
16 *for televised testimony, as authorized by section 1001(a)(7)*  
17 *of the Omnibus Crime Control and Safe Streets Act of 1968;*  
18 *\$200,000 for the study of State databases on the incidence*  
19 *of sexual and domestic violence, as authorized by section*  
20 *40292 of the Violent Crime Control and Law Enforcement*  
21 *Act of 1994; \$1,500,000 for national stalker and domestic*  
22 *violence reduction, as authorized by section 40603 of the*  
23 *1994 Act; \$27,000,000 for grants for residential substance*  
24 *abuse treatment for State prisoners authorized by section*  
25 *1001(a)(17) of the 1968 Act; and \$900,000 for the Missing*

1 *Alzheimer’s Disease Patient Alert Program, as authorized*  
2 *by section 240001(d) of the 1994 Act: Provided, That any*  
3 *balances for these programs shall be transferred to and*  
4 *merged with this appropriation.*

5 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

6 *For grants, contracts, cooperative agreements, and*  
7 *other assistance authorized by part E of title I of the Omni-*  
8 *bus Crime Control and Safe Streets Act of 1968, as amend-*  
9 *ed, for State and Local Narcotics Control and Justice As-*  
10 *sistance Improvements, notwithstanding the provisions of*  
11 *section 511 of said Act, \$388,000,000, to remain available*  
12 *until expended, as authorized by section 1001 of title I of*  
13 *said Act, as amended by Public Law 102–534 (106 Stat.*  
14 *3524), of which \$60,000,000 shall be available to carry out*  
15 *the provisions of chapter A of subpart 2 of part E of title*  
16 *I of said Act, for discretionary grants under the Edward*  
17 *Byrne Memorial State and Local Law Enforcement Assist-*  
18 *ance Programs: Provided, That balances of amounts appro-*  
19 *priated prior to fiscal year 1995 under the authorities of*  
20 *this account shall be transferred to and merged with this*  
21 *account.*

22 *VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL*  
23 *LAW ENFORCEMENT ASSISTANCE*

24 *For assistance (including amounts for administrative*  
25 *costs for management and administration, which amounts*  
26 *shall be transferred to and merged with the “Justice Assist-*

1 *ance” account) authorized by the Violent Crime Control and*  
2 *Law Enforcement Act of 1994, Public Law 103–322 (“the*  
3 *1994 Act”); the Omnibus Crime Control and Safe Streets*  
4 *Act of 1968, as amended (“the 1968 Act”); and the Victims*  
5 *of Child Abuse Act of 1990, as amended (“the 1990 Act”);*  
6 *\$3,005,200,000, to remain available until expended, which*  
7 *shall be derived from the Violent Crime Reduction Trust*  
8 *Fund; of which \$1,903,000,000 shall be for Local Law En-*  
9 *forcement Block Grants, pursuant to H.R. 728 as passed*  
10 *by the House of Representatives on February 14, 1995 for*  
11 *the purposes set forth in paragraphs (A), (B), (D), (F), and*  
12 *(I) of section 101(a)(2) of H.R. 728 and for establishing*  
13 *crime prevention programs involving cooperation between*  
14 *community residents and law enforcement personnel in*  
15 *order to control, detect, or investigate crime or the prosecu-*  
16 *tion of criminals: Provided, That recipients are encouraged*  
17 *to use these funds to hire additional law enforcement offi-*  
18 *cers: Provided further, That no less than \$975,000,000 of*  
19 *this amount shall be available for Public Safety and Com-*  
20 *munity Policing grants pursuant to title I of the 1994 Act:*  
21 *Provided further, That no less than \$20,000,000 shall be*  
22 *for the District of Columbia Metropolitan Police Depart-*  
23 *ment to be used at the discretion of the police chief for law*  
24 *enforcement purposes, conditioned upon prior written con-*  
25 *sultation and notification being given to the chairman and*

1 ranking members of the House and Senate Committees on  
2 the Judiciary and Appropriations: Provided further, That  
3 no less than \$25,000,000 of this amount shall be for drug  
4 courts pursuant to title V of the 1994 Act: Provided further,  
5 That not less than \$20,000,000 of this amount shall be for  
6 Boys & Girls Clubs of America for the establishment of Boys  
7 & Girls Clubs in public housing facilities and other areas  
8 in cooperation with State and local law enforcement: Pro-  
9 vided further, That not less than \$80,000,000 of such  
10 amount shall be for crime prevention block grants pursuant  
11 to subtitle B of title III of the 1994 Act: Provided further,  
12 That funds may also be used to defray the costs of indem-  
13 nification insurance for law enforcement officers: Provided  
14 further, That \$10,000,000 of this amount shall be available  
15 for programs of Police Corps education, training and serv-  
16 ice as set forth in sections 200101–200113 of the 1994 Act;  
17 \$25,000,000 for grants to upgrade criminal records, as au-  
18 thorized by section 106(b) of the Brady Handgun Violence  
19 Prevention Act of 1993, as amended, and section 4(b) of  
20 the National Child Protection Act of 1993; \$147,000,000 as  
21 authorized by section 1001 of title I of the 1968 Act, which  
22 shall be available to carry out the provisions of subpart 1,  
23 part E of title I of the 1968 Act, notwithstanding section  
24 511 of said Act, for the Edward Byrne Memorial State and  
25 Local Law Enforcement Assistance Programs; \$300,000,000

1 *for the State Criminal Alien Assistance Program, as au-*  
2 *thorized by section 242(j) of the Immigration and National-*  
3 *ity Act, as amended; \$617,500,000 for Violent Offender In-*  
4 *carceration and Truth in Sentencing Incentive Grants pur-*  
5 *suant to subtitle A of title II of the Violent Crime Control*  
6 *and Law Enforcement Act of 1994 (as amended by section*  
7 *114 of this Act), of which \$200,000,000 shall be available*  
8 *for payments to States for incarceration of criminal aliens,*  
9 *and of which \$12,500,000 shall be available for the Coopera-*  
10 *tive Agreement Program; \$1,000,000 for grants to States*  
11 *and units of local government for projects to improve DNA*  
12 *analysis, as authorized by section 1001(a)(22) of the 1968*  
13 *Act; \$9,000,000 for Improved Training and Technical Auto-*  
14 *mation Grants, as authorized by section 210501(c)(1) of the*  
15 *1994 Act; \$1,000,000 for Law Enforcement Family Support*  
16 *Programs, as authorized by section 1001(a)(21) of the 1968*  
17 *Act; \$500,000 for Motor Vehicle Theft Prevention Programs,*  
18 *as authorized by section 220002(h) of the 1994 Act;*  
19 *\$1,000,000 for Gang Investigation Coordination and Infor-*  
20 *mation Collection, as authorized by section 150006 of the*  
21 *1994 Act; \$200,000 for grants as authorized by section*  
22 *32201(c)(3) of the 1994 Act: Provided further, That funds*  
23 *made available in fiscal year 1996 under subpart 1 of part*  
24 *E of title I of the Omnibus Crime Control and Safe Streets*  
25 *Act of 1968, as amended, may be obligated for programs*

1 *to assist States in the litigation processing of death penalty*  
2 *Federal habeas corpus petitions: Provided further, That any*  
3 *1995 balances for these programs shall be transferred to and*  
4 *merged with this appropriation: Provided further, That if*  
5 *a unit of local government uses any of the funds made avail-*  
6 *able under this title to increase the number of law enforce-*  
7 *ment officers, the unit of local government will achieve a*  
8 *net gain in the number of law enforcement officers who per-*  
9 *form nonadministrative public safety service.*

10 *WEED AND SEED PROGRAM FUND*

11 *For necessary expenses, including salaries and related*  
12 *expenses of the Executive Office for Weed and Seed, to im-*  
13 *plement “Weed and Seed” program activities, \$28,500,000,*  
14 *which shall be derived from discretionary grants provided*  
15 *under the Edward Byrne Memorial State and Local Law*  
16 *Enforcement Assistance Programs, to remain available*  
17 *until expended for intergovernmental agreements, including*  
18 *grants, cooperative agreements, and contracts, with State*  
19 *and local law enforcement agencies engaged in the inves-*  
20 *tigation and prosecution of violent crimes and drug offenses*  
21 *in “Weed and Seed” designated communities, and for either*  
22 *reimbursements or transfers to appropriation accounts of*  
23 *the Department of Justice and other Federal agencies which*  
24 *shall be specified by the Attorney General to execute the*  
25 *“Weed and Seed” program strategy: Provided, That funds*  
26 *designated by Congress through language for other Depart-*

1 *ment of Justice appropriation accounts for “Weed and*  
2 *Seed” program activities shall be managed and executed by*  
3 *the Attorney General through the Executive Office for Weed*  
4 *and Seed: Provided further, That the Attorney General may*  
5 *direct the use of other Department of Justice funds and per-*  
6 *sonnel in support of “Weed and Seed” program activities*  
7 *only after the Attorney General notifies the Committees on*  
8 *Appropriations of the House of Representatives and the*  
9 *Senate in accordance with section 605 of this Act.*

10 *JUVENILE JUSTICE PROGRAMS*

11 *For grants, contracts, cooperative agreements, and*  
12 *other assistance authorized by the Juvenile Justice and De-*  
13 *linquency Prevention Act of 1974, as amended, including*  
14 *salaries and expenses in connection therewith to be trans-*  
15 *ferred to and merged with the appropriations for Justice*  
16 *Assistance, \$144,000,000, to remain available until ex-*  
17 *pended, as authorized by section 299 of part I of title II*  
18 *and section 506 of title V of the Act, as amended by Public*  
19 *Law 102–586, of which: (1) \$100,000,000 shall be available*  
20 *for expenses authorized by parts A, B, and C of title II*  
21 *of the Act; (2) \$10,000,000 shall be available for expenses*  
22 *authorized by sections 281 and 282 of part D of title II*  
23 *of the Act for prevention and treatment programs relating*  
24 *to juvenile gangs; (3) \$10,000,000 shall be available for ex-*  
25 *penses authorized by section 285 of part E of title II of*  
26 *the Act; (4) \$4,000,000 shall be available for expenses au-*



1 *thorized by part G of title II of the Act for juvenile*  
2 *mentoring programs; and (5) \$20,000,000 shall be available*  
3 *for expenses authorized by title V of the Act for incentive*  
4 *grants for local delinquency prevention programs.*

5 *In addition, for grants, contracts, cooperative agree-*  
6 *ments, and other assistance authorized by the Victims of*  
7 *Child Abuse Act of 1990, as amended, \$4,500,000, to remain*  
8 *available until expended, as authorized by section 214B, of*  
9 *the Act: Provided, That balances of amounts appropriated*  
10 *prior to fiscal year 1995 under the authorities of this ac-*  
11 *count shall be transferred to and merged with this account.*

12 *PUBLIC SAFETY OFFICERS BENEFITS*

13 *For payments authorized by part L of title I of the*  
14 *Omnibus Crime Control and Safe Streets Act of 1968 (42*  
15 *U.S.C. 3796), as amended, such sums as are necessary, to*  
16 *remain available until expended, as authorized by section*  
17 *6093 of Public Law 100–690 (102 Stat. 4339–4340), and,*  
18 *in addition, \$2,134,000, to remain available until ex-*  
19 *pended, for payments as authorized by section 1201(b) of*  
20 *said Act.*

21 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

22 *SEC. 101. In addition to amounts otherwise made*  
23 *available in this title for official reception and representa-*  
24 *tion expenses, a total of not to exceed \$45,000 from funds*  
25 *appropriated to the Department of Justice in this title shall*  
26 *be available to the Attorney General for official reception*

1 *and representation expenses in accordance with distribu-*  
2 *tions, procedures, and regulations established by the Attor-*  
3 *ney General.*

4       *SEC. 102. Subject to section 102(b) of the Department*  
5 *of Justice and Related Agencies Appropriations Act, 1993,*  
6 *as amended by section 112 of this Act, authorities contained*  
7 *in Public Law 96–132, “The Department of Justice Appro-*  
8 *priation Authorization Act, Fiscal Year 1980”, shall re-*  
9 *main in effect until the termination date of this Act or until*  
10 *the effective date of a Department of Justice Appropriation*  
11 *Authorization Act, whichever is earlier.*

12       *SEC. 103. None of the funds appropriated by this title*  
13 *shall be available to pay for an abortion, except where the*  
14 *life of the mother would be endangered if the fetus were car-*  
15 *ried to term, or in the case of rape: Provided, That should*  
16 *this prohibition be declared unconstitutional by a court of*  
17 *competent jurisdiction, this section shall be null and void.*

18       *SEC. 104. None of the funds appropriated under this*  
19 *title shall be used to require any person to perform, or fa-*  
20 *cilitate in any way the performance of, any abortion.*

21       *SEC. 105. Nothing in the preceding section shall re-*  
22 *move the obligation of the Director of the Bureau of Prisons*  
23 *to provide escort services necessary for a female inmate to*  
24 *receive such service outside the Federal facility: Provided,*  
25 *That nothing in this section in any way diminishes the*

1 *effect of section 104 intended to address the philosophical*  
2 *beliefs of individual employees of the Bureau of Prisons.*

3       *SEC. 106. Notwithstanding any other provision of law,*  
4 *not to exceed \$10,000,000 of the funds made available in*  
5 *this Act may be used to establish and publicize a program*  
6 *under which publicly-advertised, extraordinary rewards*  
7 *may be paid, which shall not be subject to spending limita-*  
8 *tions contained in sections 3059 and 3072 of title 18, Unit-*  
9 *ed States Code: Provided, That any reward of \$100,000 or*  
10 *more, up to a maximum of \$2,000,000, may not be made*  
11 *without the personal approval of the President or the Attor-*  
12 *ney General and such approval may not be delegated.*

13       *SEC. 107. Not to exceed 5 percent of any appropriation*  
14 *made available for the current fiscal year for the Depart-*  
15 *ment of Justice in this Act, including those derived from*  
16 *the Violent Crime Reduction Trust Fund, may be trans-*  
17 *ferred between such appropriations, but no such appropria-*  
18 *tion, except “salaries and expenses, Community Relations*  
19 *Service” or as otherwise specifically provided, shall be in-*  
20 *creased by more than 10 percent by any such transfers: Pro-*  
21 *vided, That any transfer pursuant to this section shall be*  
22 *treated as a reprogramming of funds under section 605 of*  
23 *this Act and shall not be available for obligation or expendi-*  
24 *ture except in compliance with the procedures set forth in*  
25 *that section.*

1        *SEC. 108. For fiscal year 1996 and each fiscal year*  
2 *thereafter, amounts in the Federal Prison System's Com-*  
3 *missary Fund, Federal Prisons, which are not currently*  
4 *needed for operations, shall be kept on deposit or invested*  
5 *in obligations of, or guaranteed by, the United States and*  
6 *all earnings on such investment shall be deposited in the*  
7 *Commissary Fund.*

8        *SEC. 109. (a) Section 524(c)(8)(E) of title 28, United*  
9 *States Code, is amended by deleting "1994" and inserting*  
10 *"1995" in place thereof.*

11        *(b) Section 524(c)(9) is amended to read as follows:*  
12 *"(9) Following the completion of procedures for the forfeit-*  
13 *ure of property pursuant to any law enforced or adminis-*  
14 *tered by the Department, the Attorney General is author-*  
15 *ized, at his discretion, to warrant clear title to any subse-*  
16 *quent purchaser or transferee of such property."*

17        *SEC. 110. Hereafter, notwithstanding any other provi-*  
18 *sion of law—*

19            *(1) No transfers may be made from Department*  
20 *of Justice accounts other than those authorized in this*  
21 *Act, or in previous or subsequent appropriations Acts*  
22 *for the Department of Justice, or in part II of title*  
23 *28 of the United States Code, or in section 10601 of*  
24 *title 42 of the United States Code; and*

1           (2) *No appropriation account within the Depart-*  
2           *ment of Justice shall have its allocation of funds con-*  
3           *trolled by other than an apportionment issued by the*  
4           *Office of Management and Budget or an allotment*  
5           *advice issued by the Department of Justice.*

6           SEC. 111. (a) *Section 1930(a)(6) of title 28, United*  
7           *States Code, is amended by striking “a plan is confirmed*  
8           *or”.*

9           (b) *Section 589a(b)(5) of such title is amended by*  
10          *striking “;” and inserting, “until a reorganization plan is*  
11          *confirmed;”.*

12          (c) *Section 589a(f) of such title is amended—*

13                 (1) *in paragraph (2) by striking “.” and insert-*  
14                 *ing, “until a reorganization plan is confirmed;”, and*

15                 (2) *by inserting after paragraph (2) the follow-*  
16                 *ing new paragraph:*

17                         “(3) *100 percent of the fees collected under sec-*  
18                         *tion 1930(a)(6) of this title after a reorganization*  
19                         *plan is confirmed.”.*

20          SEC. 112. *Public Law 102–395, section 102 is amend-*  
21          *ed as follows: (1) in subsection (b)(1) strike “years 1993,*  
22          *1994, and 1995” and insert “year 1996”; (2) in subsection*  
23          *(b)(1)(C) strike “years 1993, 1994, and 1995” and insert*  
24          *“year 1996”; and (3) in subsection (b)(5)(A) strike “years*  
25          *1993, 1994, and 1995” and insert “year 1996”.*

1        *SEC. 113. Public Law 101–515 (104 Stat. 2112; 28*  
2 *U.S.C. 534 note) is amended by inserting “and criminal*  
3 *justice information” after “for the automation of finger-*  
4 *print identification”.*

5        *SEC. 114. (a) GRANT PROGRAM.—Subtitle A of title*  
6 *II of the Violent Crime Control and Law Enforcement Act*  
7 *of 1994 is amended to read as follows:*

8        ***“Subtitle A—Violent Offender In-***  
9        ***carceration and Truth-in-Sen-***  
10        ***tencing Incentive Grants***

11        ***“SEC. 20101. DEFINITIONS.***

12        *“As used in this subtitle—*

13                *“(1) the term ‘indeterminate sentencing’ means a*  
14        *system by which—*

15                        *“(A) the court may impose a sentence of a*  
16        *range defined by statute; and*

17                        *“(B) an administrative agency, generally*  
18        *the parole board, or the court, controls release*  
19        *within the statutory range;*

20                *“(2) the term ‘sentencing guidelines’ means*  
21        *a system of sentences which—*

22                        *“(A) is established for use by a sentenc-*  
23        *ing court in determining the sentence to be*  
24        *imposed in a criminal case; and*

1                   “(B) increases certainty in sentencing,  
2                   thereby providing assurances to victims of  
3                   the sentence to be served;

4                   “(3) the term ‘part 1 violent crime’ means mur-  
5                   der and nonnegligent manslaughter, forcible rape,  
6                   robbery, and aggravated assault as reported to the  
7                   Federal Bureau of Investigation for purposes of the  
8                   Uniform Crime Reports; and

9                   “(4) the term ‘State’ means a State of the United  
10                  States, the District of Columbia, or any common-  
11                  wealth, territory, or possession of the United States.

12                  **“SEC. 20102. AUTHORIZATION OF GRANTS.**

13                  “(a) *IN GENERAL.*—The Attorney General shall pro-  
14                  vide Violent Offender Incarceration grants under section  
15                  20103(a) and Truth-in-Sentencing Incentive grants under  
16                  section 20103(b) to eligible States—

17                  “(1) to build or expand correctional facilities to  
18                  increase the bed capacity for the confinement of per-  
19                  sons convicted of a part 1 violent crime or adju-  
20                  dicated delinquent for an act which if committed by  
21                  an adult, would be a part 1 violent crime;

22                  “(2) to build or expand temporary or permanent  
23                  correctional facilities, including facilities on military  
24                  bases, prison barges, and boot camps, for the confine-  
25                  ment of convicted nonviolent offenders and criminal

1       *aliens, for the purpose of freeing suitable existing*  
2       *prison space for the confinement of persons convicted*  
3       *of a part 1 violent crime; and*

4               *“(3) to build or expand jails.*

5       *“(b) REGIONAL COMPACTS.—*

6               *“(1) IN GENERAL.—Subject to paragraph (2),*  
7       *States may enter into regional compacts to carry out*  
8       *this subtitle. Such compacts shall be treated as States*  
9       *under this subtitle.*

10              *“(2) REQUIREMENT.—To be recognized as a re-*  
11       *gional compact for eligibility for a grant under sec-*  
12       *tion 20103 (a) or (b), each member State must be eli-*  
13       *gible individually.*

14              *“(3) LIMITATION ON RECEIPT OF FUNDS.—No*  
15       *State may receive a grant under this subtitle both in-*  
16       *dividually and as part of a compact.*

17       *“(c) APPLICABILITY.—Notwithstanding the eligibility*  
18       *requirements of section 20103, a State that certifies to the*  
19       *Attorney General that, as of the date of enactment of the*  
20       *Department of Justice Appropriations Act, 1996, such State*  
21       *has enacted legislation in reliance on subtitle A of title II*  
22       *of the Violent Crime Control and Law Enforcement Act,*  
23       *as enacted on September 13, 1994, and would in fact qual-*  
24       *ify under those provisions, shall be eligible to receive a grant*



1 *for fiscal year 1996 as though such State qualifies under*  
2 *section 20103 of this subtitle.*

3 ***“SEC. 20103. GRANT ELIGIBILITY.***

4 *“(a) VIOLENT OFFENDER INCARCERATION GRANTS.—*  
5 *To be eligible to receive a grant under this subtitle, a State*  
6 *shall submit an application to the Attorney General that*  
7 *provides assurances that the State has implemented, or will*  
8 *implement, correctional policies and programs, including*  
9 *truth-in-sentencing laws that ensure that violent offenders*  
10 *serve a substantial portion of the sentences imposed, that*  
11 *are designed to provide sufficiently severe punishment for*  
12 *violent offenders, including violent juvenile offenders, and*  
13 *that the prison time served is appropriately related to the*  
14 *determination that the inmate is a violent offender and for*  
15 *a period of time deemed necessary to protect the public.*

16 *“(b) TRUTH-IN-SENTENCING INCENTIVES.—*

17 *“(1) ELIGIBILITY.—To be eligible to receive an*  
18 *additional grant award under this subsection, a State*  
19 *shall submit an application to the Attorney General*  
20 *that demonstrates that—*

21 *“(A) such State has implemented truth-in-*  
22 *sentencing laws that—*

23 *“(i) require persons convicted of a part*  
24 *1 violent crime to serve not less than 85*  
25 *percent of the sentence imposed (not count-*

1            *ing time not actually served, such as ad-*  
2            *ministrative or statutory incentives for good*  
3            *behavior); or*

4            *“(ii) result in persons convicted of a*  
5            *part 1 violent crime serving on average not*  
6            *less than 85 percent of the sentence imposed*  
7            *(not counting time not actually served, such*  
8            *as administrative or statutory incentives for*  
9            *good behavior);*

10           *“(B) such State has truth-in-sentencing*  
11           *laws that have been enacted, but not yet imple-*  
12           *mented, that require such State, not later than*  
13           *3 years after such State submits an application*  
14           *to the Attorney General, to provide that persons*  
15           *convicted of a part 1 violent crime serve not less*  
16           *than 85 percent of the sentence imposed (not*  
17           *counting time not actually served, such as ad-*  
18           *ministrative or statutory incentives for good be-*  
19           *havior);*

20           *“(C) in the case of a State that on the date*  
21           *of enactment of the Departments of Commerce,*  
22           *Justice, and State, the Judiciary and Related*  
23           *Agencies Appropriations Act, 1996, practices in-*  
24           *determinate sentencing with regard to any part*  
25           *1 violent crime, persons convicted of a part 1*

1           *violent crime in such State on average serve not*  
2           *less than 85 percent of the sentence established*  
3           *under the State’s sentencing guidelines (not*  
4           *counting time not actually served, such as ad-*  
5           *ministrative or statutory incentives for good be-*  
6           *havior); or*

7                   *“(D) the number of new court commitments*  
8                   *to prison for part 1 violent crimes has increased*  
9                   *by 10 percent or more over the most recent 3-*  
10                   *year period.*

11           *“(2) EXCEPTION.—Notwithstanding paragraph*  
12           *(1), a State may provide that the Governor of the*  
13           *State may allow for the earlier release of—*

14                   *“(A) a geriatric prisoner; or*

15                   *“(B) a prisoner whose medical condition*  
16                   *precludes the prisoner from posing a threat to*  
17                   *the public, but only after a public hearing in*  
18                   *which representatives of the public and the pris-*  
19                   *oner’s victims have had an opportunity to be*  
20                   *heard regarding a proposed release.*

21   **“SEC. 20104. SPECIAL RULES.**

22           *“(a) SHARING OF FUNDS WITH COUNTIES AND OTHER*  
23           *UNITS OF LOCAL GOVERNMENT.—*

24                   *“(1) RESERVATION.—Each State shall reserve*  
25                   *not more than 15 percent of the amount of funds allo-*

1        *cated in a fiscal year pursuant to section 20105 for*  
2        *counties and units of local government to construct,*  
3        *develop, expand, modify, or improve jails and other*  
4        *correctional facilities.*

5            *“(2) FACTORS FOR DETERMINATION OF*  
6        *AMOUNT.—To determine the amount of funds to be re-*  
7        *served under this subsection, a State shall consider*  
8        *the burden placed on a county or unit of local govern-*  
9        *ment that results from the implementation of policies*  
10       *adopted by the State to carry out section 20103.*

11          *“(b) ADDITIONAL REQUIREMENT.—To be eligible to re-*  
12       *ceive a grant under section 20103, a State shall provide*  
13       *assurances to the Attorney General that the State has imple-*  
14       *mented or will implement not later than 18 months after*  
15       *the date of the enactment of this subtitle policies that pro-*  
16       *vide for the recognition of the rights and needs of crime*  
17       *victims.*

18          *“(c) FUNDS FOR JUVENILE OFFENDERS.—Notwith-*  
19       *standing any other provision of this subtitle, if a State, or*  
20       *unit of local government located in a State that otherwise*  
21       *meets the requirements of section 20103, certifies to the At-*  
22       *torney General that exigent circumstances exist that require*  
23       *the State to expend funds to build or expand facilities to*  
24       *confine juvenile offenders other than juvenile offenders adju-*  
25       *dicated delinquent for an act which, if committed by an*

1 *adult, would be a part 1 violent crime, the State may use*  
2 *funds received under this subtitle to build or expand juve-*  
3 *nile correctional facilities or pretrial detention facilities for*  
4 *juvenile offenders.*

5       “(d) *PRIVATE FACILITIES.*—*A State may use funds re-*  
6 *ceived under this subtitle for the privatization of facilities*  
7 *to carry out the purposes of section 20102.*

8       “(e) *DEFINITION.*—*In a case in which a State defines*  
9 *a part 1 violent crime differently than the definition pro-*  
10 *vided in the Uniform Crime Reports, the Attorney General*  
11 *shall determine and designate whether the definition by*  
12 *such State is substantially similar to the definition pro-*  
13 *vided in the Uniform Crime Reports.*

14       “**SEC. 20105. FORMULA FOR GRANTS.**

15       “*In determining the amount of funds that may be*  
16 *granted to each State eligible to receive a grant under sec-*  
17 *tion 20103, the Attorney General shall apply the following*  
18 *formula:*

19               “(1) *MINIMUM AMOUNT FOR GRANTS UNDER SEC-*  
20 *TION 20103(a).*—*Of the amount set aside for grants*  
21 *for section 20103(a), 0.75 percent shall be allocated to*  
22 *each eligible State, except that the United States Vir-*  
23 *gin Islands, American Samoa, Guam, and the Com-*  
24 *monwealth of the Northern Mariana Islands shall*  
25 *each be allocated 0.05 percent.*

1           “(2) *MINIMUM AMOUNT FOR GRANTS UNDER SEC-*  
2           *TION 20103(b).*—*Of the amount set aside for addi-*  
3           *tional grant awards under section 20103(b)*—

4                   “(A) *if fewer than 20 States are awarded*  
5                   *grants under section 20103(b), 2.5 percent of the*  
6                   *amounts paid shall be allocated to each eligible*  
7                   *State, except that the United States Virgin Is-*  
8                   *lands, American Samoa, Guam, and the Com-*  
9                   *monwealth of the Northern Mariana Islands*  
10                  *shall each be allocated 0.05 percent; and*

11                  “(B) *if 20 or more States are awarded*  
12                  *grants under section 20103(b), 2.0 percent of the*  
13                  *amounts awarded shall be allocated to each eligi-*  
14                  *ble State, except that the United States Virgin*  
15                  *Islands, American Samoa, Guam, and the Com-*  
16                  *monwealth of the Northern Mariana Islands*  
17                  *shall each be allocated 0.04 percent.*

18           “(3) *ALLOCATION OF ADDITIONAL AMOUNTS.*—

19                   “(A) *ALLOCATION OF REMAINING AMOUNTS*  
20                   *UNDER SECTION 20103(a).*—*The amounts re-*  
21                   *maining after the application of paragraph (1)*  
22                   *shall be allocated to each eligible State in the*  
23                   *ratio that the population of such State bears to*  
24                   *the population of all States.*

1           “(B) *DISTRIBUTION OF REMAINING*  
2           *AMOUNTS UNDER SECTION 20103(b).*—*The*  
3           *amounts remaining after the application of*  
4           *paragraph (2) shall be allocated to each eligible*  
5           *State in the ratio that the average annual num-*  
6           *ber of part 1 violent crimes reported by such*  
7           *State to the Federal Bureau of Investigation for*  
8           *the 3 years preceding the year in which the de-*  
9           *termination is made bears to the average annual*  
10           *number of part 1 violent crimes reported by all*  
11           *such States to the Federal Bureau of Investiga-*  
12           *tion for the 3 years preceding the year in which*  
13           *the determination is made.*

14           “(C) *UNAVAILABLE DATA.*—*If data regard-*  
15           *ing part 1 violent crimes in any State is un-*  
16           *available for the 3 years preceding the year in*  
17           *which the determination is made or substantially*  
18           *inaccurate, the Attorney General shall utilize the*  
19           *best available comparable data regarding the*  
20           *number of violent crimes for the previous year*  
21           *for the State for the purposes of allocation of*  
22           *funds under this subtitle.*

23           “(4) *REGIONAL COMPACTS.*—*In determining the*  
24           *funds that States organized as a regional compact*  
25           *may receive, the Attorney General shall first apply*

1       *the formula in either paragraph (1) or (2) and (3)*  
 2       *of this section to each member State of the compact.*  
 3       *The States organized as a regional compact may re-*  
 4       *ceive the sum of the amounts so determined.*

5       ***“SEC. 20106. ACCOUNTABILITY.***

6           *“(a) FISCAL REQUIREMENTS.—A State that receives*  
 7       *funds under this subtitle shall use accounting, audit, and*  
 8       *fiscal procedures that conform to guidelines prescribed by*  
 9       *the Attorney General, and shall ensure that any funds used*  
 10       *to carry out the programs under section 20102(a) shall rep-*  
 11       *resent the best value for the State governments at the lowest*  
 12       *possible cost and employ the best available technology.*

13           *“(b) ADMINISTRATIVE PROVISIONS.—The administra-*  
 14       *tive provisions of sections 801 and 802 of the Omnibus*  
 15       *Crime Control and Safe Streets Act of 1968 shall apply to*  
 16       *the Attorney General under this subtitle in the same man-*  
 17       *ner that such provisions apply to the officials listed in such*  
 18       *sections.*

19       ***“SEC. 20107. AUTHORIZATION OF APPROPRIATIONS.***

20           *“(a) IN GENERAL.—*

21                   *“(1) AUTHORIZATIONS.—There are authorized to*  
 22       *be appropriated to carry out this subtitle—*

23                           *“(A) \$997,500,000 for fiscal year 1996;*

24                           *“(B) \$1,330,000,000 for fiscal year 1997;*

25                           *“(C) \$2,527,000,000 for fiscal year 1998;*



1           “(D) \$2,660,000,000 for fiscal year 1999;

2           and

3           “(E) \$2,753,100,000 for fiscal year 2000.

4           “(2) *DISTRIBUTION.*—

5           “(A) *IN GENERAL.*—Subject to section  
6           20108, of the amount appropriated pursuant to  
7           paragraph (1), the Attorney General shall re-  
8           serve—

9                   “(i) in fiscal year 1996, 50 percent for  
10                   grants under section 20103(a), and 50 per-  
11                   cent for additional incentive awards under  
12                   section 20103(b);

13                   “(ii) in fiscal year 1997, 30 percent for  
14                   grants under section 20103(a), and 70 per-  
15                   cent for additional incentive awards under  
16                   section 20103(b);

17                   “(iii) in fiscal year 1998, 20 percent  
18                   for grants under section 20103(a), and 80  
19                   percent for additional incentive awards  
20                   under section 20103(b);

21                   “(iv) in fiscal year 1999, 15 percent  
22                   for grants under section 20103(a), and 85  
23                   percent for additional incentive awards  
24                   under section 20103(b); and

1                   “(v) in fiscal year 2000, 10 percent for  
2                   grants under section 20103(a), and 90 per-  
3                   cent for additional incentive awards under  
4                   section 20103(b);

5                   “(B)     DISTRIBUTION     OF     MINIMUM  
6                   AMOUNTS.—The Attorney General shall distrib-  
7                   ute minimum amounts allocated under section  
8                   20105 (1) and (2) to an eligible State not later  
9                   than 30 days after receiving an application that  
10                  demonstrates that such State qualifies for a Vio-  
11                  lent Offender Incarceration grant under section  
12                  20103(a) or a Truth-in-Sentencing Incentive  
13                  grant under section 20103(b).

14                  “(b) LIMITATIONS ON FUNDS.—

15                  “(1) USES OF FUNDS.—Except as provided in  
16                  section 20110, funds made available pursuant to this  
17                  section shall be used only to carry out the purposes  
18                  described in section 20102(a).

19                  “(2) NONSUPPLANTING REQUIREMENT.—Funds  
20                  made available pursuant to this section shall not be  
21                  used to supplant State funds, but shall be used to in-  
22                  crease the amount of funds that would, in the absence  
23                  of Federal funds, be made available from State  
24                  sources.

1           “(3) *ADMINISTRATIVE COSTS.*—Not more than 3  
2           *percent of the funds made available pursuant to this*  
3           *section shall be used for administrative costs.*

4           “(4) *CARRYOVER OF APPROPRIATIONS.*—Funds  
5           *appropriated pursuant to this section during any fis-*  
6           *cal year shall remain available until expended.*

7           “(5) *MATCHING FUNDS.*—The Federal share of a  
8           *grant received under this subtitle may not exceed 90*  
9           *percent of the costs of a proposal as described in an*  
10          *application approved under this subtitle.*

11       **“SEC. 20108. PAYMENTS FOR INCARCERATION ON TRIBAL**  
12                               **LANDS.**

13          “(a) *RESERVATION OF FUNDS.*—Notwithstanding any  
14          *other provision of this subtitle, from amounts appropriated*  
15          *under section 20107 to carry out section 20103, the Attor-*  
16          *ney General shall reserve, to carry out this section—*

17               “(1) *0.3 percent in each of fiscal years 1996 and*  
18               *1997; and*

19               “(2) *0.2 percent in each of fiscal years 1998,*  
20               *1999, and 2000.*

21          “(b) *GRANTS TO INDIAN TRIBES.*—From the amounts  
22          *reserved under subsection (a), the Attorney General may*  
23          *make grants to Indian tribes for the purposes of construct-*  
24          *ing jails on tribal lands for the incarceration of offenders*  
25          *subject to tribal jurisdiction.*

1       “(c) *APPLICATIONS.*—To be eligible to receive a grant  
2 under this section, an Indian tribe shall submit to the At-  
3 torney General an application in such form and containing  
4 such information as the Attorney General may by regula-  
5 tion require.

6       **“SEC. 20109. PAYMENTS TO ELIGIBLE STATES FOR INCAR-**  
7   **CERATION OF CRIMINAL ALIENS.**

8       “(a) *IN GENERAL.*—The Attorney General shall make  
9 a payment to each State which is eligible under section  
10 242(j) of the Immigration and Nationality Act and which  
11 meets the eligibility requirements of section 20103, in such  
12 amount as is determined under section 242(j) and for which  
13 payment is not made to such State for such fiscal year  
14 under such section.

15       “(b) *AUTHORIZATION OF APPROPRIATIONS.*—Notwith-  
16 standing any other provision of this subtitle, there are au-  
17 thorized to be appropriated to carry out this section from  
18 amounts authorized under section 20107, an amount which  
19 when added to amounts appropriated to carry out section  
20 242(j) of the Immigration and Nationality Act for fiscal  
21 year 1996 equals \$500,000,000 and for each of the fiscal  
22 years 1997 through 2000 does not exceed \$650,000,000.

23       “(c) *REPORT TO CONGRESS.*—Not later than May 15,  
24 1999, the Attorney General shall submit a report to the Con-  
25 gress which contains the recommendation of the Attorney

1 *General concerning the extension of the program under this*  
2 *section.*

3 ***“SEC. 20110. SUPPORT OF FEDERAL PRISONERS IN NON-***  
4 ***FEDERAL INSTITUTIONS.***

5 *“(a) IN GENERAL.—The Attorney General may make*  
6 *payments to States and units of local government for the*  
7 *purposes authorized in section 4013 of title 18, United*  
8 *States Code.*

9 *“(b) AUTHORIZATION OF APPROPRIATIONS.—Notwith-*  
10 *standing any other provision of this subtitle, there are au-*  
11 *thorized to be appropriated from amounts authorized under*  
12 *section 20107 for each of fiscal years 1996 through 2000*  
13 *such sums as may be necessary to carry out this section.*

14 ***“SEC. 20111. REPORT BY THE ATTORNEY GENERAL.***

15 *“Beginning on July 1, 1996, and each July 1 there-*  
16 *after, the Attorney General shall report to the Congress on*  
17 *the implementation of this subtitle, including a report on*  
18 *the eligibility of the States under section 20103, and the*  
19 *distribution and use of funds under this subtitle.”.*

20 *(b) PREFERENCE IN PAYMENTS.—Section 242(j)(4) of*  
21 *the Immigration and Nationality Act (8 U.S.C. 1252(j)(4))*  
22 *is amended by adding at the end the following:*

23 *“(C) In carrying out paragraph (1)(A), the*  
24 *Attorney General shall give preference in making*  
25 *payments to States and political subdivisions of*

1           *States which are ineligible for payments under*  
2           *section 20109 of the Violent Crime Control and*  
3           *Law Enforcement Act of 1994.”.*

4           (c) *CONFORMING AMENDMENTS.—*

5           (1) *OMNIBUS CRIME CONTROL AND SAFE*  
6           *STREETS ACT OF 1968.—*

7           (A) *PART V.—Part V of title I of the Omni-*  
8           *bus Crime Control and Safe Streets Act of 1968*  
9           *is repealed.*

10          (B) *FUNDING.—*

11           (i) *Section 1001(a) of the Omnibus*  
12           *Crime Control and Safe Streets Act of 1968*  
13           *is amended by striking paragraph (20).*

14           (ii) *Notwithstanding the provisions of*  
15           *subparagraph (A), any funds that remain*  
16           *available to an applicant under paragraph*  
17           *(20) of title I of the Omnibus Crime Control*  
18           *and Safe Streets Act of 1968 shall be used*  
19           *in accordance with part V of such Act as if*  
20           *such Act was in effect on the day preceding*  
21           *the date of enactment of this Act.*

22          (2) *VIOLENT CRIME CONTROL AND LAW EN-*  
23          *FORCEMENT ACT OF 1994.—*

24           (A) *TABLE OF CONTENTS.—The table of*  
25           *contents of the Violent Crime Control and Law*

1           *Enforcement Act of 1994 is amended by striking*  
 2           *the matter relating to title V.*

3                   (B) *COMPLIANCE.*—*Notwithstanding the*  
 4           *provisions of paragraph (1), any funds that re-*  
 5           *main available to an applicant under title V of*  
 6           *the Violent Crime Control and Law Enforcement*  
 7           *Act of 1994 shall be used in accordance with*  
 8           *such subtitle as if such subtitle was in effect on*  
 9           *the day preceding the date of enactment of this*  
 10           *Act.*

11                   (C) *TRUTH-IN-SENTENCING.*—*The table of*  
 12           *contents of the Violent Crime Control and Law*  
 13           *Enforcement Act of 1994 is amended by striking*  
 14           *the matter relating to subtitle A of title II and*  
 15           *inserting the following:*

“*SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-  
 SENTENCING INCENTIVE GRANTS*”

“*Sec. 20101. Definitions.*”

“*Sec. 20102. Authorization of Grants.*”

“*Sec. 20103. Grant eligibility.*”

“*Sec. 20104. Special rules.*”

“*Sec. 20105. Formula for grants.*”

“*Sec. 20106. Accountability.*”

“*Sec. 20107. Authorization of appropriations.*”

“*Sec. 20108. Payments for Incarceration on Tribal Lands.*”

“*Sec. 20109. Payments to eligible States for incarceration of criminal aliens.*”

“*Sec. 20110. Support of Federal prisoners in non-Federal institutions.*”

“*Sec. 20111. Report by the Attorney General.*”

16           *SEC. 115. Notwithstanding provisions of 41 U.S.C.*  
 17           *353 or any other provision of law, the Federal Prison Sys-*  
 18           *tem may enter into contracts and other agreements with*  
 19           *private entities for a period not to exceed 3 years and 7*

1 *additional option years for the confinement of Federal pris-*  
2 *oners.*

3 *SEC. 116. The pilot debt collection project authorized*  
4 *by Public Law 99–578, as amended, is extended through*  
5 *September 30, 1997.*

6 *SEC. 117. The definition of “educational expenses” in*  
7 *Section 200103 of the Violent Crime Control and Law En-*  
8 *forcement Act of 1994, Public Law 103–322 is amended to*  
9 *read as follows:*

10 *“educational expenses” means expenses that are*  
11 *directly attributable to—*

12 *(A) a course of education leading to the*  
13 *award of the baccalaureate degree; or*

14 *(B) a course of graduate study following*  
15 *award of a baccalaureate degree,*

16 *including the cost of tuition, fees, books, supplies,*  
17 *transportation, room and board and miscellaneous ex-*  
18 *penses.*

19 *SEC. 118. (a) STATE COMPATIBILITY WITH FEDERAL*  
20 *BUREAU OF INVESTIGATION SYSTEMS.—(1) The Attorney*  
21 *General shall make funds available to the chief executive*  
22 *officer of each State to carry out the activities described*  
23 *in paragraph (2).*

24 *(2) USES.—The executive officer of each State shall use*  
25 *the funds made available under this subsection in conjunc-*



1 *tion with units of local government, other States, or com-*  
2 *binations thereof, to carry out all or part of a program to*  
3 *establish, develop, update, or upgrade—*

4 *(A) computerized identification systems that are*  
5 *compatible and integrated with the databases of the*  
6 *National Crime Information Center of the Federal*  
7 *Bureau of Investigation;*

8 *(B) ballistics identification programs that are*  
9 *compatible and integrated with the Drugfire Program*  
10 *of the Federal Bureau of Investigation;*

11 *(C) the capability to analyze deoxyribonucleic*  
12 *acid (DNA) in a forensic laboratory in ways that are*  
13 *compatible and integrated with the combined DNA*  
14 *Identification System (CODIS) of the Federal Bureau*  
15 *of Investigation; and*

16 *(D) automated fingerprint identification systems*  
17 *that are compatible and integrated with the Inte-*  
18 *grated Automated Fingerprint Identification System*  
19 *(IAFIS) of the Federal Bureau of Investigation.*

20 *(b) ELIGIBILITY.—To be eligible to receive a grant*  
21 *under this section, a State shall require that each person*  
22 *convicted of a felony of a sexual nature shall provide a sam-*  
23 *ple of blood, saliva, or other specimen necessary to conduct*  
24 *a DNA analysis consistent with the standards established*

1 *for DNA testing by the Director of the Federal Bureau of*  
2 *Investigation.*

3       (c) *INTERSTATE COMPACTS.*—*A State may enter into*  
4 *a compact or compacts with another State or States to*  
5 *carry out this section.*

6       (d) *ALLOCATION.*—*The Attorney General shall allocate*  
7 *the funds appropriated under subsection (e) to each State*  
8 *based on the following formula:*

9           (1) *.25 percent shall be allocated to each of the*  
10 *participating States.*

11           (2) *Of the total funds remaining after the alloca-*  
12 *tion under paragraph (1), each State shall be allo-*  
13 *cated an amount that bears the same ratio to the*  
14 *amount of such funds as the population of such State*  
15 *bears to the population of all States.*

16       (e) *APPROPRIATION.*—*\$11,800,000 is appropriated to*  
17 *carry out the provisions in this section and shall remain*  
18 *available until expended.*

19       *This title may be cited as the “Department of Justice*  
20 *Appropriations Act, 1996”.*

1     *TITLE II—DEPARTMENT OF COMMERCE AND*  
2                     *RELATED AGENCIES*

3             *TRADE AND INFRASTRUCTURE DEVELOPMENT*

4                     *RELATED AGENCIES*

5     *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

6                     *SALARIES AND EXPENSES*

7             *For necessary expenses of the Office of the United*  
8     *States Trade Representative, including the hire of passenger*  
9     *motor vehicles and the employment of experts and consult-*  
10    *ants as authorized by 5 U.S.C. 3109, \$20,889,000, of which*  
11    *\$2,500,000 shall remain available until expended: Provided,*  
12    *That not to exceed \$98,000 shall be available for official*  
13    *reception and representation expenses.*

14                     *INTERNATIONAL TRADE COMMISSION*

15                     *SALARIES AND EXPENSES*

16             *For necessary expenses of the International Trade*  
17    *Commission, including hire of passenger motor vehicles and*  
18    *services as authorized by 5 U.S.C. 3109, and not to exceed*  
19    *\$2,500 for official reception and representation expenses,*  
20    *\$40,000,000, to remain available until expended.*

21                     *DEPARTMENT OF COMMERCE*

22                     *INTERNATIONAL TRADE ADMINISTRATION*

23                     *OPERATIONS AND ADMINISTRATION*

24             *For necessary expenses for international trade activi-*  
25    *ties of the Department of Commerce provided for by law,*

1 *and engaging in trade promotional activities abroad, in-*  
2 *cluding expenses of grants and cooperative agreements for*  
3 *the purpose of promoting exports of United States firms,*  
4 *without regard to 44 U.S.C. 3702 and 3703; full medical*  
5 *coverage for dependent members of immediate families of*  
6 *employees stationed overseas and employees temporarily*  
7 *posted overseas; travel and transportation of employees of*  
8 *the United States and Foreign Commercial Service between*  
9 *two points abroad, without regard to 49 U.S.C. 1517; em-*  
10 *ployment of Americans and aliens by contract for services;*  
11 *rental of space abroad for periods not exceeding ten years,*  
12 *and expenses of alteration, repair, or improvement; pur-*  
13 *chase or construction of temporary demountable exhibition*  
14 *structures for use abroad; payment of tort claims, in the*  
15 *manner authorized in the first paragraph of 28 U.S.C. 2672*  
16 *when such claims arise in foreign countries; not to exceed*  
17 *\$327,000 for official representation expenses abroad; pur-*  
18 *chase of passenger motor vehicles for official use abroad, not*  
19 *to exceed \$30,000 per vehicle; obtain insurance on official*  
20 *motor vehicles; and rent tie lines and teletype equipment;*  
21 *\$264,885,000, to remain available until expended: Pro-*  
22 *vided, That the provisions of the first sentence of section*  
23 *105(f) and all of section 108(c) of the Mutual Educational*  
24 *and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and*  
25 *2458(c)) shall apply in carrying out these activities without*

1 regard to 15 U.S.C. 4912; and that for the purpose of this  
2 Act, contributions under the provisions of the Mutual Edu-  
3 cational and Cultural Exchange Act shall include payment  
4 for assessments for services provided as part of these activi-  
5 ties.

6 *EXPORT ADMINISTRATION*

7 *OPERATIONS AND ADMINISTRATION*

8 *For necessary expenses for export administration and*  
9 *national security activities of the Department of Commerce,*  
10 *including costs associated with the performance of export*  
11 *administration field activities both domestically and*  
12 *abroad; full medical coverage for dependent members of im-*  
13 *mediate families of employees stationed overseas; employ-*  
14 *ment of Americans and aliens by contract for services*  
15 *abroad; rental of space abroad for periods not exceeding ten*  
16 *years, and expenses of alteration, repair, or improvement;*  
17 *payment of tort claims, in the manner authorized in the*  
18 *first paragraph of 28 U.S.C. 2672 when such claims arise*  
19 *in foreign countries; not to exceed \$15,000 for official rep-*  
20 *resentation expenses abroad; awards of compensation to in-*  
21 *formers under the Export Administration Act of 1979, and*  
22 *as authorized by 22 U.S.C. 401(b); purchase of passenger*  
23 *motor vehicles for official use and motor vehicles for law*  
24 *enforcement use with special requirement vehicles eligible*  
25 *for purchase without regard to any price limitation other-*

1 *wise established by law; \$38,604,000, to remain available*  
2 *until expended: Provided, That the provisions of the first*  
3 *sentence of section 105(f) and all of section 108(c) of the*  
4 *Mutual Educational and Cultural Exchange Act of 1961*  
5 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*  
6 *out these activities: Provided further, That payments and*  
7 *contributions collected and accepted for materials or serv-*  
8 *ices provided as part of such activities may be retained for*  
9 *use in covering the cost of such activities, and for providing*  
10 *information to the public with respect to the export admin-*  
11 *istration and national security activities of the Department*  
12 *of Commerce and other export control programs of the Unit-*  
13 *ed States and other governments.*

14 *ECONOMIC DEVELOPMENT ADMINISTRATION*

15 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

16 *For grants for economic development assistance as pro-*  
17 *vided by the Public Works and Economic Development Act*  
18 *of 1965, as amended, Public Law 91-304, and such laws*  
19 *that were in effect immediately before September 30, 1982,*  
20 *and for trade adjustment assistance, \$328,500,000: Pro-*  
21 *vided, That none of the funds appropriated or otherwise*  
22 *made available under this heading may be used directly or*  
23 *indirectly for attorneys' or consultants' fees in connection*  
24 *with securing grants and contracts made by the Economic*  
25 *Development Administration: Provided further, That, not-*

1 *withstanding any other provision of law, the Secretary of*  
2 *Commerce may provide financial assistance for projects to*  
3 *be located on military installations closed or scheduled for*  
4 *closure or realignment to grantees eligible for assistance*  
5 *under the Public Works and Economic Development Act of*  
6 *1965, as amended, without it being required that the grant-*  
7 *ee have title or ability to obtain a lease for the property,*  
8 *for the useful life of the project, when in the opinion of the*  
9 *Secretary of Commerce, such financial assistance is nec-*  
10 *essary for the economic development of the area: Provided*  
11 *further, That the Secretary of Commerce may, as the Sec-*  
12 *retary considers appropriate, consult with the Secretary of*  
13 *Defense regarding the title to land on military installations*  
14 *closed or scheduled for closure or realignment.*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of administering the economic*  
17 *development assistance programs as provided for by law,*  
18 *\$20,000,000: Provided, That these funds may be used to*  
19 *monitor projects approved pursuant to title I of the Public*  
20 *Works Employment Act of 1976, as amended, title II of the*  
21 *Trade Act of 1974, as amended, and the Community Emer-*  
22 *gency Drought Relief Act of 1977.*

23 *MINORITY BUSINESS DEVELOPMENT AGENCY*

24 *MINORITY BUSINESS DEVELOPMENT*

25 *For necessary expenses of the Department of Commerce*  
26 *in fostering, promoting, and developing minority business*

1 *enterprise, including expenses of grants, contracts, and*  
2 *other agreements with public or private organizations,*  
3 *\$32,000,000.*

4 *ECONOMIC AND INFORMATION INFRASTRUCTURE*

5 *ECONOMIC AND STATISTICAL ANALYSIS*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses, as authorized by law, of eco-*  
8 *nomie and statistical analysis programs of the Department*  
9 *of Commerce, \$45,900,000, to remain available until Sep-*  
10 *tember 30, 1997.*

11 *ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING*

12 *FUND*

13 *The Secretary of Commerce is authorized to dissemi-*  
14 *nate economic and statistical data products as authorized*  
15 *by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C.*  
16 *4912, charge fees necessary to recover the full costs incurred*  
17 *in their production. Notwithstanding 31 U.S.C. 3302, re-*  
18 *ceipts received from these data dissemination activities*  
19 *shall be credited to this account, to be available for carrying*  
20 *out these purposes without further appropriation.*

21 *BUREAU OF THE CENSUS*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for collecting, compiling, ana-*  
24 *lyzing, preparing, and publishing statistics, provided for by*  
25 *law, \$133,812,000.*



1                    *PERIODIC CENSUSES AND PROGRAMS*

2            *For expenses necessary to collect and publish statistics*  
3 *for periodic censuses and programs provided for by law,*  
4 *\$150,300,000, to remain available until expended.*

5            *NATIONAL TELECOMMUNICATIONS AND INFORMATION*6                    *ADMINISTRATION*7                    *SALARIES AND EXPENSES*

8            *For necessary expenses, as provided for by law, of the*  
9 *National Telecommunications and Information Adminis-*  
10 *tration, \$17,000,000 to remain available until expended:*  
11 *Provided, That notwithstanding 31 U.S.C. 1535(d), the Sec-*  
12 *retary of Commerce is authorized to charge Federal agencies*  
13 *for spectrum management, analysis, and operations, and*  
14 *related services: Provided further, That the Secretary of*  
15 *Commerce is authorized to retain and use as offsetting col-*  
16 *lections all funds transferred, or previously transferred,*  
17 *from other Government agencies for spectrum management,*  
18 *analysis, and operations, and related services and for all*  
19 *costs incurred in telecommunications research, engineering,*  
20 *and related activities by the Institute for Telecommuni-*  
21 *cation Sciences of the NTLA in furtherance of its assigned*  
22 *functions under this paragraph, and such funds received*  
23 *from other Government agencies shall remain available*  
24 *until expended.*

1         *PUBLIC BROADCASTING FACILITIES, PLANNING AND*  
2                                     *CONSTRUCTION*

3         *For grants authorized by section 392 of the Commu-*  
4 *nications Act of 1934, as amended, \$15,500,000, to remain*  
5 *available until expended as authorized by section 391 of the*  
6 *Act, as amended: Provided, That not to exceed \$2,200,000*  
7 *shall be available for program administration as authorized*  
8 *by section 391 of the Act: Provided further, That notwith-*  
9 *standing the provisions of section 391 of the Act, the prior*  
10 *year unobligated balances may be made available for grants*  
11 *for projects for which applications have been submitted and*  
12 *approved during any fiscal year.*

13                                     *INFORMATION INFRASTRUCTURE GRANTS*

14         *For grants authorized by section 392 of the Commu-*  
15 *nications Act of 1934, as amended, \$21,500,000, to remain*  
16 *available until expended as authorized by section 391 of the*  
17 *Act, as amended: Provided, That not to exceed \$3,000,000*  
18 *shall be available for program administration and other*  
19 *support activities as authorized by section 391 of the Act*  
20 *including support of the Advisory Council on National In-*  
21 *formation Infrastructure: Provided further, That of the*  
22 *funds appropriated herein, not to exceed 5 percent may be*  
23 *available for telecommunications research activities for*  
24 *projects related directly to the development of a national*  
25 *information infrastructure: Provided further, That notwith-*  
26 *standing the requirements of section 392(a) and 392(c) of*

1 *the Act, these funds may be used for the planning and con-*  
2 *struction of telecommunications networks for the provision*  
3 *of educational, cultural, health care, public information,*  
4 *public safety or other social services.*

5 *PATENT AND TRADEMARK OFFICE*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Patent and Trademark*  
8 *Office provided for by law, including defense of suits insti-*  
9 *tuted against the Commissioner of Patents and Trade-*  
10 *marks; \$82,324,000, to remain available until expended:*  
11 *Provided, That the funds made available under this heading*  
12 *are to be derived from deposits in the Patent and Trade-*  
13 *mark Office Fee Surcharge Fund as authorized by law: Pro-*  
14 *vided further, That the amounts made available under the*  
15 *Fund shall not exceed amounts deposited; and such fees as*  
16 *shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C.*  
17 *41 and 376, shall remain available until expended.*

18 *SCIENCE AND TECHNOLOGY*

19 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

20 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

21 *For necessary expenses of the National Institute of*  
22 *Standards and Technology, \$259,000,000, to remain avail-*  
23 *able until expended, of which not to exceed \$8,500,000 may*  
24 *be transferred to the "Working Capital Fund".*

1                    *INDUSTRIAL TECHNOLOGY SERVICES*

2            *For necessary expenses of the Manufacturing Exten-*  
3 *sion Partnership of the National Institute of Standards and*  
4 *Technology, \$80,000,000, to remain available until ex-*  
5 *pended, of which not to exceed \$500,000 may be transferred*  
6 *to the “Working Capital Fund”: Provided, That none of the*  
7 *funds made available under this heading in this or any*  
8 *other Act may be used for the purposes of carrying out addi-*  
9 *tional program competitions under the Advanced Tech-*  
10 *nology Program: Provided further, That any unobligated*  
11 *balances available from carryover of prior year appropria-*  
12 *tions under the Advanced Technology Program may be used*  
13 *only for the purposes of providing continuation grants.*

14                    *CONSTRUCTION OF RESEARCH FACILITIES*

15            *For construction of new research facilities, including*  
16 *architectural and engineering design, and for renovation of*  
17 *existing facilities, not otherwise provided for the National*  
18 *Institute of Standards and Technology, as authorized by 15*  
19 *U.S.C. 278c–278e, \$60,000,000, to remain available until*  
20 *expended.*

21                    *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*22                    *OPERATIONS, RESEARCH, AND FACILITIES*23                    *(INCLUDING TRANSFER OF FUNDS)*

24            *For necessary expenses of activities authorized by law*  
25 *for the National Oceanic and Atmospheric Administration,*  
26 *including acquisition, maintenance, operation, and hire of*

1 aircraft; not to exceed 358 commissioned officers on the ac-  
2 tive list; grants, contracts, or other payments to nonprofit  
3 organizations for the purposes of conducting activities pur-  
4 suant to cooperative agreements; and alteration, moderniza-  
5 tion, and relocation of facilities as authorized by 33 U.S.C.  
6 883i; \$1,802,677,000, to remain available until expended:  
7 Provided, That notwithstanding 31 U.S.C. 3302 but con-  
8 sistent with other existing law, fees shall be assessed, col-  
9 lected, and credited to this appropriation as offsetting col-  
10 lections to be available until expended, to recover the costs  
11 of administering aeronautical charting programs: Provided  
12 further, That the sum herein appropriated from the general  
13 fund shall be reduced as such additional fees are received  
14 during fiscal year 1996, so as to result in a final general  
15 fund appropriation estimated at not more than  
16 \$1,799,677,000: Provided further, That any such additional  
17 fees received in excess of \$3,000,000 in fiscal year 1996 shall  
18 not be available for obligation until October 1, 1996: Pro-  
19 vided further, That fees and donations received by the Na-  
20 tional Ocean Service for the management of the national  
21 marine sanctuaries may be retained and used for the sala-  
22 ries and expenses associated with those activities, notwith-  
23 standing 31 U.S.C. 3302: Provided further, That in addi-  
24 tion, \$63,000,000 shall be derived by transfer from the fund  
25 entitled "Promote and Develop Fishery Products and Re-

1 *search Pertaining to American Fisheries”*: Provided fur-  
 2 *ther, That grants to States pursuant to sections 306 and*  
 3 *306(a) of the Coastal Zone Management Act, as amended,*  
 4 *shall not exceed \$2,000,000.*

5 *COASTAL ZONE MANAGEMENT FUND*

6 *Of amounts collected pursuant to 16 U.S.C. 1456a, not*  
 7 *to exceed \$7,800,000, for purposes set forth in 16 U.S.C.*  
 8 *1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16*  
 9 *U.S.C. 1461(e).*

10 *CONSTRUCTION*

11 *For repair and modification of, and additions to, ex-*  
 12 *isting facilities and construction of new facilities, and for*  
 13 *facility planning and design and land acquisition not oth-*  
 14 *erwise provided for the National Oceanic and Atmospheric*  
 15 *Administration, \$50,000,000, to remain available until ex-*  
 16 *pended.*

17 *FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION*

18 *For expenses necessary for the repair, acquisition, leas-*  
 19 *ing, or conversion of vessels, including related equipment*  
 20 *to maintain and modernize the existing fleet and to con-*  
 21 *tinue planning the modernization of the fleet, for the Na-*  
 22 *tional Oceanic and Atmospheric Administration,*  
 23 *\$8,000,000, to remain available until expended.*

24 *FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND*

25 *For carrying out the provisions of section 3 of Public*  
 26 *Law 95–376, not to exceed \$1,032,000, to be derived from*

1 receipts collected pursuant to 22 U.S.C. 1980 (b) and (f),  
2 to remain available until expended.

3 *FISHERMEN'S CONTINGENCY FUND*

4 *For carrying out the provisions of title IV of Public*  
5 *Law 95-372, not to exceed \$999,000, to be derived from re-*  
6 *ceipts collected pursuant to that Act, to remain available*  
7 *until expended.*

8 *FOREIGN FISHING OBSERVER FUND*

9 *For expenses necessary to carry out the provisions of*  
10 *the Atlantic Tunas Convention Act of 1975, as amended*  
11 *(Public Law 96-339), the Magnuson Fishery Conservation*  
12 *and Management Act of 1976, as amended (Public Law*  
13 *100-627) and the American Fisheries Promotion Act (Pub-*  
14 *lic Law 96-561), there are appropriated from the fees im-*  
15 *posed under the foreign fishery observer program authorized*  
16 *by these Acts, not to exceed \$196,000, to remain available*  
17 *until expended.*

18 *FISHING VESSEL OBLIGATIONS GUARANTEES*

19 *For the cost, as defined in section 502 of the Federal*  
20 *Credit Reform Act of 1990, of guaranteed loans authorized*  
21 *by the Merchant Marine Act of 1936, as amended, \$250,000:*  
22 *Provided, That none of the funds made available under this*  
23 *heading may be used to guarantee loans for any new fishing*  
24 *vessel that will increase the harvesting capacity in any*  
25 *United States fishery.*

1                    *TECHNOLOGY ADMINISTRATION*  
2                    *UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF*  
3                    *TECHNOLOGY POLICY*  
4                    *SALARIES AND EXPENSES*

5                    *For necessary expenses for the Under Secretary for*  
6 *Technology/Office of Technology Policy, \$5,000,000.*

7                    *GENERAL ADMINISTRATION*  
8                    *SALARIES AND EXPENSES*

9                    *For expenses necessary for the general administration*  
10 *of the Department of Commerce provided for by law, includ-*  
11 *ing not to exceed \$3,000 for official entertainment,*  
12 *\$29,100,000.*

13                    *OFFICE OF INSPECTOR GENERAL*

14                    *For necessary expenses of the Office of Inspector Gen-*  
15 *eral in carrying out the provisions of the Inspector General*  
16 *Act of 1978, as amended (5 U.S.C. App. 1–11 as amended*  
17 *by Public Law 100–504), \$19,849,000.*

18                    *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*  
19                    *CONSTRUCTION OF RESEARCH FACILITIES*  
20                    *(RESCISSION)*

21                    *Of the unobligated balances available under this head-*  
22 *ing, \$75,000,000 are rescinded.*

23                    *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

24                    *SEC. 201. During the current fiscal year, applicable*  
25 *appropriations and funds made available to the Depart-*  
26 *ment of Commerce by this Act shall be available for the*



1 *activities specified in the Act of October 26, 1949 (15 U.S.C.*  
2 *1514), to the extent and in the manner prescribed by the*  
3 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*  
4 *advanced payments not otherwise authorized only upon the*  
5 *certification of officials designated by the Secretary that*  
6 *such payments are in the public interest.*

7 *SEC. 202. During the current fiscal year, appropria-*  
8 *tions made available to the Department of Commerce by*  
9 *this Act for salaries and expenses shall be available for hire*  
10 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*  
11 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*  
12 *forms or allowances therefor, as authorized by law (5 U.S.C.*  
13 *5901–5902).*

14 *SEC. 203. None of the funds made available by this*  
15 *Act may be used to support the hurricane reconnaissance*  
16 *aircraft and activities that are under the control of the*  
17 *United States Air Force or the United States Air Force Re-*  
18 *serve.*

19 *SEC. 204. None of the funds provided in this or any*  
20 *previous Act, or hereinafter made available to the Depart-*  
21 *ment of Commerce shall be available to reimburse the Un-*  
22 *employment Trust Fund or any other fund or account of*  
23 *the Treasury to pay for any expenses paid before October*  
24 *1, 1992, as authorized by section 8501 of title 5, United*  
25 *States Code, for services performed after April 20, 1990, by*

1 *individuals appointed to temporary positions within the*  
2 *Bureau of the Census for purposes relating to the 1990 de-*  
3 *cennial census of population.*

4       *SEC. 205. Not to exceed 5 percent of any appropriation*  
5 *made available for the current fiscal year for the Depart-*  
6 *ment of Commerce in this Act may be transferred between*  
7 *such appropriations, but no such appropriation shall be in-*  
8 *creased by more than 10 percent by any such transfers: Pro-*  
9 *vided, That any transfer pursuant to this section shall be*  
10 *treated as a reprogramming of funds under section 605 of*  
11 *this Act and shall not be available for obligation or expendi-*  
12 *ture except in compliance with the procedures set forth in*  
13 *that section.*

14       *SEC. 206. (a) Should legislation be enacted to disman-*  
15 *tle or reorganize the Department of Commerce, the Sec-*  
16 *retary of Commerce, no later than 90 days thereafter, shall*  
17 *submit to the Committees on Appropriations of the House*  
18 *and the Senate a plan for transferring funds provided in*  
19 *this Act to the appropriate successor organizations: Pro-*  
20 *vided, That the plan shall include a proposal for transfer-*  
21 *ring or rescinding funds appropriated herein for agencies*  
22 *or programs terminated under such legislation: Provided*  
23 *further, That such plan shall be transmitted in accordance*  
24 *with section 605 of this Act.*

1       (b) *The Secretary of Commerce or the appropriate*  
2 *head of any successor organization(s) may use any avail-*  
3 *able funds to carry out legislation dismantling or reor-*  
4 *ganizing the Department of Commerce to cover the costs of*  
5 *actions relating to the abolishment, reorganization or trans-*  
6 *fer of functions and any related personnel action, including*  
7 *voluntary separation incentives if authorized by such legis-*  
8 *lation: Provided, That the authority to transfer funds be-*  
9 *tween appropriations accounts that may be necessary to*  
10 *carry out this section is provided in addition to authorities*  
11 *included under section 205 of this Act: Provided further,*  
12 *That use of funds to carry out this section shall be treated*  
13 *as a reprogramming of funds under section 605 of this Act*  
14 *and shall not be available for obligation or expenditure ex-*  
15 *cept in compliance with the procedures set forth in that sec-*  
16 *tion: Provided further, That no monies appropriated under*  
17 *this Act or any other law shall be used by the Secretary*  
18 *of Commerce to issue final determinations under subsections*  
19 *(a), (b), (c), (e), (g) or (i) of section 4 of the Endangered*  
20 *Species Act of 1973 (16 U.S.C. 1533), until such time as*  
21 *legislation reauthorizing the Act is enacted or until the end*  
22 *of fiscal year 1996, whichever is earlier, except that monies*  
23 *appropriated under this Act may be used to delist or reclas-*  
24 *sify species pursuant to subsections 4(a)(2)(B),*  
25 *4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species*

1 *Act, and may be used to issue emergency listings under sec-*  
2 *tion 4(b)(7) of the Endangered Species Act.*

3 *SEC. 207. Notwithstanding any other provision of law*  
4 *(including any regulation and including the Public Works*  
5 *and Economic Development Act of 1965), the transfer of*  
6 *title to the Rutland City Industrial Complex to Hilinex,*  
7 *Vermont (as related to Economic Development Administra-*  
8 *tion Project Number 01-11-01742) shall not require com-*  
9 *pensation to the Federal Government for the fair share of*  
10 *the Federal Government of that real property.*

11 *SEC. 208. (a) IN GENERAL.—The Secretary of Com-*  
12 *merce, acting through the Assistant Secretary for Economic*  
13 *Development of the Department of Commerce, shall—*

14 *(1) not later than January 1, 1996, commence*  
15 *the demolition of the structures on, and the cleanup*  
16 *and environmental remediation on, the parcel of land*  
17 *described in subsection (b);*

18 *(2) not later than March 31, 1996, complete the*  
19 *demolition, cleanup, and environmental remediation*  
20 *under paragraph (1); and*

21 *(3) not later than April 1, 1996, convey the par-*  
22 *cel of land described in subsection (b), in accordance*  
23 *with the requirements of section 120(h) of the Com-*  
24 *prehensive Environmental Response, Compensation,*  
25 *and Liability Act of 1980 (42 U.S.C. 9620(h)), to the*

1        *Tuscaloosa County Industrial Development Authority,*  
2        *on receipt of payment of the fair market value for the*  
3        *parcel by the Authority, as agreed on by the Secretary*  
4        *and the Authority.*

5        *(b) LAND PARCEL.—The parcel of land referred to in*  
6        *subsection (a) is the parcel of land consisting of approxi-*  
7        *mately 41 acres in Holt, Alabama (in Tuscaloosa County),*  
8        *that is generally known as the “Central Foundry Property”,*  
9        *as depicted on a map, and as described in a legal descrip-*  
10       *tion, that the Secretary, acting through the Assistant Sec-*  
11       *retary for Economic Development, determines to be satisfac-*  
12       *tory.*

13       *SEC. 209. Any costs incurred by a Department or*  
14       *agency funded under this title resulting from personnel ac-*  
15       *tions taken in response to funding reductions included in*  
16       *this title shall be absorbed within the total budgetary re-*  
17       *sources available to such Department or agency: Provided,*  
18       *That the authority to transfer funds between appropriations*  
19       *accounts as may be necessary to carry out this provision*  
20       *is provided in addition to authorities included elsewhere in*  
21       *this Act: Provided further, That use of funds to carry out*  
22       *this section shall be treated as a reprogramming of funds*  
23       *under section 605 of this Act and shall not be available for*  
24       *obligation or expenditure except in compliance with the*  
25       *procedures set forth in that section.*

1        *This title may be cited as the “Department of Com-*  
2 *merce and Related Agencies Appropriations Act, 1996”.*

3                                    *TITLE III—THE JUDICIARY*

4                                    *SUPREME COURT OF THE UNITED STATES*

5                                    *SALARIES AND EXPENSES*

6        *For expenses necessary for the operation of the Su-*  
7 *preme Court, as required by law, excluding care of the*  
8 *building and grounds, including purchase or hire, driving,*  
9 *maintenance and operation of an automobile for the Chief*  
10 *Justice, not to exceed \$10,000 for the purpose of transport-*  
11 *ing Associate Justices, and hire of passenger motor vehicles*  
12 *as authorized by 31 U.S.C. 1343 and 1344; not to exceed*  
13 *\$10,000 for official reception and representation expenses;*  
14 *and for miscellaneous expenses, to be expended as the Chief*  
15 *Justice may approve, \$25,834,000.*

16                                    *CARE OF THE BUILDING AND GROUNDS*

17        *For such expenditures as may be necessary to enable*  
18 *the Architect of the Capitol to carry out the duties imposed*  
19 *upon him by the Act approved May 7, 1934 (40 U.S.C.*  
20 *13a–13b), \$3,313,000, of which \$500,000 shall remain*  
21 *available until expended.*

1 *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*  
2 *CIRCUIT*

3 *SALARIES AND EXPENSES*

4 *For salaries of the chief judge, judges, and other officers*  
5 *and employees, and for necessary expenses of the court, as*  
6 *authorized by law, \$14,288,000.*

7 *UNITED STATES COURT OF INTERNATIONAL TRADE*

8 *SALARIES AND EXPENSES*

9 *For salaries of the chief judge and eight judges, salaries*  
10 *of the officers and employees of the court, services as author-*  
11 *ized by 5 U.S.C. 3109, and necessary expenses of the court,*  
12 *as authorized by law, \$10,859,000.*

13 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*  
14 *JUDICIAL SERVICES*

15 *SALARIES AND EXPENSES*

16 *For the salaries of circuit and district judges (includ-*  
17 *ing judges of the territorial courts of the United States),*  
18 *justices and judges retired from office or from regular active*  
19 *service, judges of the United States Court of Federal Claims,*  
20 *bankruptcy judges, magistrate judges, and all other officers*  
21 *and employees of the Federal Judiciary not otherwise spe-*  
22 *cifically provided for, and necessary expenses of the courts,*  
23 *as authorized by law, \$2,433,141,000 (including the pur-*  
24 *chase of firearms and ammunition); of which not to exceed*  
25 *\$13,454,000 shall remain available until expended for space*

1 alteration projects; of which not to exceed \$10,000,000 shall  
2 remain available until expended for furniture and furnish-  
3 ings related to new space alteration and construction  
4 projects; and of which \$500,000 is to remain available until  
5 expended for acquisition of books, periodicals, and news-  
6 papers, and all other legal reference materials, including  
7 subscriptions.

8       *In addition, for expenses of the United States Court*  
9 *of Federal Claims associated with processing cases under*  
10 *the National Childhood Vaccine Injury Act of 1986, not to*  
11 *exceed \$2,318,000, to be appropriated from the Vaccine In-*  
12 *jury Compensation Trust Fund.*

13                   *VIOLENT CRIME REDUCTION PROGRAMS*

14       *For activities of the Federal Judiciary as authorized*  
15 *by law, \$30,000,000, to remain available until expended,*  
16 *which shall be derived from the Violent Crime Reduction*  
17 *Trust Fund, as authorized by section 190001(a) of Public*  
18 *Law 103-322.*

19                   *DEFENDER SERVICES*

20       *For the operation of Federal Public Defender and*  
21 *Community Defender organizations, the compensation and*  
22 *reimbursement of expenses of attorneys appointed to rep-*  
23 *resent persons under the Criminal Justice Act of 1964, as*  
24 *amended, the compensation and reimbursement of expenses*  
25 *of persons furnishing investigative, expert and other services*  
26 *under the Criminal Justice Act (18 U.S.C. 3006A(e)), the*



1 *compensation (in accordance with Criminal Justice Act*  
2 *maximums) and reimbursement of expenses of attorneys ap-*  
3 *pointed to assist the court in criminal cases where the de-*  
4 *fendant has waived representation by counsel, the com-*  
5 *ensation and reimbursement of travel expenses of guard-*  
6 *ians ad litem acting on behalf of financially eligible minor*  
7 *or incompetent offenders in connection with transfers from*  
8 *the United States to foreign countries with which the Unit-*  
9 *ed States has a treaty for the execution of penal sentences,*  
10 *and the compensation of attorneys appointed to represent*  
11 *jurors in civil actions for the protection of their employ-*  
12 *ment, as authorized by 28 U.S.C. 1875(d), \$267,217,000,*  
13 *to remain available until expended as authorized by 18*  
14 *U.S.C. 3006A(i): Provided, That none of the funds provided*  
15 *in this Act shall be available for Death Penalty Resource*  
16 *Centers or Post-Conviction Defender Organizations after*  
17 *April 1, 1996.*

18 *FEES OF JURORS AND COMMISSIONERS*

19 *For fees and expenses of jurors as authorized by 28*  
20 *U.S.C. 1871 and 1876; compensation of jury commissioners*  
21 *as authorized by 28 U.S.C. 1863; and compensation of com-*  
22 *missioners appointed in condemnation cases pursuant to*  
23 *rule 71A(h) of the Federal Rules of Civil Procedure (28*  
24 *U.S.C. Appendix Rule 71A(h)); \$59,028,000, to remain*  
25 *available until expended: Provided, That the compensation*  
26 *of land commissioners shall not exceed the daily equivalent*

1 *of the highest rate payable under section 5332 of title 5,*  
2 *United States Code.*

3 *COURT SECURITY*

4 *For necessary expenses, not otherwise provided for, in-*  
5 *cident to the procurement, installation, and maintenance*  
6 *of security equipment and protective services for the United*  
7 *States Courts in courtrooms and adjacent areas, including*  
8 *building ingress-egress control, inspection of packages, di-*  
9 *rected security patrols, and other similar activities as au-*  
10 *thorized by section 1010 of the Judicial Improvement and*  
11 *Access to Justice Act (Public Law 100–702); \$102,000,000,*  
12 *to be expended directly or transferred to the United States*  
13 *Marshals Service which shall be responsible for administer-*  
14 *ing elements of the Judicial Security Program consistent*  
15 *with standards or guidelines agreed to by the Director of*  
16 *the Administrative Office of the United States Courts and*  
17 *the Attorney General.*

18 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

19 *COURTS*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Administrative Office of*  
22 *the United States Courts as authorized by law, including*  
23 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*  
24 *motor vehicle as authorized by 31 U.S.C. 1343(b), advertis-*  
25 *ing and rent in the District of Columbia and elsewhere,*

1 \$47,500,000, of which not to exceed \$7,500 is authorized  
2 for official reception and representation expenses.

3 *FEDERAL JUDICIAL CENTER*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Judicial Center,*  
6 *as authorized by Public Law 90–219, \$17,914,000; of which*  
7 *\$1,800,000 shall remain available through September 30,*  
8 *1997, to provide education and training to Federal court*  
9 *personnel; and of which not to exceed \$1,000 is authorized*  
10 *for official reception and representation expenses.*

11 *JUDICIAL RETIREMENT FUNDS*

12 *PAYMENT TO JUDICIARY TRUST FUNDS*

13 *For payment to the Judicial Officers' Retirement*  
14 *Fund, as authorized by 28 U.S.C. 377(o), \$24,000,000, to*  
15 *the Judicial Survivors' Annuities Fund, as authorized by*  
16 *28 U.S.C. 376(c), \$7,000,000, and to the United States*  
17 *Court of Federal Claims Judges' Retirement Fund, as au-*  
18 *thorized by 28 U.S.C. 178(l), \$1,900,000.*

19 *UNITED STATES SENTENCING COMMISSION*

20 *SALARIES AND EXPENSES*

21 *For the salaries and expenses necessary to carry out*  
22 *the provisions of chapter 58 of title 28, United States Code,*  
23 *\$8,500,000, of which not to exceed \$1,000 is authorized for*  
24 *official reception and representation expenses.*

1           *GENERAL PROVISIONS—THE JUDICIARY*

2           *SEC. 301. Appropriations and authorizations made in*  
3 *this title which are available for salaries and expenses shall*  
4 *be available for services as authorized by 5 U.S.C. 3109.*

5           *SEC. 302. Appropriations made in this title shall be*  
6 *available for salaries and expenses of the Special Court es-*  
7 *tablished under the Regional Rail Reorganization Act of*  
8 *1973, Public Law 93-236.*

9           *SEC. 303. Not to exceed 5 percent of any appropriation*  
10 *made available for the current fiscal year for the Judiciary*  
11 *in this Act may be transferred between such appropriations,*  
12 *but no such appropriation, except “Courts of Appeals, Dis-*  
13 *trict Courts, and other Judicial Services, Defender Serv-*  
14 *ices”, shall be increased by more than 10 percent by any*  
15 *such transfers: Provided, That any transfer pursuant to this*  
16 *section shall be treated as a reprogramming of funds under*  
17 *section 605 of this Act and shall not be available for obliga-*  
18 *tion or expenditure except in compliance with the proce-*  
19 *dures set forth in that section.*

20           *SEC. 304. Notwithstanding any other provision of law,*  
21 *the salaries and expenses appropriation for district courts,*  
22 *courts of appeals, and other judicial services shall be avail-*  
23 *able for official reception and representation expenses of the*  
24 *Judicial Conference of the United States: Provided, That*  
25 *such available funds shall not exceed \$10,000 and shall be*

1 *administered by the Director of the Administrative Office*  
2 *of the United States Courts in his capacity as Secretary*  
3 *of the Judicial Conference.*

4 *SEC. 305. Section 333 of title 28, United States Code,*  
5 *is amended—*

6 *(1) in the first paragraph by striking “shall” the*  
7 *first, second, and fourth place it appears and insert-*  
8 *ing “may”; and*

9 *(2) in the second paragraph—*

10 *(A) by striking “shall” the first place it ap-*  
11 *pears and inserting “may”; and*

12 *(B) by striking “, and unless excused by the*  
13 *chief judge, shall remain throughout the con-*  
14 *ference”.*

15 *This title may be cited as “The Judiciary Appropria-*  
16 *tions Act, 1996”.*

17 *TITLE IV—DEPARTMENT OF STATE AND*

18 *RELATED AGENCIES*

19 *DEPARTMENT OF STATE*

20 *ADMINISTRATION OF FOREIGN AFFAIRS*

21 *DIPLOMATIC AND CONSULAR PROGRAMS*

22 *For necessary expenses of the Department of State and*  
23 *the Foreign Service not otherwise provided for, including*  
24 *expenses authorized by the State Department Basic Au-*  
25 *thorities Act of 1956, as amended; representation to certain*

1 *international organizations in which the United States*  
2 *participates pursuant to treaties, ratified pursuant to the*  
3 *advice and consent of the Senate, or specific Acts of Con-*  
4 *gress; acquisition by exchange or purchase of passenger*  
5 *motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C.*  
6 *481(c) and 22 U.S.C. 2674; and for expenses of general ad-*  
7 *ministration, \$1,708,800,000: Provided, That notwith-*  
8 *standing section 140(a)(5), and the second sentence of sec-*  
9 *tion 140(a)(3) of the Foreign Relations Authorization Act,*  
10 *Fiscal Years 1994 and 1995 (Public Law 103-236), not to*  
11 *exceed \$125,000,000 of fees may be collected during fiscal*  
12 *year 1996 under the authority of section 140(a)(1) of that*  
13 *Act: Provided further, That all fees collected under the pre-*  
14 *ceding proviso shall be deposited in fiscal year 1996 as an*  
15 *offsetting collection to appropriations made under this*  
16 *heading to recover the costs of providing consular services*  
17 *and shall remain available until expended: Provided fur-*  
18 *ther, That starting in fiscal year 1997, a system shall be*  
19 *in place that allocates to each department and agency the*  
20 *full cost of its presence outside of the United States.*

21 *Of the funds provided under this heading, \$24,856,000*  
22 *shall be available only for the Diplomatic Telecommuni-*  
23 *cations Service for operation of existing base services and*  
24 *not to exceed \$17,144,000 shall be available only for the en-*  
25 *hancement of the Diplomatic Telecommunications Service*

1 *and shall remain available until expended. Of the latter*  
2 *amount, \$9,600,000 shall not be made available until expi-*  
3 *ration of the 15 day period beginning on the date when*  
4 *the Secretary of State and the Director of the Diplomatic*  
5 *Telecommunications Service submit the pilot program re-*  
6 *port required by section 507 of Public Law 103–317.*

7 *In addition, not to exceed \$700,000 in registration fees*  
8 *collected pursuant to section 38 of the Arms Export Control*  
9 *Act, as amended, may be used in accordance with section*  
10 *45 of the State Department Basic Authorities Act of 1956,*  
11 *22 U.S.C. 2717; and in addition not to exceed \$1,223,000*  
12 *shall be derived from fees from other executive agencies for*  
13 *lease or use of facilities located at the International Center*  
14 *in accordance with section 4 of the International Center*  
15 *Act (Public Law 90–553, as amended by section 120 of Pub-*  
16 *lic Law 101–246); and in addition not to exceed \$15,000*  
17 *which shall be derived from reimbursements, surcharges,*  
18 *and fees for use of Blair House facilities in accordance with*  
19 *section 46 of the State of Department Basic Authorities Act*  
20 *of 1956 (22 U.S.C. 2718(a)).*

21 *Notwithstanding section 402 of this Act, not to exceed*  
22 *20 percent of the amounts made available in this Act in*  
23 *the appropriation accounts, “Diplomatic and Consular*  
24 *Programs” and “Salaries and Expenses” under the heading*  
25 *“Administration of Foreign Affairs” may be transferred be-*

1 *tween such appropriation accounts: Provided, That any*  
2 *transfer pursuant to this section shall be treated as a*  
3 *reprogramming of funds under section 605 of this Act and*  
4 *shall not be available for obligation or expenditure except*  
5 *in compliance with the procedures set forth in that section.*

6 *For an additional amount for security enhancements*  
7 *to counter the threat of terrorism, \$9,720,000, to remain*  
8 *available until expended.*

9 *SALARIES AND EXPENSES*

10 *For expenses necessary for the general administration*  
11 *of the Department of State and the Foreign Service, pro-*  
12 *vided for by law, including expenses authorized by section*  
13 *9 of the Act of August 31, 1964, as amended (31 U.S.C.*  
14 *3721), and the State Department Basic Authorities Act of*  
15 *1956, as amended, \$363,276,000.*

16 *For an additional amount for security enhancements*  
17 *to counter the threat of terrorism, \$1,870,000, to remain*  
18 *available until expended.*

19 *CAPITAL INVESTMENT FUND*

20 *For necessary expenses of the Capital Investment*  
21 *Fund, \$16,400,000, to remain available until expended, as*  
22 *authorized in Public Law 103-236: Provided, That section*  
23 *135(e) of Public Law 103-236 shall not apply to funds ap-*  
24 *propriated under this heading.*



1                                    *OFFICE OF INSPECTOR GENERAL*

2            *For necessary expenses of the Office of Inspector Gen-*  
3 *eral in carrying out the provisions of the Inspector General*  
4 *Act of 1978, as amended (5 U.S.C. App.), \$27,369,000, not-*  
5 *withstanding section 209(a)(1) of the Foreign Service Act*  
6 *of 1980 (Public Law 96-465), as it relates to post inspec-*  
7 *tions: Provided, That notwithstanding any other provision*  
8 *of law, (1) the Office of the Inspector General of the United*  
9 *States Information Agency is hereby merged with the Office*  
10 *of the Inspector General of the Department of State; (2) the*  
11 *functions exercised and assigned to the Office of the Inspec-*  
12 *tor General of the United States Information Agency before*  
13 *the effective date of this Act (including all related functions)*  
14 *are transferred to the Office of the Inspector General of the*  
15 *Department of State; and (3) the Inspector General of the*  
16 *Department of State shall also serve as the Inspector Gen-*  
17 *eral of the United States Information Agency.*

18                                    *REPRESENTATION ALLOWANCES*

19            *For representation allowances as authorized by section*  
20 *905 of the Foreign Service Act of 1980, as amended (22*  
21 *U.S.C. 4085), \$4,500,000.*

22                                    *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

23            *For expenses, not otherwise provided, to enable the Sec-*  
24 *retary of State to provide for extraordinary protective serv-*  
25 *ices in accordance with the provisions of section 214 of the*

1 *State Department Basic Authorities Act of 1956 (22 U.S.C.*  
2 *4314) and 3 U.S.C. 208, \$8,579,000.*

3 *SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS*

4 *For necessary expenses for carrying out the Foreign*  
5 *Service Buildings Act of 1926, as amended (22 U.S.C. 292–*  
6 *300), and the Diplomatic Security Construction Program*  
7 *as authorized by title IV of the Omnibus Diplomatic Secu-*  
8 *rity and Antiterrorism Act of 1986 (22 U.S.C. 4851),*  
9 *\$385,760,000, to remain available until expended as au-*  
10 *thorized by 22 U.S.C. 2696(c): Provided, That none of the*  
11 *funds appropriated in this paragraph shall be available for*  
12 *acquisition of furniture and furnishings and generators for*  
13 *other departments and agencies.*

14 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*  
15 *SERVICE*

16 *For expenses necessary to enable the Secretary of State*  
17 *to meet unforeseen emergencies arising in the Diplomatic*  
18 *and Consular Service pursuant to the requirement of 31*  
19 *U.S.C. 3526(e), \$6,000,000, to remain available until ex-*  
20 *pended as authorized by 22 U.S.C. 2696(c), of which not*  
21 *to exceed \$1,000,000 may be transferred to and merged with*  
22 *the Repatriation Loans Program Account, subject to the*  
23 *same terms and conditions.*

24 *REPATRIATION LOANS PROGRAM ACCOUNT*

25 *For the cost of direct loans, \$593,000, as authorized*  
26 *by 22 U.S.C. 2671: Provided, That such costs, including*

1 *the cost of modifying such loans, shall be as defined in sec-*  
2 *tion 502 of the Congressional Budget Act of 1974. In addi-*  
3 *tion, for administrative expenses necessary to carry out the*  
4 *direct loan program, \$183,000 which may be transferred*  
5 *to and merged with the Salaries and Expenses account*  
6 *under Administration of Foreign Affairs.*

7 *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

8 *For necessary expenses to carry out the Taiwan Rela-*  
9 *tions Act, Public Law 96–8 (93 Stat. 14), \$15,165,000.*

10 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*  
11 *DISABILITY FUND*

12 *For payment to the Foreign Service Retirement and*  
13 *Disability Fund, as authorized by law, \$125,402,000.*

14 *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*  
15 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

16 *For expenses, not otherwise provided for, necessary to*  
17 *meet annual obligations of membership in international*  
18 *multilateral organizations, pursuant to treaties ratified*  
19 *pursuant to the advice and consent of the Senate, conven-*  
20 *tions or specific Acts of Congress, \$700,000,000: Provided,*  
21 *That any payment of arrearages shall be directed toward*  
22 *special activities that are mutually agreed upon by the*  
23 *United States and the respective international organiza-*  
24 *tion: Provided further, That 20 percent of the funds appro-*  
25 *priated in this paragraph for the assessed contribution of*  
26 *the United States to the United Nations shall be withheld*

1 *from obligation and expenditure until a certification is*  
2 *made under section 401(b) of Public Law 103–236 for fiscal*  
3 *year 1996: Provided further, That certification under sec-*  
4 *tion 401(b) of Public Law 103–236 for fiscal year 1996 may*  
5 *only be made if the Committees on Appropriations and For-*  
6 *ign Relations of the Senate and the Committees on Appro-*  
7 *priations and International Relations of the House of Rep-*  
8 *resentatives are notified of the steps taken, and anticipated,*  
9 *to meet the requirements of section 401(b) of Public Law*  
10 *103–236 at least 15 days in advance of the proposed certifi-*  
11 *cation: Provided further, That none of the funds appro-*  
12 *priated in this paragraph shall be available for a United*  
13 *States contribution to an international organization for the*  
14 *United States share of interest costs made known to the*  
15 *United States Government by such organization for loans*  
16 *incurred on or after October 1, 1984, through external bor-*  
17 *rowings.*

18 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

19 *ACTIVITIES*

20 *For necessary expenses to pay assessed and other ex-*  
21 *penses of international peacekeeping activities directed to*  
22 *the maintenance or restoration of international peace and*  
23 *security, \$225,000,000: Provided, That none of the funds*  
24 *made available under this Act shall be obligated or expended*  
25 *for any new or expanded United Nations peacekeeping mis-*  
26 *sion unless, at least fifteen days in advance of voting for*

1 *the new or expanded mission in the United Nations Secu-*  
2 *urity Council (or in an emergency, as far in advance as is*  
3 *practicable), (1) the Committees on Appropriations of the*  
4 *House of Representatives and the Senate and other appro-*  
5 *priate Committees of the Congress are notified of the esti-*  
6 *mated cost and length of the mission, the vital national in-*  
7 *terest that will be served, and the planned exit strategy; and*  
8 *(2) a reprogramming of funds pursuant to section 605 of*  
9 *this Act is submitted, and the procedures therein followed,*  
10 *setting forth the source of funds that will be used to pay*  
11 *for the cost of the new or expanded mission: Provided fur-*  
12 *ther, That funds shall be available for peacekeeping expenses*  
13 *only upon a certification by the Secretary of State to the*  
14 *appropriate committees of the Congress that American*  
15 *manufacturers and suppliers are being given opportunities*  
16 *to provide equipment, services and material for United Na-*  
17 *tions peacekeeping activities equal to those being given to*  
18 *foreign manufacturers and suppliers.*

19 *INTERNATIONAL CONFERENCES AND CONTINGENCIES*

20 *For necessary expenses authorized by section 5 of the*  
21 *State Department Basic Authorities Act of 1956, in addi-*  
22 *tion to funds otherwise available for these purposes, con-*  
23 *tributions for the United States share of general expenses*  
24 *of international organizations and conferences and rep-*  
25 *resentation to such organizations and conferences as pro-*  
26 *vided for by 22 U.S.C. 2656 and 2672 and personal services*

1 *without regard to civil service and classification laws as*  
2 *authorized by 5 U.S.C. 5102, \$3,000,000, to remain avail-*  
3 *able until expended as authorized by 22 U.S.C. 2696(c), of*  
4 *which not to exceed \$200,000 may be expended for represen-*  
5 *tation as authorized by 22 U.S.C. 4085.*

6 *INTERNATIONAL COMMISSIONS*

7 *For necessary expenses, not otherwise provided for, to*  
8 *meet obligations of the United States arising under treaties,*  
9 *or specific Acts of Congress, as follows:*

10 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*

11 *UNITED STATES AND MEXICO*

12 *For necessary expenses for the United States Section*  
13 *of the International Boundary and Water Commission,*  
14 *United States and Mexico, and to comply with laws appli-*  
15 *cable to the United States Section, including not to exceed*  
16 *\$6,000 for representation; as follows:*

17 *SALARIES AND EXPENSES*

18 *For salaries and expenses, not otherwise provided for,*  
19 *\$12,058,000.*

20 *CONSTRUCTION*

21 *For detailed plan preparation and construction of au-*  
22 *thorized projects, \$6,644,000, to remain available until ex-*  
23 *pended as authorized by 22 U.S.C. 2696(c).*

24 *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

25 *For necessary expenses, not otherwise provided for the*  
26 *International Joint Commission and the International*

1 *Boundary Commission, United States and Canada, as au-*  
2 *thorized by treaties between the United States and Canada*  
3 *or Great Britain, and for the Border Environment Coopera-*  
4 *tion Commission as authorized by Public Law 103–182;*  
5 *\$5,800,000, of which not to exceed \$9,000 shall be available*  
6 *for representation expenses incurred by the International*  
7 *Joint Commission.*

8 *INTERNATIONAL FISHERIES COMMISSIONS*

9 *For necessary expenses for international fisheries com-*  
10 *missions, not otherwise provided for, as authorized by law,*  
11 *\$14,669,000: Provided, That the United States share of such*  
12 *expenses may be advanced to the respective commissions,*  
13 *pursuant to 31 U.S.C. 3324.*

14 *OTHER*

15 *PAYMENT TO THE ASIA FOUNDATION*

16 *For a grant to the Asia Foundation, as authorized by*  
17 *section 501 of Public Law 101–246, \$5,000,000, to remain*  
18 *available until expended as authorized by 22 U.S.C.*  
19 *2696(c).*

20 *RELATED AGENCIES*

21 *ARMS CONTROL AND DISARMAMENT AGENCY*

22 *ARMS CONTROL AND DISARMAMENT ACTIVITIES*

23 *For necessary expenses not otherwise provided, for*  
24 *arms control, nonproliferation, and disarmament activities,*  
25 *\$35,700,000, of which not to exceed \$50,000 shall be for offi-*  
26 *cial reception and representation expenses as authorized by*

1 *the Act of September 26, 1961, as amended (22 U.S.C. 2551*  
2 *et seq.).*

3 *UNITED STATES INFORMATION AGENCY*

4 *SALARIES AND EXPENSES*

5 *For expenses, not otherwise provided for, necessary to*  
6 *enable the United States Information Agency, as authorized*  
7 *by the Mutual Educational and Cultural Exchange Act of*  
8 *1961, as amended (22 U.S.C. 2451 et seq.), the United*  
9 *States Information and Educational Exchange Act of 1948,*  
10 *as amended (22 U.S.C. 1431 et seq.) and Reorganization*  
11 *Plan No. 2 of 1977 (91 Stat. 1636), to carry out inter-*  
12 *national communication, educational and cultural activi-*  
13 *ties; and to carry out related activities authorized by law,*  
14 *including employment, without regard to civil service and*  
15 *classification laws, of persons on a temporary basis (not*  
16 *to exceed \$700,000 of this appropriation), as authorized by*  
17 *22 U.S.C. 1471, and entertainment, including official re-*  
18 *ceptions, within the United States, not to exceed \$25,000*  
19 *as authorized by 22 U.S.C. 1474(3); \$445,645,000: Pro-*  
20 *vided, That not to exceed \$1,400,000 may be used for rep-*  
21 *resentation abroad as authorized by 22 U.S.C. 1452 and*  
22 *4085: Provided further, That not to exceed \$7,615,000 to*  
23 *remain available until expended, may be credited to this*  
24 *appropriation from fees or other payments received from*  
25 *or in connection with English teaching, library, motion pic-*



1 tures, and publication programs as authorized by section  
2 810 of the United States Information and Educational Ex-  
3 change Act of 1948, as amended: Provided further, That not  
4 to exceed \$1,700,000 to remain available until expended  
5 may be used to carry out projects involving security con-  
6 struction and related improvements for agency facilities not  
7 physically located together with Department of State facili-  
8 ties abroad.

9 *TECHNOLOGY FUND*

10 *For expenses necessary to enable the United States In-*  
11 *formation Agency to provide for the procurement of infor-*  
12 *mation technology improvements, as authorized by the*  
13 *United States Information and Educational Exchange Act*  
14 *of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual*  
15 *Educational and Cultural Exchange Act of 1961, as amend-*  
16 *ed (22 U.S.C. 2451 et seq.), and Reorganization Plan No.*  
17 *2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available*  
18 *until expended.*

19 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

20 *For expenses of educational and cultural exchange pro-*  
21 *grams, as authorized by the Mutual Educational and Cul-*  
22 *tural Exchange Act of 1961, as amended (22 U.S.C. 2451*  
23 *et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat.*  
24 *1636), \$200,000,000, to remain available until expended as*  
25 *authorized by 22 U.S.C. 2455: Provided, That \$1,800,000*  
26 *of this amount shall be available for the Mike Mansfield*

1 *Fellowship Program as authorized by section 252 of Public*  
2 *Law 103-236.*

3 *EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST*

4 *FUND*

5 *For necessary expenses of Eisenhower Exchange Fel-*  
6 *lowships, Incorporated, as authorized by sections 4 and 5*  
7 *of the Eisenhower Exchange Fellowship Act of 1990 (20*  
8 *U.S.C. 5204-05), all interest and earnings accruing to the*  
9 *Eisenhower Exchange Fellowship Program Trust Fund on*  
10 *or before September 30, 1996, to remain available until ex-*  
11 *pended: Provided, That none of the funds appropriated*  
12 *herein shall be used to pay any salary or other compensa-*  
13 *tion, or to enter into any contract providing for the pay-*  
14 *ment thereof, in excess of the rate authorized by 5 U.S.C.*  
15 *5376; or for purposes which are not in accordance with*  
16 *OMB Circulars A-110 (Uniform Administrative Require-*  
17 *ments) and A-122 (Cost Principles for Non-profit Organi-*  
18 *zations), including the restrictions on compensation for per-*  
19 *sonal services.*

20 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

21 *For necessary expenses of the Israeli Arab Scholarship*  
22 *Program as authorized by section 214 of the Foreign Rela-*  
23 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*  
24 *U.S.C. 2452), all interest and earnings accruing to the Is-*  
25 *raeli Arab Scholarship Fund on or before September 30,*  
26 *1996, to remain available until expended.*

1     *AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND*

2           *For necessary expenses of American Studies Collections*  
3 *as authorized by section 235 of the Foreign Relations Au-*  
4 *thorization Act, Fiscal Years 1994 and 1995, all interest*  
5 *and earnings accruing to the American Studies Collections*  
6 *Endowment Fund on or before September 30, 1996, to re-*  
7 *main available until expended.*

8           *INTERNATIONAL BROADCASTING OPERATIONS*

9           *For expenses necessary to enable the United States In-*  
10 *formation Agency, as authorized by the United States Infor-*  
11 *mation and Educational Exchange Act of 1948, as amend-*  
12 *ed, the United States International Broadcasting Act of*  
13 *1994, as amended, and Reorganization Plan No. 2 of 1977,*  
14 *to carry out international communication activities;*  
15 *\$325,191,000, of which \$5,000,000 shall remain available*  
16 *until expended, not to exceed \$16,000 may be used for offi-*  
17 *cial receptions within the United States as authorized by*  
18 *22 U.S.C. 1474(3), not to exceed \$35,000 may be used for*  
19 *representation abroad as authorized by 22 U.S.C. 1452 and*  
20 *4085, and not to exceed \$39,000 may be used for official*  
21 *reception and representation expenses of Radio Free Eu-*  
22 *rope/Radio Liberty; and in addition, not to exceed \$250,000*  
23 *from fees as authorized by section 810 of the United States*  
24 *Information and Educational Exchange Act of 1948, as*  
25 *amended, to remain available until expended for carrying*  
26 *out authorized purposes; and in addition, notwithstanding*

1 *any other provision of law, not to exceed \$1,000,000 in*  
2 *monies received (including receipts from advertising, if*  
3 *any) by or for the use of the United States Information*  
4 *Agency from or in connection with broadcasting resources*  
5 *owned by or on behalf of the Agency, to be available until*  
6 *expended for carrying out authorized purposes.*

7 *BROADCASTING TO CUBA*

8 *For expenses necessary to enable the United States In-*  
9 *formation Agency to carry out the Radio Broadcasting to*  
10 *Cuba Act, as amended, the Television Broadcasting to Cuba*  
11 *Act, and the International Broadcasting Act of 1994, in-*  
12 *cluding the purchase, rent, construction, and improvement*  
13 *of facilities for radio and television transmission and recep-*  
14 *tion, and purchase and installation of necessary equipment*  
15 *for radio and television transmission and reception,*  
16 *\$24,809,000 to remain available until expended: Provided,*  
17 *That not later than April 1, 1996, the headquarters of the*  
18 *Office of Cuba Broadcasting shall be relocated from Wash-*  
19 *ington, D.C. to south Florida, and that any funds available*  
20 *under the headings "International Broadcasting Oper-*  
21 *ations", "Broadcasting to Cuba", and "Radio Construc-*  
22 *tion" may be available to carry out this relocation.*

23 *RADIO CONSTRUCTION*

24 *For an additional amount for the purchase, rent, con-*  
25 *struction, and improvement of facilities for radio trans-*  
26 *mission and reception and purchase and installation of nec-*

1 *essary equipment for radio and television transmission and*  
2 *reception as authorized by 22 U.S.C. 1471, \$40,000,000, to*  
3 *remain available until expended as authorized by 22 U.S.C.*  
4 *1477b(a).*

5 *EAST-WEST CENTER*

6 *To enable the Director of the United States Informa-*  
7 *tion Agency to provide for carrying out the provisions of*  
8 *the Center for Cultural and Technical Interchange Between*  
9 *East and West Act of 1960 (22 U.S.C. 2054–2057), by grant*  
10 *to the Center for Cultural and Technical Interchange Be-*  
11 *tween East and West in the State of Hawaii, \$11,750,000:*  
12 *Provided, That none of the funds appropriated herein shall*  
13 *be used to pay any salary, or enter into any contract pro-*  
14 *viding for the payment thereof, in excess of the rate author-*  
15 *ized by 5 U.S.C. 5376.*

16 *NORTH/SOUTH CENTER*

17 *To enable the Director of the United States Informa-*  
18 *tion Agency to provide for carrying out the provisions of*  
19 *the North/South Center Act of 1991 (22 U.S.C. 2075), by*  
20 *grant to an educational institution in Florida known as*  
21 *the North/South Center, \$2,000,000, to remain available*  
22 *until expended.*

23 *NATIONAL ENDOWMENT FOR DEMOCRACY*

24 *For grants made by the United States Information*  
25 *Agency to the National Endowment for Democracy as au-*

1 *thorized by the National Endowment for Democracy Act,*  
2 *\$30,000,000, to remain available until expended.*

3 *GENERAL PROVISIONS—DEPARTMENT OF STATE AND*  
4 *RELATED AGENCIES*

5 *SEC. 401. Funds appropriated under this title shall*  
6 *be available, except as otherwise provided, for allowances*  
7 *and differentials as authorized by subchapter 59 of 5*  
8 *U.S.C.; for services as authorized by 5 U.S.C. 3109; and*  
9 *hire of passenger transportation pursuant to 31 U.S.C.*  
10 *1343(b).*

11 *SEC. 402. Not to exceed 5 percent of any appropriation*  
12 *made available for the current fiscal year for the Depart-*  
13 *ment of State in this Act may be transferred between such*  
14 *appropriations, but no such appropriation, except as other-*  
15 *wise specifically provided, shall be increased by more than*  
16 *10 percent by any such transfers: Provided, That not to ex-*  
17 *ceed 5 percent of any appropriation made available for the*  
18 *current fiscal year for the United States Information Agen-*  
19 *cy in this Act may be transferred between such appropri-*  
20 *tions, but no such appropriation, except as otherwise spe-*  
21 *cifically provided, shall be increased by more than 10 per-*  
22 *cent by any such transfers: Provided further, That any*  
23 *transfer pursuant to this section shall be treated as a*  
24 *reprogramming of funds under section 605 of this Act and*

1 *shall not be available for obligation or expenditure except*  
2 *in compliance with the procedures set forth in that section.*

3 *SEC. 403. Funds appropriated or otherwise made*  
4 *available under this Act or any other Act may be expended*  
5 *for compensation of the United States Commissioner of the*  
6 *International Boundary Commission, United States and*  
7 *Canada, only for actual hours worked by such Commis-*  
8 *sioner.*

9 *SEC. 404. (a) No later than 90 days after enactment*  
10 *of legislation consolidating, reorganizing or downsizing the*  
11 *functions of the Department of State, the United States In-*  
12 *formation Agency, and the Arms Control and Disarmament*  
13 *Agency, the Secretary of State, the Director of the United*  
14 *States Information Agency and the Director of the Arms*  
15 *Control and Disarmament Agency shall submit to the Com-*  
16 *mittees on Appropriations of the House and the Senate a*  
17 *proposal for transferring or rescinding funds appropriated*  
18 *herein for functions that are consolidated, reorganized or*  
19 *downsized under such legislation: Provided, That such plan*  
20 *shall be transmitted in accordance with section 605 of this*  
21 *Act.*

22 *(b) The Secretary of State, the Director of the United*  
23 *States Information Agency, and the Director of the Arms*  
24 *Control and Disarmament Agency, as appropriate, may use*  
25 *any available funds to cover the costs of actions to consoli-*

1 *date, reorganize or downsize the functions under their au-*  
2 *thority required by such legislation, and of any related per-*  
3 *sonnel action, including voluntary separation incentives if*  
4 *authorized by such legislation: Provided, That the authority*  
5 *to transfer funds between appropriations accounts that may*  
6 *be necessary to carry out this section is provided in addi-*  
7 *tion to authorities included under section 402 of this Act:*  
8 *Provided further, That use of funds to carry out this section*  
9 *shall be treated as a reprogramming of funds under section*  
10 *605 of this Act and shall not be available for obligation*  
11 *or expenditure except in compliance with the procedures set*  
12 *forth in that section.*

13 *SEC. 405. Funds appropriated by this Act for the*  
14 *United States Information Agency, the Arms Control and*  
15 *Disarmament Agency, and the Department of State may*  
16 *be obligated and expended notwithstanding section 701 of*  
17 *the United States Information and Educational Exchange*  
18 *Act of 1948 and section 313 of the Foreign Relations Au-*  
19 *thorization Act, Fiscal Years 1994 and 1995, section 53 of*  
20 *the Arms Control and Disarmament Act, and section 15*  
21 *of the State Department Basic Authorities Act of 1956.*

22 *SEC. 406. Section 36(a)(1) of the State Department*  
23 *Authorities Act of 1956, as amended (22 U.S.C. 2708), is*  
24 *amended to delete “may pay a reward” and insert in lieu*



1 thereof “shall establish and publicize a program under  
2 which rewards may be paid”.

3       SEC. 407. Section 8 of the Eisenhower Exchange Fel-  
4 lowship Act of 1990 is amended in the last sentence by strik-  
5 ing “fiscal year 1995” and inserting “fiscal year 1999”.

6       SEC. 408. Sections 6(a) and 6(b) of Public Law 101-  
7 454 are repealed. In addition, notwithstanding any other  
8 provision of law, Eisenhower Exchange Fellowships, Incor-  
9 porated, may use one-third of any earned but unused trust  
10 income from the period 1992 through 1995 for Fellowship  
11 purposes in each of fiscal years 1996–1998.

12       SEC. 409. It is the sense of the Senate that none of  
13 the funds appropriated or otherwise made available pursu-  
14 ant to this Act should be used for the deployment of combat-  
15 equipped forces of the Armed Forces of the United States  
16 for any ground operations in Bosnia and Herzegovina un-  
17 less—

18               (1) Congress approves in advance the deployment  
19 of such forces of the Armed Forces; or

20               (2) the temporary deployment of such forces of  
21 the Armed Forces of the United States into Bosnia  
22 and Herzegovina is necessary to evacuate United Na-  
23 tions peacekeeping forces from a situation of immi-  
24 nent danger, to undertake emergency air rescue oper-  
25 ations, or to provide for the airborne delivery of hu-

1        *manitarian supplies, and the President reports as*  
2        *soon as practicable to Congress after the initiation of*  
3        *the temporary deployment, but in no case later than*  
4        *48 hours after the initiation of the deployment.*

5        *SEC. 410. Any costs incurred by a Department or*  
6        *agency funded under this title resulting from personnel ac-*  
7        *tions taken in response to funding reductions included in*  
8        *this title shall be absorbed within the total budgetary re-*  
9        *sources available to such Department or agency: Provided,*  
10       *That the authority to transfer funds between appropriations*  
11       *accounts as may be necessary to carry out this provision*  
12       *is provided in addition to authorities included elsewhere in*  
13       *this Act: Provided further, That use of funds to carry out*  
14       *this section shall be treated as a reprogramming of funds*  
15       *under section 605 of this Act and shall not be available for*  
16       *obligation or expenditure except in compliance with the*  
17       *procedures set forth in that section.*

18       *SEC. 411. Section 235 of the Foreign Relations Author-*  
19       *ization Act, Fiscal Years 1990 and 1991 (Public Law 101-*  
20       *246) is amended by inserting "Tinian," after "Sao Tome,".*

21       *This title may be cited as the "Department of State*  
22       *and Related Agencies Appropriations Act, 1996".*

1                    *TITLE V—RELATED AGENCIES*  
2                    *DEPARTMENT OF TRANSPORTATION*  
3                    *MARITIME ADMINISTRATION*  
4                    *OPERATING-DIFFERENTIAL SUBSIDIES*  
5                    *(LIQUIDATION OF CONTRACT AUTHORITY)*

6            *For the payment of obligations incurred for operating-*  
7 *differential subsidies as authorized by the Merchant Marine*  
8 *Act, 1936, as amended, \$162,610,000, to remain available*  
9 *until expended.*

10                    *MARITIME NATIONAL SECURITY PROGRAM*

11            *For necessary expenses to maintain and preserve a*  
12 *U.S.-flag merchant fleet to serve the national security needs*  
13 *of the United States as determined by the Secretary of De-*  
14 *fense in consultation with the Secretary of Transportation,*  
15 *\$46,000,000, to remain available until expended: Provided,*  
16 *That these funds will be available only upon enactment of*  
17 *an authorization for this program.*

18                    *OPERATIONS AND TRAINING*

19            *For necessary expenses of operations and training ac-*  
20 *tivities authorized by law, \$66,600,000, to remain available*  
21 *until expended: Provided, That notwithstanding any other*  
22 *provision of law, the Secretary of Transportation may use*  
23 *proceeds derived from the sale or disposal of National De-*  
24 *fense Reserve Fleet vessels that are currently collected and*  
25 *retained by the Maritime Administration, to be used for*  
26 *facility and ship maintenance, modernization and repair,*

1 *conversion, acquisition of equipment, and fuel costs nec-*  
2 *essary to maintain training at the United States Merchant*  
3 *Marine Academy and State maritime academies and may*  
4 *be transferred to the Secretary of the Interior for use as*  
5 *provided in the National Maritime Heritage Act (Public*  
6 *Law 103–451): Provided further, That reimbursements may*  
7 *be made to this appropriation from receipts to the “Federal*  
8 *Ship Financing Fund” for administrative expenses in sup-*  
9 *port of that program in addition to any amount heretofore*  
10 *appropriated.*

11 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

12 *ACCOUNT*

13 *For the cost of guaranteed loans, as authorized by the*  
14 *Merchant Marine Act of 1936, \$40,000,000, to remain*  
15 *available until expended: Provided, That such costs, includ-*  
16 *ing the cost of modifying such loans, shall be as defined*  
17 *in section 502 of the Congressional Budget Act of 1974, as*  
18 *amended: Provided further, That these funds are available*  
19 *to subsidize total loan principal, any part of which is to*  
20 *be guaranteed, not to exceed \$1,000,000,000.*

21 *In addition, for administrative expenses to carry out*  
22 *the guaranteed loan program, not to exceed \$3,500,000,*  
23 *which shall be transferred to and merged with the appro-*  
24 *priation for Operations and Training.*

1 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

2       *Notwithstanding any other provision of this Act, the*  
3 *Maritime Administration is authorized to furnish utilities*  
4 *and services and make necessary repairs in connection with*  
5 *any lease, contract, or occupancy involving Government*  
6 *property under control of the Maritime Administration,*  
7 *and payments received therefor shall be credited to the ap-*  
8 *propriation charged with the cost thereof: Provided, That*  
9 *rental payments under any such lease, contract, or occu-*  
10 *pancy for items other than such utilities, services, or repairs*  
11 *shall be covered into the Treasury as miscellaneous receipts.*

12       *No obligations shall be incurred during the current fis-*  
13 *cal year from the construction fund established by the Mer-*  
14 *chant Marine Act, 1936, or otherwise, in excess of the ap-*  
15 *propriations and limitations contained in this Act or in*  
16 *any prior appropriation Act, and all receipts which other-*  
17 *wise would be deposited to the credit of said fund shall be*  
18 *covered into the Treasury as miscellaneous receipts.*

19 *COMMISSION FOR THE PRESERVATION OF AMERICA'S*20 *HERITAGE ABROAD*21 *SALARIES AND EXPENSES*

22       *For expenses for the Commission for the Preservation*  
23 *of America's Heritage Abroad, \$206,000, as authorized by*  
24 *Public Law 99-83, section 1303.*

1                    *COMMISSION ON CIVIL RIGHTS*2                    *SALARIES AND EXPENSES*

3            *For necessary expenses of the Commission on Civil*  
4 *Rights, including hire of passenger motor vehicles,*  
5 *\$8,750,000: Provided, That not to exceed \$50,000 may be*  
6 *used to employ consultants: Provided further, That none of*  
7 *the funds appropriated in this paragraph shall be used to*  
8 *employ in excess of four full-time individuals under Sched-*  
9 *ule C of the Excepted Service exclusive of one special assist-*  
10 *ant for each Commissioner: Provided further, That none of*  
11 *the funds appropriated in this paragraph shall be used to*  
12 *reimburse Commissioners for more than 75 billable days,*  
13 *with the exception of the Chairperson who is permitted 125*  
14 *billable days.*

15                    *COMMISSION ON IMMIGRATION REFORM*16                    *SALARIES AND EXPENSES*

17            *For necessary expenses of the Commission on Immi-*  
18 *gration Reform pursuant to section 141(f) of the Immigra-*  
19 *tion Act of 1990, \$1,894,000, to remain available until ex-*  
20 *pended.*

21                    *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*22                    *SALARIES AND EXPENSES*

23            *For necessary expenses of the Commission on Security*  
24 *and Cooperation in Europe, as authorized by Public Law*

1 94–304, \$1,090,000, to remain available until expended as  
2 authorized by section 3 of Public Law 99–7.

3 *COMPETITIVENESS POLICY COUNCIL*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Competitiveness Policy*  
6 *Council, \$100,000.*

7 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Equal Employment Op-*  
10 *portunity Commission as authorized by title VII of the*  
11 *Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)*  
12 *and 621–634), the Americans with Disabilities Act of 1990*  
13 *and the Civil Rights Act of 1991, including services as au-*  
14 *thorized by 5 U.S.C. 3109; hire of passenger motor vehicles*  
15 *as authorized by 31 U.S.C. 1343(b); nonmonetary awards*  
16 *to private citizens; not to exceed \$26,500,000, for payments*  
17 *to State and local enforcement agencies for services to the*  
18 *Commission pursuant to title VII of the Civil Rights Act*  
19 *of 1964, as amended, sections 6 and 14 of the Age Discrimi-*  
20 *nation in Employment Act, the Americans with Disabilities*  
21 *Act of 1990, and the Civil Rights Act of 1991; \$233,000,000:*  
22 *Provided, That the Commission is authorized to make*  
23 *available for official reception and representation expenses*  
24 *not to exceed \$2,500 from available funds.*

1            *FEDERAL COMMUNICATIONS COMMISSION*2                            *SALARIES AND EXPENSES*

3            *For necessary expenses of the Federal Communications*  
4 *Commission, as authorized by law, including uniforms and*  
5 *allowances therefor, as authorized by 5 U.S.C. 5901–02; not*  
6 *to exceed \$600,000 for land and structure; not to exceed*  
7 *\$500,000 for improvement and care of grounds and repair*  
8 *to buildings; not to exceed \$4,000 for official reception and*  
9 *representation expenses; purchase (not to exceed sixteen)*  
10 *and hire of motor vehicles; special counsel fees; and services*  
11 *as authorized by 5 U.S.C. 3109; \$195,709,000, of which not*  
12 *to exceed \$300,000 shall remain available until September*  
13 *30, 1997, for research and policy studies: Provided, That*  
14 *\$136,400,000 of offsetting collections shall be assessed and*  
15 *collected pursuant to section 9 of title I of the Communica-*  
16 *tions Act of 1934, as amended, and shall be retained and*  
17 *used for necessary expenses in this appropriation, and shall*  
18 *remain available until expended: Provided further, That the*  
19 *sum herein appropriated shall be reduced as such offsetting*  
20 *collections are received during fiscal year 1996 so as to re-*  
21 *sult in a final fiscal year 1996 appropriation estimated at*  
22 *\$59,309,000: Provided further, That any offsetting collec-*  
23 *tions received in excess of \$136,400,000 in fiscal year 1996*  
24 *shall remain available until expended, but shall not be*  
25 *available for obligation until October 1, 1996: Provided fur-*



1 *ther, That the Commission shall amend its schedule of regu-*  
2 *latory fees set forth in section 1.1153 of title 47, CFR, au-*  
3 *thorized by section 9 of title I of the Communications Act*  
4 *of 1934, as amended by: (1) striking “\$22,420” in the An-*  
5 *ual Regulatory Fee column for VHF Commercial Markets*  
6 *1 through 10 and inserting “\$32,000”; (2) striking*  
7 *“\$19,925” in the Annual Regulatory Fee column for VHF*  
8 *Commercial Markets 11 through 25 and inserting*  
9 *“\$26,000”; (3) striking “\$14,950” in the Annual Regu-*  
10 *latory Fee column for VHF Commercial Markets 26 through*  
11 *50 and inserting “\$17,000”; (4) striking “\$9,975” in the*  
12 *Annual Regulatory Fee column for VHF Commercial Mar-*  
13 *kets 51 through 100 and inserting “\$9,000”; (5) striking*  
14 *“\$6,225” in the Annual Regulatory Fee column for VHF*  
15 *Commercial Remaining Markets and inserting “\$2,500”;*  
16 *and (6) striking “\$17,925” in the Annual Regulatory Fee*  
17 *column for UHF Commercial Markets 1 through 10 and*  
18 *inserting “\$25,000”; (7) striking “\$15,950” in the Annual*  
19 *Regulatory Fee column for UHF Commercial Markets 11*  
20 *through 25 and inserting “\$20,000”; (8) striking “\$11,950”*  
21 *in the Annual Regulatory Fee column for UHF Commercial*  
22 *Markets 26 through 50 and inserting “\$13,000”; (9) strik-*  
23 *ing “\$7,975” in the Annual Regulatory Fee column for*  
24 *UHF Commercial Markets 51 through 100 and inserting*  
25 *“\$7,000”; and (10) striking “\$4,975” in the Annual Regu-*

1 *latory Fee column for UHF Commercial Remaining Mar-*  
2 *kets and inserting “\$2,000”: Provided further, That the*  
3 *FCC shall pay the travel-related expenses of the Federal-*  
4 *State Joint Board on Universal Service for those activities*  
5 *described in the Telecommunications Act of 1996 (47 U.S.C.*  
6 *254(a)(1)).*

7 *FEDERAL MARITIME COMMISSION*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Federal Maritime Com-*  
10 *mission as authorized by section 201(d) of the Merchant*  
11 *Marine Act of 1936, as amended (46 App. U.S.C. 1111),*  
12 *including services as authorized by 5 U.S.C. 3109; hire of*  
13 *passenger motor vehicles as authorized by 31 U.S.C.*  
14 *1343(b); and uniforms or allowances therefor, as authorized*  
15 *by 5 U.S.C. 5901–02; \$14,855,000: Provided, That not to*  
16 *exceed \$2,000 shall be available for official reception and*  
17 *representation expenses.*

18 *FEDERAL TRADE COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Federal Trade Commis-*  
21 *sion, including uniforms or allowances therefor, as author-*  
22 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*  
23 *U.S.C. 3109; hire of passenger motor vehicles; and not to*  
24 *exceed \$2,000 for official reception and representation ex-*  
25 *penses; \$79,568,000: Provided, That not to exceed \$300,000*

1 *shall be available for use to contract with a person or per-*  
2 *sons for collection services in accordance with the terms of*  
3 *31 U.S.C. 3718, as amended: Provided further, That not-*  
4 *withstanding any other provision of law, not to exceed*  
5 *\$48,262,000 of offsetting collections derived from fees col-*  
6 *lected for premerger notification filings under the Hart-*  
7 *Scott-Rodino Antitrust Improvements Act of 1976 (15*  
8 *U.S.C. 18(a)) shall be retained and used for necessary ex-*  
9 *penses in this appropriation, and shall remain available*  
10 *until expended: Provided further, That the sum herein ap-*  
11 *propriated from the General Fund shall be reduced as such*  
12 *offsetting collections are received during fiscal year 1996,*  
13 *so as to result in a final fiscal year 1996 appropriation*  
14 *from the General Fund estimated at not more than*  
15 *\$31,306,000, to remain available until expended: Provided*  
16 *further, That any fees received in excess of \$48,262,000 in*  
17 *fiscal year 1996 shall remain available until expended, but*  
18 *shall not be available for obligation until October 1, 1996:*  
19 *Provided further, That none of the funds made available*  
20 *to the Federal Trade Commission shall be available for obli-*  
21 *gation for expenses authorized by section 151 of the Federal*  
22 *Deposit Insurance Corporation Improvement Act of 1991*  
23 *(Public Law 102-242, 105 Stat. 2282-2285).*

1        *JAPAN-UNITED STATES FRIENDSHIP COMMISSION*

2        *JAPAN-UNITED STATES FRIENDSHIP TRUST FUND*

3        *For expenses of the Japan-United States Friendship*

4 *Commission, as authorized by Public Law 94–118, as*

5 *amended, from the interest earned on the Japan-United*

6 *States Friendship Trust Fund, \$1,247,000; and an amount*

7 *of Japanese currency not to exceed the equivalent of*

8 *\$1,420,000 based on exchange rates at the time of payment*

9 *of such amounts as authorized by Public Law 94–118.*

10                    *LEGAL SERVICES CORPORATION*

11        *PAYMENT TO THE LEGAL SERVICES CORPORATION*

12        *For payment to the Legal Services Corporation to*

13 *carry out the purposes of the Legal Services Corporation*

14 *Act of 1974, as amended, \$300,000,000, of which*

15 *\$290,750,000 is for basic field programs and required inde-*

16 *pendent audits carried out in accordance with section 509;*

17 *\$250,000 is for a payment to an opposing party for attor-*

18 *ney's fees and expenses relating to civil actions named In*

19 *the Matter of Baby Boy Doe, and Doe v. Roe and Indian*

20 *tribe, with docket numbers 19512 and 21723 (Idaho Feb-*

21 *ruary 23, 1996); \$1,500,000 is for the Office of the Inspector*

22 *General, of which such amounts as may be necessary may*

23 *be used to conduct additional audits of recipients in accord-*

24 *ance with section 509 of this Act; and \$7,500,000 is for*

25 *management and administration: Provided, That*

1 \$198,750,000 of the total amount provided under this head-  
2 ing for basic field programs shall not be available except  
3 for the competitive award of grants and contracts under  
4 section 503 of this Act.

5 ADMINISTRATIVE PROVISIONS—LEGAL SERVICES

6 CORPORATION

7 SEC. 501. (a) Funds appropriated under this Act to  
8 the Legal Services Corporation for basic field programs  
9 shall be distributed as follows:

10 (1) The Corporation shall define geographic  
11 areas and make the funds available for each geo-  
12 graphic area on a per capita basis relative to the  
13 number of individuals in poverty determined by the  
14 Bureau of the Census to be within the geographic  
15 area, except as provided in paragraph (2)(B). Funds  
16 for such a geographic area may be distributed by the  
17 Corporation to 1 or more persons or entities eligible  
18 for funding under section 1006(a)(1)(A) of the Legal  
19 Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)),  
20 subject to sections 502 and 504.

21 (2) Funds for grants from the Corporation, and  
22 contracts entered into by the Corporation for basic  
23 field programs, shall be allocated so as to provide—

24 (A) except as provided in subparagraph  
25 (B), an equal figure per individual in poverty  
26 for all geographic areas, as determined on the

1           *basis of the most recent decennial census of popu-*  
2           *lation conducted pursuant to section 141 of title*  
3           *13, United States Code (or, in the case of the Re-*  
4           *public of Palau, the Federated States of Microne-*  
5           *sia, the Republic of the Marshall Islands, Alaska,*  
6           *Hawaii, and the United States Virgin Islands,*  
7           *on the basis of the adjusted population counts*  
8           *historically used as the basis for such determina-*  
9           *tions); and*

10                   *(B) an additional amount for Native Amer-*  
11           *ican communities that received assistance under*  
12           *the Legal Services Corporation Act for fiscal*  
13           *year 1995, so that the proportion of the funds*  
14           *appropriated to the Legal Services Corporation*  
15           *for basic field programs for fiscal year 1996 that*  
16           *is received by the Native American communities*  
17           *shall be not less than the proportion of such*  
18           *funds appropriated for fiscal year 1995 that was*  
19           *received by the Native American communities.*

20           *(b) As used in this section:*

21                   *(1) The term “individual in poverty” means an*  
22           *individual who is a member of a family (of 1 or more*  
23           *members) with an income at or below the poverty*  
24           *line.*

1           (2) *The term “poverty line” means the poverty*  
2 *line (as defined by the Office of Management and*  
3 *Budget, and revised annually in accordance with sec-*  
4 *tion 673(2) of the Community Services Block Grant*  
5 *Act (42 U.S.C. 9902(2)) applicable to a family of the*  
6 *size involved.*

7           *SEC. 502. None of the funds appropriated in this Act*  
8 *to the Legal Services Corporation shall be used by the Cor-*  
9 *poration to make a grant, or enter into a contract, for the*  
10 *provision of legal assistance unless the Corporation ensures*  
11 *that the person or entity receiving funding to provide such*  
12 *legal assistance is—*

13           (1) *a private attorney admitted to practice in a*  
14 *State or the District of Columbia;*

15           (2) *a qualified nonprofit organization, chartered*  
16 *under the laws of a State or the District of Columbia,*  
17 *that—*

18                   (A) *furnishes legal assistance to eligible cli-*  
19 *ents; and*

20                   (B) *is governed by a board of directors or*  
21 *other governing body, the majority of which is*  
22 *comprised of attorneys who—*

23                           (i) *are admitted to practice in a State*  
24 *or the District of Columbia; and*

1                   (ii) are appointed to terms of office on  
2                   such board or body by the governing body of  
3                   a State, county, or municipal bar associa-  
4                   tion, the membership of which represents a  
5                   majority of the attorneys practicing law in  
6                   the locality in which the organization is to  
7                   provide legal assistance;

8                   (3) a State or local government (without regard  
9                   to section 1006(a)(1)(A)(ii) of the Legal Services Cor-  
10                  poration Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

11                  (4) a substate regional planning or coordination  
12                  agency that serves a substate area and whose govern-  
13                  ing board is controlled by locally elected officials.

14                  SEC. 503. (a)(1) Not later than April 1, 1996, the  
15                  Legal Services Corporation shall implement a system of  
16                  competitive awards of grants and contracts for all basic  
17                  field programs, which shall apply to all such grants and  
18                  contracts awarded by the Corporation after March 31, 1996,  
19                  from funds appropriated in this Act.

20                  (2) Any grant or contract awarded before April 1,  
21                  1996, by the Legal Services Corporation to a basic field pro-  
22                  gram for 1996—

23                         (A) shall not be for an amount greater than the  
24                         amount required for the period ending March 31,  
25                         1996;



1           (B) shall terminate at the end of such period;  
2           and

3           (C) shall not be renewable except in accordance  
4           with the system implemented under paragraph (1).

5           (3) The amount of grants and contracts awarded before  
6 April 1, 1996, by the Legal Services Corporation for basic  
7 field programs for 1996 in any geographic area described  
8 in section 501 shall not exceed an amount equal to  $\frac{3}{12}$  of  
9 the total amount to be distributed for such programs for  
10 1996 in such area.

11          (b) Not later than 60 days after the date of enactment  
12 of this Act, the Legal Services Corporation shall promulgate  
13 regulations to implement a competitive selection process for  
14 the recipients of such grants and contracts.

15          (c) Such regulations shall specify selection criteria for  
16 the recipients, which shall include—

17           (1) a demonstration of a full understanding of  
18 the basic legal needs of the eligible clients to be served  
19 and a demonstration of the capability of serving the  
20 needs;

21           (2) the quality, feasibility, and cost effectiveness  
22 of a plan submitted by an applicant for the delivery  
23 of legal assistance to the eligible clients to be served;  
24           and

1           (3) *the experience of the Legal Services Corpora-*  
2           *tion with the applicant, if the applicant has pre-*  
3           *viously received financial assistance from the Cor-*  
4           *poration, including the record of the applicant of past*  
5           *compliance with Corporation policies, practices, and*  
6           *restrictions.*

7           (d) *Such regulations shall ensure that timely notice*  
8           *regarding an opportunity to submit an application for such*  
9           *an award is published in periodicals of local and State bar*  
10           *associations and in at least 1 daily newspaper of general*  
11           *circulation in the area to be served by the person or entity*  
12           *receiving the award.*

13           (e) *No person or entity that was previously awarded*  
14           *a grant or contract by the Legal Services Corporation for*  
15           *the provision of legal assistance may be given any pref-*  
16           *erence in the competitive selection process.*

17           (f) *For the purposes of the funding provided in this*  
18           *Act, rights under sections 1007(a)(9) and 1011 of the Legal*  
19           *Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42*  
20           *U.S.C. 2996j) shall not apply.*

21           SEC. 504. (a) *None of the funds appropriated in this*  
22           *Act to the Legal Services Corporation may be used to pro-*  
23           *vide financial assistance to any person or entity (which*  
24           *may be referred to in this section as a “recipient”)—*

1           (1) *that makes available any funds, personnel, or*  
2 *equipment for use in advocating or opposing any*  
3 *plan or proposal, or represents any party or partici-*  
4 *pates in any other way in litigation, that is intended*  
5 *to or has the effect of altering, revising, or reappor-*  
6 *tioning a legislative, judicial, or elective district at*  
7 *any level of government, including influencing the*  
8 *timing or manner of the taking of a census;*

9           (2) *that attempts to influence the issuance,*  
10 *amendment, or revocation of any executive order, reg-*  
11 *ulation, or other statement of general applicability*  
12 *and future effect by any Federal, State, or local agen-*  
13 *cy;*

14           (3) *that attempts to influence any part of any*  
15 *adjudicatory proceeding of any Federal, State, or*  
16 *local agency if such part of the proceeding is designed*  
17 *for the formulation or modification of any agency*  
18 *policy of general applicability and future effect;*

19           (4) *that attempts to influence the passage or de-*  
20 *feat of any legislation, constitutional amendment, ref-*  
21 *erendum, initiative, or any similar procedure of the*  
22 *Congress or a State or local legislative body;*

23           (5) *that attempts to influence the conduct of*  
24 *oversight proceedings of the Corporation or any per-*

1       son or entity receiving financial assistance provided  
2       by the Corporation;

3               (6) that pays for any personal service, advertise-  
4       ment, telegram, telephone communication, letter,  
5       printed or written matter, administrative expense, or  
6       related expense, associated with an activity prohibited  
7       in this section;

8               (7) that initiates or participates in a class ac-  
9       tion suit;

10              (8) that files a complaint or otherwise initiates  
11       or participates in litigation against a defendant, or  
12       engages in a precomplaint settlement negotiation with  
13       a prospective defendant, unless—

14                      (A) each plaintiff has been specifically iden-  
15       tified, by name, in any complaint filed for pur-  
16       poses of such litigation or prior to the  
17       precomplaint settlement negotiation; and

18                      (B) a statement or statements of facts writ-  
19       ten in English and, if necessary, in a language  
20       that the plaintiffs understand, that enumerate  
21       the particular facts known to the plaintiffs on  
22       which the complaint is based, have been signed  
23       by the plaintiffs, are kept on file by the recipi-  
24       ent, and are made available to any Federal de-  
25       partment or agency that is auditing or monitor-

1            *ing the activities of the Corporation or of the re-*  
2            *ipient, and to any auditor or monitor receiving*  
3            *Federal funds to conduct such auditing or mon-*  
4            *itoring, including any auditor or monitor of the*  
5            *Corporation:*

6            *Provided, That upon establishment of reasonable*  
7            *cause that an injunction is necessary to prevent prob-*  
8            *able, serious harm to such potential plaintiff, a court*  
9            *of competent jurisdiction may enjoin the disclosure of*  
10           *the identity of any potential plaintiff pending the*  
11           *outcome of such litigation or negotiations after notice*  
12           *and an opportunity for a hearing is provided to po-*  
13           *tential parties to the litigation or the negotiations:*  
14           *Provided further, That other parties to the litigation*  
15           *or negotiation shall have access to the statement of*  
16           *facts referred to in subparagraph (B) only through*  
17           *the discovery process after litigation has begun;*

18            *(9) unless—*

19                    *(A) prior to the provision of financial as-*  
20                    *sistance—*

21                            *(i) if the person or entity is a non-*  
22                            *profit organization, the governing board of*  
23                            *the person or entity has set specific prior-*  
24                            *ities in writing, pursuant to section*  
25                            *1007(a)(2)(C)(i) of the Legal Services Cor-*

1            *poration Act (42 U.S.C. 2996f(a)(2)(C)(i)),*  
2            *of the types of matters and cases to which*  
3            *the staff of the nonprofit organization shall*  
4            *devote time and resources; and*

5            *(ii) the staff of such person or entity*  
6            *has signed a written agreement not to un-*  
7            *dertake cases or matters other than in ac-*  
8            *cordance with the specific priorities set by*  
9            *such governing board, except in emergency*  
10           *situations defined by such board and in ac-*  
11           *cordance with the written procedures of*  
12           *such board for such situations; and*

13           *(B) the staff of such person or entity pro-*  
14           *vides to the governing board on a quarterly*  
15           *basis, and to the Corporation on an annual*  
16           *basis, information on all cases or matters under-*  
17           *taken other than cases or matters undertaken in*  
18           *accordance with such priorities;*

19           *(10) unless—*

20           *(A) prior to receiving the financial assist-*  
21           *ance, such person or entity agrees to maintain*  
22           *records of time spent on each case or matter with*  
23           *respect to which the person or entity is engaged;*

24           *(B) any funds, including Interest on Law-*  
25           *yers Trust Account funds, received from a source*

1           *other than the Corporation by the person or en-*  
2           *tity, and disbursements of such funds, are ac-*  
3           *counted for and reported as receipts and dis-*  
4           *bursements, respectively, separate and distinct*  
5           *from Corporation funds; and*

6           (C) *the person or entity agrees (notwith-*  
7           *standing section 1006(b)(3) of the Legal Services*  
8           *Corporation Act (42 U.S.C. 2996e(b)(3)) to make*  
9           *the records described in this paragraph available*  
10           *to any Federal department or agency that is au-*  
11           *diting or monitoring the activities of the Cor-*  
12           *poration or of the recipient, and to any inde-*  
13           *pendent auditor or monitor receiving Federal*  
14           *funds to conduct such auditing or monitoring,*  
15           *including any auditor or monitor of the Cor-*  
16           *poration;*

17           (11) *that provides legal assistance for or on be-*  
18           *half of any alien, unless the alien is present in the*  
19           *United States and is—*

20           (A) *an alien lawfully admitted for perma-*  
21           *nent residence as defined in section 101(a)(20) of*  
22           *the Immigration and Nationality Act (8 U.S.C.*  
23           *1101(a)(20));*

24           (B) *an alien who—*

1           (i) is married to a United States citi-  
2           zen or is a parent or an unmarried child  
3           under the age of 21 years of such a citizen;  
4           and

5           (ii) has filed an application to adjust  
6           the status of the alien to the status of a law-  
7           ful permanent resident under the Immigra-  
8           tion and Nationality Act (8 U.S.C. 1101 et  
9           seq.), which application has not been re-  
10          jected;

11          (C) an alien who is lawfully present in the  
12          United States pursuant to an admission under  
13          section 207 of the Immigration and Nationality  
14          Act (8 U.S.C. 1157) (relating to refugee admis-  
15          sion) or who has been granted asylum by the At-  
16          torney General under such Act;

17          (D) an alien who is lawfully present in the  
18          United States as a result of withholding of de-  
19          portation by the Attorney General pursuant to  
20          section 243(h) of the Immigration and National-  
21          ity Act (8 U.S.C. 1253(h));

22          (E) an alien to whom section 305 of the Im-  
23          migration Reform and Control Act of 1986 (8  
24          U.S.C. 1101 note) applies, but only to the extent



1           *that the legal assistance provided is the legal as-*  
2           *stance described in such section; or*

3                   *(F) an alien who is lawfully present in the*  
4           *United States as a result of being granted condi-*  
5           *tional entry to the United States before April 1,*  
6           *1980, pursuant to section 203(a)(7) of the Immi-*  
7           *gration and Nationality Act (8 U.S.C.*  
8           *1153(a)(7)), as in effect on March 31, 1980, be-*  
9           *cause of persecution or fear of persecution on ac-*  
10          *count of race, religion, or political calamity;*

11                   *(12) that supports or conducts a training pro-*  
12          *gram for the purpose of advocating a particular pub-*  
13          *lic policy or encouraging a political activity, a labor*  
14          *or antilabor activity, a boycott, picketing, a strike, or*  
15          *a demonstration, including the dissemination of in-*  
16          *formation about such a policy or activity, except that*  
17          *this paragraph shall not be construed to prohibit the*  
18          *provision of training to an attorney or a paralegal to*  
19          *prepare the attorney or paralegal to provide—*

20                    *(A) adequate legal assistance to eligible cli-*  
21                    *ents; or*

22                    *(B) advice to any eligible client as to the*  
23                    *legal rights of the client;*

24                    *(13) that claims (or whose employee claims), or*  
25          *collects and retains, attorneys' fees pursuant to any*

1 *Federal or State law permitting or requiring the*  
2 *awarding of such fees;*

3 *(14) that participates in any litigation with re-*  
4 *spect to abortion;*

5 *(15) that participates in any litigation on behalf*  
6 *of a person incarcerated in a Federal, State, or local*  
7 *prison;*

8 *(16) that initiates legal representation or par-*  
9 *ticipates in any other way, in litigation, lobbying, or*  
10 *rulemaking, involving an effort to reform a Federal or*  
11 *State welfare system, except that this paragraph shall*  
12 *not be construed to preclude a recipient from rep-*  
13 *resenting an individual eligible client who is seeking*  
14 *specific relief from a welfare agency if such relief does*  
15 *not involve an effort to amend or otherwise challenge*  
16 *existing law in effect on the date of the initiation of*  
17 *the representation;*

18 *(17) that defends a person in a proceeding to*  
19 *evict the person from a public housing project if—*

20 *(A) the person has been charged with the il-*  
21 *legal sale or distribution of a controlled sub-*  
22 *stance; and*

23 *(B) the eviction proceeding is brought by a*  
24 *public housing agency because the illegal drug*  
25 *activity of the person threatens the health or*

1           *safety of another tenant residing in the public*  
2           *housing project or employee of the public housing*  
3           *agency;*

4           *(18) unless such person or entity agrees that the*  
5           *person or entity, and the employees of the person or*  
6           *entity, will not accept employment resulting from in-*  
7           *person unsolicited advice to a nonattorney that such*  
8           *nonattorney should obtain counsel or take legal ac-*  
9           *tion, and will not refer such nonattorney to another*  
10          *person or entity or an employee of the person or en-*  
11          *tity, that is receiving financial assistance provided by*  
12          *the Corporation; or*

13          *(19) unless such person or entity enters into a*  
14          *contractual agreement to be subject to all provisions*  
15          *of Federal law relating to the proper use of Federal*  
16          *funds, the violation of which shall render any grant*  
17          *or contractual agreement to provide funding null and*  
18          *void, and, for such purposes, the Corporation shall be*  
19          *considered to be a Federal agency and all funds pro-*  
20          *vided by the Corporation shall be considered to be*  
21          *Federal funds provided by grant or contract.*

22          *(b) Nothing in this section shall be construed to pro-*  
23          *hibit a recipient from using funds from a source other than*  
24          *the Legal Services Corporation for the purpose of contact-*  
25          *ing, communicating with, or responding to a request from,*

1 *a State or local government agency, a State or local legisla-*  
2 *tive body or committee, or a member thereof, regarding*  
3 *funding for the recipient, including a pending or proposed*  
4 *legislative or agency proposal to fund such recipient.*

5 *(c) Not later than 30 days after the date of enactment*  
6 *of this Act, the Legal Services Corporation shall promulgate*  
7 *a suggested list of priorities that boards of directors may*  
8 *use in setting priorities under subsection (a)(9).*

9 *(d)(1) The Legal Services Corporation shall not accept*  
10 *any non-Federal funds, and no recipient shall accept funds*  
11 *from any source other than the Corporation, unless the Cor-*  
12 *poration or the recipient, as the case may be, notifies in*  
13 *writing the source of the funds that the funds may not be*  
14 *expended for any purpose prohibited by the Legal Services*  
15 *Corporation Act or this title.*

16 *(2) Paragraph (1) shall not prevent a recipient from—*

17 *(A) receiving Indian tribal funds (including*  
18 *funds from private nonprofit organizations for the*  
19 *benefit of Indians or Indian tribes) and expending the*  
20 *tribal funds in accordance with the specific purposes*  
21 *for which the tribal funds are provided; or*

22 *(B) using funds received from a source other*  
23 *than the Legal Services Corporation to provide legal*  
24 *assistance to a covered individual if such funds are*  
25 *used for the specific purposes for which such funds*

1        *were received, except that such funds may not be ex-*  
2        *pended by recipients for any purpose prohibited by*  
3        *this Act or by the Legal Services Corporation Act.*

4        *(e) Nothing in this section shall be construed to pro-*  
5        *hibit a recipient from using funds derived from a source*  
6        *other than the Legal Services Corporation to comment on*  
7        *public rulemaking or to respond to a written request for*  
8        *information or testimony from a Federal, State or local*  
9        *agency, legislative body or committee, or a member of such*  
10       *an agency, body, or committee, so long as the response is*  
11       *made only to the parties that make the request and the re-*  
12       *cipient does not arrange for the request to be made.*

13       *(f) As used in this section:*

14            *(1) The term “controlled substance” has the*  
15        *meaning given the term in section 102 of the Con-*  
16        *trolled Substances Act (21 U.S.C. 802).*

17            *(2) The term “covered individual” means any*  
18        *person who—*

19                    *(A) except as provided in subparagraph*  
20        *(B), meets the requirements of this Act and the*  
21        *Legal Services Corporation Act relating to eligi-*  
22        *bility for legal assistance; and*

23                    *(B) may or may not be financially unable*  
24        *to afford legal assistance.*

1           (3) *The term “public housing project” has the*  
2           *meaning as used within, and the term “public hous-*  
3           *ing agency” has the meaning given the term, in sec-*  
4           *tion 3 of the United States Housing Act of 1937 (42*  
5           *U.S.C. 1437a).*

6           *SEC. 505. None of the funds appropriated in this Act*  
7           *to the Legal Services Corporation or provided by the Cor-*  
8           *poration to any entity or person may be used to pay mem-*  
9           *bership dues to any private or nonprofit organization.*

10          *SEC. 506. None of the funds appropriated in this Act*  
11          *to the Legal Services Corporation may be used by any per-*  
12          *son or entity receiving financial assistance from the Cor-*  
13          *poration to file or pursue a lawsuit against the Corpora-*  
14          *tion.*

15          *SEC. 507. None of the funds appropriated in this Act*  
16          *to the Legal Services Corporation may be used for any pur-*  
17          *pose prohibited or contrary to any of the provisions of au-*  
18          *thorization legislation for fiscal year 1996 for the Legal*  
19          *Services Corporation that is enacted into law. Upon the en-*  
20          *actment of such Legal Services Corporation reauthorization*  
21          *legislation, funding provided in this Act shall from that*  
22          *date be subject to the provisions of that legislation and any*  
23          *provisions in this Act that are inconsistent with that legis-*  
24          *lation shall no longer have effect.*

1        *SEC. 508. (a) The requirements of section 504 shall*  
2 *apply to the activities of a recipient described in section*  
3 *504, or an employee of such a recipient, during the provi-*  
4 *sion of legal assistance for a case or matter, if the recipient*  
5 *or employee begins to provide the legal assistance on or after*  
6 *the date of enactment of this Act.*

7        *(b) If the recipient or employee began to provide legal*  
8 *assistance for the case or matter prior to the date of enact-*  
9 *ment of this Act—*

10            *(1) each of the requirements of section 504 (other*  
11 *than paragraphs (7), (11), and (15) of subsection (a)*  
12 *of such section) shall, beginning on the date of enact-*  
13 *ment of this Act, apply to the activities of the recipi-*  
14 *ent or employee during the provision of legal assist-*  
15 *ance for the case or matter; and*

16            *(2) the requirements of paragraphs (7), (11), and*  
17 *(15) of section 504(a) shall apply—*

18                    *(A) beginning on the date of enactment of*  
19 *this Act, to the activities of the recipient or em-*  
20 *ployee during the provision of legal assistance*  
21 *for any additional related claim for which the*  
22 *recipient or employee begins to provide legal as-*  
23 *sistance on or after such date; and*

24                    *(B) beginning July 1, 1996, to all other ac-*  
25 *tivities of the recipient or employee during the*

1           *provision of legal assistance for the case or mat-*  
2           *ter.*

3           *(c) The Legal Services Corporation shall, every 60*  
4           *days, submit to the Committees on Appropriations of the*  
5           *Senate and House of Representatives a report setting forth*  
6           *the status of cases and matters referred to in subsection*  
7           *(b)(2).*

8           *SEC. 509. (a) An audit of each person or entity receiv-*  
9           *ing financial assistance from the Legal Services Corpora-*  
10          *tion under this Act (referred to in this section as a “recipi-*  
11          *ent”)* shall be conducted in accordance with generally ac-  
12          *cepted government auditing standards and guidance estab-*  
13          *lished by the Office of the Inspector General and shall report*  
14          *whether—*

15                 *(1) the financial statements of the recipient*  
16                 *present fairly its financial position and the results of*  
17                 *its financial operations in accordance with generally*  
18                 *accepted accounting principles;*

19                 *(2) the recipient has internal control systems to*  
20                 *provide reasonable assurance that it is managing*  
21                 *funds, regardless of source, in compliance with Fed-*  
22                 *eral laws and regulations; and*

23                 *(3) the recipient has complied with Federal laws*  
24                 *and regulations applicable to funds received, regard-*  
25                 *less of source.*



1       (b) *In carrying out the requirements of subsection*  
2 *(a)(3), the auditor shall select and test a representative*  
3 *number of transactions and report all instances of non-*  
4 *compliance to the recipient. The recipient shall report any*  
5 *noncompliance found by the auditor during the audit under*  
6 *this section within 5 calendar days to the Office of the In-*  
7 *spector General. If the recipient fails to report the non-*  
8 *compliance, the auditor shall report the noncompliance di-*  
9 *rectly to the Office of the Inspector General within 5 cal-*  
10 *endar days of the recipient's failure to report.*

11       (c) *The audits required under this section shall be pro-*  
12 *vided for by the recipients and performed by independent*  
13 *public accountants. The cost of such audits shall be shared*  
14 *on a pro rata basis among all of the recipient's funding*  
15 *providers and the appropriate share shall be an allowable*  
16 *charge to the Federal funds provided by the Legal Services*  
17 *Corporation. No audit costs may be charged to the Federal*  
18 *funds when the audit required by this section has not been*  
19 *made in accordance with the guidance promulgated by the*  
20 *Office of the Inspector General.*

21       *If the recipient fails to have an acceptable audit in*  
22 *accordance with the guidance promulgated by the Office of*  
23 *the Inspector General, the following sanctions shall be avail-*  
24 *able to the Corporation as recommended by the Office of*  
25 *the Inspector General:*

1           (1) *the withholding of a percentage of the recipi-*  
2           *ent's funding until the audit is completed satisfac-*  
3           *torily.*

4           (2) *the suspension of recipient's funding until an*  
5           *acceptable audit is completed.*

6           (d) *The Office of the Inspector General may remove,*  
7           *suspend, or bar an independent public accountant, upon*  
8           *a showing of good cause, from performing audit services re-*  
9           *quired by this section. The Office of the Inspector General*  
10          *shall develop and issue rules of practice to implement this*  
11          *paragraph.*

12          (e) *Any independent public accountant performing an*  
13          *audit under this section who subsequently ceases to be the*  
14          *accountant for the recipient shall promptly notify the Office*  
15          *of the Inspector General pursuant to such rules as the Office*  
16          *of the Inspector General shall prescribe.*

17          (f) *Audits conducted in accordance with this section*  
18          *shall be in lieu of the financial audits otherwise required*  
19          *by section 1009(c) of the Legal Services Corporation Act*  
20          *(42 U.S.C. 2996h(c)).*

21          (g) *The Office of the Inspector General is authorized*  
22          *to conduct on-site monitoring, audits, and inspections in*  
23          *accordance with Federal standards.*

24          (h) *Notwithstanding section 1006(b)(3) of the Legal*  
25          *Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial*

1 records, time records, retainer agreements, client trust fund  
2 and eligibility records, and client names, for each recipient  
3 shall be made available to any auditor or monitor of the  
4 recipient, including any Federal department or agency that  
5 is auditing or monitoring the activities of the Corporation  
6 or of the recipient, and any independent auditor or monitor  
7 receiving Federal funds to conduct such auditing or mon-  
8 itoring, including any auditor or monitor of the Corpora-  
9 tion, except for reports or records subject to the attorney-  
10 client privilege.

11 (i) The Legal Services Corporation shall not disclose  
12 any name or document referred to in subsection (h), except  
13 to—

14 (1) a Federal, State, or local law enforcement of-  
15 ficial; or

16 (2) an official of an appropriate bar association  
17 for the purpose of enabling the official to conduct an  
18 investigation of a rule of professional conduct.

19 (j) The recipient management shall be responsible for  
20 expeditiously resolving all reported audit reportable condi-  
21 tions, findings, and recommendations, including those of  
22 sub-recipients.

23 (k) The Legal Services Corporation shall—

24 (1) Follow up on significant reportable condi-  
25 tions, findings, and recommendations found by the

1 *independent public accountants and reported to Cor-*  
 2 *poration management by the Office of the Inspector*  
 3 *General to ensure that instances of deficiencies and*  
 4 *noncompliance are resolved in a timely manner, and*

5 *(2) Develop procedures to ensure effective follow-*  
 6 *up that meet at a minimum the requirements of Of-*  
 7 *fice of Management and Budget Circular Number A-*  
 8 *50.*

9 *(l) The requirements of this section shall apply to a*  
 10 *recipient for its first fiscal year beginning on or after Janu-*  
 11 *ary 1, 1996.*

12 *MARINE MAMMAL COMMISSION*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses of the Marine Mammal Com-*  
 15 *mission as authorized by title II of Public Law 92-522,*  
 16 *as amended, \$1,190,000.*

17 *MARTIN LUTHER KING, JR. FEDERAL HOLIDAY*

18 *COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Martin Luther King, Jr.*  
 21 *Federal Holiday Commission, as authorized by Public Law*  
 22 *98-399, as amended, \$350,000: Provided, That this shall*  
 23 *be the final Federal payment to the Martin Luther King,*  
 24 *Jr. Federal Holiday Commission for operations and nec-*  
 25 *essary closing costs.*

1                    *OUNCE OF PREVENTION COUNCIL*

2            *For activities authorized by sections 30101 and 30102*  
3 *of Public Law 103–322 (including administrative costs),*  
4 *\$1,500,000, to remain available until expended, for the*  
5 *Ounce of Prevention Grant Program: Provided, That the*  
6 *Council may accept and use gifts and donations, both real*  
7 *and personal, for the purpose of aiding or facilitating the*  
8 *authorized activities of the Council, of which not to exceed*  
9 *\$5,000 may be used for official reception and representation*  
10 *expenses.*

11                    *SECURITIES AND EXCHANGE COMMISSION*12                    *SALARIES AND EXPENSES*

13            *For necessary expenses for the Securities and Exchange*  
14 *Commission, including services as authorized by 5 U.S.C.*  
15 *3109, the rental of space (to include multiple year leases)*  
16 *in the District of Columbia and elsewhere, and not to exceed*  
17 *\$3,000 for official reception and representation expenses,*  
18 *\$287,738,000, of which \$3,000,000 is for the Office of Eco-*  
19 *nomics Analysis, to be headed by the Chief Economist of the*  
20 *Commission, and of which not to exceed \$10,000 may be*  
21 *used toward funding a permanent secretariat for the Inter-*  
22 *national Organization of Securities Commissions, and of*  
23 *which not to exceed \$100,000 shall be available for expenses*  
24 *for consultations and meetings hosted by the Commission*  
25 *with foreign governmental and other regulatory officials,*

1 *members of their delegations, appropriate representatives*  
2 *and staff to exchange views concerning developments relat-*  
3 *ing to securities matters, development and implementation*  
4 *of cooperation agreements concerning securities matters and*  
5 *provision of technical assistance for the development of for-*  
6 *oreign securities markets, such expenses to include necessary*  
7 *logistic and administrative expenses and the expenses of*  
8 *Commission staff and foreign invitees in attendance at such*  
9 *consultations and meetings including: (i) such incidental*  
10 *expenses as meals taken in the course of such attendance,*  
11 *(ii) any travel and transportation to or from such meetings,*  
12 *and (iii) any other related lodging or subsistence: Provided,*  
13 *That immediately upon enactment of this Act, the rate of*  
14 *fees under section 6(b) of the Securities Act of 1933 (15*  
15 *U.S.C. 77f(b)) shall increase from one-fiftieth of one*  
16 *percentum to one-twenty-ninth of one percentum, and such*  
17 *increase shall be deposited as an offsetting collection to this*  
18 *appropriation, to remain available until expended, to re-*  
19 *cover costs of services of the securities registration process:*  
20 *Provided further, That the total amount appropriated for*  
21 *fiscal year 1996 under this heading shall be reduced as such*  
22 *fees are deposited to this appropriation so as to result in*  
23 *a final total fiscal year 1996 appropriation from the Gen-*  
24 *eral Fund estimated at not more than \$103,445,000: Pro-*  
25 *vided further, That any such fees collected in excess of*

1 \$184,293,000 shall remain available until expended but  
2 shall not be available for obligation until October 1, 1996:  
3 Provided further, That \$1,000,000 of the funds appro-  
4 priated for the Commission shall be available for the en-  
5 forcement of the Investment Advisers Act of 1940 in addi-  
6 tion to any other appropriated funds designated by the  
7 Commission for enforcement of such Act.

8 *SMALL BUSINESS ADMINISTRATION*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses, not otherwise provided for, of*  
11 *the Small Business Administration as authorized by Public*  
12 *Law 103-403, including hire of passenger motor vehicles*  
13 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*  
14 *ceed \$3,500 for official reception and representation ex-*  
15 *penses, \$219,190,000: Provided, That the Administrator is*  
16 *authorized to charge fees to cover the cost of publications*  
17 *developed by the Small Business Administration, and cer-*  
18 *tain loan servicing activities: Provided further, That not-*  
19 *withstanding 31 U.S.C. 3302, revenues received from all*  
20 *such activities shall be credited to this account, to be avail-*  
21 *able for carrying out these purposes without further appro-*  
22 *priations.*

23 *OFFICE OF INSPECTOR GENERAL*

24 *For necessary expenses of the Office of Inspector Gen-*  
25 *eral in carrying out the provisions of the Inspector General*

1 *Act of 1978, as amended (5 U.S.C. App. 1–11 as amended*  
2 *by Public Law 100–504), \$8,500,000.*

3 *BUSINESS LOANS PROGRAM ACCOUNT*

4 *For the cost of direct loans, \$4,500,000, and for the*  
5 *cost of guaranteed loans, \$156,226,000, as authorized by 15*  
6 *U.S.C. 631 note, of which \$1,216,000, to be available until*  
7 *expended, shall be for the Microloan Guarantee Program,*  
8 *and of which \$40,510,000 shall remain available until Sep-*  
9 *tember 30, 1997: Provided, That such costs, including the*  
10 *cost of modifying such loans, shall be as defined in section*  
11 *502 of the Congressional Budget Act of 1974: Provided fur-*  
12 *ther, That during fiscal year 1996, commitments to guaran-*  
13 *tee loans under section 503 of the Small Business Invest-*  
14 *ment Act of 1958, as amended, shall not exceed the amount*  
15 *of financings authorized under section 20(n)(2)(B) of the*  
16 *Small Business Act, as amended.*

17 *In addition, for administrative expenses to carry out*  
18 *the direct and guaranteed loan programs, \$92,622,000,*  
19 *which may be transferred to and merged with the appro-*  
20 *priations for Salaries and Expenses.*

21 *DISASTER LOANS PROGRAM ACCOUNT*

22 *For the cost of direct loans authorized by section 7(b)*  
23 *of the Small Business Act, as amended, \$34,432,000, to re-*  
24 *main available until expended: Provided, That such costs,*  
25 *including the cost of modifying such loans, shall be as de-*



1 *fined in section 502 of the Congressional Budget Act of*  
2 *1974.*

3 *In addition, for administrative expenses to carry out*  
4 *the direct loan program, \$71,578,000, which may be trans-*  
5 *ferred to and merged with the appropriations for Salaries*  
6 *and Expenses.*

7 *SURETY BOND GUARANTEES REVOLVING FUND*

8 *For additional capital for the “Surety Bond Guarant-*  
9 *tees Revolving Fund”, authorized by the Small Business In-*  
10 *vestment Act, as amended, \$2,530,000, to remain available*  
11 *without fiscal year limitation as authorized by 15 U.S.C.*  
12 *631 note.*

13 *ADMINISTRATIVE PROVISION—SMALL BUSINESS*

14 *ADMINISTRATION*

15 *SEC. 510. Not to exceed 5 percent of any appropriation*  
16 *made available for the current fiscal year for the Small*  
17 *Business Administration in this Act may be transferred be-*  
18 *tween such appropriations, but no such appropriation shall*  
19 *be increased by more than 10 percent by any such transfers:*  
20 *Provided, That any transfer pursuant to this section shall*  
21 *be treated as a reprogramming of funds under section 605*  
22 *of this Act and shall not be available for obligation or ex-*  
23 *penditure except in compliance with the procedures set forth*  
24 *in that section.*

1                    *STATE JUSTICE INSTITUTE*2                    *SALARIES AND EXPENSES*

3            *For necessary expenses of the State Justice Institute,*  
4 *as authorized by The State Justice Institute Authorization*  
5 *Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)),*  
6 *\$5,000,000 to remain available until expended: Provided,*  
7 *That not to exceed \$2,500 shall be available for official re-*  
8 *ception and representation expenses.*

9                    *TITLE VI—GENERAL PROVISIONS*

10           *SEC. 601. No part of any appropriation contained in*  
11 *this Act shall be used for publicity or propaganda purposes*  
12 *not authorized by the Congress.*

13           *SEC. 602. No part of any appropriation contained in*  
14 *this Act shall remain available for obligation beyond the*  
15 *current fiscal year unless expressly so provided herein.*

16           *SEC. 603. The expenditure of any appropriation under*  
17 *this Act for any consulting service through procurement*  
18 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*  
19 *those contracts where such expenditures are a matter of pub-*  
20 *lic record and available for public inspection, except where*  
21 *otherwise provided under existing law, or under existing*  
22 *Executive order issued pursuant to existing law.*

23           *SEC. 604. If any provision of this Act or the applica-*  
24 *tion of such provision to any person or circumstances shall*  
25 *be held invalid, the remainder of the Act and the applica-*

1 *tion of each provision to persons or circumstances other*  
2 *than those as to which it is held invalid shall not be affected*  
3 *thereby.*

4       *SEC. 605 (a) None of the funds provided under this*  
5 *Act, or provided under previous Appropriations Acts to the*  
6 *agencies funded by this Act that remain available for obli-*  
7 *gation or expenditure in fiscal year 1996, or provided from*  
8 *any accounts in the Treasury of the United States derived*  
9 *by the collection of fees available to the agencies funded by*  
10 *this Act, shall be available for obligation or expenditure*  
11 *through a reprogramming of funds which (1) creates new*  
12 *programs; (2) eliminates a program, project, or activity;*  
13 *(3) increases funds or personnel by any means for any*  
14 *project or activity for which funds have been denied or re-*  
15 *stricted; (4) relocates an office or employees; (5) reorganizes*  
16 *offices, programs, or activities; or (6) contracts out or*  
17 *privatizes any functions or activities presently performed*  
18 *by Federal employees; unless the Appropriations Commit-*  
19 *tees of both Houses of Congress are notified fifteen days in*  
20 *advance of such reprogramming of funds.*

21       *(b) None of the funds provided under this Act, or pro-*  
22 *vided under previous Appropriations Acts to the agencies*  
23 *funded by this Act that remain available for obligation or*  
24 *expenditure in fiscal year 1996, or provided from any ac-*  
25 *counts in the Treasury of the United States derived by the*

1 *collection of fees available to the agencies funded by this*  
2 *Act, shall be available for obligation or expenditure for ac-*  
3 *tivities, programs, or projects through a reprogramming of*  
4 *funds in excess of \$500,000 or 10 percent, whichever is less,*  
5 *that (1) augments existing programs, projects, or activities;*  
6 *(2) reduces by 10 percent funding for any existing program,*  
7 *project, or activity, or numbers of personnel by 10 percent*  
8 *as approved by Congress; or (3) results from any general*  
9 *savings from a reduction in personnel which would result*  
10 *in a change in existing programs, activities, or projects as*  
11 *approved by Congress; unless the Appropriations Commit-*  
12 *tees of both Houses of Congress are notified fifteen days in*  
13 *advance of such reprogramming of funds.*

14       *SEC. 606. None of the funds made available in this*  
15 *Act may be used for the construction, repair (other than*  
16 *emergency repair), overhaul, conversion, or modernization*  
17 *of vessels for the National Oceanic and Atmospheric Admin-*  
18 *istration in shipyards located outside of the United States.*

19       *SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIP-*  
20 *MENT AND PRODUCTS.—It is the sense of the Congress that,*  
21 *to the greatest extent practicable, all equipment and prod-*  
22 *ucts purchased with funds made available in this Act should*  
23 *be American-made.*

24       *(b) NOTICE REQUIREMENT.—In providing financial*  
25 *assistance to, or entering into any contract with, any entity*

1 *using funds made available in this Act, the head of each*  
2 *Federal agency, to the greatest extent practicable, shall pro-*  
3 *vide to such entity a notice describing the statement made*  
4 *in subsection (a) by the Congress.*

5       *SEC. 608. None of the funds made available in this*  
6 *Act may be used to implement, administer, or enforce any*  
7 *guidelines of the Equal Employment Opportunity Commis-*  
8 *sion covering harassment based on religion, when it is made*  
9 *known to the Federal entity or official to which such funds*  
10 *are made available that such guidelines do not differ in any*  
11 *respect from the proposed guidelines published by the Com-*  
12 *mission on October 1, 1993 (58 Fed. Reg. 51266).*

13       *SEC. 610. None of the funds made available by this*  
14 *Act may be used for any United Nations undertaking when*  
15 *it is made known to the Federal official having authority*  
16 *to obligate or expend such funds (1) that the United Nations*  
17 *undertaking is a peacekeeping mission, (2) that such under-*  
18 *taking will involve United States Armed Forces under the*  
19 *command or operational control of a foreign national, and*  
20 *(3) that the President's military advisors have not submit-*  
21 *ted to the President a recommendation that such involve-*  
22 *ment is in the national security interests of the United*  
23 *States and the President has not submitted to the Congress*  
24 *such a recommendation.*

1        *SEC. 611. None of the funds made available in this*  
2 *Act shall be used to provide the following amenities or per-*  
3 *sonal comforts in the Federal prison system—*

4            (1) *in-cell television viewing except for prisoners*  
5 *who are segregated from the general prison popu-*  
6 *lation for their own safety;*

7            (2) *the viewing of R, X, and NC-17 rated mov-*  
8 *ies, through whatever medium presented;*

9            (3) *any instruction (live or through broadcasts)*  
10 *or training equipment for boxing, wrestling, judo, ka-*  
11 *rate, or other martial art, or any bodybuilding or*  
12 *weightlifting equipment of any sort;*

13            (4) *possession of in-cell coffee pots, hot plates, or*  
14 *heating elements; or*

15            (5) *the use or possession of any electric or elec-*  
16 *tronic musical instrument.*

17        *SEC. 612. None of the funds made available in title*  
18 *II for the National Oceanic and Atmospheric Administra-*  
19 *tion under the heading “Fleet Modernization, Shipbuilding*  
20 *and Conversion” may be used to implement sections 603,*  
21 *604, and 605 of Public Law 102-567.*

22        *SEC. 613. None of the funds made available in this*  
23 *Act may be used for “USIA Television Marti Program”*  
24 *under the Television Broadcasting to Cuba Act or any other*  
25 *program of United States Government television broadcasts*

1 *to Cuba, when it is made known to the Federal official hav-*  
2 *ing authority to obligate or expend such funds that such*  
3 *use would be inconsistent with the applicable provisions of*  
4 *the March 1995 Office of Cuba Broadcasting Reinventing*  
5 *Plan of the United States Information Agency.*

6 *SEC. 614. (a)(1) Section 5002 of title 18, United States*  
7 *Code, is repealed.*

8 *(2) The table of sections for chapter 401 of title 18,*  
9 *United States Code, is amended by striking out the item*  
10 *relating to the Advisory Corrections Council.*

11 *(b) This section shall take effect 30 days after the date*  
12 *of the enactment of this Act.*

13 *SEC. 615. Any costs incurred by a Department or*  
14 *agency funded under this Act resulting from personnel ac-*  
15 *tions taken in response to funding reductions included in*  
16 *this Act shall be absorbed within the total budgetary re-*  
17 *sources available to such Department or agency: Provided,*  
18 *That the authority to transfer funds between appropriations*  
19 *accounts as may be necessary to carry out this provision*  
20 *is provided in addition to authorities included elsewhere in*  
21 *this Act: Provided further, That use of funds to carry out*  
22 *this section shall be treated as a reprogramming of funds*  
23 *under section 605 of this Act and shall not be available for*  
24 *obligation or expenditure except in compliance with the*  
25 *procedures set forth in that section.*

1        *SEC. 616. Section 201(a) of Public Law 104–99 is re-*  
2 *pealed.*

3                            *TITLE VII—RESCISSIONS*

4                            *DEPARTMENT OF JUSTICE*

5                            *GENERAL ADMINISTRATION*

6                            *WORKING CAPITAL FUND*

7                            *(RESCISSION)*

8        *Of the unobligated balances available under this head-*  
9 *ing, \$65,000,000 are rescinded.*

10                           *DEPARTMENT OF STATE*

11                           *ADMINISTRATION OF FOREIGN AFFAIRS*

12        *ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD*

13                           *(RESCISSION)*

14        *Of the unobligated balances available under this head-*  
15 *ing, \$95,500,000 are rescinded.*

16                           *RELATED AGENCIES*

17                           *UNITED STATES INFORMATION AGENCY*

18                           *RADIO CONSTRUCTION*

19                           *(RESCISSION)*

20        *Of the unobligated balances available under this head-*  
21 *ing, \$7,400,000 are rescinded.*

22                           *TITLE VIII—PRISON LITIGATION REFORM*

23        ***SEC. 801. SHORT TITLE.***

24        *This title may be cited as the “Prison Litigation Re-*  
25 *form Act of 1995”.*



1 **SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDI-**  
2 **TIONS.**

3 (a) *IN GENERAL.*—Section 3626 of title 18, United  
4 States Code, is amended to read as follows:

5 **“§ 3626. Appropriate remedies with respect to prison**  
6 **conditions**

7 “(a) *REQUIREMENTS FOR RELIEF.*—

8 “(1) *PROSPECTIVE RELIEF.*—(A) *Prospective re-*  
9 *lief in any civil action with respect to prison condi-*  
10 *tions shall extend no further than necessary to correct*  
11 *the violation of the Federal right of a particular*  
12 *plaintiff or plaintiffs. The court shall not grant or*  
13 *approve any prospective relief unless the court finds*  
14 *that such relief is narrowly drawn, extends no further*  
15 *than necessary to correct the violation of the Federal*  
16 *right, and is the least intrusive means necessary to*  
17 *correct the violation of the Federal right. The court*  
18 *shall give substantial weight to any adverse impact*  
19 *on public safety or the operation of a criminal justice*  
20 *system caused by the relief.*

21 “(B) *The court shall not order any prospective*  
22 *relief that requires or permits a government official to*  
23 *exceed his or her authority under State or local law*  
24 *or otherwise violates State or local law, unless—*

25 “(i) *Federal law permits such relief to be*  
26 *ordered in violation of State or local law;*

1           “(ii) the relief is necessary to correct the  
2           violation of a Federal right; and

3           “(iii) no other relief will correct the viola-  
4           tion of the Federal right.

5           “(C) Nothing in this section shall be construed to  
6           authorize the courts, in exercising their remedial pow-  
7           ers, to order the construction of prisons or the raising  
8           of taxes, or to repeal or detract from otherwise appli-  
9           cable limitations on the remedial powers of the courts.

10           “(2) *PRELIMINARY INJUNCTIVE RELIEF.*—In any  
11           civil action with respect to prison conditions, to the  
12           extent otherwise authorized by law, the court may  
13           enter a temporary restraining order or an order for  
14           preliminary injunctive relief. Preliminary injunctive  
15           relief must be narrowly drawn, extend no further  
16           than necessary to correct the harm the court finds re-  
17           quires preliminary relief, and be the least intrusive  
18           means necessary to correct that harm. The court shall  
19           give substantial weight to any adverse impact on  
20           public safety or the operation of a criminal justice  
21           system caused by the preliminary relief and shall re-  
22           spect the principles of comity set out in paragraph  
23           (1)(B) in tailoring any preliminary relief. Prelimi-  
24           nary injunctive relief shall automatically expire on  
25           the date that is 90 days after its entry, unless the

1 court makes the findings required under subsection  
2 (a)(1) for the entry of prospective relief and makes the  
3 order final before the expiration of the 90-day period.

4 “(3) PRISONER RELEASE ORDER.—(A) In any  
5 civil action with respect to prison conditions, no pris-  
6 oner release order shall be entered unless—

7 “(i) a court has previously entered an order  
8 for less intrusive relief that has failed to remedy  
9 the deprivation of the Federal right sought to be  
10 remedied through the prisoner release order; and

11 “(ii) the defendant has had a reasonable  
12 amount of time to comply with the previous  
13 court orders.

14 “(B) In any civil action in Federal court with  
15 respect to prison conditions, a prisoner release order  
16 shall be entered only by a three-judge court in accord-  
17 ance with section 2284 of title 28, if the requirements  
18 of subparagraph (E) have been met.

19 “(C) A party seeking a prisoner release order in  
20 Federal court shall file with any request for such re-  
21 lief, a request for a three-judge court and materials  
22 sufficient to demonstrate that the requirements of sub-  
23 paragraph (A) have been met.

24 “(D) If the requirements under subparagraph  
25 (A) have been met, a Federal judge before whom a

1 *civil action with respect to prison conditions is pend-*  
2 *ing who believes that a prison release order should be*  
3 *considered may sua sponte request the convening of a*  
4 *three-judge court to determine whether a prisoner re-*  
5 *lease order should be entered.*

6 “(E) *The three-judge court shall enter a prisoner*  
7 *release order only if the court finds by clear and con-*  
8 *vincing evidence that—*

9 “(i) *crowding is the primary cause of the*  
10 *violation of a Federal right; and*

11 “(ii) *no other relief will remedy the viola-*  
12 *tion of the Federal right.*

13 “(F) *Any State or local official or unit of gov-*  
14 *ernment whose jurisdiction or function includes the*  
15 *appropriation of funds for the construction, oper-*  
16 *ation, or maintenance of program facilities, or the*  
17 *prosecution or custody of persons who may be released*  
18 *from, or not admitted to, a prison as a result of a*  
19 *prisoner release order shall have standing to oppose*  
20 *the imposition or continuation in effect of such relief*  
21 *and to seek termination of such relief, and shall have*  
22 *the right to intervene in any proceeding relating to*  
23 *such relief.*

24 “(b) *TERMINATION OF RELIEF.—*

1           “(1) *TERMINATION OF PROSPECTIVE RELIEF.—*  
2           *(A) In any civil action with respect to prison condi-*  
3           *tions in which prospective relief is ordered, such relief*  
4           *shall be terminable upon the motion of any party or*  
5           *intervener—*

6                     “(i) *2 years after the date the court granted*  
7                     *or approved the prospective relief;*

8                     “(ii) *1 year after the date the court has en-*  
9                     *tered an order denying termination of prospec-*  
10                    *tive relief under this paragraph; or*

11                    “(iii) *in the case of an order issued on or*  
12                    *before the date of enactment of the Prison Litiga-*  
13                    *tion Reform Act, 2 years after such date of en-*  
14                    *actment.*

15                    “(B) *Nothing in this section shall prevent the*  
16                    *parties from agreeing to terminate or modify relief*  
17                    *before the relief is terminated under subparagraph*  
18                    *(A).*

19                    “(2) *IMMEDIATE TERMINATION OF PROSPECTIVE*  
20                    *RELIEF.—In any civil action with respect to prison*  
21                    *conditions, a defendant or intervener shall be entitled*  
22                    *to the immediate termination of any prospective relief*  
23                    *if the relief was approved or granted in the absence*  
24                    *of a finding by the court that the relief is narrowly*  
25                    *drawn, extends no further than necessary to correct*

1 *the violation of the Federal right, and is the least in-*  
2 *trusive means necessary to correct the violation of the*  
3 *Federal right.*

4 “(3) *LIMITATION.*—*Prospective relief shall not*  
5 *terminate if the court makes written findings based*  
6 *on the record that prospective relief remains necessary*  
7 *to correct a current or ongoing violation of the Fed-*  
8 *eral right, extends no further than necessary to correct*  
9 *the violation of the Federal right, and that the pro-*  
10 *spective relief is narrowly drawn and the least intru-*  
11 *sive means to correct the violation.*

12 “(4) *TERMINATION OR MODIFICATION OF RE-*  
13 *LIEF.*—*Nothing in this section shall prevent any*  
14 *party or intervener from seeking modification or ter-*  
15 *mination before the relief is terminable under para-*  
16 *graph (1) or (2), to the extent that modification or*  
17 *termination would otherwise be legally permissible.*

18 “(c) *SETTLEMENTS.*—

19 “(1) *CONSENT DECREES.*—*In any civil action*  
20 *with respect to prison conditions, the court shall not*  
21 *enter or approve a consent decree unless it complies*  
22 *with the limitations on relief set forth in subsection*  
23 *(a).*

24 “(2) *PRIVATE SETTLEMENT AGREEMENTS.*—(A)  
25 *Nothing in this section shall preclude parties from en-*

1        *tering into a private settlement agreement that does*  
2        *not comply with the limitations on relief set forth in*  
3        *subsection (a), if the terms of that agreement are not*  
4        *subject to court enforcement other than the reinstatement*  
5        *of the civil proceeding that the agreement settled.*  
6

7                *“(B) Nothing in this section shall preclude any*  
8        *party claiming that a private settlement agreement*  
9        *has been breached from seeking in State court any*  
10       *remedy available under State law.*

11               *“(d) STATE LAW REMEDIES.—The limitations on remedies*  
12       *in this section shall not apply to relief entered by a*  
13       *State court based solely upon claims arising under State*  
14       *law.*

15               *“(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE*  
16       *RELIEF.—*

17               *“(1) GENERALLY.—The court shall promptly*  
18       *rule on any motion to modify or terminate prospective*  
19       *relief in a civil action with respect to prison conditions.*  
20

21               *“(2) AUTOMATIC STAY.—Any prospective relief*  
22       *subject to a pending motion shall be automatically*  
23       *stayed during the period—*

24               *“(A)(i) beginning on the 30th day after*  
25       *such motion is filed, in the case of a motion*

1           *made under paragraph (1) or (2) of subsection*  
2           *(b); or*

3                   *“(i) beginning on the 180th day after such*  
4           *motion is filed, in the case of a motion made*  
5           *under any other law; and*

6                   *“(B) ending on the date the court enters a*  
7           *final order ruling on the motion.*

8           *“(f) SPECIAL MASTERS.—*

9                   *“(1) IN GENERAL.—(A) In any civil action in a*  
10          *Federal court with respect to prison conditions, the*  
11          *court may appoint a special master who shall be dis-*  
12          *interested and objective and who will give due regard*  
13          *to the public safety, to conduct hearings on the record*  
14          *and prepare proposed findings of fact.*

15                  *“(B) The court shall appoint a special master*  
16          *under this subsection during the remedial phase of the*  
17          *action only upon a finding that the remedial phase*  
18          *will be sufficiently complex to warrant the appoint-*  
19          *ment.*

20                  *“(2) APPOINTMENT.—(A) If the court determines*  
21          *that the appointment of a special master is necessary,*  
22          *the court shall request that the defendant institution*  
23          *and the plaintiff each submit a list of not more than*  
24          *5 persons to serve as a special master.*



1           “(B) *Each party shall have the opportunity to*  
2           *remove up to 3 persons from the opposing party’s list.*

3           “(C) *The court shall select the master from the*  
4           *persons remaining on the list after the operation of*  
5           *subparagraph (B).*

6           “(3) *INTERLOCUTORY APPEAL.—Any party shall*  
7           *have the right to an interlocutory appeal of the*  
8           *judge’s selection of the special master under this sub-*  
9           *section, on the ground of partiality.*

10          “(4) *COMPENSATION.—The compensation to be*  
11          *allowed to a special master under this section shall be*  
12          *based on an hourly rate not greater than the hourly*  
13          *rate established under section 3006A for payment of*  
14          *court-appointed counsel, plus costs reasonably in-*  
15          *curring by the special master. Such compensation and*  
16          *costs shall be paid with funds appropriated to the Ju-*  
17          *diciary.*

18          “(5) *REGULAR REVIEW OF APPOINTMENT.—In*  
19          *any civil action with respect to prison conditions in*  
20          *which a special master is appointed under this sub-*  
21          *section, the court shall review the appointment of the*  
22          *special master every 6 months to determine whether*  
23          *the services of the special master continue to be re-*  
24          *quired under paragraph (1). In no event shall the ap-*

1 *pointment of a special master extend beyond the ter-*  
2 *mination of the relief.*

3 “(6) *LIMITATIONS ON POWERS AND DUTIES.—A*  
4 *special master appointed under this subsection—*

5 “(A) *may be authorized by a court to con-*  
6 *duct hearings and prepare proposed findings of*  
7 *fact, which shall be made on the record;*

8 “(B) *shall not make any findings or com-*  
9 *munications ex parte;*

10 “(C) *may be authorized by a court to assist*  
11 *in the development of remedial plans; and*

12 “(D) *may be removed at any time, but shall*  
13 *be relieved of the appointment upon the termi-*  
14 *nation of relief.*

15 “(g) *DEFINITIONS.—As used in this section—*

16 “(1) *the term ‘consent decree’ means any relief*  
17 *entered by the court that is based in whole or in part*  
18 *upon the consent or acquiescence of the parties but*  
19 *does not include private settlements;*

20 “(2) *the term ‘civil action with respect to prison*  
21 *conditions’ means any civil proceeding arising under*  
22 *Federal law with respect to the conditions of confine-*  
23 *ment or the effects of actions by government officials*  
24 *on the lives of persons confined in prison, but does*

1     *not include habeas corpus proceedings challenging the*  
2     *fact or duration of confinement in prison;*

3             *“(3) the term ‘prisoner’ means any person sub-*  
4     *ject to incarceration, detention, or admission to any*  
5     *facility who is accused of, convicted of, sentenced for,*  
6     *or adjudicated delinquent for, violations of criminal*  
7     *law or the terms and conditions of parole, probation,*  
8     *pretrial release, or diversionary program;*

9             *“(4) the term ‘prisoner release order’ includes*  
10    *any order, including a temporary restraining order*  
11    *or preliminary injunctive relief, that has the purpose*  
12    *or effect of reducing or limiting the prison popu-*  
13    *lation, or that directs the release from or*  
14    *nonadmission of prisoners to a prison;*

15            *“(5) the term ‘prison’ means any Federal, State,*  
16    *or local facility that incarcerates or detains juveniles*  
17    *or adults accused of, convicted of, sentenced for, or ad-*  
18    *judicated delinquent for, violations of criminal law;*

19            *“(6) the term ‘private settlement agreement’*  
20    *means an agreement entered into among the parties*  
21    *that is not subject to judicial enforcement other than*  
22    *the reinstatement of the civil proceeding that the*  
23    *agreement settled;*

24            *“(7) the term ‘prospective relief’ means all relief*  
25    *other than compensatory monetary damages;*

1           “(8) the term ‘special master’ means any person  
2 appointed by a Federal court pursuant to Rule 53 of  
3 the Federal Rules of Civil Procedure or pursuant to  
4 any inherent power of the court to exercise the powers  
5 of a master, regardless of the title or description given  
6 by the court; and

7           “(9) the term ‘relief’ means all relief in any form  
8 that may be granted or approved by the court, and  
9 includes consent decrees but does not include private  
10 settlement agreements.”.

11       (b) *APPLICATION OF AMENDMENT.*—

12           (1) *IN GENERAL.*—Section 3626 of title 18, *Unit-*  
13 *ed States Code*, as amended by this section, shall  
14 apply with respect to all prospective relief whether  
15 such relief was originally granted or approved before,  
16 on, or after the date of the enactment of this title.

17           (2) *TECHNICAL AMENDMENT.*—Subsections (b)  
18 and (d) of section 20409 of the *Violent Crime Control*  
19 *and Law Enforcement Act of 1994* are repealed.

20           (c) *CLERICAL AMENDMENT.*—The table of sections at  
21 the beginning of subchapter C of chapter 229 of title 18,  
22 *United States Code*, is amended to read as follows:

“3626. *Appropriate remedies with respect to prison conditions.*”.

1 **SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITU-**  
2 **TIONALIZED PERSONS ACT.**

3 (a) *INITIATION OF CIVIL ACTIONS.*—Section 3(c) of the  
4 *Civil Rights of Institutionalized Persons Act (42 U.S.C.*  
5 *1997a(c)) (referred to in this section as the “Act”)* is  
6 *amended to read as follows:*

7 “(c) *The Attorney General shall personally sign any*  
8 *complaint filed pursuant to this section.*”.

9 (b) *CERTIFICATION REQUIREMENTS.*—Section 4 of the  
10 *Act (42 U.S.C. 1997b)* is amended—

11 (1) *in subsection (a)*—

12 (A) *by striking “he” each place it appears*  
13 *and inserting “the Attorney General”; and*

14 (B) *by striking “his” and inserting “the At-*  
15 *torney General’s”; and*

16 (2) *by amending subsection (b) to read as fol-*  
17 *lows:*

18 “(b) *The Attorney General shall personally sign any*  
19 *certification made pursuant to this section.*”.

20 (c) *INTERVENTION IN ACTIONS.*—Section 5 of the *Act*  
21 *(42 U.S.C. 1997c)* is amended—

22 (1) *in subsection (b)*—

23 (A) *in paragraph (1), by striking “he” each*  
24 *place it appears and inserting “the Attorney*  
25 *General”; and*

1                   (B) by amending paragraph (2) to read as  
2                   follows:

3                   “(2) The Attorney General shall personally sign any  
4 certification made pursuant to this section.”; and

5                   (2) by amending subsection (c) to read as fol-  
6 lows:

7                   “(c) The Attorney General shall personally sign any  
8 motion to intervene made pursuant to this section.”.

9                   (d) *SUITS BY PRISONERS*.—Section 7 of the Act (42  
10 U.S.C. 1997e) is amended to read as follows:

11                   **“SEC. 7. SUITS BY PRISONERS.**

12                   “(a) *APPLICABILITY OF ADMINISTRATIVE REM-*  
13 *EDIES*.—No action shall be brought with respect to prison  
14 conditions under section 1979 of the Revised Statutes of the  
15 United States (42 U.S.C. 1983), or any other Federal law,  
16 by a prisoner confined in any jail, prison, or other correc-  
17 tional facility until such administrative remedies as are  
18 available are exhausted.

19                   “(b) *FAILURE OF STATE TO ADOPT OR ADHERE TO*  
20 *ADMINISTRATIVE GRIEVANCE PROCEDURE*.—The failure of  
21 a State to adopt or adhere to an administrative grievance  
22 procedure shall not constitute the basis for an action under  
23 section 3 or 5 of this Act.

24                   “(c) *DISMISSAL*.—(1) The court shall on its own mo-  
25 tion or on the motion of a party dismiss any action brought

1 *with respect to prison conditions under section 1979 of the*  
2 *Revised Statutes of the United States (42 U.S.C. 1983), or*  
3 *any other Federal law, by a prisoner confined in any jail,*  
4 *prison, or other correctional facility if the court is satisfied*  
5 *that the action is frivolous, malicious, fails to state a claim*  
6 *upon which relief can be granted, or seeks monetary relief*  
7 *from a defendant who is immune from such relief.*

8       “(2) *In the event that a claim is, on its face, frivolous,*  
9 *malicious, fails to state a claim upon which relief can be*  
10 *granted, or seeks monetary relief from a defendant who is*  
11 *immune from such relief, the court may dismiss the under-*  
12 *lying claim without first requiring the exhaustion of ad-*  
13 *ministrative remedies.*

14       “(d) *ATTORNEY’S FEES.—(1) In any action brought*  
15 *by a prisoner who is confined to any jail, prison, or other*  
16 *correctional facility, in which attorney’s fees are authorized*  
17 *under section 2 of the Revised Statutes of the United States*  
18 *(42 U.S.C. 1988), such fees shall not be awarded, except*  
19 *to the extent that—*

20               “(A) *the fee was directly and reasonably in-*  
21 *curring in proving an actual violation of the plain-*  
22 *tiff’s rights protected by a statute pursuant to which*  
23 *a fee may be awarded under section 2 of the Revised*  
24 *Statutes; and*

1           “(B)(i) *the amount of the fee is proportionately*  
2           *related to the court ordered relief for the violation; or*

3           “(ii) *the fee was directly and reasonably in-*  
4           *curred in enforcing the relief ordered for the violation.*

5           “(2) *Whenever a monetary judgment is awarded in an*  
6           *action described in paragraph (1), a portion of the judg-*  
7           *ment (not to exceed 25 percent) shall be applied to satisfy*  
8           *the amount of attorney’s fees awarded against the defend-*  
9           *ant. If the award of attorney’s fees is not greater than 150*  
10          *percent of the judgment, the excess shall be paid by the de-*  
11          *fendant.*

12          “(3) *No award of attorney’s fees in an action described*  
13          *in paragraph (1) shall be based on an hourly rate greater*  
14          *than 150 percent of the hourly rate established under section*  
15          *3006A of title 18, United States Code, for payment of court-*  
16          *appointed counsel.*

17          “(4) *Nothing in this subsection shall prohibit a pris-*  
18          *oner from entering into an agreement to pay an attorney’s*  
19          *fee in an amount greater than the amount authorized under*  
20          *this subsection, if the fee is paid by the individual rather*  
21          *than by the defendant pursuant to section 2 of the Revised*  
22          *Statutes of the United States (42 U.S.C. 1988).*

23          “(e) *LIMITATION ON RECOVERY.—No Federal civil ac-*  
24          *tion may be brought by a prisoner confined in a jail, pris-*  
25          *on, or other correctional facility, for mental or emotional*



1 *injury suffered while in custody without a prior showing*  
2 *of physical injury.*

3       “(f) *HEARINGS.—(1) To the extent practicable, in any*  
4 *action brought with respect to prison conditions in Federal*  
5 *court pursuant to section 1979 of the Revised Statutes of*  
6 *the United States (42 U.S.C. 1983), or any other Federal*  
7 *law, by a prisoner confined in any jail, prison, or other*  
8 *correctional facility, pretrial proceedings in which the pris-*  
9 *oner’s participation is required or permitted shall be con-*  
10 *ducted by telephone, video conference, or other telecommuni-*  
11 *cations technology without removing the prisoner from the*  
12 *facility in which the prisoner is confined.*

13       “(2) *Subject to the agreement of the official of the Fed-*  
14 *eral, State, or local unit of government with custody over*  
15 *the prisoner, hearings may be conducted at the facility in*  
16 *which the prisoner is confined. To the extent practicable,*  
17 *the court shall allow counsel to participate by telephone,*  
18 *video conference, or other communications technology in*  
19 *any hearing held at the facility.*

20       “(g) *WAIVER OF REPLY.—(1) Any defendant may*  
21 *waive the right to reply to any action brought by a prisoner*  
22 *confined in any jail, prison, or other correctional facility*  
23 *under section 1979 of the Revised Statutes of the United*  
24 *States (42 U.S.C. 1983) or any other Federal law. Notwith-*  
25 *standing any other law or rule of procedure, such waiver*

1 *shall not constitute an admission of the allegations con-*  
2 *tained in the complaint. No relief shall be granted to the*  
3 *plaintiff unless a reply has been filed.*

4 “(2) *The court may require any defendant to reply to*  
5 *a complaint brought under this section if it finds that the*  
6 *plaintiff has a reasonable opportunity to prevail on the*  
7 *merits.*

8 “(h) *DEFINITION.—As used in this section, the term*  
9 *‘prisoner’ means any person incarcerated or detained in*  
10 *any facility who is accused of, convicted of, sentenced for,*  
11 *or adjudicated delinquent for, violations of criminal law*  
12 *or the terms and conditions of parole, probation, pretrial*  
13 *release, or diversionary program.”.*

14 (e) *REPORT TO CONGRESS.—Section 8 of the Act (42*  
15 *U.S.C. 1997f) is amended by striking “his report” and in-*  
16 *serting “the report”.*

17 (f) *NOTICE TO FEDERAL DEPARTMENTS.—Section 10*  
18 *of the Act (42 U.S.C. 1997h) is amended—*

19 (1) *by striking “his action” and inserting “the*  
20 *action”;* and

21 (2) *by striking “he is satisfied” and inserting*  
22 *“the Attorney General is satisfied”.*

23 **SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.**

24 (a) *FILING FEES.—Section 1915 of title 28, United*  
25 *States Code, is amended—*

1           (1) *in subsection (a)—*

2                   (A) *by striking “(a) Any” and inserting*

3           *“(a)(1) Subject to subsection (b), any”;*

4                   (B) *by striking “and costs”;*

5                   (C) *by striking “makes affidavit” and in-*

6           *serting “submits an affidavit that includes a*

7           *statement of all assets such prisoner possesses”;*

8                   (D) *by striking “such costs” and inserting*

9           *“such fees”;*

10                  (E) *by striking “he” each place it appears*

11           *and inserting “the person”;*

12                  (F) *by adding immediately after paragraph*

13           (1), *the following new paragraph:*

14           *“(2) A prisoner seeking to bring a civil action or ap-*

15           *peal a judgment in a civil action or proceeding without*

16           *prepayment of fees or security therefor, in addition to filing*

17           *the affidavit filed under paragraph (1), shall submit a cer-*

18           *tified copy of the trust fund account statement (or institu-*

19           *tional equivalent) for the prisoner for the 6-month period*

20           *immediately preceding the filing of the complaint or notice*

21           *of appeal, obtained from the appropriate official of each*

22           *prison at which the prisoner is or was confined.”; and*

23                  (G) *by striking “An appeal” and inserting*

24           *“(3) An appeal”;*

1           (2) by redesignating subsections (b), (c), (d), and  
2           (e) as subsections (c), (d), (e), and (f), respectively;

3           (3) by inserting after subsection (a) the following  
4           new subsection:

5           “(b)(1) Notwithstanding subsection (a), if a prisoner  
6 brings a civil action or files an appeal in forma pauperis,  
7 the prisoner shall be required to pay the full amount of a  
8 filing fee. The court shall assess and, when funds exist, col-  
9 lect, as a partial payment of any court fees required by  
10 law, an initial partial filing fee of 20 percent of the greater  
11 of—

12           “(A) the average monthly deposits to the pris-  
13 oner’s account; or

14           “(B) the average monthly balance in the pris-  
15 oner’s account for the 6-month period immediately  
16 preceding the filing of the complaint or notice of ap-  
17 peal.

18           “(2) After payment of the initial partial filing fee, the  
19 prisoner shall be required to make monthly payments of 20  
20 percent of the preceding month’s income credited to the pris-  
21 oner’s account. The agency having custody of the prisoner  
22 shall forward payments from the prisoner’s account to the  
23 clerk of the court each time the amount in the account ex-  
24 ceeds \$10 until the filing fees are paid.

1       “(3) *In no event shall the filing fee collected exceed the*  
2 *amount of fees permitted by statute for the commencement*  
3 *of a civil action or an appeal of a civil action or criminal*  
4 *judgment.*

5       “(4) *In no event shall a prisoner be prohibited from*  
6 *bringing a civil action or appealing a civil or criminal*  
7 *judgment for the reason that the prisoner has no assets and*  
8 *no means by which to pay the initial partial filing fee.”;*

9           (4) *in subsection (c), as redesignated by para-*  
10 *graph (2), by striking “subsection (a) of this section”*  
11 *and inserting “subsections (a) and (b) and the pre-*  
12 *payment of any partial filing fee as may be required*  
13 *under subsection (b)”;* and

14           (5) *by amending subsection (e), as redesignated*  
15 *by paragraph (2), to read as follows:*

16       “(e)(1) *The court may request an attorney to represent*  
17 *any person unable to afford counsel.*

18       “(2) *Notwithstanding any filing fee, or any portion*  
19 *thereof, that may have been paid, the court shall dismiss*  
20 *the case at any time if the court determines that—*

21           “(A) *the allegation of poverty is untrue; or*

22           “(B) *the action or appeal—*

23               “(i) *is frivolous or malicious;*

24               “(ii) *fails to state a claim on which relief*  
25 *may be granted; or*

1                   “(iii) seeks monetary relief against a de-  
2                   fendant who is immune from such relief.”.

3           (b) *EXCEPTION TO DISCHARGE OF DEBT IN BANK-*  
4 *RUPTCY PROCEEDING.*—Section 523(a) of title 11, United  
5 *States Code, is amended—*

6                   (1) *in paragraph (16), by striking the period at*  
7 *the end and inserting “; or”; and*

8                   (2) *by adding at the end the following new para-*  
9 *graph:*

10                   “(17) *for a fee imposed by a court for the filing*  
11 *of a case, motion, complaint, or appeal, or for other*  
12 *costs and expenses assessed with respect to such filing,*  
13 *regardless of an assertion of poverty by the debtor*  
14 *under section 1915 (b) or (f) of title 28, or the debt-*  
15 *or’s status as a prisoner, as defined in section*  
16 *1915(h) of title 28.”.*

17           (c) *COSTS.*—Section 1915(f) of title 28, United States  
18 *Code (as redesignated by subsection (a)(2)), is amended—*

19                   (1) *by striking “(f) Judgment” and inserting*  
20 *“(f)(1) Judgment”;*

21                   (2) *by striking “cases” and inserting “proceed-*  
22 *ings”; and*

23                   (3) *by adding at the end the following new para-*  
24 *graph:*

1       “(2)(A) *If the judgment against a prisoner includes*  
2 *the payment of costs under this subsection, the prisoner*  
3 *shall be required to pay the full amount of the costs ordered.*

4       “(B) *The prisoner shall be required to make payments*  
5 *for costs under this subsection in the same manner as is*  
6 *provided for filing fees under subsection (a)(2).*

7       “(C) *In no event shall the costs collected exceed the*  
8 *amount of the costs ordered by the court.”.*

9       (d) *SUCCESSIVE CLAIMS.*—Section 1915 of title 28,  
10 *United States Code, is amended by adding at the end the*  
11 *following new subsection:*

12       “(g) *In no event shall a prisoner bring a civil action*  
13 *or appeal a judgment in a civil action or proceeding under*  
14 *this section if the prisoner has, on 3 or more prior occa-*  
15 *sions, while incarcerated or detained in any facility,*  
16 *brought an action or appeal in a court of the United States*  
17 *that was dismissed on the grounds that it is frivolous, mali-*  
18 *cious, or fails to state a claim upon which relief may be*  
19 *granted, unless the prisoner is under imminent danger of*  
20 *serious physical injury.”.*

21       (e) *DEFINITION.*—Section 1915 of title 28, *United*  
22 *States Code, is amended by adding at the end the following*  
23 *new subsection:*

24       “(h) *As used in this section, the term ‘prisoner’ means*  
25 *any person incarcerated or detained in any facility who*

1 *is accused of, convicted of, sentenced for, or adjudicated de-*  
2 *linquent for, violations of criminal law or the terms and*  
3 *conditions of parole, probation, pretrial release, or diver-*  
4 *sionary program.”.*

5 **SEC. 805. JUDICIAL SCREENING.**

6 (a) *IN GENERAL.*—Chapter 123 of title 28, United  
7 States Code, is amended by inserting after section 1915 the  
8 following new section:

9 **“§ 1915A. Screening**

10 “(a) *SCREENING.*—The court shall review, before dock-  
11 eting, if feasible or, in any event, as soon as practicable  
12 after docketing, a complaint in a civil action in which a  
13 prisoner seeks redress from a governmental entity or officer  
14 or employee of a governmental entity.

15 “(b) *GROUND FOR DISMISSAL.*—On review, the court  
16 shall identify cognizable claims or dismiss the complaint,  
17 or any portion of the complaint, if the complaint—

18 “(1) *is frivolous, malicious, or fails to state a*  
19 *claim upon which relief may be granted; or*

20 “(2) *seeks monetary relief from a defendant who*  
21 *is immune from such relief.*

22 “(c) *DEFINITION.*—As used in this section, the term  
23 ‘prisoner’ means any person incarcerated or detained in  
24 any facility who is accused of, convicted of, sentenced for,  
25 or adjudicated delinquent for, violations of criminal law



1 *or the terms and conditions of parole, probation, pretrial*  
2 *release, or diversionary program.”.*

3 (b) *TECHNICAL AMENDMENT.—The analysis for chap-*  
4 *ter 123 of title 28, United States Code, is amended by in-*  
5 *serting after the item relating to section 1915 the following*  
6 *new item:*

*“1915A. Screening.”.*

7 **SEC. 806. FEDERAL TORT CLAIMS.**

8 *Section 1346(b) of title 28, United States Code, is*  
9 *amended—*

10 (1) *by striking “(b)” and inserting “(b)(1)”;* and

11 (2) *by adding at the end the following:*

12 *“(2) No person convicted of a felony who is incarcer-*  
13 *ated while awaiting sentencing or while serving a sentence*  
14 *may bring a civil action against the United States or an*  
15 *agency, officer, or employee of the Government, for mental*  
16 *or emotional injury suffered while in custody without a*  
17 *prior showing of physical injury.”.*

18 **SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION**  
19 **OF PENDING RESTITUTION ORDERS.**

20 *Any compensatory damages awarded to a prisoner in*  
21 *connection with a civil action brought against any Federal,*  
22 *State, or local jail, prison, or correctional facility or*  
23 *against any official or agent of such jail, prison, or correc-*  
24 *tional facility, shall be paid directly to satisfy any out-*  
25 *standing restitution orders pending against the prisoner.*

1 *The remainder of any such award after full payment of all*  
2 *pending restitution orders shall be forwarded to the pris-*  
3 *oner.*

4 **SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE**  
5 **AWARD.**

6 *Prior to payment of any compensatory damages*  
7 *awarded to a prisoner in connection with a civil action*  
8 *brought against any Federal, State, or local jail, prison,*  
9 *or correctional facility or against any official or agent of*  
10 *such jail, prison, or correctional facility, reasonable efforts*  
11 *shall be made to notify the victims of the crime for which*  
12 *the prisoner was convicted and incarcerated concerning the*  
13 *pending payment of any such compensatory damages.*

14 **SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT**  
15 **REVOCATION.**

16 *(a) IN GENERAL.—Chapter 123 of title 28, United*  
17 *States Code, is amended by adding at the end the following*  
18 *new section:*

19 **“§ 1932. Revocation of earned release credit**

20 *“In any civil action brought by an adult convicted of*  
21 *a crime and confined in a Federal correctional facility, the*  
22 *court may order the revocation of such earned good time*  
23 *credit under section 3624(b) of title 18, United States Code,*  
24 *that has not yet vested, if, on its own motion or the motion*  
25 *of any party, the court finds that—*

1           “(1) the claim was filed for a malicious purpose;

2           “(2) the claim was filed solely to harass the  
3 party against which it was filed; or

4           “(3) the claimant testifies falsely or otherwise  
5 knowingly presents false evidence or information to  
6 the court.”.

7           (b) *TECHNICAL AMENDMENT.*—The analysis for chap-  
8 ter 123 of title 28, United States Code, is amended by in-  
9 serting after the item relating to section 1931 the following:  
“1932. Revocation of earned release credit.”.

10          (c) *AMENDMENT OF SECTION 3624 OF TITLE 18.*—Sec-  
11 tion 3624(b) of title 18, United States Code, is amended—

12           (1) in paragraph (1)—

13           (A) by striking the first sentence;

14           (B) in the second sentence—

15           (i) by striking “A prisoner” and in-  
16 serting “Subject to paragraph (2), a pris-  
17 oner”;

18           (ii) by striking “for a crime of vio-  
19 lence,”; and

20           (iii) by striking “such”;

21           (C) in the third sentence, by striking “If the  
22 Bureau” and inserting “Subject to paragraph  
23 (2), if the Bureau”;

24           (D) by striking the fourth sentence and in-  
25 serting the following: “In awarding credit under

1           *this section, the Bureau shall consider whether*  
2           *the prisoner, during the relevant period, has*  
3           *earned, or is making satisfactory progress to-*  
4           *ward earning, a high school diploma or an*  
5           *equivalent degree.”; and*

6                     *(E) in the sixth sentence, by striking “Cred-*  
7                     *it for the last” and inserting “Subject to para-*  
8                     *graph (2), credit for the last”; and*

9           *(2) by amending paragraph (2) to read as fol-*  
10          *lows:*

11                    *“(2) Notwithstanding any other law, credit*  
12                    *awarded under this subsection after the date of enact-*  
13                    *ment of the Prison Litigation Reform Act shall vest*  
14                    *on the date the prisoner is released from custody.”.*

15          **SEC. 810. SEVERABILITY.**

16            *If any provision of this title, an amendment made by*  
17            *this title, or the application of such provision or amend-*  
18            *ment to any person or circumstance is held to be unconsti-*  
19            *tutional, the remainder of this title, the amendments made*  
20            *by this title, and the application of the provisions of such*  
21            *to any person or circumstance shall not be affected thereby.*

22                    *This Act may be cited as the “Departments of Com-*  
23                    *merce, Justice, and State, the Judiciary, and Related Agen-*  
24                    *cies Appropriations Act, 1996.”.*

1       (b) *Such amounts as may be necessary for programs,*  
2 *projects or activities provided for in the District of Colum-*  
3 *bia Appropriations Act, 1996 at a rate of operations and*  
4 *to the extent and in the manner provided as follows, to be*  
5 *effective as if it had been enacted into law as the regular*  
6 *appropriations Act:*

7   *AN ACT*

8       *Making appropriations for the government of the Dis-*  
9 *trict of Columbia and other activities chargeable in whole*  
10 *or in part against the revenues of said District for the fiscal*  
11 *year ending September 30, 1996, and for other purposes.*

12       *TITLE I—FISCAL YEAR 1996 APPROPRIATIONS*

13       *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

14       *For payment to the District of Columbia for the fiscal*  
15 *year ending September 30, 1996, \$660,000,000, as author-*  
16 *ized by section 502(a) of the District of Columbia Self-Gov-*  
17 *ernment and Governmental Reorganization Act, Public*  
18 *Law 93–198, as amended (D.C. Code, sec. 47–3406.1).*

19       *FEDERAL CONTRIBUTION TO RETIREMENT FUNDS*

20       *For the Federal contribution to the Police Officers and*  
21 *Fire Fighters', Teachers', and Judges' Retirement Funds,*  
22 *as authorized by the District of Columbia Retirement Re-*  
23 *form Act, approved November 17, 1979 (93 Stat. 866; Pub-*  
24 *lic Law 96–122), \$52,070,000.*

1        *FEDERAL CONTRIBUTION FOR EDUCATION REFORM*

2        *For a Federal contribution to Education Reform,*  
3        *\$14,930,000 which shall be deposited into an escrow account*  
4        *of the District of Columbia Financial Responsibility and*  
5        *Management Assistance Authority, pursuant to section 205*  
6        *of Public Law 104–8, approved April 17, 1995 (109 Stat.*  
7        *131), and shall be disbursed from such account pursuant*  
8        *to the instructions of the Authority and in accordance with*  
9        *title II of this Act, where applicable, as follows:*

10        *\$200,000 shall be available for payments to charter*  
11        *schools;*

12        *\$300,000 shall be available for the Public Charter*  
13        *School Board;*

14        *\$2,000,000 shall be transferred directly, notwithstand-*  
15        *ing any other provision of law, to the United States Depart-*  
16        *ment of Education for awarding grants to carry out Even*  
17        *Start programs in the District of Columbia as provided for*  
18        *in Subtitle C of title II of this Act;*

19        *\$1,250,000 shall be available to establish core curricu-*  
20        *lum, content standards, and assessments;*

21        *\$500,000 shall be available for payment to the Admin-*  
22        *istrator of the General Services Administration for the costs*  
23        *of developing engineering plans for donated work on Dis-*  
24        *trict of Columbia public school facilities;*

1       \$100,000 shall be available to develop a plan for a resi-  
2       dential school;

3       \$860,000 shall be available for the District Education  
4       and Learning Technologies Advancement Council;

5       \$1,450,000 shall be available to the District Employ-  
6       ment and Learning Center;

7       \$1,000,000 shall be available for a professional devel-  
8       opment program for teachers and administrators adminis-  
9       tered by the nonprofit corporation selected under section  
10      2701 of title II of this Act;

11      \$1,450,000 shall be available for the Jobs for D.C.  
12      Graduates Program;

13      \$70,000 shall be available for the Everybody Wins pro-  
14      gram: Provided, That \$35,000 of this amount shall not be  
15      available until the Superintendent certifies to the Chairman  
16      of the District of Columbia Financial Responsibility and  
17      Management Assistance Authority that he has raised a like  
18      amount from private sources;

19      \$100,000 shall be available for the Fit Kids program:  
20      Provided, That \$50,000 of this amount shall not be avail-  
21      able until the Superintendent certifies to the Chairman of  
22      the District of Columbia Financial Responsibility and  
23      Management Assistance Authority that he has raised a like  
24      amount from private sources;

1       \$400,000 shall be available to the District of Columbia  
2 Public Schools to improve security (such as installing elec-  
3 tronic door locking devices) at such schools, including at  
4 a minimum the following schools: Winston Education Cen-  
5 ter; McKinley High School; Ballou High School; and  
6 Cardozo High School; and

7       \$5,250,000 shall be available pursuant to a plan devel-  
8 oped by the Superintendent of the District of Columbia  
9 Public Schools, in consultation with public and private en-  
10 tities, for repair, modernization, maintenance and plan-  
11 ning consistent with subtitle A and subtitle F of title II  
12 of this Act, the August 14, 1995 recommendations of the  
13 “Superintendent’s Task Force on Education Infrastructure  
14 for the 21st Century” and the June 13, 1995 “Accelerating  
15 Education Reform in the District of Columbia: Building  
16 on BESST”: Provided, That not more than \$250,000 of this  
17 amount may be available for planning: Provided further,  
18 That these funds shall be available for repair, moderniza-  
19 tion, maintenance of classroom buildings: Provided further,  
20 That these funds shall remain available until expended.

21                                    *DIVISION OF EXPENSES*

22       The following amounts are appropriated for the Dis-  
23 trict of Columbia for the current fiscal year out of the gen-  
24 eral fund of the District of Columbia, except as otherwise  
25 specifically provided.



1            *GOVERNMENTAL DIRECTION AND SUPPORT*

2            *Governmental direction and support, \$149,130,000*  
3 *and 1,498 full-time equivalent positions (end of year) (in-*  
4 *cluding \$117,464,000 and 1,158 full-time equivalent posi-*  
5 *tions from local funds, \$2,464,000 and 5 full-time equiva-*  
6 *lent positions from Federal funds, \$4,474,000 and 71 full-*  
7 *time equivalent positions from other funds, and \$24,728,000*  
8 *and 264 full-time equivalent positions from intra-District*  
9 *funds): Provided, That not to exceed \$2,500 for the Mayor,*  
10 *\$2,500 for the Chairman of the Council of the District of*  
11 *Columbia, and \$2,500 for the City Administrator shall be*  
12 *available from this appropriation for expenditures for offi-*  
13 *cial purposes: Provided further, That any program fees col-*  
14 *lected from the issuance of debt shall be available for the*  
15 *payment of expenses of the debt management program of*  
16 *the District of Columbia: Provided further, That no reve-*  
17  *nues from Federal sources shall be used to support the oper-*  
18 *ations or activities of the Statehood Commission and State-*  
19 *hood Compact Commission: Provided further, That the Dis-*  
20 *trict of Columbia shall identify the sources of funding for*  
21 *Admission to Statehood from its own locally-generated reve-*  
22  *nues: Provided further, That \$29,500,000 is for pay-as-you-*  
23 *go capital projects of which \$1,500,000 shall be for a capital*  
24 *needs assessment study, and \$28,000,000 shall be for a new*  
25 *financial management system, if so determined following*

1 *the evaluation and review process subsequently described in*  
2 *this paragraph, of which \$2,000,000 shall be used to develop*  
3 *a needs analysis and assessment of the existing financial*  
4 *management environment, and the remaining \$26,000,000*  
5 *shall be used to procure the necessary hardware and instal-*  
6 *lation of new software, conversion, testing and training:*  
7 *Provided further, That the \$26,000,000 shall not be obli-*  
8 *gated or expended until: (1) the District of Columbia Fi-*  
9 *ncial Responsibility and Management Assistance Author-*  
10 *ity submits a report to the Committees on Appropriations*  
11 *of the House and the Senate, the Committee on Govern-*  
12 *mental Reform and Oversight of the House, and the Com-*  
13 *mittee on Governmental Affairs of the Senate reporting the*  
14 *results of a needs analysis and assessment of the existing*  
15 *financial management environment, specifying the defi-*  
16 *ciencies in, and recommending necessary improvements to*  
17 *or replacement of the District's financial management sys-*  
18 *tem including a detailed explanation of each recommenda-*  
19 *tion and its estimated cost; and (2) 30 days lapse after re-*  
20 *ceipt of the report by Congress.*

21 *ECONOMIC DEVELOPMENT AND REGULATION*

22 *Economic development and regulation, \$140,983,000*  
23 *and 1,692 full-time equivalent positions (end-of-year) (in-*  
24 *cluding \$68,203,000 and 698 full-time equivalent positions*  
25 *from local funds, \$38,792,000 and 509 full-time equivalent*

1 positions from Federal funds, \$17,658,000 and 258 full-  
2 time equivalent positions from other funds, and \$16,330,000  
3 and 227 full-time equivalent positions from intra-District  
4 funds): Provided, That the District of Columbia Housing  
5 Finance Agency, established by section 201 of the District  
6 of Columbia Housing Finance Agency Act, effective March  
7 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based  
8 upon its capability of repayments as determined each year  
9 by the Council of the District of Columbia from the Housing  
10 Finance Agency's annual audited financial statements to  
11 the Council of the District of Columbia, shall repay to the  
12 general fund an amount equal to the appropriated adminis-  
13 trative costs plus interest at a rate of four percent per  
14 annum for a term of 15 years, with a deferral of payments  
15 for the first three years: Provided further, That notwith-  
16 standing the foregoing provision, the obligation to repay all  
17 or part of the amounts due shall be subject to the rights  
18 of the owners of any bonds or notes issued by the Housing  
19 Finance Agency and shall be repaid to the District of Co-  
20 lumbia government only from available operating revenues  
21 of the Housing Finance Agency that are in excess of the  
22 amounts required for debt service, reserve funds, and oper-  
23 ating expenses: Provided further, That upon commencement  
24 of the debt service payments, such payments shall be depos-  
25 ited into the general fund of the District of Columbia.

1 *PUBLIC SAFETY AND JUSTICE*

2 *Public safety and justice, including purchase of 135*  
3 *passenger-carrying vehicles for replacement only, including*  
4 *130 for police-type use and five for fire-type use, without*  
5 *regard to the general purchase price limitation for the cur-*  
6 *rent fiscal year, \$963,848,000 and 11,544 full-time equiva-*  
7 *lent positions (end-of-year) (including \$940,631,000 and*  
8 *11,365 full-time equivalent positions from local funds,*  
9 *\$8,942,000 and 70 full-time equivalent positions from Fed-*  
10 *eral funds, \$5,160,000 and 4 full-time equivalent positions*  
11 *from other funds, and \$9,115,000 and 105 full-time equiva-*  
12 *lent positions from intra-District funds): Provided, That*  
13 *the Metropolitan Police Department is authorized to replace*  
14 *not to exceed 25 passenger-carrying vehicles and the Fire*  
15 *Department of the District of Columbia is authorized to re-*  
16 *place not to exceed five passenger-carrying vehicles annu-*  
17 *ally whenever the cost of repair to any damaged vehicle ex-*  
18 *ceeds three-fourths of the cost of the replacement: Provided*  
19 *further, That not to exceed \$500,000 shall be available from*  
20 *this appropriation for the Chief of Police for the prevention*  
21 *and detection of crime: Provided further, That the Metro-*  
22 *politan Police Department shall provide quarterly reports*  
23 *to the Committees on Appropriations of the House and Sen-*  
24 *ate on efforts to increase efficiency and improve the profes-*  
25 *sionalism in the department: Provided further, That not-*

1 *withstanding any other provision of law, or Mayor's Order*  
2 *86-45, issued March 18, 1986, the Metropolitan Police De-*  
3 *partment's delegated small purchase authority shall be*  
4 *\$500,000: Provided further, That the District of Columbia*  
5 *government may not require the Metropolitan Police De-*  
6 *partment to submit to any other procurement review proc-*  
7 *ess, or to obtain the approval of or be restricted in any*  
8 *manner by any official or employee of the District of Co-*  
9 *lumbia government, for purchases that do not exceed*  
10 *\$500,000: Provided further, That \$250,000 is used for the*  
11 *Georgetown Summer Detail; \$200,000 is used for East of*  
12 *the River Detail; \$100,000 is used for Adams Morgan De-*  
13 *tail; and \$100,000 is used for the Capitol Hill Summer De-*  
14 *tail: Provided further, That the Metropolitan Police Depart-*  
15 *ment shall employ an authorized level of sworn officers not*  
16 *to be less than 3,800 sworn officers for the fiscal year ending*  
17 *September 30, 1996: Provided further, That funds appro-*  
18 *priated for expenses under the District of Columbia Crimi-*  
19 *nal Justice Act, approved September 3, 1974 (88 Stat.*  
20 *1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.),*  
21 *for the fiscal year ending September 30, 1996, shall be*  
22 *available for obligations incurred under the Act in each fis-*  
23 *cal year since inception in the fiscal year 1975: Provided*  
24 *further, That funds appropriated for expenses under the*  
25 *District of Columbia Neglect Representation Equity Act of*

1 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code,  
2 sec. 16-2304), for the fiscal year ending September 30,  
3 1996, shall be available for obligations incurred under the  
4 Act in each fiscal year since inception in the fiscal year  
5 1985: Provided further, That funds appropriated for ex-  
6 penses under the District of Columbia Guardianship, Pro-  
7 tective Proceedings, and Durable Power of Attorney Act of  
8 1986, effective February 27, 1987 (D.C. Law 6-204; D.C.  
9 Code, sec. 21-2060), for the fiscal year ending September  
10 30, 1996, shall be available for obligations incurred under  
11 the Act in each fiscal year since inception in fiscal year  
12 1989: Provided further, That not to exceed \$1,500 for the  
13 Chief Judge of the District of Columbia Court of Appeals,  
14 \$1,500 for the Chief Judge of the Superior Court of the Dis-  
15 trict of Columbia, and \$1,500 for the Executive Officer of  
16 the District of Columbia Courts shall be available from this  
17 appropriation for official purposes: Provided further, That  
18 the District of Columbia shall operate and maintain a free,  
19 24-hour telephone information service whereby residents of  
20 the area surrounding Lorton prison in Fairfax County,  
21 Virginia, can promptly obtain information from District  
22 of Columbia government officials on all disturbances at the  
23 prison, including escapes, riots, and similar incidents: Pro-  
24 vided further, That the District of Columbia government  
25 shall also take steps to publicize the availability of the 24-

1 *hour telephone information service among the residents of*  
2 *the area surrounding the Lorton prison: Provided further,*  
3 *That not to exceed \$100,000 of this appropriation shall be*  
4 *used to reimburse Fairfax County, Virginia, and Prince*  
5 *William County, Virginia, for expenses incurred by the*  
6 *counties during the fiscal year ending September 30, 1996,*  
7 *in relation to the Lorton prison complex: Provided further,*  
8 *That such reimbursements shall be paid in all instances in*  
9 *which the District requests the counties to provide police,*  
10 *fire, rescue, and related services to help deal with escapes,*  
11 *fires, riots, and similar disturbances involving the prison:*  
12 *Provided further, That the Mayor shall reimburse the Dis-*  
13 *trict of Columbia National Guard for expenses incurred in*  
14 *connection with services that are performed in emergencies*  
15 *by the National Guard in a militia status and are requested*  
16 *by the Mayor, in amounts that shall be jointly determined*  
17 *and certified as due and payable for these services by the*  
18 *Mayor and the Commanding General of the District of Co-*  
19 *lumbia National Guard: Provided further, That such sums*  
20 *as may be necessary for reimbursement to the District of*  
21 *Columbia National Guard under the preceding proviso shall*  
22 *be available from this appropriation, and the availability*  
23 *of the sums shall be deemed as constituting payment in ad-*  
24 *vance for emergency services involved.*

*PUBLIC EDUCATION SYSTEM*

1  
2 *Public education system, including the development of*  
3 *national defense education programs, \$795,201,000 and*  
4 *11,670 full-time equivalent positions (end-of-year) (includ-*  
5 *ing \$676,251,000 and 9,996 full-time equivalent positions*  
6 *from local funds, \$87,385,000 and 1,227 full-time equiva-*  
7 *lent positions from Federal funds, \$21,719,000 and 234 full-*  
8 *time equivalent positions from other funds, and \$9,846,000*  
9 *and 213 full-time equivalent positions from intra-District*  
10 *funds), to be allocated as follows: \$580,996,000 and 10,167*  
11 *full-time equivalent positions (including \$498,310,000 and*  
12 *9,014 full-time equivalent positions from local funds*  
13 *\$75,786,000 and 1,058 full-time equivalent positions from*  
14 *Federal funds, \$4,343,000 and 44 full-time equivalent posi-*  
15 *tions from other funds, and \$2,557,000 and 51 full-time*  
16 *equivalent positions from intra-District funds), for the pub-*  
17 *lic schools of the District of Columbia; \$111,800,000 (in-*  
18 *cluding \$111,000,000 from local funds and \$800,000 from*  
19 *intra-District funds) shall be allocated for the District of*  
20 *Columbia Teachers' Retirement Fund; \$79,396,000 and*  
21 *1,079 full-time equivalent positions (including \$45,377,000*  
22 *and 572 full-time equivalent positions from local funds,*  
23 *\$10,611,000 and 156 full-time equivalent positions from*  
24 *Federal funds, \$16,922,000 and 189 full-time equivalent po-*  
25 *sitions from other funds, and \$6,486,000 and 162 full-time*



1 *equivalent positions from intra-District funds) for the Uni-*  
2 *versity of the District of Columbia; \$20,742,000 and 415*  
3 *full-time equivalent positions (including \$19,839,000 and*  
4 *408 full-time equivalent positions from local funds,*  
5 *\$446,000 and 6 full-time equivalent positions from Federal*  
6 *funds, \$454,000 and 1 full-time equivalent position from*  
7 *other funds, and \$3,000 from intra-District funds) for the*  
8 *Public Library; \$2,267,000 and 9 full-time equivalent posi-*  
9 *tions (including \$1,725,000 and 2 full-time equivalent posi-*  
10 *tions from local funds and \$542,000 and 7 full-time equiva-*  
11 *lent positions from Federal funds) for the Commission on*  
12 *the Arts and Humanities: Provided, That the public schools*  
13 *of the District of Columbia are authorized to accept not to*  
14 *exceed 31 motor vehicles for exclusive use in the driver edu-*  
15 *cation program: Provided further, That not to exceed \$2,500*  
16 *for the Superintendent of Schools, \$2,500 for the President*  
17 *of the University of the District of Columbia, and \$2,000*  
18 *for the Public Librarian shall be available from this appro-*  
19 *priation for expenditures for official purposes: Provided*  
20 *further, That this appropriation shall not be available to*  
21 *subsidize the education of nonresidents of the District of Co-*  
22 *lumbia at the University of the District of Columbia, unless*  
23 *the Board of Trustees of the University of the District of*  
24 *Columbia adopts, for the fiscal year ending September 30,*  
25 *1996, a tuition rate schedule that will establish the tuition*

1 *rate for nonresident students at a level no lower than the*  
2 *nonresident tuition rate charged at comparable public insti-*  
3 *tutions of higher education in the metropolitan area.*

4 *EDUCATION REFORM*

5 *Education reform, \$14,930,000, to be allocated as fol-*  
6 *lows:*

7 *\$200,000 shall be available for payments to charter*  
8 *schools as authorized under Subtitle B of title II of this*  
9 *Act;*

10 *\$300,000 shall be available for the Public Charter*  
11 *School Board as authorized under Subtitle B of title II of*  
12 *this Act;*

13 *\$2,000,000 shall be transferred directly, notwithstand-*  
14 *ing any other provision of law, to the United States Depart-*  
15 *ment of Education for awarding grants to carry out Even*  
16 *Start programs in the District of Columbia as provided for*  
17 *in Subtitle C of title II of this Act;*

18 *\$1,250,000 shall be available to establish core curricu-*  
19 *lum, content standards, and assessments as authorized*  
20 *under Subtitle D of title II of this Act;*

21 *\$500,000 shall be available for payment to the Admin-*  
22 *istrator of the General Services Administration for the costs*  
23 *of developing engineering plans for donated work on Dis-*  
24 *trict of Columbia public school facilities as authorized*  
25 *under Subtitle F of title II of this Act;*

1       \$100,000 shall be available to develop a plan for a resi-  
2       dential school as authorized under Subtitle G of title II of  
3       this Act;

4       \$860,000 shall be available for the District Education  
5       and Learning Technologies Advancement Council as au-  
6       thorized under Subtitle I of title II of this Act;

7       \$1,450,000 shall be available to the District Employ-  
8       ment and Learning Center as authorized under Subtitle I  
9       of title II of this Act;

10       \$1,000,000 shall be available for a professional devel-  
11       opment program for teachers and administrators adminis-  
12       tered by the nonprofit corporation selected under section  
13       2701 of title II of this Act as authorized under Subtitle I  
14       of title II of this Act;

15       \$1,450,000 shall be available for the Jobs for D.C.  
16       Graduates Program as authorized under Subtitle I of title  
17       II of this Act;

18       \$70,000 shall be available for the Everybody Wins pro-  
19       gram;

20       \$100,000 shall be available for the Fit Kids program;

21       \$400,000 shall be available to the District of Columbia  
22       Public Schools to improve security (such as installing elec-  
23       tronic door locking devices) at such schools, including at  
24       a minimum the following schools: Winston Education Cen-

1 *ter; McKinley High School; Ballou High School; and*  
2 *Cardozo High School; and*  
3 *\$5,250,000 shall be available pursuant to a plan devel-*  
4 *oped by the Superintendent of the District of Columbia*  
5 *Public Schools, in consultation with public and private en-*  
6 *tities, for repair, modernization, maintenance and plan-*  
7 *ning consistent with subtitle A and subtitle F of title II*  
8 *of this Act, the August 14, 1995 recommendations of the*  
9 *“Superintendent’s Task Force on Education Infrastructure*  
10 *for the 21st Century” and the June 13, 1995 “Accelerating*  
11 *Education Reform in the District of Columbia: Building*  
12 *on BESSST”: Provided, That not more than \$250,000 of this*  
13 *amount may be available for planning: Provided further,*  
14 *That these funds shall be available for repair, moderniza-*  
15 *tion, maintenance of classroom buildings: Provided further,*  
16 *That these funds shall remain available until expended:*  
17 *Provided, That the District of Columbia government shall*  
18 *enter into negotiations with Gallaudet University to trans-*  
19 *fer, at a fair market value rate, Hamilton School from the*  
20 *District of Columbia to Gallaudet University with the pro-*  
21 *ceeds, if such a sale takes place, deposited into the general*  
22 *fund of the District and used to improve public school fa-*  
23 *cilities in the same ward as the Hamilton School.*

1 *HUMAN SUPPORT SERVICES*

2 *Human support services, \$1,855,014,000 and 6,469*  
3 *full-time equivalent positions (end-of-year) (including*  
4 *\$1,076,856,000 and 3,650 full-time equivalent positions*  
5 *from local funds, \$726,685,000 and 2,639 full-time equiva-*  
6 *lent positions from Federal funds, \$46,799,000 and 66 full-*  
7 *time equivalent positions from other funds, and \$4,674,000*  
8 *and 114 full-time equivalent positions from intra-District*  
9 *funds): Provided, That \$26,000,000 of this appropriation,*  
10 *to remain available until expended, shall be available solely*  
11 *for District of Columbia employees' disability compensa-*  
12 *tion: Provided further, That the District shall not provide*  
13 *free government services such as water, sewer, solid waste*  
14 *disposal or collection, utilities, maintenance, repairs, or*  
15 *similar services to any legally constituted private nonprofit*  
16 *organization (as defined in section 411(5) of Public Law*  
17 *100-77, approved July 22, 1987) providing emergency shel-*  
18 *ter services in the District, if the District would not be*  
19 *qualified to receive reimbursement pursuant to the Stewart*  
20 *B. McKinney Homeless Assistance Act, approved July 22,*  
21 *1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301*  
22 *et seq.).*

23 *PUBLIC WORKS*

24 *Public works, including rental of one passenger-carry-*  
25 *ing vehicle for use by the Mayor and three passenger-carry-*

1 *ing vehicles for use by the Council of the District of Colum-*  
2 *bia and purchase of passenger-carrying vehicles for replace-*  
3 *ment only, \$297,568,000 and 1,914 full-time equivalent po-*  
4 *sitions (end-of-year) (including \$225,915,000 and 1,158*  
5 *full-time equivalent positions from local funds, \$2,682,000*  
6 *and 32 full-time equivalent positions from Federal funds,*  
7 *\$18,342,000 and 68 full-time equivalent positions from*  
8 *other funds, and \$50,629,000 and 656 full-time equivalent*  
9 *positions from intra-District funds): Provided, That this*  
10 *appropriation shall not be available for collecting ashes or*  
11 *miscellaneous refuse from hotels and places of business.*

12 *WASHINGTON CONVENTION CENTER FUND TRANSFER*

13 *PAYMENT*

14 *For payment to the Washington Convention Center*  
15 *Enterprise Fund, \$5,400,000 from local funds.*

16 *REPAYMENT OF LOANS AND INTEREST*

17 *For reimbursement to the United States of funds*  
18 *loaned in compliance with An Act to provide for the estab-*  
19 *lishment of a modern, adequate, and efficient hospital cen-*  
20 *ter in the District of Columbia, approved August 7, 1946*  
21 *(60 Stat. 896; Public Law 79-648); section 1 of An Act*  
22 *to authorize the Commissioners of the District of Columbia*  
23 *to borrow funds for capital improvement programs and to*  
24 *amend provisions of law relating to Federal Government*  
25 *participation in meeting costs of maintaining the Nation's*

1 *Capital City, approved June 6, 1958 (72 Stat. 183; Public*  
2 *Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act*  
3 *to authorize the Commissioners of the District of Columbia*  
4 *to plan, construct, operate, and maintain a sanitary sewer*  
5 *to connect the Dulles International Airport with the Dis-*  
6 *trict of Columbia system, approved June 12, 1960 (74 Stat.*  
7 *211; Public Law 86-515); sections 723 and 743(f) of the*  
8 *District of Columbia Self-Government and Governmental*  
9 *Reorganization Act of 1973, approved December 24, 1973,*  
10 *as amended (87 Stat. 821; Public Law 93-198; D.C. Code,*  
11 *sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C.*  
12 *Code, sec. 9-219, note), including interest as required there-*  
13 *by, \$327,787,000 from local funds.*

14 *REPAYMENT OF GENERAL FUND RECOVERY DEBT*

15 *For the purpose of eliminating the \$331,589,000 gen-*  
16 *eral fund accumulated deficit as of September 30, 1990,*  
17 *\$38,678,000 from local funds, as authorized by section*  
18 *461(a) of the District of Columbia Self-Government and*  
19 *Governmental Reorganization Act, approved December 24,*  
20 *1973, as amended (105 Stat. 540; Public Law 102-106;*  
21 *D.C. Code, sec. 47-321(a)).*

22 *REPAYMENT OF INTEREST ON SHORT-TERM BORROWING*

23 *For repayment of interest on short-term borrowing,*  
24 *\$9,698,000 from local funds.*

1 *PAY RENEGOTIATION OR REDUCTION IN COMPENSATION*

2 *The Mayor shall reduce appropriations and expendi-*  
3 *tures for personal services in the amount of \$46,409,000,*  
4 *by decreasing rates of compensation for District government*  
5 *employees; such decreased rates are to be realized from em-*  
6 *ployees who are subject to collective bargaining agreements*  
7 *to the extent possible through the renegotiation of existing*  
8 *collective bargaining agreements: Provided, That, if a suffi-*  
9 *cient reduction from employees who are subject to collective*  
10 *bargaining agreements is not realized through renegotiating*  
11 *existing agreements, the Mayor shall decrease rates of com-*  
12 *penetration for such employees, notwithstanding the provi-*  
13 *sions of any collective bargaining agreements: Provided fur-*  
14 *ther, That the Congress hereby ratifies and approves legisla-*  
15 *tion enacted by the Council of the District of Columbia dur-*  
16 *ing fiscal year 1995 to reduce the compensation and benefits*  
17 *of all employees of the District of Columbia government*  
18 *during that fiscal year: Provided further, That notwith-*  
19 *standing any other provision of law, the legislation enacted*  
20 *by the Council of the District of Columbia during fiscal*  
21 *year 1995 to reduce the compensation and benefits of all*  
22 *employees of the District of Columbia government during*  
23 *that fiscal year shall be deemed to have been ratified and*  
24 *approved by the Congress during fiscal year 1995.*



*RAINY DAY FUND*

1  
2       *For mandatory unavoidable expenditures within one*  
3 *or several of the various appropriation headings of this Act,*  
4 *to be allocated to the budgets for personal services and*  
5 *nonpersonal services as requested by the Mayor and ap-*  
6 *proved by the Council pursuant to the procedures in section*  
7 *4 of the Reprogramming Policy Act of 1980, effective Sep-*  
8 *tember 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363),*  
9 *\$4,563,000 from local funds: Provided, That the District of*  
10 *Columbia shall provide to the Committees on Appropria-*  
11 *tions of the House of Representatives and the Senate quar-*  
12 *terly reports by the 15th day of the month following the*  
13 *end of the quarter showing how monies provided under this*  
14 *fund are expended with a final report providing a full ac-*  
15 *counting of the fund due October 15, 1996 or not later than*  
16 *15 days after the last amount remaining in the fund is dis-*  
17 *bursed.*

*INCENTIVE BUYOUT PROGRAM*

18  
19       *For the purpose of funding costs associated with the*  
20 *incentive buyout program, to be apportioned by the Mayor*  
21 *of the District of Columbia within the various appropria-*  
22 *tion headings in this Act from which costs are properly*  
23 *payable, \$19,000,000.*

1                                    *OUTPLACEMENT SERVICES*

2            *For the purpose of funding outplacement services for*  
3 *employees who leave the District of Columbia government*  
4 *involuntarily, \$1,500,000.*

5                                    *BOARDS AND COMMISSIONS*

6            *The Mayor shall reduce appropriations and expendi-*  
7 *tures for boards and commissions under the various head-*  
8 *ings in this Act in the amount of \$500,000.*

9                                    *GOVERNMENT RE-ENGINEERING PROGRAM*

10           *The Mayor shall reduce appropriations and expendi-*  
11 *tures for personal and nonpersonal services in the amount*  
12 *of \$16,000,000 within one or several of the various appro-*  
13 *priation headings in this Act.*

14                                    *CAPITAL OUTLAY*15                                    *(INCLUDING RESCISSIONS)*

16           *For construction projects, \$168,222,000 (including*  
17 *\$82,850,000 from local funds and \$85,372,000 from Federal*  
18 *funds), as authorized by An Act authorizing the laying of*  
19 *water mains and service sewers in the District of Columbia,*  
20 *the levying of assessments therefor, and for other purposes,*  
21 *approved April 22, 1904 (33 Stat. 244; Public Law 58–*  
22 *140; D.C. Code, secs. 43–1512 through 43–1519); the Dis-*  
23 *trict of Columbia Public Works Act of 1954, approved May*  
24 *18, 1954 (68 Stat. 101; Public Law 83–364); An Act to*  
25 *authorize the Commissioners of the District of Columbia to*

1 borrow funds for capital improvement programs and to  
2 amend provisions of law relating to Federal Government  
3 participation in meeting costs of maintaining the Nation's  
4 Capital City, approved June 6, 1958 (72 Stat. 183; Public  
5 Law 85-451; including acquisition of sites, preparation of  
6 plans and specifications, conducting preliminary surveys,  
7 erection of structures, including building improvement and  
8 alteration and treatment of grounds, to remain available  
9 until expended: Provided, That \$105,660,000 from local  
10 funds appropriated under this heading in prior fiscal years  
11 is rescinded: Provided further, That funds for use of each  
12 capital project implementing agency shall be managed and  
13 controlled in accordance with all procedures and limita-  
14 tions established under the Financial Management System:  
15 Provided further, That all funds provided by this appro-  
16 priation title shall be available only for the specific projects  
17 and purposes intended: Provided further, That notwith-  
18 standing the foregoing, all authorizations for capital outlay  
19 projects, except those projects covered by the first sentence  
20 of section 23(a) of the Federal-Aid Highway Act of 1968,  
21 approved August 23, 1968 (82 Stat. 827; Public Law 90-  
22 495; D.C. Code, sec. 7-134, note), for which funds are pro-  
23 vided by this appropriation title, shall expire on September  
24 30, 1997, except authorizations for projects as to which  
25 funds have been obligated in whole or in part prior to Sep-

1 *tember 30, 1997: Provided further, That upon expiration*  
2 *of any such project authorization the funds provided herein*  
3 *for the project shall lapse.*

4 *WATER AND SEWER ENTERPRISE FUND*

5 *For the Water and Sewer Enterprise Fund,*  
6 *\$242,253,000 and 1,024 full-time equivalent positions (end-*  
7 *of-year) (including \$237,076,000 and 924 full-time equiva-*  
8 *lent positions from local funds, \$433,000 from other funds,*  
9 *and \$4,744,000 and 100 full-time equivalent positions from*  
10 *intra-District funds), of which \$41,036,000 shall be appor-*  
11 *tioned and payable to the debt service fund for repayment*  
12 *of loans and interest incurred for capital improvement*  
13 *projects.*

14 *For construction projects, \$39,477,000 from Federal*  
15 *funds, as authorized by An Act authorizing the laying of*  
16 *water mains and service sewers in the District of Columbia,*  
17 *the levying of assessments therefor, and for other purposes,*  
18 *approved April 22, 1904 (33 Stat. 244; Public Law 58-*  
19 *140; D.C. Code, sec. 43-1512 et seq.): Provided, That the*  
20 *requirements and restrictions that are applicable to general*  
21 *fund capital improvement projects and set forth in this Act*  
22 *under the Capital Outlay appropriation title shall apply*  
23 *to projects approved under this appropriation title.*

1     *LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND*

2           *For the Lottery and Charitable Games Enterprise*  
3 *Fund, established by the District of Columbia Appropria-*  
4 *tion Act for the fiscal year ending September 30, 1982, ap-*  
5 *proved December 4, 1981 (95 Stat. 1174, 1175; Public Law*  
6 *97–91), as amended, for the purpose of implementing the*  
7 *Law to Legalize Lotteries, Daily Numbers Games, and*  
8 *Bingo and Raffles for Charitable Purposes in the District*  
9 *of Columbia, effective March 10, 1981 (D.C. Law 3–172;*  
10 *D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.),*  
11 *\$229,950,000 and 88 full-time equivalent positions (end-of-*  
12 *year) (including \$7,950,000 and 88 full-time equivalent po-*  
13 *sitions for administrative expenses and \$222,000,000 for*  
14 *non-administrative expenses from revenue generated by the*  
15 *Lottery Board), to be derived from non-Federal District of*  
16 *Columbia revenues: Provided, That the District of Columbia*  
17 *shall identify the source of funding for this appropriation*  
18 *title from the District’s own locally-generated revenues: Pro-*  
19 *vided further, That no revenues from Federal sources shall*  
20 *be used to support the operations or activities of the Lottery*  
21 *and Charitable Games Control Board.*

22                     *CABLE TELEVISION ENTERPRISE FUND*

23           *For the Cable Television Enterprise Fund, established*  
24 *by the Cable Television Communications Act of 1981, effec-*  
25 *tive October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–*

1 1801 et seq.), \$2,351,000 and 8 full-time equivalent posi-  
2 tions (end-of-year) (including \$2,019,000 and 8 full-time  
3 equivalent positions from local funds and \$332,000 from  
4 other funds), of which \$572,000 shall be transferred to the  
5 general fund of the District of Columbia.

6 *STARPLEX FUND*

7 *For the Starplex Fund, \$6,580,000 from other funds*  
8 *for the expenses incurred by the Armory Board in the exer-*  
9 *cise of its powers granted by An Act To Establish A District*  
10 *of Columbia Armory Board, and for other purposes, ap-*  
11 *proved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301*  
12 *et seq.) and the District of Columbia Stadium Act of 1957,*  
13 *approved September 7, 1957 (71 Stat. 619; Public Law 85-*  
14 *300; D.C. Code, sec. 2-321 et seq.): Provided, That the*  
15 *Mayor shall submit a budget for the Armory Board for the*  
16 *forthcoming fiscal year as required by section 442(b) of the*  
17 *District of Columbia Self-Government and Governmental*  
18 *Reorganization Act, approved December 24, 1973 (87 Stat.*  
19 *824; Public Law 93-198; D.C. Code, sec. 47-301(b)).*

20 *D.C. GENERAL HOSPITAL*

21 *For the District of Columbia General Hospital, estab-*  
22 *lished by Reorganization Order No. 57 of the Board of Com-*  
23 *missioners, effective August 15, 1953, \$115,034,000, of*  
24 *which \$56,735,000 shall be derived by transfer as intra-Dis-*  
25 *trict funds from the general fund, \$52,684,000 is to be de-*

1 rived from the other funds, and \$5,615,000 is to be derived  
2 from intra-District funds.

3 *D.C. RETIREMENT BOARD*

4 *For the D.C. Retirement Board, established by section*  
5 *121 of the District of Columbia Retirement Reform Act of*  
6 *1989, approved November 17, 1989 (93 Stat. 866; D.C.*  
7 *Code, sec. 1-711), \$13,440,000 and 11 full-time equivalent*  
8 *positions (end-of-year) from the earnings of the applicable*  
9 *retirement funds to pay legal, management, investment,*  
10 *and other fees and administrative expenses of the District*  
11 *of Columbia Retirement Board: Provided, That the District*  
12 *of Columbia Retirement Board shall provide to the Congress*  
13 *and to the Council of the District of Columbia a quarterly*  
14 *report of the allocations of charges by fund and of expendi-*  
15 *tures of all funds: Provided further, That the District of*  
16 *Columbia Retirement Board shall provide the Mayor, for*  
17 *transmittal to the Council of the District of Columbia, an*  
18 *item accounting of the planned use of appropriated funds*  
19 *in time for each annual budget submission and the actual*  
20 *use of such funds in time for each annual audited financial*  
21 *report.*

22 *CORRECTIONAL INDUSTRIES FUND*

23 *For the Correctional Industries Fund, established by*  
24 *the District of Columbia Correctional Industries Establish-*  
25 *ment Act, approved October 3, 1964 (78 Stat. 1000; Public*

1 *Law 88–622), \$10,516,000 and 66 full-time equivalent posi-*  
2 *tions (end-of-year) (including \$3,415,000 and 22 full-time*  
3 *equivalent positions from other funds and \$7,101,000 and*  
4 *44 full-time equivalent positions from intra-District funds).*

5 *WASHINGTON CONVENTION CENTER ENTERPRISE FUND*

6 *For the Washington Convention Center Enterprise*  
7 *Fund, \$37,957,000, of which \$5,400,000 shall be derived by*  
8 *transfer from the general fund.*

9 *DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND*  
10 *MANAGEMENT ASSISTANCE AUTHORITY*

11 *For the District of Columbia Financial Responsibility*  
12 *and Management Assistance Authority, established by sec-*  
13 *tion 101(a) of the District of Columbia Financial Respon-*  
14 *sibility and Management Assistance Act of 1995, approved*  
15 *April 17, 1995 (109 Stat. 97; Public Law 104–8),*  
16 *\$3,500,000.*

17 *PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS*

18 *Notwithstanding any other provision of law, the Chief*  
19 *Financial Officer established under section 302 of Public*  
20 *Law 104–8, approved April 17, 1995 (109 Stat. 142) shall,*  
21 *on behalf of the Mayor, adjust appropriations and expendi-*  
22 *tures for personal and nonpersonal services, together with*  
23 *the related full-time equivalent positions, in accordance*  
24 *with the direction of the District of Columbia Financial*  
25 *Responsibility and Management Assistance Authority such*



1 *that there is a net reduction of \$165,837,000, within or*  
2 *among one or several of the various appropriation headings*  
3 *in this Act, pursuant to section 208 of Public Law 104–*  
4 *8, approved April 17, 1995 (109 Stat. 134).*

5 *GENERAL PROVISIONS*

6 *SEC. 101. The expenditure of any appropriation under*  
7 *this Act for any consulting service through procurement*  
8 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*  
9 *those contracts where such expenditures are a matter of pub-*  
10 *lic record and available for public inspection, except where*  
11 *otherwise provided under existing law, or under existing*  
12 *Executive order issued pursuant to existing law.*

13 *SEC. 102. Except as otherwise provided in this Act,*  
14 *all vouchers covering expenditures of appropriations con-*  
15 *tained in this Act shall be audited before payment by the*  
16 *designated certifying official and the vouchers as approved*  
17 *shall be paid by checks issued by the designated disbursing*  
18 *official.*

19 *SEC. 103. Whenever in this Act, an amount is specified*  
20 *within an appropriation for particular purposes or objects*  
21 *of expenditure, such amount, unless otherwise specified,*  
22 *shall be considered as the maximum amount that may be*  
23 *expended for said purpose or object rather than an amount*  
24 *set apart exclusively therefor.*

1        *SEC. 104. Appropriations in this Act shall be avail-*  
2 *able, when authorized by the Mayor, for allowances for pri-*  
3 *vately owned automobiles and motorcycles used for the per-*  
4 *formance of official duties at rates established by the Mayor:*  
5 *Provided, That such rates shall not exceed the maximum*  
6 *prevailing rates for such vehicles as prescribed in the Fed-*  
7 *eral Property Management Regulations 101-7 (Federal*  
8 *Travel Regulations).*

9        *SEC. 105. Appropriations in this Act shall be available*  
10 *for expenses of travel and for the payment of dues of organi-*  
11 *zations concerned with the work of the District of Columbia*  
12 *government, when authorized by the Mayor: Provided, That*  
13 *the Council of the District of Columbia and the District*  
14 *of Columbia Courts may expend such funds without author-*  
15 *ization by the Mayor.*

16        *SEC. 106. There are appropriated from the applicable*  
17 *funds of the District of Columbia such sums as may be nec-*  
18 *essary for making refunds and for the payment of judg-*  
19 *ments that have been entered against the District of Colum-*  
20 *bia government: Provided, That nothing contained in this*  
21 *section shall be construed as modifying or affecting the pro-*  
22 *visions of section 11(c)(3) of title XII of the District of Co-*  
23 *lumbia Income and Franchise Tax Act of 1947, approved*  
24 *March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C.*  
25 *Code, sec. 47-1812.11(c)(3)).*

1        *SEC. 107. Appropriations in this Act shall be available*  
2 *for the payment of public assistance without reference to*  
3 *the requirement of section 544 of the District of Columbia*  
4 *Public Assistance Act of 1982, effective April 6, 1982 (D.C.*  
5 *Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Fed-*  
6 *eral share of funds necessary to qualify for Federal assist-*  
7 *ance under the Juvenile Delinquency Prevention and Con-*  
8 *trol Act of 1968, approved July 31, 1968 (82 Stat. 462;*  
9 *Public Law 90–445, 42 U.S.C. 3801 et seq.).*

10        *SEC. 108. No part of any appropriation contained in*  
11 *this Act shall remain available for obligation beyond the*  
12 *current fiscal year unless expressly so provided herein.*

13        *SEC. 109. No funds appropriated in this Act for the*  
14 *District of Columbia government for the operation of edu-*  
15 *cational institutions, the compensation of personnel, or for*  
16 *other educational purposes may be used to permit, encour-*  
17 *age, facilitate, or further partisan political activities. Noth-*  
18 *ing herein is intended to prohibit the availability of school*  
19 *buildings for the use of any community or partisan politi-*  
20 *cal group during non-school hours.*

21        *SEC. 110. The annual budget for the District of Colum-*  
22 *bia government for the fiscal year ending September 30,*  
23 *1997, shall be transmitted to the Congress no later than*  
24 *April 15, 1996 or as provided for under the provisions of*  
25 *Public Law 104–8, approved April 17, 1995.*

1        *SEC. 111. None of the funds appropriated in this Act*  
2 *shall be made available to pay the salary of any employee*  
3 *of the District of Columbia government whose name, title,*  
4 *grade, salary, past work experience, and salary history are*  
5 *not available for inspection by the House and Senate Com-*  
6 *mittees on Appropriations, the House Committee on Gov-*  
7 *ernment Reform and Oversight, District of Columbia Sub-*  
8 *committee, the Subcommittee on Oversight of Government*  
9 *Management, of the Senate Committee on Governmental Af-*  
10 *airs, and the Council of the District of Columbia, or their*  
11 *duly authorized representative: Provided, That none of the*  
12 *funds contained in this Act shall be made available to pay*  
13 *the salary of any employee of the District of Columbia gov-*  
14 *ernment whose name and salary are not available for public*  
15 *inspection.*

16        *SEC. 112. There are appropriated from the applicable*  
17 *funds of the District of Columbia such sums as may be nec-*  
18 *essary for making payments authorized by the District of*  
19 *Columbia Revenue Recovery Act of 1977, effective Septem-*  
20 *ber 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et*  
21 *seq.).*

22        *SEC. 113. No part of this appropriation shall be used*  
23 *for publicity or propaganda purposes or implementation of*  
24 *any policy including boycott designed to support or defeat*  
25 *legislation pending before Congress or any State legislature.*

1        *SEC. 114. At the start of the fiscal year, the Mayor*  
2 *shall develop an annual plan, by quarter and by project,*  
3 *for capital outlay borrowings: Provided, That within a rea-*  
4 *sonable time after the close of each quarter, the Mayor shall*  
5 *report to the Council of the District of Columbia and the*  
6 *Congress the actual borrowings and spending progress com-*  
7 *pared with projections.*

8        *SEC. 115. The Mayor shall not borrow any funds for*  
9 *capital projects unless the Mayor has obtained prior ap-*  
10 *proval from the Council of the District of Columbia, by reso-*  
11 *lution, identifying the projects and amounts to be financed*  
12 *with such borrowings.*

13        *SEC. 116. The Mayor shall not expend any moneys*  
14 *borrowed for capital projects for the operating expenses of*  
15 *the District of Columbia government.*

16        *SEC. 117. None of the funds appropriated by this Act*  
17 *may be obligated or expended by reprogramming except*  
18 *pursuant to advance approval of the reprogramming grant-*  
19 *ed according to the procedure set forth in the Joint Explan-*  
20 *atory Statement of the Committee of Conference (House Re-*  
21 *port No. 96-443), which accompanied the District of Co-*  
22 *lumbia Appropriation Act, 1980, approved October 30,*  
23 *1979 (93 Stat. 713; Public Law 96-93), as modified in*  
24 *House Report No. 98-265, and in accordance with the*  
25 *Reprogramming Policy Act of 1980, effective September 16,*

1 1980 (*D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.*): Pro-  
2 vided, That for the fiscal year ending September 30, 1996  
3 the above shall apply except as modified by Public Law  
4 104-8.

5       *SEC. 118. None of the Federal funds provided in this*  
6 *Act shall be obligated or expended to provide a personal*  
7 *cook, chauffeur, or other personal servants to any officer or*  
8 *employee of the District of Columbia.*

9       *SEC. 119. None of the Federal Funds provided in this*  
10 *Act shall be obligated or expended to procure passenger*  
11 *automobiles as defined in the Automobile Fuel Efficiency*  
12 *Act of 1980, approved October 10, 1980 (94 Stat. 1824;*  
13 *Public Law 96-425; 15 U.S.C. 2001(2)), with an Environ-*  
14 *mental Protection Agency estimated miles per gallon aver-*  
15 *age of less than 22 miles per gallon: Provided, That this*  
16 *section shall not apply to security, emergency rescue, or ar-*  
17 *mored vehicles.*

18       *SEC. 120. (a) Notwithstanding section 422(7) of the*  
19 *District of Columbia Self-Government and Governmental*  
20 *Reorganization Act of 1973, approved December 24, 1973*  
21 *(87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-*  
22 *242(7)), the City Administrator shall be paid, during any*  
23 *fiscal year, a salary at a rate established by the Mayor,*  
24 *not to exceed the rate established for level IV of the Execu-*  
25 *tive Schedule under 5 U.S.C. 5315.*

1           (b) For purposes of applying any provision of law lim-  
2    iting the availability of funds for payment of salary or pay  
3    in any fiscal year, the highest rate of pay established by  
4    the Mayor under subsection (a) of this section for any posi-  
5    tion for any period during the last quarter of calendar year  
6    1995 shall be deemed to be the rate of pay payable for that  
7    position for September 30, 1995.

8           (c) Notwithstanding section 4(a) of the District of Co-  
9    lumbia Redevelopment Act of 1945, approved August 2,  
10   1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec.  
11   5-803(a)), the Board of Directors of the District of Colum-  
12   bia Redevelopment Land Agency shall be paid, during any  
13   fiscal year, per diem compensation at a rate established by  
14   the Mayor.

15         SEC. 121. Notwithstanding any other provisions of  
16   law, the provisions of the District of Columbia Government  
17   Comprehensive Merit Personnel Act of 1978, effective March  
18   3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.),  
19   enacted pursuant to section 422(3) of the District of Colum-  
20   bia Self-Government and Governmental Reorganization Act  
21   of 1973, approved December 24, 1973 (87 Stat. 790; Public  
22   Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with  
23   respect to the compensation of District of Columbia employ-  
24   ees: Provided, That for pay purposes, employees of the Dis-

1 *trict of Columbia government shall not be subject to the pro-*  
2 *visions of title 5 of the United States Code.*

3       *SEC. 122. The Director of the Department of Adminis-*  
4 *trative Services may pay rentals and repair, alter, and im-*  
5 *prove rented premises, without regard to the provisions of*  
6 *section 322 of the Economy Act of 1932 (Public Law 72-*  
7 *212; 40 U.S.C. 278a), upon a determination by the Direc-*  
8 *tor, that by reason of circumstances set forth in such deter-*  
9 *mination, the payment of these rents and the execution of*  
10 *this work, without reference to the limitations of section*  
11 *322, is advantageous to the District in terms of economy,*  
12 *efficiency, and the District's best interest.*

13       *SEC. 123. No later than 30 days after the end of the*  
14 *first quarter of the fiscal year ending September 30, 1996,*  
15 *the Mayor of the District of Columbia shall submit to the*  
16 *Council of the District of Columbia the new fiscal year 1996*  
17 *revenue estimates as of the end of the first quarter of fiscal*  
18 *year 1996. These estimates shall be used in the budget re-*  
19 *quest for the fiscal year ending September 30, 1997. The*  
20 *officially revised estimates at midyear shall be used for the*  
21 *midyear report.*

22       *SEC. 124. No sole source contract with the District of*  
23 *Columbia government or any agency thereof may be re-*  
24 *newed or extended without opening that contract to the*  
25 *competitive bidding process as set forth in section 303 of*



1 *the District of Columbia Procurement Practices Act of 1985,*  
2 *effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec.*  
3 *1–1183.3), except that the District of Columbia Public*  
4 *Schools may renew or extend sole source contracts for which*  
5 *competition is not feasible or practical, provided that the*  
6 *determination as to whether to invoke the competitive bid-*  
7 *ding process has been made in accordance with duly pro-*  
8 *mulgated Board of Education rules and procedures.*

9       *SEC. 125. For purposes of the Balanced Budget and*  
10 *Emergency Deficit Control Act of 1985, approved December*  
11 *12, 1985 (99 Stat. 1037; Public Law 99–177), as amended,*  
12 *the term “program, project, and activity” shall be synony-*  
13 *mous with and refer specifically to each account appro-*  
14 *priating Federal funds in this Act, and any sequestration*  
15 *order shall be applied to each of the accounts rather than*  
16 *to the aggregate total of those accounts: Provided, That se-*  
17 *questration orders shall not be applied to any account that*  
18 *is specifically exempted from sequestration by the Balanced*  
19 *Budget and Emergency Deficit Control Act of 1985, ap-*  
20 *proved December 12, 1985 (99 Stat. 1037; Public Law 99–*  
21 *177), as amended.*

22       *SEC. 126. In the event a sequestration order is issued*  
23 *pursuant to the Balanced Budget and Emergency Deficit*  
24 *Control Act of 1985, approved December 12, 1985 (99 Stat.*  
25 *1037; Public Law 99–177), as amended, after the amounts*

1 *appropriated to the District of Columbia for the fiscal year*  
2 *involved have been paid to the District of Columbia, the*  
3 *Mayor of the District of Columbia shall pay to the Sec-*  
4 *retary of the Treasury, within 15 days after receipt of a*  
5 *request therefor from the Secretary of the Treasury, such*  
6 *amounts as are sequestered by the order: Provided, That the*  
7 *sequestration percentage specified in the order shall be ap-*  
8 *plied proportionately to each of the Federal appropriation*  
9 *accounts in this Act that are not specifically exempted from*  
10 *sequestration by the Balanced Budget and Emergency Defi-*  
11 *cit Control Act of 1985, approved December 12, 1985 (99*  
12 *Stat. 1037; Public Law 99-177), as amended.*

13       *SEC. 127. For the fiscal year ending September 30,*  
14 *1996, the District of Columbia shall pay interest on its*  
15 *quarterly payments to the United States that are made*  
16 *more than 60 days from the date of receipt of an itemized*  
17 *statement from the Federal Bureau of Prisons of amounts*  
18 *due for housing District of Columbia convicts in Federal*  
19 *penitentiaries for the preceding quarter.*

20       *SEC. 128. Nothing in this Act shall be construed to*  
21 *authorize any office, agency or entity to expend funds for*  
22 *programs or functions for which a reorganization plan is*  
23 *required but has not been approved by the Council pursuant*  
24 *to section 422(12) of the District of Columbia Self-Govern-*  
25 *ment and Governmental Reorganization Act of 1973, ap-*

1 *proved December 24, 1973 (87 Stat. 790; Public Law 93–*  
2 *198; D.C. Code, sec. 1–242(12)) and the Governmental Re-*  
3 *organization Procedures Act of 1981, effective October 17,*  
4 *1981 (D.C. Law 4–42; D.C. Code, sec. 1–299.1 to 1–299.7).*  
5 *Appropriations made by this Act for such programs or*  
6 *functions are conditioned on the approval by the Council,*  
7 *prior to October 1, 1995, of the required reorganization*  
8 *plans.*

9       *SEC. 129. (a) An entity of the District of Columbia*  
10 *government may accept and use a gift or donation during*  
11 *fiscal year 1996 if—*

12               *(1) the Mayor approves the acceptance and use*  
13 *of the gift or donation: Provided, That the Council of*  
14 *the District of Columbia may accept and use gifts*  
15 *without prior approval by the Mayor; and*

16               *(2) the entity uses the gift or donation to carry*  
17 *out its authorized functions or duties.*

18       *(b) Each entity of the District of Columbia government*  
19 *shall keep accurate and detailed records of the acceptance*  
20 *and use of any gift or donation under subsection (a) of this*  
21 *section, and shall make such records available for audit and*  
22 *public inspection.*

23       *(c) For the purposes of this section, the term “entity*  
24 *of the District of Columbia government” includes an inde-*  
25 *pendent agency of the District of Columbia.*

1       (d) *This section shall not apply to the District of Co-*  
2 *lumbia Board of Education, which may, pursuant to the*  
3 *laws and regulations of the District of Columbia, accept*  
4 *and use gifts to the public schools without prior approval*  
5 *by the Mayor.*

6       *SEC. 130. None of the Federal funds provided in this*  
7 *Act may be used by the District of Columbia to provide*  
8 *for salaries, expenses, or other costs associated with the of-*  
9 *fices of United States Senator or United States Representa-*  
10 *tive under section 4(d) of the District of Columbia State-*  
11 *hood Constitutional Convention Initiatives of 1979, effective*  
12 *March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-*  
13 *113(d)).*

14       *PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS*

15       *SEC. 131. None of the funds appropriated under this*  
16 *Act shall be expended for any abortion except where the life*  
17 *of the mother would be endangered if the fetus were carried*  
18 *to term or where the pregnancy is the result of an act of*  
19 *rape or incest.*

20       *PROHIBITION ON DOMESTIC PARTNERS ACT*

21       *SEC. 132. No funds made available pursuant to any*  
22 *provision of this Act shall be used to implement or enforce*  
23 *any system of registration of unmarried, cohabiting couples*  
24 *whether they are homosexual, lesbian, or heterosexual, in-*  
25 *cluding but not limited to registration for the purpose of*

1 *extending employment, health, or governmental benefits to*  
2 *such couples on the same basis that such benefits are ex-*  
3 *tended to legally married couples; nor shall any funds made*  
4 *available pursuant to any provision of this Act otherwise*  
5 *be used to implement or enforce D.C. Act 9–188, signed by*  
6 *the Mayor of the District of Columbia on April 15, 1992.*

7 *COMPENSATION FOR THE COMMISSION ON JUDICIAL DIS-*  
8 *ABILITIES AND TENURE AND FOR THE JUDICIAL*  
9 *NOMINATION COMMISSION*

10 *SEC. 133. Sections 431(f) and 433(b)(5) of the District*  
11 *of Columbia Self-Government and Governmental Reorga-*  
12 *nization Act, approved December 24, 1973 (87 Stat. 813;*  
13 *Public Law 93–198; D.C. Code, secs. 11–1524 and title 11,*  
14 *App. 433), are amended to read as follows:*

15 *(a) Section 431(f) (D.C. Code, sec. 11–1524) is amend-*  
16 *ed to read as follows:*

17 *“(f) Members of the Tenure Commission shall serve*  
18 *without compensation for services rendered in connection*  
19 *with their official duties on the Commission.”.*

20 *(b) Section 433(b)(5) (title 11, App. 433) is amended*  
21 *to read as follows:*

22 *“(5) Members of the Commission shall serve without*  
23 *compensation for services rendered in connection with their*  
24 *official duties on the Commission.”.*

*MULTIYEAR CONTRACTS*

1  
2       *SEC. 134. Section 451 of the District of Columbia Self-*  
3 *Government and Governmental Reorganization Act of 1973,*  
4 *approved December 24, 1973 (87 Stat. 803; Public Law 93-*  
5 *198; D.C. Code, sec. 1-1130), is amended by adding a new*  
6 *subsection (c) to read as follows:*

7       “(c)(1) *The District may enter into multiyear con-*  
8 *tracts to obtain goods and services for which funds would*  
9 *otherwise be available for obligation only within the fiscal*  
10 *year for which appropriated.*

11       “(2) *If the funds are not made available for the con-*  
12 *tinuation of such a contract into a subsequent fiscal year,*  
13 *the contract shall be cancelled or terminated, and the cost*  
14 *of cancellation or termination may be paid from—*

15               “(A) *appropriations originally available for the*  
16 *performance of the contract concerned;*

17               “(B) *appropriations currently available for pro-*  
18 *curement of the type of acquisition covered by the*  
19 *contract, and not otherwise obligated; or*

20               “(C) *funds appropriated for those payments.*

21       “(3) *No contract entered into under this section shall*  
22 *be valid unless the Mayor submits the contract to the Coun-*  
23 *cil for its approval and the Council approves the contract*  
24 *(in accordance with criteria established by act of the Coun-*  
25 *cil). The Council shall be required to take affirmative action*

1 *to approve the contract within 45 days. If no action is taken*  
2 *to approve the contract within 45 calendar days, the con-*  
3 *tract shall be deemed disapproved.”.*

4 *CALCULATED REAL PROPERTY TAX RATE RESCISSION*  
5 *AND REAL PROPERTY TAX FREEZE*

6 *SEC. 135. The District of Columbia Real Property Tax*  
7 *Revision Act of 1974, approved September 3, 1974 (88 Stat.*  
8 *1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:*

9 *(1) Section 412 (D.C. Code, sec. 47–812) is*  
10 *amended as follows:*

11 *(A) Subsection (a) is amended by striking*  
12 *the third and fourth sentences and inserting the*  
13 *following sentences in their place: “If the Council*  
14 *does extend the time for establishing the rates of*  
15 *taxation on real property, it must establish those*  
16 *rates for the tax year by permanent legislation.*  
17 *If the Council does not establish the rates of tax-*  
18 *ation of real property by October 15, and does*  
19 *not extend the time for establishing rates, the*  
20 *rates of taxation applied for the prior year shall*  
21 *be the rates of taxation applied during the tax*  
22 *year.”.*

23 *(B) A new subsection (a–2) is added to read*  
24 *as follows:*

1       “(a-2) Notwithstanding the provisions of subsection  
2 (a) of this section, the real property tax rates for taxable  
3 real property in the District of Columbia for the tax year  
4 beginning October 1, 1995, and ending September 30, 1996,  
5 shall be the same rates in effect for the tax year beginning  
6 October 1, 1993, and ending September 30, 1994.”.

7           (2) Section 413(c) (D.C. Code, sec. 47-815(c)) is  
8       repealed.

#### 9   PRISONS INDUSTRIES

10       SEC. 136. Title 18 U.S.C. 1761(b) is amended by strik-  
11 ing the period at the end and inserting the phrase “or not-  
12 for-profit organizations.” in its place.

#### 13   REPORTS ON REDUCTIONS

14       SEC. 137. Within 120 days of the effective date of this  
15 Act, the Mayor shall submit to the Congress and the Council  
16 a report delineating the actions taken by the executive to  
17 effect the directives of the Council in this Act, including—

18           (1) negotiations with representatives of collective  
19 bargaining units to reduce employee compensation;

20           (2) actions to restructure existing long-term city  
21 debt;

22           (3) actions to apportion the spending reductions  
23 anticipated by the directives of this Act to the execu-  
24 tive for unallocated reductions; and



1           (4) a list of any position that is backfilled in-  
2           cluding description, title, and salary of the position.

3           MONTHLY REPORTING REQUIREMENTS—BOARD OF  
4           EDUCATION

5           SEC. 138. The Board of Education shall submit to the  
6 Congress, Mayor, and Council of the District of Columbia  
7 no later than fifteen (15) calendar days after the end of  
8 each month a report that sets forth—

9           (1) current month expenditures and obligations,  
10          year-to-date expenditures and obligations, and total  
11          fiscal year expenditure projections vs. budget broken  
12          out on the basis of control center, responsibility cen-  
13          ter, agency reporting code, and object class, and for  
14          all funds, including capital financing;

15          (2) a breakdown of FTE positions and staff for  
16          the most current pay period broken out on the basis  
17          of control center, responsibility center, and agency re-  
18          porting code within each responsibility center, for all  
19          funds, including capital funds;

20          (3) a list of each account for which spending is  
21          frozen and the amount of funds frozen, broken out by  
22          control center, responsibility center, detailed object,  
23          and agency reporting code, and for all funding  
24          sources;

1           (4) a list of all active contracts in excess of  
2           \$10,000 annually, which contains; the name of each  
3           contractor; the budget to which the contract is charged  
4           broken out on the basis of control center, responsibil-  
5           ity center, and agency reporting code; and contract  
6           identifying codes used by the D.C. Public Schools;  
7           payments made in the last month and year-to-date,  
8           the total amount of the contract and total payments  
9           made for the contract and any modifications, exten-  
10          sions, renewals; and specific modifications made to  
11          each contract in the last month;

12          (5) all reprogramming requests and reports that  
13          are required to be, and have been, submitted to the  
14          Board of Education; and

15          (6) changes made in the last month to the orga-  
16          nizational structure of the D.C. Public Schools, dis-  
17          playing previous and current control centers and re-  
18          sponsibility centers, the names of the organizational  
19          entities that have been changed, the name of the staff  
20          member supervising each entity affected, and the rea-  
21          sons for the structural change.

#### 22                                   MONTHLY REPORTING REQUIREMENT

#### 23                                   UNIVERSITY OF THE DISTRICT OF COLUMBIA

24           SEC. 139. *The University of the District of Columbia*  
25           *shall submit to the Congress, Mayor, and Council of the Dis-*

1 *trict of Columbia no later than fifteen (15) calendar days*  
2 *after the end of each month a report that sets forth—*

3 *(1) current month expenditures and obligations,*  
4 *year-to-date expenditures and obligations, and total*  
5 *fiscal year expenditure projections vs. budget broken*  
6 *out on the basis of control center, responsibility cen-*  
7 *ter, and object class, and for all funds, including cap-*  
8 *ital financing;*

9 *(2) a breakdown of FTE positions and all em-*  
10 *ployees for the most current pay period broken out on*  
11 *the basis of control center and responsibility center,*  
12 *for all funds, including capital funds;*

13 *(3) a list of each account for which spending is*  
14 *frozen and the amount of funds frozen, broken out by*  
15 *control center, responsibility center, detailed object,*  
16 *and for all funding sources;*

17 *(4) a list of all active contracts in excess of*  
18 *\$10,000 annually, which contains: the name of each*  
19 *contractor; the budget to which the contract is charged*  
20 *broken out on the basis of control center and respon-*  
21 *sibility center, and contract identifying codes used by*  
22 *the University of the District of Columbia; payments*  
23 *made in the last month and year-to-date, the total*  
24 *amount of the contract and total payments made for*  
25 *the contract and any modifications, extensions, re-*

1        *newals; and specific modifications made to each con-*  
2        *tract in the last month;*

3            *(5) all reprogramming requests and reports that*  
4        *have been made by the University of the District of*  
5        *Columbia within the last month in compliance with*  
6        *applicable law; and*

7            *(6) changes in the last month to the organiza-*  
8        *tional structure of the University of the District of*  
9        *Columbia, displaying previous and current control*  
10       *centers and responsibility centers, the names of the or-*  
11       *ganizational entities that have been changed, the*  
12       *name of the staff member supervising each entity af-*  
13       *ected, and the reasons for the structural change.*

14                            *ANNUAL REPORTING REQUIREMENTS*

15        *SEC. 140. (a) The Board of Education of the District*  
16       *of Columbia and the University of the District of Columbia*  
17       *shall annually compile an accurate and verifiable report*  
18       *on the positions and employees in the public school system*  
19       *and the university, respectively. The annual report shall set*  
20       *forth—*

21            *(1) the number of validated schedule A positions*  
22        *in the District of Columbia Public Schools and the*  
23        *University of the District of Columbia for fiscal year*  
24        *1995, fiscal year 1996, and thereafter on full-time*  
25        *equivalent basis, including a compilation of all posi-*

1        *tions by control center, responsibility center, funding*  
2        *source, position type, position title, pay plan, grade,*  
3        *and annual salary; and*

4            *(2) a compilation of all employees in the District*  
5        *of Columbia Public Schools and the University of the*  
6        *District of Columbia as of the preceding December 31,*  
7        *verified as to its accuracy in accordance with the*  
8        *functions that each employee actually performs, by*  
9        *control center, responsibility center, agency reporting*  
10       *code, program (including funding source), activity,*  
11       *location for accounting purposes, job title, grade and*  
12       *classification, annual salary, and position control*  
13       *number.*

14       *(b) The annual report required by subsection (a) of*  
15       *this section shall be submitted to the Congress, the Mayor*  
16       *and Council of the District of Columbia, by not later than*  
17       *February 8 of each year.*

18            *ANNUAL BUDGETS AND BUDGET REVISIONS*

19        *SEC. 141. (a) Not later than October 1, 1995, or within*  
20        *15 calendar days after the date of the enactment of the Dis-*  
21        *trict of Columbia Appropriations Act, 1996, whichever oc-*  
22        *curs later, and each succeeding year, the Board of Edu-*  
23        *cation and the University of the District of Columbia shall*  
24        *submit to the Congress, the Mayor, and Council of the Dis-*  
25        *trict of Columbia, a revised appropriated funds operating*

1 budget for the public school system and the University of  
2 the District of Columbia for such fiscal year that is in the  
3 total amount of the approved appropriation and that re-  
4 aligns budgeted data for personal services and other-than-  
5 personal services, respectively, with anticipated actual ex-  
6 penditures.

7       (b) The revised budget required by subsection (a) of  
8 this section shall be submitted in the format of the budget  
9 that the Board of Education and the University of the Dis-  
10 trict of Columbia submit to the Mayor of the District of  
11 Columbia for inclusion in the Mayor's budget submission  
12 to the Council of the District of Columbia pursuant to sec-  
13 tion 442 of the District of Columbia Self-Government and  
14 Governmental Reorganization Act, Public Law 93-198, as  
15 amended (D.C. Code, sec. 47-301).

16                                    *BUDGET APPROVAL*

17       *SEC. 142. The Board of Education the Board of Trust-*  
18 *ees of the University of the District of Columbia, the Board*  
19 *of Library Trustees, and the Board of Governors of the D.C.*  
20 *School of Law shall vote on and approve their respective*  
21 *annual or revised budgets before submission to the Mayor*  
22 *of the District of Columbia for inclusion in the Mayor's*  
23 *budget submission to the Council of the District of Columbia*  
24 *in accordance with section 442 of the District of Columbia*  
25 *Self-Government and Governmental Reorganization Act,*

1 *Public Law 93–198, as amended (D.C. Code, sec. 47–301),*  
2 *or before submitting their respective budgets directly to the*  
3 *Council.*

4 *PUBLIC SCHOOL EMPLOYEE EVALUATIONS*

5 *SEC. 143. Notwithstanding any other provision of law,*  
6 *rule, or regulation, the evaluation process and instruments*  
7 *for evaluating District of Columbia Public Schools employ-*  
8 *ees shall be a non-negotiable item for collective bargaining*  
9 *purposes.*

10 *POSITION VACANCIES*

11 *SEC. 144. (a) No agency, including an independent*  
12 *agency, shall fill a position wholly funded by appropri-*  
13 *tions authorized by this Act, which is vacant on October*  
14 *1, 1995, or becomes vacant between October 1, 1995, and*  
15 *September 30, 1996, unless the Mayor or independent agen-*  
16 *cy submits a proposed resolution of intent to fill the vacant*  
17 *position to the Council. The Council shall be required to*  
18 *take affirmative action on the Mayor's resolution within 30*  
19 *legislative days. If the Council does not affirmatively ap-*  
20 *prove the resolution within 30 legislative days, the resolu-*  
21 *tion shall be deemed disapproved.*

22 *(b) No reduction in the number of full-time equivalent*  
23 *positions or reduction-in-force due to privatization or con-*  
24 *tracting out shall occur if the District of Columbia Finan-*  
25 *cial Responsibility and Management Assistance Authority,*

1 *established by section 101(a) of the District of Columbia*  
2 *Financial Responsibility and Management Assistance Act*  
3 *of 1995, approved April 17, 1995 (109 Stat. 97; Public Law*  
4 *104–8), disallows the full-time equivalent position reduction*  
5 *provided in this act in meeting the maximum ceiling of*  
6 *35,984 for the fiscal year ending September 30, 1996.*

7       (c) *This section shall not prohibit the appropriate per-*  
8 *sonnel authority from filling a vacant position with a Dis-*  
9 *trict government employee currently occupying a position*  
10 *that is funded with appropriated funds.*

11       (d) *This section shall not apply to local school-based*  
12 *teachers, school-based officers, or school-based teachers’*  
13 *aides; or court personnel covered by title 11 of the D.C.*  
14 *Code, except chapter 23.*

15 *MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-*  
16 *FORCE PROCEDURES*

17       *SEC. 145. The District of Columbia Government Com-*  
18 *prehensive Merit Personnel Act of 1978, effective March 3,*  
19 *1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.),*  
20 *is amended as follows:*

21       (a) *Section 301 (D.C. Code, sec. 1–603.1) is amended*  
22 *as follows:*

23               (1) *A new paragraph (13A) is added to read as*  
24 *follows:*



1       “(13A) ‘Nonschool-based personnel’ means any em-  
2 ployee of the District of Columbia Public Schools who is  
3 not based at a local school or who does not provide direct  
4 services to individual students.”.

5           (2) A new paragraph (15A) is added to read as  
6 follows:

7       “(15A) ‘School administrators’ means principals, as-  
8 sistant principals, school program directors, coordinators,  
9 instructional supervisors, and support personnel of the Dis-  
10 trict of Columbia Public Schools.”.

11       (b) Section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2))  
12 is amended by adding a new subparagraph (L-i) to read  
13 as follows:

14       “(L-i) Notwithstanding any other provision of law,  
15 the Board of Education shall not issue rules that require  
16 or permit nonschool-based personnel or school administra-  
17 tors to be assigned or reassigned to the same competitive  
18 level as classroom teachers;”

19       (c) Section 2402 (D.C. Code, sec. 1-625.2) is amended  
20 by adding a new subsection (f) to read as follows:

21       “(f) Notwithstanding any other provision of law, the  
22 Board of Education shall not require or permit nonschool-  
23 based personnel or school administrators to be assigned or  
24 reassigned to the same competitive level as classroom teach-  
25 ers.”.

1        *SEC. 146. (a) Notwithstanding any other provision of*  
2 *law, rule, or regulation, an employee of the District of Co-*  
3 *lumbia Public Schools shall be—*

4            (1) *classified as an Educational Service em-*  
5 *ployee;*

6            (2) *placed under the personnel authority of the*  
7 *Board of Education; and*

8            (3) *subject to all Board of Education rules.*

9        (b) *School-based personnel shall constitute a separate*  
10 *competitive area from nonschool-based personnel who shall*  
11 *not compete with school-based personnel for retention pur-*  
12 *poses.*

13        *SEC. 147. None of the funds provided in this Act may*  
14 *be used directly or indirectly for the renovation of the prop-*  
15 *erty located at 227 7th Street Southeast (commonly known*  
16 *as Eastern Market), except that funds provided in this Act*  
17 *may be used for the regular maintenance and upkeep of*  
18 *the current structure and grounds located at such property.*

19                            *CAPITAL PROJECT EMPLOYEES*

20        *SEC. 148. (a) Not later than 15 days after the end of*  
21 *every fiscal quarter (beginning October 1, 1995), the Mayor*  
22 *shall submit to the Council of the District of Columbia, the*  
23 *District of Columbia Financial Responsibility and Man-*  
24 *agement Assistance Authority, and the Committees on Ap-*  
25 *propriations of the House of Representatives and the Senate*

1 *a report with respect to the employees on the capital project*  
2 *budget for the previous quarter.*

3 *(b) Each report submitted pursuant to subsection (a)*  
4 *of this section shall include the following information—*

5 *(1) a list of all employees by position, title,*  
6 *grade and step;*

7 *(2) a job description, including the capital*  
8 *project for which each employee is working;*

9 *(3) the date that each employee began working*  
10 *on the capital project and the ending date that each*  
11 *employee completed or is projected to complete work*  
12 *on the capital project; and*

13 *(4) a detailed explanation justifying why each*  
14 *employee is being paid with capital funds.*

15 *MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES*

16 *SEC. 149. The District of Columbia Government Com-*  
17 *prehensive Merit Personnel Act of 1978, effective March 3,*  
18 *1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.),*  
19 *is amended as follows:*

20 *(a) Section 2401 (D.C. Code, sec. 1–625.1) is amended*  
21 *by amending the third sentence to read as follows: “A per-*  
22 *sonnel authority may establish lesser competitive areas*  
23 *within an agency on the basis of all or a clearly identifiable*  
24 *segment of an agency’s mission or a division or major sub-*  
25 *division of an agency.”.*

1       (b) *A new section 2406 is added to read as follows:*

2       “*SEC. 2406. Abolishment of positions for Fiscal Year*  
3 *1996.*

4       “*(a) Notwithstanding any other provision of law, regu-*  
5 *lation, or collective bargaining agreement either in effect*  
6 *or to be negotiated while this legislation is in effect for the*  
7 *fiscal year ending September 30, 1996, each agency head*  
8 *is authorized, within the agency head’s discretion, to iden-*  
9 *tify positions for abolishment.*

10       “*(b) Prior to February 1, 1996, each personnel author-*  
11 *ity shall make a final determination that a position within*  
12 *the personnel authority is to be abolished.*

13       “*(c) Notwithstanding any rights or procedures estab-*  
14 *lished by any other provision of this title, any District gov-*  
15 *ernment employee, regardless of date of hire, who encumbers*  
16 *a position identified for abolishment shall be separated*  
17 *without competition or assignment rights, except as pro-*  
18 *vided in this section.*

19       “*(d) An employee affected by the abolishment of a posi-*  
20 *tion pursuant to this section who, but for this section would*  
21 *be entitled to compete for retention, shall be entitled to 1*  
22 *round of lateral competition pursuant to Chapter 24 of the*  
23 *District of Columbia Personnel Manual, which shall be lim-*  
24 *ited to positions in the employee’s competitive level.*

1       “(e) *Each employee who is a bona fide resident of the*  
2 *District of Columbia shall have added 5 years to his or her*  
3 *creditable service for reduction-in-force purposes. For pur-*  
4 *poses of this subsection only, a nonresident District em-*  
5 *ployee who was hired by the District government prior to*  
6 *January 1, 1980, and has not had a break in service since*  
7 *that date, or a former employee of the U.S. Department of*  
8 *Health and Human Services at Saint Elizabeths Hospital*  
9 *who accepted employment with the District government on*  
10 *October 1, 1987, and has not had a break in service since*  
11 *that date, shall be considered a District resident.*

12       “(f) *Each employee selected for separation pursuant to*  
13 *this section shall be given written notice of at least 30 days*  
14 *before the effective date of his or her separation.*

15       “(g) *Neither the establishment of a competitive area*  
16 *smaller than an agency, nor the determination that a spe-*  
17 *cific position is to be abolished, nor separation pursuant*  
18 *to his section shall be subject to review except as follows—*

19               “(1) *an employee may file a complaint contest-*  
20 *ing a determination or a separation pursuant to title*  
21 *XV of this Act or section 303 of the Human Rights*  
22 *Act of 1977, effective December 13, 1977 (D.C. Law*  
23 *2–38; D.C. Code, sec. 1–2543); and*

24               “(2) *an employee may file with the Office of Em-*  
25 *ployee Appeals an appeal contesting that the separa-*

1        *tion procedures of subsections (d) and (f) of this sec-*  
2        *tion were not properly applied.*

3        *“(h) An employee separated pursuant to this section*  
4        *shall be entitled to severance pay in accordance with title*  
5        *XI of this Act, except that the following shall be included*  
6        *in computing creditable service for severance pay for em-*  
7        *ployees separated pursuant to this section—*

8                *“(1) four years for an employee who qualified for*  
9        *veteran’s preference under this act, and*

10               *“(2) three years for an employee who qualified*  
11        *for residency preference under this Act.*

12        *“(i) Separation pursuant to this section shall not af-*  
13        *fect an employee’s rights under either the Agency Reemploy-*  
14        *ment Priority Program or the Displaced Employee Pro-*  
15        *gram established pursuant to Chapter 24 of the District*  
16        *Personnel Manual.*

17        *“(j) The Mayor shall submit to the Council a listing*  
18        *of all positions to be abolished by agency and responsibility*  
19        *center by March 1, 1996, or upon the delivery of termi-*  
20        *nation notices to individual employees.*

21        *“(k) Notwithstanding the provisions of section 1708 or*  
22        *section 2402(d), the provisions of this act shall not be*  
23        *deemed negotiable.*

24        *“(l) A personnel authority shall cause a 30-day termi-*  
25        *nation notice to be served, no later than September 1, 1996,*

1 *on any incumbent employee remaining in any position*  
2 *identified to be abolished pursuant to subsection (b) of this*  
3 *section”.*

4       *Sec. 150. (a) CEILING ON TOTAL OPERATING EX-*  
5 *PENSES.—Notwithstanding any other provision of law, the*  
6 *total amount appropriated in this Act for operating ex-*  
7 *penses for the District of Columbia for fiscal year 1996*  
8 *under the caption “Division of Expenses” shall not exceed*  
9 *\$4,994,000,000 of which \$165,339,000 shall be from intra-*  
10 *District funds.*

11       *(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED*  
12 *IN CEILING.—*

13           *(1) IN GENERAL.—Notwithstanding subsection*  
14 *(a), the Mayor of the District of Columbia may ac-*  
15 *cept, obligate, and expend Federal, private, and other*  
16 *grants received by the District government that are*  
17 *not reflected in the amounts appropriated in this Act.*

18           *(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER*  
19 *REPORT AND FINANCIAL RESPONSIBILITY AND MAN-*  
20 *AGEMENT ASSISTANCE AUTHORITY APPROVAL.—No*  
21 *such Federal, private, or other grant may be accepted,*  
22 *obligated, or expended pursuant to paragraph (1)*  
23 *until—*

24           *(A) the Chief Financial Officer of the Dis-*  
25 *trict submits to the District of Columbia Finan-*

1           *cial Responsibility and Management Assistance*  
2           *Authority established by Public Law 104–8 (109*  
3           *Stat. 97) a report setting forth detailed informa-*  
4           *tion regarding such grant; and*

5                     *(B) the District of Columbia Financial Re-*  
6           *sponsibility and Management Assistance Author-*  
7           *ity has reviewed and approved the acceptance,*  
8           *obligation, and expenditure of such grant in ac-*  
9           *cordance with review and approval procedures*  
10          *consistent with the provisions of Public Law*  
11          *104–8.*

12                     *(3) PROHIBITION ON SPENDING IN ANTICIPATION*  
13          *OF APPROVAL OR RECEIPT.—No amount may be obli-*  
14          *gated or expended from the general fund or other*  
15          *funds of the District government in anticipation of*  
16          *the approval or receipt of a grant under paragraph*  
17          *(2)(B) or in anticipation of the approval or receipt*  
18          *of a Federal, private, or other grant not subject to*  
19          *such paragraph.*

20                     *(4) MONTHLY REPORTS.—The Chief Financial*  
21          *Officer of the District shall prepare a monthly report*  
22          *setting forth detailed information regarding all Fed-*  
23          *eral, private, and other grants subject to this sub-*  
24          *section. Each such report shall be submitted to the*  
25          *Council of the District of Columbia, and to the Com-*



1        *mittees on Appropriations of the House of Represent-*  
2        *atives and the Senate, not later than 15 days after the*  
3        *end of the month covered by the report.*

4            *PLANS FOR LORTON CORRECTIONAL COMPLEX*

5        *SEC. 151. (a) DEVELOPMENT OF PLANS.—Not later*  
6        *than March 15, 1996, the District of Columbia shall develop*  
7        *a series of alternative plans meeting the requirements of*  
8        *subsection (b) for the use and operation of the Lorton Cor-*  
9        *rectional Complex (hereafter in this section referred to as*  
10       *the “Complex”), including—*

11            *(1) a plan under which the Complex will be*  
12        *closed;*

13            *(2) a plan under which the Complex will remain*  
14        *in operation under the management of the District of*  
15        *Columbia subject to such modifications as the District*  
16        *considers appropriate;*

17            *(3) a plan under which the Complex will be op-*  
18        *erated under the management of the Federal govern-*  
19        *ment;*

20            *(4) a plan under which the Complex will be op-*  
21        *erated under private management; and*

22            *(5) such other plans as the District of Columbia*  
23        *considers appropriate.*

1       (b) *REQUIREMENTS FOR PLANS.*—*Each of the plans*  
2 *developed by the District of Columbia under subsection (a)*  
3 *shall meet the following requirements:*

4           (1) *The plan shall provide for an appropriate*  
5 *transition period not to exceed 5 years in length.*

6           (2) *The plan shall include provisions specifying*  
7 *how and to what extent the District will utilize alter-*  
8 *native management, including the private sector, for*  
9 *the operation of correctional facilities for the District,*  
10 *and shall include provisions describing the treatment*  
11 *under such alternative management (including under*  
12 *contracts) of site selection, design, financing, con-*  
13 *struction, and operation of correctional facilities for*  
14 *the District.*

15          (3) *The plan shall include a description of any*  
16 *legislation required to implement the plan.*

17          (4) *The plan shall include an implementation*  
18 *schedule, together with specific performance measures*  
19 *and timelines to determine the extent to which the*  
20 *District is meeting the schedule during the transition*  
21 *period.*

22          (5) *Under the plan, the Mayor of the District of*  
23 *Columbia shall submit a semi-annual report to the*  
24 *President, Congress, and the District of Columbia Fi-*  
25 *nancial Responsibility and Management Assistance*

1 *Authority describing the actions taken by the District*  
2 *under the plan, and in addition shall regularly report*  
3 *to the President, Congress, and the District of Colum-*  
4 *bia Financial Responsibility and Management Assist-*  
5 *ance Authority on all significant measures taken*  
6 *under the plan as soon as such measures are taken.*

7 (6) *For each of the years during which the plan*  
8 *is in effect, the plan shall be consistent with the fi-*  
9 *nancial plan and budget for the District of Columbia*  
10 *for the year under subtitle A of title II of the District*  
11 *of Columbia Financial Responsibility and Manage-*  
12 *ment Assistance Act of 1995.*

13 (c) *SUBMISSION OF PLAN.*—*Upon completing the de-*  
14 *velopment of the plans under subsection (a), the District*  
15 *of Columbia shall submit the plans to the President, Con-*  
16 *gress, and the District of Columbia Financial Responsibil-*  
17 *ity and Management Assistance Authority.*

18 *PROHIBITION AGAINST ADOPTION BY UNMARRIED*

19 *COUPLES*

20 *SEC. 152. (a) IN GENERAL.*—*Section 16–302, D.C.*  
21 *Code, is amended—*

22 (1) *by striking “Any person” and inserting “(a)*  
23 *Subject to subsection (b), any person”;* and

24 (2) *by adding at the end the following subsection:*

1       “(b)(1) *Except as provided in paragraph (2), no per-*  
 2 *son may join in a petition under this section unless the*  
 3 *person is the spouse of the petitioner.*

4       “(2) *An unmarried person may file a petition for*  
 5 *adoption where no other person joins in the petition or*  
 6 *where the co-petitioner is the natural parent of the child.”.*

7       *TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY*  
 8                                   *AND MANAGEMENT ASSISTANCE ACT*

9       *SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT*  
 10 *SERVICES.—Section 103(f) of the District of Columbia Fi-*  
 11 *nancial Responsibility and Management Assistance Act of*  
 12 *1995 is amended by striking “may provide” and inserting*  
 13 *“shall promptly provide”.*

14       *(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS*  
 15 *FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AU-*  
 16 *THORITY.—*

17                   *(1) FORMER FEDERAL EMPLOYEES.—Subsection*  
 18       *(e) of section 102 of such Act is amended to read as*  
 19       *follows:*

20       *“(e) PRESERVATION OF RETIREMENT AND CERTAIN*  
 21 *OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME*  
 22 *EMPLOYED BY THE AUTHORITY.—*

23                   *“(1) IN GENERAL.—Any Federal employee who*  
 24       *becomes employed by the Authority—*

1           “(A) may elect, for the purposes set forth in  
2 paragraph (2)(A), to be treated, for so long as  
3 that individual remains continuously employed  
4 by the Authority, as if such individual had not  
5 separated from service with the Federal Govern-  
6 ment, subject to paragraph (3); and

7           “(B) shall, if such employee subsequently be-  
8 comes reemployed by the Federal Government, be  
9 entitled to have such individual’s service with the  
10 Authority treated, for purposes of determining  
11 the appropriate leave accrual rate, as if it had  
12 been service with the Federal Government.

13           “(2) *EFFECT OF AN ELECTION.*—An election  
14 made by an individual under the provisions of para-  
15 graph (1)(A)—

16           “(A) shall qualify such individual for the  
17 treatment describe in such provisions for pur-  
18 poses of—

19           “(i) chapter 83 or 84 of title 5, United  
20 States Code, as appropriate (relating to re-  
21 tirement), including the Thrift Savings  
22 Plan;

23           “(ii) chapter 87 of such title (relating  
24 to life insurance); and

1                   “(iii) chapter 89 of such title (relating  
2                   to health insurance); and

3                   “(B) shall disqualify such individual, while  
4                   such election remains in effect, from participat-  
5                   ing in the programs offered by the government of  
6                   the District of Columbia (if any) corresponding  
7                   to the respective programs referred to in sub-  
8                   paragraph (A).

9                   “(3) *CONDITIONS FOR AN ELECTION TO BE EF-*  
10                  *FECTIVE.*—An election made by an individual under  
11                  paragraph (1)(A) shall be ineffective unless—

12                   “(A) it is made before such individual sepa-  
13                   rates from service with the Federal Government;  
14                   and

15                   “(B) such individual’s service with the Au-  
16                   thority commences within 3 days after so sepa-  
17                   rating (not counting any holiday observed by the  
18                   government of the District of Columbia).

19                   “(4) *CONTRIBUTIONS.*—If an individual makes  
20                   an election under paragraph (1)(A), the Authority  
21                   shall, in accordance with applicable provisions of law  
22                   referred to in paragraph (2)(A), be responsible for  
23                   making the same deductions from pay and the same  
24                   agency contributions as would be required if it were  
25                   a Federal agency.

1           “(5) *REGULATIONS.*—*Any regulations necessary*  
2 *to carry out this subsection shall be prescribed in con-*  
3 *sultation with the Authority by—*

4                   “(A) *the Office of Personnel Management, to*  
5 *the extent that any program administered by the*  
6 *office is involved;*

7                   “(B) *the appropriate office or agency of the*  
8 *government of the District of Columbia, to the*  
9 *extent that any program administered by such*  
10 *office or agency is involved; and*

11                   “(C) *the Executive Director referred to in*  
12 *section 8474 of title 5, United States Code, to the*  
13 *extent that the Thrift Savings Plan is involved.”.*

14           “(2) *OTHER INDIVIDUALS.*—*Section 102 of such*  
15 *Act is further amended by adding at the end the fol-*  
16 *lowing:*

17                   “(f) *FEDERAL BENEFITS FOR OTHERS.*—

18                   “(1) *IN GENERAL.*—*The Office of Personnel Man-*  
19 *agement, in conjunction with each corresponding of-*  
20 *fice or agency of the government of the District of Co-*  
21 *lumbia and in consultation with the Authority, shall*  
22 *prescribe regulations under which any individual who*  
23 *becomes employed by the Authority (under cir-*  
24 *cumstances other than as described in subsection (e))*  
25 *may elect either—*

1           (A) to be deemed a Federal employee for  
2 purposes of the programs referred to in sub-  
3 section (e)(2)(A) (i)–(iii); or

4           “(B) to participate in 1 or more of the cor-  
5 responding programs offered by the government  
6 of the District of Columbia.

7           “(2) *EFFECT OF AN ELECTION.*—An individual  
8 who elects the option under subparagraph (A) or (B)  
9 of paragraph (1) shall be disqualified, while such elec-  
10 tion remains in effect, from participating in any of  
11 the programs referred to in the other such subpara-  
12 graph.

13           “(3) *DEFINITION OF ‘CORRESPONDING OFFICE OR*  
14 *AGENCY’.*—For purposes of paragraph (1), the term  
15 ‘corresponding office or agency of the government of  
16 the District of Columbia’ means, with respect to any  
17 program administered by the Office of Personnel  
18 Management, the office or agency responsible for ad-  
19 ministering the corresponding program (if any) of-  
20 fered by the government of the District of Columbia.

21           “(4) *THRIFT SAVINGS PLAN.*—To the extent that  
22 the Thrift Savings Plan is involved, the preceding  
23 provisions of this subsection shall be applied by sub-  
24 stituting ‘the Executive Director referred to in section



1       8474 of title 5, United States Code’ for ‘the Office of  
2       Personnel Management’.”.

3               (3) “Effective date; additional election for former  
4       federal employees serving on date of enactment; elec-  
5       tion for employees appointed during interim pe-  
6       riod.—

7               (A) *EFFECTIVE DATE*.—Not later than 6  
8       months after the date of enactment of this Act,  
9       there shall be prescribed in consultation with the  
10       Authority (and take effect)—

11               (i) regulations to carry out the amend-  
12       ments made by this subsection; and

13               (ii) any other regulations necessary to  
14       carry out this subsection.

15               (B) *Additional election for former federal*  
16       *employees serving on date of enactment.*—

17               (i) *IN GENERAL*.—Any former Federal  
18       employee employed by the Authority on the  
19       effective date of the regulations referred to  
20       in subparagraph (A)(i) may, within such  
21       period as may be provided for under those  
22       regulations, make an election similar, to the  
23       maximum extent practicable, to the election  
24       provided for under section 102(e) of the Dis-  
25       trict of Columbia Financial Responsibility

1           *and Management Assistance Act of 1995, as*  
2           *amended by this subsection. Such regula-*  
3           *tions shall be prescribed jointly by the Of-*  
4           *ice of Personnel Management and each cor-*  
5           *responding office or agency of the govern-*  
6           *ment of the District of Columbia (in the*  
7           *same manner as provided for in section*  
8           *102(f) of such Act, as so amended).*

9           (ii) *EXCEPTION.—An election under*  
10          *this subparagraph may not be made by any*  
11          *individual who—*

12                   (I) *is not then participating in a*  
13                   *retirement system for Federal employ-*  
14                   *ees (disregarding Social Security); or*

15                   (II) *is then participating in any*  
16                   *program of the government of the Dis-*  
17                   *trict of Columbia referred to in section*  
18                   *102(e)(2)(B) of such Act (as so amend-*  
19                   *ed).*

20          (C) *ELECTION FOR EMPLOYEES APPOINTED*  
21          *DURING INTERIM PERIOD.—*

22                   (i) *FROM THE FEDERAL GOVERN-*  
23                   *MENT.—Subsection (e) of section 102 of the*  
24                   *District of Columbia Financial Responsibil-*  
25                   *ity and Management Assistance Act of 1995*

1           *(as last in effect before the date of enact-*  
2           *ment of this Act) shall be deemed to have re-*  
3           *mained in effect for purposes of any Federal*  
4           *employee who becomes employed by the Dis-*  
5           *trict of Columbia Financial Responsibility*  
6           *and Management Assistance Authority dur-*  
7           *ing the period beginning on such date of en-*  
8           *actment and ending on the day before the*  
9           *effective date of the regulations prescribed to*  
10          *carry out subparagraph (B).*

11           *(ii) OTHER INDIVIDUALS.—The regula-*  
12          *tions prescribed to carry out subsection (f)*  
13          *of section 102 of the District of Columbia*  
14          *Financial Responsibility and Management*  
15          *Assistance Act of 1995 (as amended by this*  
16          *subsection) shall include provisions under*  
17          *which an election under such subsection*  
18          *shall be available to any individual who—*

19            *(I) becomes employed by the Dis-*  
20            *trict of Columbia Financial Respon-*  
21            *sibility and Management Assistance*  
22            *Authority during the period beginning*  
23            *on the date of enactment of this Act*  
24            *and ending on the day before the effec-*  
25            *tive date of such regulations;*

1                   (II) would have been eligible to  
2                   make an election under such regula-  
3                   tions had those regulations been in ef-  
4                   fect when such individual became so  
5                   employed; and

6                   (III) is not then participating in  
7                   any program of the government of the  
8                   District of Columbia referred to in sub-  
9                   section (f)(1)(B) of such section 102 (as  
10                  so amended).

11               (c) *EXEMPTION FROM LIABILITY FOR CLAIMS FOR AU-*  
12 *THORITY EMPLOYEES.*—Section 104 of such Act is amend-  
13 *ed—*

14                   (1) by striking “the Authority and its members”  
15                   and inserting “the Authority, its members, and its  
16                   employees”; and

17                   (2) by striking “the District of Columbia” and  
18                   inserting “the Authority or its members or employees  
19                   or the District of Columbia”.

20               (d) *PERMITTING REVIEW OF EMERGENCY LEGISLA-*  
21 *TION.*—Section 203(a)(3) of such Act is amended by strik-  
22 *ing subparagraph (C).*

1     *ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE*  
2                     *PLAINS ACTIVITIES*

3         *SEC. 154. (a) OPERATION AND MAINTENANCE AC-*  
4 *COUNT.—*

5             (1) *CONTENTS OF ACCOUNT.—There is hereby es-*  
6 *tablished within the Water and Sewer Enterprise*  
7 *Fund the Operation and Maintenance Account, con-*  
8 *sisting of all fund paid to the District of Columbia*  
9 *on or after the date of the enactment of this Act which*  
10 *are—*

11                 (A) *attributable to waste water treatment*  
12 *user charges;*

13                 (B) *paid by users jurisdictions for the oper-*  
14 *ation and maintenance of the Blue Plains*  
15 *Wastewater Treatment Facility and related*  
16 *waste water treatment works; or*

17                 (C) *appropriated or otherwise provided for*  
18 *the operation and maintenance of the Blue*  
19 *Plains Wastewater Treatment Facility and relat-*  
20 *ed waste water treatment works.*

21             (2) *USE OF FUNDS IN ACCOUNT.—Funds in the*  
22 *Operation and Maintenance Account shall be used*  
23 *solely for funding the operation and maintenance of*  
24 *the Blue Plains Wastewater Treatment Facility and*  
25 *related waste water treatment works and may not be*

1     *obligated or expended for any other purpose, and may*  
2     *be used for related debt service and capital costs if*  
3     *such funds are not attributable to user charges as-*  
4     *essed for purposes of section 204(b)(1) of the Federal*  
5     *Water Pollution Control Act.*

6     ***(b) EPA GRANT ACCOUNT.—***

7             ***(1) CONTENTS OF ACCOUNT.—****There is hereby es-*  
8     *tablished within the Water and Sewer Enterprise*  
9     *Fund and EPA Grant Account, consisting of all*  
10    *funds paid to the District of Columbia on or after the*  
11    *date of the enactment of this Act which are—*

12            ***(A)*** *attributable to grants from the Environ-*  
13            *mental Protection Agency for construction at the*  
14            *Blue Plains Wastewater Treatment Facility and*  
15            *related waste water treatment works; or*

16            ***(B)*** *appropriated or otherwise provided for*  
17            *construction at the Blue Plains Wastewater*  
18            *Treatment Facility and related waste water*  
19            *treatment works.*

20            ***(2) USE OF FUNDS IN ACCOUNT.—****Funds in the*  
21     *EPA Grant Account shall be used solely for the pur-*  
22     *poses specified under the terms of the grants and ap-*  
23     *propriations involved, and may not be obligated or*  
24     *expended for any other purpose.*

1        *SEC. 155. (a) Up to 50 police officers and up to 50*  
2 *Fire and Emergency Medical Services members who were*  
3 *hired before February 14, 1980, and who retire on disability*  
4 *before the end of calendar year 1996 shall be excluded from*  
5 *the computation of the rate of disability retirements under*  
6 *subsection 145(a) of the District of Columbia Retirement*  
7 *Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–*  
8 *725(a)), for purposes of reducing the authorized Federal*  
9 *payment to the District of Columbia Police Offices and Fire*  
10 *Fighters’ Retirement Fund pursuant to subsection 145(c)*  
11 *of the District of Columbia Retirement Reform Act of 1979.*

12        *(b) The Mayor, within 30 days after the enactment of*  
13 *this provision, shall engage an enrolled actuary, to be paid*  
14 *by the District of Columbia Retirement Board, and shall*  
15 *comply with the requirements of section 142(d) and section*  
16 *144(d) of the District of Columbia Retirement Reform Act*  
17 *of 1979 (Public Law 96–122, approved November 17, 1979;*  
18 *D.C. Code, secs. 1–722(d) and 1–724(d)).*

19        *This title may be cited as the “District of Columbia*  
20 *Appropriations Act, 1996”.*

## 21        *TITLE II—DISTRICT OF COLUMBIA SCHOOL*

### 22                                *REFORM*

#### 23        ***SEC. 2001. SHORT TITLE.***

24        *This title may be cited as the “District of Columbia*  
25 *School Reform Act of 1995”.*

1 **SEC. 2002. DEFINITIONS.**

2 *Except as otherwise provided, for purposes of this title:*

3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
4 *TEES.—The term “appropriate congressional commit-*  
5 *tees” means—*

6 (A) *the Committee on Appropriations of the*  
7 *House of Representatives and the Committee on*  
8 *Appropriations of the Senate;*

9 (B) *the Committee on Economic and Edu-*  
10 *cational Opportunities of the House of Rep-*  
11 *resentatives and the Committee on Labor and*  
12 *Human Resources of the Senate; and*

13 (C) *the Committee on Government Reform*  
14 *and Oversight of the House of Representatives*  
15 *and the Committee on Governmental Affairs of*  
16 *the Senate.*

17 (2) *AUTHORITY.—The term “Authority” means*  
18 *the District of Columbia Financial Responsibility*  
19 *and Management Assistance Authority established*  
20 *under section 101(a) of the District of Columbia Fi-*  
21 *nancial Responsibility and Management Assistance*  
22 *Act of 1995 (Public Law 104–8).*

23 (3) *AVERAGE DAILY ATTENDANCE.—The term*  
24 *“average daily attendance” means the aggregate at-*  
25 *tendance of students of the school during the period*



1 *divided by the number of days during the period in*  
2 *which—*

3 *(A) the school is in session; and*

4 *(B) the students of the school are under the*  
5 *guidance and direction of teachers.*

6 *(4) AVERAGE DAILY MEMBERSHIP.—The term*  
7 *“average daily membership” means the aggregate en-*  
8 *rollment of students of the school during the period*  
9 *divided by the number of days during the period in*  
10 *which—*

11 *(A) the school is in session; and*

12 *(B) the students of the school are under the*  
13 *guidance and direction of teachers.*

14 *(5) BOARD OF EDUCATION.—The term “Board of*  
15 *Education” means the Board of Education of the Dis-*  
16 *trict of Columbia.*

17 *(6) BOARD OF TRUSTEES.—The term “Board of*  
18 *Trustees” means the governing board of a public char-*  
19 *ter school, the members of which are selected pursuant*  
20 *to the charter granted to the school and in a manner*  
21 *consistent with this title.*

22 *(7) CONSENSUS COMMISSION.—The term “Con-*  
23 *sensus Commission” means the Commission on Con-*  
24 *sensus Reform in the District of Columbia public*  
25 *schools established under subtitle L.*

1           (8) *CORE CURRICULUM.*—*The term “core cur-*  
2 *riculum” means the concepts, factual knowledge, and*  
3 *skills that students in the District of Columbia should*  
4 *learn in kindergarten through grade 12 in academic*  
5 *content areas, including, at a minimum, English,*  
6 *mathematics, science, and history.*

7           (9) *DISTRICT OF COLUMBIA COUNCIL.*—*The term*  
8 *“District of Columbia Council” means the Council of*  
9 *the District of Columbia established pursuant to sec-*  
10 *tion 401 of the District of Columbia Self-Government*  
11 *and Governmental Reorganization Act (D.C. Code,*  
12 *sec. 1–221).*

13           (10) *DISTRICT OF COLUMBIA GOVERNMENT.*—

14           (A) *IN GENERAL.*—*The term “District of*  
15 *Columbia Government” means the government of*  
16 *the District of Columbia, including—*

17                   (i) *any department, agency, or instru-*  
18 *mentality of the government of the District*  
19 *of Columbia;*

20                   (ii) *any independent agency of the*  
21 *District of Columbia established under part*  
22 *F of title IV of the District of Columbia*  
23 *Self-Government and Governmental Reorga-*  
24 *nization Act;*

1                   (iii) any other agency, board, or com-  
2                   mission established by the Mayor or the  
3                   District of Columbia Council;

4                   (iv) the courts of the District of Colum-  
5                   bia;

6                   (v) the District of Columbia Council;

7                   and

8                   (vi) any other agency, public author-  
9                   ity, or public nonprofit corporation that has  
10                  the authority to receive moneys directly or  
11                  indirectly from the District of Columbia  
12                  (other than moneys received from the sale of  
13                  goods, the provision of services, or the loan-  
14                  ing of funds to the District of Columbia).

15                  (B) *EXCEPTION.*—The term “District of Co-  
16                  lumbia Government” neither includes the Au-  
17                  thority nor a public charter school.

18                  (11) *DISTRICT OF COLUMBIA GOVERNMENT RE-*  
19                  *TIREMENT SYSTEM.*—The term “District of Columbia  
20                  Government retirement system” means the retirement  
21                  programs authorized by the District of Columbia  
22                  Council or the Congress for employees of the District  
23                  of Columbia Government.

24                  (12) *DISTRICT OF COLUMBIA PUBLIC SCHOOL.*—

1           (A) *IN GENERAL.*—The term “District of  
2           Columbia public school” means a public school  
3           in the District of Columbia that offers classes—

4                   (i) at any of the grade levels from pre-  
5                   kindergarten through grade 12; or

6                   (ii) leading to a secondary school di-  
7                   ploma, or its recognized equivalent.

8           (B) *EXCEPTION.*—The term “District of Co-  
9           lumbia public school” does not include a public  
10           charter school.

11           (13) *DISTRICTWIDE ASSESSMENTS.*—The term  
12           “districtwide assessments” means a variety of assess-  
13           ment tools and strategies (including individual stu-  
14           dent assessments under subparagraph (E)(ii)) admin-  
15           istered by the Superintendent to students enrolled in  
16           District of Columbia public schools and public charter  
17           schools that—

18                   (A) are aligned with the District of Colum-  
19                   bia’s content standards and core curriculum;

20                   (B) provide coherent information about stu-  
21                   dent attainment of such standards;

22                   (C) are used for purposes for which such as-  
23                   sessments are valid, reliable, and unbiased, and  
24                   are consistent with relevant nationally recog-

1           nized professional and technical standards for  
2           such assessments;

3           (D) involve multiple up-to-date measures of  
4           student performance, including measures that as-  
5           sess higher order thinking skills and understand-  
6           ing; and

7           (E) provide for—

8           (i) the participation in such assess-  
9           ments of all students;

10          (ii) individual student assessments for  
11          students that fail to reach minimum accept-  
12          able levels of performance;

13          (iii) the reasonable adaptations and  
14          accommodations for students with special  
15          needs (as defined in paragraph (32)) nec-  
16          essary to measure the achievement of such  
17          students relative to the District of Colum-  
18          bia's content standards; and

19          (iv) the inclusion of limited-English  
20          proficient students, who shall be assessed, to  
21          the extent practicable, in the language and  
22          form most likely to yield accurate and reli-  
23          able information regarding such students'  
24          knowledge and abilities.

1           (14) *ELECTRONIC DATA TRANSFER SYSTEM.*—  
2           The term “electronic data transfer system” means a  
3           computer-based process for the maintenance and  
4           transfer of student records designed to permit the  
5           transfer of individual student records among District  
6           of Columbia public schools and public charter schools.

7           (15) *ELEMENTARY SCHOOL.*—The term “elemen-  
8           tary school” means an institutional day or residen-  
9           tial school that provides elementary education, as de-  
10          termined under District of Columbia law.

11          (16) *ELIGIBLE APPLICANT.*—The term “eligible  
12          applicant” means a person, including a private, pub-  
13          lic, or quasi-public entity, or an institution of higher  
14          education (as defined in section 1201(a) of the Higher  
15          Education Act of 1965 (20 U.S.C. 1141(a))), that  
16          seeks to establish a public charter school in the Dis-  
17          trict of Columbia.

18          (17) *ELIGIBLE CHARTERING AUTHORITY.*—The  
19          term “eligible chartering authority” means any of the  
20          following:

21                   (A) *The Board of Education.*

22                   (B) *The Public Charter School Board.*

23                   (C) *Any one entity designated as an eligible*  
24                   *chartering authority by enactment of a bill by*

1           *the District of Columbia Council after the date*  
2           *of the enactment of this Act.*

3           (18) *FAMILY RESOURCE CENTER.*—*The term*  
4           *“family resource center” means an information*  
5           *desk—*

6                     *(A) located in a District of Columbia public*  
7                     *school or a public charter school serving a major-*  
8                     *ity of students whose family income is not great-*  
9                     *er than 185 percent of the income official poverty*  
10                    *line (as defined by the Office of Management and*  
11                    *Budget, and revised annually in accordance with*  
12                    *section 673(2) of the Community Services Block*  
13                    *Grant Act applicable to a family of the size in-*  
14                    *volved (42 U.S.C. 9902(3))); and*

15                    *(B) which links students and families to*  
16                    *local resources and public and private entities*  
17                    *involved in child care, adult education, health*  
18                    *and social services, tutoring, mentoring, and job*  
19                    *training.*

20           (19) *INDIVIDUAL CAREER PATH.*—*The term “in-*  
21           *dividual career path” means a program of study that*  
22           *provides a secondary school student the skills nec-*  
23           *essary to compete in the 21st century workforce.*

24           (20) *LITERACY.*—*The term “literacy” means—*

1           (A) *in the case of a minor student, such stu-*  
2           *dent’s ability to read, write, and speak in Eng-*  
3           *lish, and compute and solve problems at levels of*  
4           *proficiency necessary to function in society, to*  
5           *achieve such student’s goals, and develop such*  
6           *student’s knowledge and potential; and*

7           (B) *in the case of an adult, such adult’s*  
8           *ability to read, write, and speak in English, and*  
9           *compute and solve problems at levels of pro-*  
10          *ficiency necessary to function on the job and in*  
11          *society, to achieve such adult’s goals, and develop*  
12          *such adult’s knowledge and potential.*

13          (21) *LONG-TERM REFORM PLAN.*—*The term*  
14          *“long-term reform plan” means the plan submitted by*  
15          *the Superintendent under section 2101.*

16          (22) *MAYOR.*—*The term “Mayor” means the*  
17          *Mayor of the District of Columbia.*

18          (23) *METROBUS AND METRORAIL TRANSIT SYS-*  
19          *TEM.*—*The term “Metrobus and Metrorail Transit*  
20          *System” means the bus and rail systems administered*  
21          *by the Washington Metropolitan Area Transit Au-*  
22          *thority.*

23          (24) *MINOR STUDENT.*—*The term “minor stu-*  
24          *dent” means an individual who—*



1           (A) is enrolled in a District of Columbia  
2 public school or a public charter school; and

3           (B) is not beyond the age of compulsory  
4 school attendance, as prescribed in section 1 of  
5 article I, and section 1 of article II, of the Act  
6 of February 4, 1925 (sections 31–401 and 31–  
7 402, D.C. Code).

8           (25) *NONRESIDENT STUDENT*.—The term “non-  
9 resident student” means—

10           (A) an individual under the age of 18 who  
11 is enrolled in a District of Columbia public  
12 school or a public charter school, and does not  
13 have a parent residing in the District of Colum-  
14 bia; or

15           (B) an individual who is age 18 or older  
16 and is enrolled in a District of Columbia public  
17 school or public charter school, and does not re-  
18 side in the District of Columbia.

19           (26) *PARENT*.—The term “parent” means a per-  
20 son who has custody of a child, and who—

21           (A) is a natural parent of the child;

22           (B) is a stepparent of the child;

23           (C) has adopted the child; or

24           (D) is appointed as a guardian for the child  
25 by a court of competent jurisdiction.

1           (27) *PETITION*.—*The term “petition” means a*  
2           *written application.*

3           (28) *PROMOTION GATE*.—*The term “promotion*  
4           *gate” means the criteria, developed by the Super-*  
5           *intendent and approved by the Board of Education,*  
6           *that are used to determine student promotion at dif-*  
7           *ferent grade levels. Such criteria shall include student*  
8           *achievement on districtwide assessments established*  
9           *under subtitle D.*

10          (29) *PUBLIC CHARTER SCHOOL*.—*The term*  
11          *“public charter school” means a publicly funded*  
12          *school in the District of Columbia that—*

13                 (A) *is established pursuant to subtitle B;*  
14                 *and*

15                 (B) *except as provided under sections*  
16                 *2212(d)(5) and 2213(c)(5) is not a part of the*  
17                 *District of Columbia public schools.*

18          (30) *PUBLIC CHARTER SCHOOL BOARD*.—*The*  
19          *term “Public Charter School Board” means the Pub-*  
20          *lic Charter School Board established under section*  
21          *2214.*

22          (31) *SECONDARY SCHOOL*.—*The term “secondary*  
23          *school” means an institutional day or residential*  
24          *school that provides secondary education, as deter-*

1        *mined by District of Columbia law, except that such*  
 2        *term does not include any education beyond grade 12.*

3            (32) *STUDENT WITH SPECIAL NEEDS.*—*The term*  
 4        *“student with special needs” means a student who is*  
 5        *a child with a disability as provided in section*  
 6        *602(a)(1) of the Individuals with Disabilities Edu-*  
 7        *cation Act (20 U.S.C. 1401(a)(1)) or a student who*  
 8        *is an individual with a disability as provided in sec-*  
 9        *tion 7(8) of the Rehabilitation Act of 1973 (29 U.S.C.*  
 10       *706(8)).*

11           (33) *SUPERINTENDENT.*—*The term “Super-*  
 12        *intendent” means the Superintendent of the District*  
 13        *of Columbia public schools.*

14           (34) *TEACHER.*—*The term “teacher” means any*  
 15        *person employed as a teacher by the Board of Edu-*  
 16        *cation or by a public charter school.*

17        **SEC. 2003. GENERAL EFFECTIVE DATE.**

18        *Except as otherwise provided in this title, this title*  
 19        *shall be effective during the period beginning on the date*  
 20        *of enactment of this Act and ending 5 years after such date.*

21        ***Subtitle A—District of Columbia***  
 22        ***Reform Plan***

23        **SEC. 2101. LONG-TERM REFORM PLAN.**

24        (a) *IN GENERAL.*—

1           (1) *PLAN.*—*The Superintendent, with the ap-*  
2           *proval of the Board of Education, shall submit to the*  
3           *Mayor, the District of Columbia Council, the Author-*  
4           *ity, the Consensus Commission, and the appropriate*  
5           *congressional committees, a long-term reform plan,*  
6           *not later than 90 days after the date of enactment of*  
7           *this Act, and each February 15 thereafter. The long-*  
8           *term reform plan shall be consistent with the finan-*  
9           *cial plan and budget for the District of Columbia for*  
10          *fiscal year 1996, and each financial plan and budget*  
11          *for a subsequent fiscal year, as the case may be, re-*  
12          *quired under section 201 of the District of Columbia*  
13          *Financial Responsibility and Management Assistance*  
14          *Act of 1995.*

15           (2) *CONSULTATION.*—

16           (A) *IN GENERAL.*—*In developing the long-*  
17          *term reform plan, the Superintendent—*

18                   (i) *shall consult with the Board of*  
19                   *Education, the Mayor, the District of Co-*  
20                   *lumbia Council, the Authority, and the*  
21                   *Consensus Commission; and*

22                   (ii) *shall afford the public, interested*  
23                   *organizations, and groups an opportunity*  
24                   *to present their views and make rec-*

1            *ommendations regarding the long-term re-*  
2            *form plan.*

3            *(B) SUMMARY OF RECOMMENDATIONS.—The*  
4            *Superintendent shall include in the long-term*  
5            *plan a summary of the recommendations made*  
6            *under subparagraph (A)(ii) and the response of*  
7            *the Superintendent to the recommendations.*

8            *(b) CONTENTS.—*

9            *(1) AREAS TO BE ADDRESSED.—The long-term*  
10          *reform plan shall describe how the District of Colum-*  
11          *bia public schools will become a world-class education*  
12          *system that prepares students for lifetime learning in*  
13          *the 21st century and which is on a par with the best*  
14          *education systems of other cities, States, and nations.*  
15          *The long-term reform plan shall include a description*  
16          *of how the District of Columbia public schools will ac-*  
17          *complish the following:*

18                  *(A) Achievement at nationally and inter-*  
19                  *nationally competitive levels by students attend-*  
20                  *ing District of Columbia public schools.*

21                  *(B) The preparation of students for the*  
22                  *workforce, including—*

23                          *(i) providing special emphasis for stu-*  
24                          *dents planning to obtain a postsecondary*  
25                          *education; and*

1                   (ii) the development of individual ca-  
2                   reer paths.

3                   (C) The improvement of the health and safe-  
4                   ty of students in District of Columbia public  
5                   schools.

6                   (D) Local school governance, decentraliza-  
7                   tion, autonomy, and parental choice among Dis-  
8                   trict of Columbia public schools.

9                   (E) The implementation of a comprehensive  
10                  and effective adult education and literacy pro-  
11                  gram.

12                  (F) The identification, beginning in grade  
13                  3, of each student who does not meet minimum  
14                  standards of academic achievement in reading,  
15                  writing, and mathematics in order to ensure that  
16                  such student meets such standards prior to grade  
17                  promotion.

18                  (G) The achievement of literacy, and the  
19                  possession of the knowledge and skills necessary  
20                  to think critically, communicate effectively, and  
21                  perform competently on districtwide assessments,  
22                  by students attending District of Columbia pub-  
23                  lic schools prior to such student's completion of  
24                  grade 8.

1           (H) *The establishment of after-school pro-*  
2           *grams that promote self-confidence, self-dis-*  
3           *cipline, self-respect, good citizenship, and respect*  
4           *for leaders, through such activities as arts class-*  
5           *es, physical fitness programs, and community*  
6           *service.*

7           (I) *Steps necessary to establish an electronic*  
8           *data transfer system.*

9           (J) *Encourage parental involvement in all*  
10          *school activities, particularly parent teacher con-*  
11          *ferences.*

12          (K) *Development and implementation,*  
13          *through the Board of Education and the Super-*  
14          *intendent, of a uniform dress code for the Dis-*  
15          *trict of Columbia public schools, that—*

16               (i) *shall include a prohibition of gang*  
17               *membership symbols;*

18               (ii) *shall take into account the relative*  
19               *costs of any such code for each student; and*

20               (iii) *may include a requirement that*  
21               *students wear uniforms.*

22          (L) *The establishment of classes, beginning*  
23          *not later than grade 3, to teach students how to*  
24          *use computers effectively.*

1           (M) *The development of community schools*  
2           *that enable District of Columbia public schools to*  
3           *collaborate with other public and nonprofit agen-*  
4           *cies and organizations, local businesses, rec-*  
5           *reational, cultural, and other community and*  
6           *human service entities, for the purpose of meet-*  
7           *ing the needs and expanding the opportunities*  
8           *available to residents of the communities served*  
9           *by such schools.*

10           (N) *The establishment of programs which*  
11           *provide counseling, mentoring (especially peer*  
12           *mentoring), academic support, outreach, and*  
13           *supportive services to elementary, middle, and*  
14           *secondary school students who are at risk of*  
15           *dropping out of school.*

16           (O) *The establishment of a comprehensive*  
17           *remedial education program to assist students*  
18           *who do not meet basic literacy standards, or the*  
19           *criteria of promotion gates established in section*  
20           *2421.*

21           (P) *The establishment of leadership develop-*  
22           *ment projects for middle school principals, which*  
23           *projects shall increase student learning and*  
24           *achievement and strengthen such principals as*  
25           *instructional school leaders.*



1           (Q) *The implementation of a policy for per-*  
2 *formance-based evaluation of principals and*  
3 *teachers, after consultation with the Super-*  
4 *intendent and unions (including unions that*  
5 *represent teachers and unions that represent*  
6 *principals).*

7           (R) *The implementation of policies that re-*  
8 *quire competitive appointments for all District*  
9 *of Columbia public school positions.*

10          (S) *The implementation of policies regard-*  
11 *ing alternative teacher certification require-*  
12 *ments.*

13          (T) *The implementation of testing require-*  
14 *ments for teacher licensing renewal.*

15          (U) *A review of the District of Columbia*  
16 *public school central office budget and staffing*  
17 *reductions for each fiscal year compared to the*  
18 *level of such budget and reductions at the end of*  
19 *fiscal year 1995.*

20          (V) *The implementation of the discipline*  
21 *policy for the District of Columbia public schools*  
22 *in order to ensure a safe, disciplined environ-*  
23 *ment conducive to learning.*

1           (2) *OTHER INFORMATION.*—*For each of the items*  
2           *described in subparagraphs (A) through (V) of para-*  
3           *graph (1), the long-term reform plan shall include—*

4                   (A) *a statement of measurable, objective per-*  
5                   *formance goals;*

6                   (B) *a description of the measures of per-*  
7                   *formance to be used in determining whether the*  
8                   *Superintendent and Board of Education have*  
9                   *met the goals;*

10                  (C) *dates by which the goals shall be met;*

11                  (D) *plans for monitoring and reporting*  
12                  *progress to District of Columbia residents, the*  
13                  *Mayor, the District of Columbia Council, the Au-*  
14                  *thority, the Consensus Commission, and the ap-*  
15                  *propriate congressional committees regarding the*  
16                  *carrying out of the long-term reform plan; and*

17                  (E) *the title of the management employee of*  
18                  *the District of Columbia public schools most di-*  
19                  *rectly responsible for the achievement of each*  
20                  *goal and, with respect to each such employee, the*  
21                  *title of the employee's immediate supervisor or*  
22                  *superior.*

23           (c) *AMENDMENTS.*—*The Superintendent, with the ap-*  
24           *proval of the Board of Education, shall submit any amend-*  
25           *ment to the long-term reform plan to the Mayor, the District*

1 of Columbia Council, the Authority, the Consensus Commis-  
2 sion, and the appropriate congressional committees. Any  
3 amendment to the long-term reform plan shall be consistent  
4 with the financial plan and budget for fiscal year 1996,  
5 and each financial plan and budget for a subsequent fiscal  
6 year, as the case may be, for the District of Columbia re-  
7 quired under section 201 of the District of Columbia Finan-  
8 cial Responsibility and Management Assistance Act of  
9 1995.

## 10 **Subtitle B—Public Charter Schools**

### 11 **SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.**

12 (a) *EXISTING PUBLIC SCHOOL.*—An eligible applicant  
13 seeking to convert a District of Columbia public school into  
14 a public charter school—

15 (1) shall prepare a petition to establish a public  
16 charter school that meets the requirements of section  
17 2202;

18 (2) shall provide a copy of the petition to—

19 (A) the parents of minor students attending  
20 the existing school;

21 (B) adult students attending the existing  
22 school; and

23 (C) employees of the existing school; and

24 (3) shall file the petition with an eligible char-  
25 tering authority for approval after the petition—

1           (A) is signed by two-thirds of the sum of—

2                   (i) the total number of parents of  
3           minor students attending the school; and

4                   (ii) the total number of adult students  
5           attending the school; and

6           (B) is endorsed by at least two-thirds of  
7           full-time teachers employed in the school.

8           (b) *PRIVATE OR INDEPENDENT SCHOOL.*—An eligible  
9           applicant seeking to convert an existing private or inde-  
10          pendent school in the District of Columbia into a public  
11          charter school—

12                   (1) shall prepare a petition to establish a public  
13          charter school that is approved by the Board of Trust-  
14          ees or authority responsible for the school and that  
15          meets the requirements of section 2202;

16                   (2) shall provide a copy of the petition to—

17                           (A) the parents of minor students attending  
18          the existing school;

19                           (B) adult students attending the existing  
20          school; and

21                           (C) employees of the existing school; and

22                   (3) shall file the petition with an eligible char-  
23          tering authority for approval after the petition—

24                           (A) is signed by two-thirds of the sum of—

1                   (i) the total number of parents of  
2                   minor students attending the school; and

3                   (ii) the total number of adult students  
4                   attending the school; and

5                   (B) is endorsed by at least two-thirds of  
6                   full-time teachers employed in the school.

7           (c) *NEW SCHOOL*.—An eligible applicant seeking to es-  
8           tablish in the District of Columbia a public charter school,  
9           but not seeking to convert a District of Columbia public  
10          school or a private or independent school into a public char-  
11          ter school, shall file with an eligible chartering authority  
12          for approval a petition to establish a public charter school  
13          that meets the requirements of section 2202.

14   **SEC. 2202. CONTENTS OF PETITION.**

15          A petition under section 2201 to establish a public  
16          charter school shall include the following:

17               (1) A statement defining the mission and goals  
18               of the proposed school and the manner in which the  
19               school will meet the content standards, and conduct  
20               the districtwide assessments, described in section  
21               2411(b).

22               (2) A statement of the need for the proposed  
23               school in the geographic area of the school site.

1           (3) *A description of the proposed instructional*  
2 *goals and methods for the proposed school, which shall*  
3 *include, at a minimum—*

4           (A) *the area of focus of the proposed school,*  
5 *such as mathematics, science, or the arts, if the*  
6 *school will have such a focus;*

7           (B) *the methods that will be used, including*  
8 *classroom technology, to provide students with*  
9 *the knowledge, proficiency, and skills needed—*

10           (i) *to become nationally and inter-*  
11 *nationally competitive students and edu-*  
12 *cated individuals in the 21st century; and*

13           (ii) *to perform competitively on any*  
14 *districtwide assessments; and*

15           (C) *the methods that will be used to improve*  
16 *student self-motivation, classroom instruction,*  
17 *and learning for all students.*

18           (4) *A description of the scope and size of the pro-*  
19 *posed school's program that will enable students to*  
20 *successfully achieve the goals established by the school,*  
21 *including the grade levels to be served by the school*  
22 *and the projected and maximum enrollment of each*  
23 *grade level.*

24           (5) *A description of the plan for evaluating stu-*  
25 *dent academic achievement at the proposed school and*

1        *the procedures for remedial action that will be used*  
2        *by the school when the academic achievement of a stu-*  
3        *dent falls below the expectations of the school.*

4            (6) *An operating budget for the first 2 years of*  
5        *the proposed school that is based on anticipated en-*  
6        *rollment and contains—*

7            (A) *a description of the method for conduct-*  
8        *ing annual audits of the financial, administra-*  
9        *tive, and programmatic operations of the school;*

10          (B) *either—*

11            (i) *an identification of the site where*  
12        *the school will be located, including a de-*  
13        *scription of any buildings on the site and*  
14        *any buildings proposed to be constructed on*  
15        *the site; or*

16            (ii) *a timetable by which such an iden-*  
17        *tification will be made;*

18            (C) *a description of any major contracts*  
19        *planned, with a value equal to or exceeding*  
20        *\$10,000, for equipment and services, leases, im-*  
21        *provements, purchases of real property, or insur-*  
22        *ance; and*

23            (D) *a timetable for commencing operations*  
24        *as a public charter school.*

1           (7) *A description of the proposed rules and poli-*  
2           *cies for governance and operation of the proposed*  
3           *school.*

4           (8) *Copies of the proposed articles of incorpora-*  
5           *tion and bylaws of the proposed school.*

6           (9) *The names and addresses of the members of*  
7           *the proposed Board of Trustees and the procedures for*  
8           *selecting trustees.*

9           (10) *A description of the student enrollment, ad-*  
10          *mission, suspension, expulsion, and other disciplinary*  
11          *policies and procedures of the proposed school, and*  
12          *the criteria for making decisions in such areas.*

13          (11) *A description of the procedures the proposed*  
14          *school plans to follow to ensure the health and safety*  
15          *of students, employees, and guests of the school and to*  
16          *comply with applicable health and safety laws, and*  
17          *all applicable civil rights statutes and regulations of*  
18          *the Federal Government and the District of Columbia.*

19          (12) *An explanation of the qualifications that*  
20          *will be required of employees of the proposed school.*

21          (13) *An identification, and a description, of the*  
22          *individuals and entities submitting the petition, in-*  
23          *cluding their names and addresses, and the names of*  
24          *the organizations or corporations of which such indi-*  
25          *viduals are directors or officers.*



1           (14) *A description of how parents, teachers, and*  
2 *other members of the community have been involved*  
3 *in the design and will continue to be involved in the*  
4 *implementation of the proposed school.*

5           (15) *A description of how parents and teachers*  
6 *will be provided an orientation and other training to*  
7 *ensure their effective participation in the operation of*  
8 *the public charter school.*

9           (16) *An assurance the proposed school will seek,*  
10 *obtain, and maintain accreditation from at least one*  
11 *of the following:*

12                   (A) *The Middle States Association of Col-*  
13 *leges and Schools.*

14                   (B) *The Association of Independent Mary-*  
15 *land Schools.*

16                   (C) *The Southern Association of Colleges*  
17 *and Schools.*

18                   (D) *The Virginia Association of Independ-*  
19 *ent Schools.*

20                   (E) *American Montessori Internationale.*

21                   (F) *The American Montessori Society.*

22                   (G) *The National Academy of Early Child-*  
23 *hood Programs.*

1           (H) Any other accrediting body deemed ap-  
2           propriate by the eligible chartering authority  
3           that granted the charter to the school.

4           (17) In the case that the proposed school's edu-  
5           cational program includes preschool or prekindergarten,  
6           an assurance the proposed school will be licensed as a  
7           child development center by the District of Columbia  
8           Government not later than the first date on which such  
9           program commences.

10          (18) An explanation of the relationship that will  
11          exist between the public charter school and the school's  
12          employees.

13          (19) A statement of whether the proposed school  
14          elects to be treated as a local educational agency or  
15          a District of Columbia public school for purposes of  
16          part B of the Individuals With Disabilities Education  
17          Act (20 U.S.C. 1411 et seq.) and section 504 of the  
18          Rehabilitation Act of 1973 (20 U.S.C. 794), and not-  
19          withstanding any other provision of law the eligible  
20          chartering authority shall not have the authority to  
21          approve or disapprove such election.

22   **SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC**  
23                           **CHARTER SCHOOL PETITIONS.**

24          (a) SCHEDULE.—An eligible chartering authority  
25          shall establish a schedule for receiving petitions to establish

1 *a public charter school and shall publish any such schedule*  
2 *in the District of Columbia Register and newspapers of gen-*  
3 *eral circulation.*

4 (b) *PUBLIC HEARING.*—*Not later than 45 days after*  
5 *a petition to establish a public charter school is filed with*  
6 *an eligible chartering authority, the eligible chartering au-*  
7 *thority shall hold a public hearing on the petition to gather*  
8 *the information that is necessary for the eligible chartering*  
9 *authority to make the decision to approve or deny the peti-*  
10 *tion.*

11 (c) *NOTICE.*—*Not later than 10 days prior to the*  
12 *scheduled date of a public hearing on a petition to establish*  
13 *a public charter school, an eligible chartering authority—*

14 (1) *shall publish a notice of the hearing in the*  
15 *District of Columbia Register and newspapers of gen-*  
16 *eral circulation; and*

17 (2) *shall send a written notification of the hear-*  
18 *ing date to the eligible applicant who filed the peti-*  
19 *tion.*

20 (d) *APPROVAL.*—*Subject to subsection (i), an eligible*  
21 *chartering authority may approve a petition to establish*  
22 *a public charter school, if—*

23 (1) *the eligible chartering authority determines*  
24 *that the petition satisfies the requirements of this sub-*  
25 *title;*

1           (2) *the eligible applicant who filed the petition*  
2           *agrees to satisfy any condition or requirement, con-*  
3           *sistent with this subtitle and other applicable law,*  
4           *that is set forth in writing by the eligible chartering*  
5           *authority as an amendment to the petition; and*

6           (3) *the eligible chartering authority determines*  
7           *that the public charter school has the ability to meet*  
8           *the educational objectives outlined in the petition.*

9           (e) *TIMETABLE.—An eligible chartering authority*  
10          *shall approve or deny a petition to establish a public char-*  
11          *ter school not later than 45 days after the conclusion of the*  
12          *public hearing on the petition.*

13          (f) *EXTENSION.—An eligible chartering authority and*  
14          *an eligible applicant may agree to extend the 45-day time*  
15          *period referred to in subsection (e) by a period that shall*  
16          *not exceed 30 days.*

17          (g) *DENIAL EXPLANATION.—If an eligible chartering*  
18          *authority denies a petition or finds the petition to be in-*  
19          *complete, the eligible chartering authority shall specify in*  
20          *writing the reasons for its decision and indicate, when the*  
21          *eligible chartering authority determines appropriate, how*  
22          *the eligible applicant who filed the petition may revise the*  
23          *petition to satisfy the requirements for approval.*

24          (h) *APPROVED PETITION.—*

1           (1) *NOTICE.*—Not later than 10 days after an el-  
2           igible chartering authority approves a petition to es-  
3           tablish a public charter school, the eligible chartering  
4           authority shall provide a written notice of the ap-  
5           proval, including a copy of the approved petition and  
6           any conditions or requirements agreed to under sub-  
7           section (d)(2), to the eligible applicant and to the  
8           Chief Financial Officer of the District of Columbia.  
9           The eligible chartering authority shall publish a no-  
10          tice of the approval of the petition in the District of  
11          Columbia Register and newspapers of general circula-  
12          tion.

13          (2) *CHARTER.*—The provisions described in  
14          paragraphs (1), (7), (8), (11), (16), (17), and (18) of  
15          section 2202 of a petition to establish a public charter  
16          school that are approved by an eligible chartering au-  
17          thority, together with any amendments to the petition  
18          containing conditions or requirements agreed to by  
19          the eligible applicant under subsection (d)(2), shall be  
20          considered a charter granted to the school by the eligi-  
21          ble chartering authority.

22          (i) *NUMBER OF PETITIONS.*—

23                (1) *FIRST YEAR.*—For academic year 1996–  
24                1997, not more than 10 petitions to establish public  
25                charter schools may be approved under this subtitle.

1           (2) *SUBSEQUENT YEARS.*—*For academic year*  
2           *1997–1998 and each academic year thereafter each el-*  
3           *igible chartering authority shall not approve more*  
4           *than 5 petitions to establish a public charter school*  
5           *under this subtitle.*

6           (j) *EXCLUSIVE AUTHORITY OF THE ELIGIBLE CHAR-*  
7           *TERING AUTHORITY.*—*No governmental entity, elected offi-*  
8           *cial, or employee of the District of Columbia shall make,*  
9           *participate in making, or intervene in the making of, the*  
10           *decision to approve or deny a petition to establish a public*  
11           *charter school, except for officers or employees of the eligible*  
12           *chartering authority with which the petition is filed.*

13           ***SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS,***  
14                                   ***OF PUBLIC CHARTER SCHOOLS.***

15           (a) *DUTIES.*—*A public charter school shall comply*  
16           *with all of the terms and provisions of its charter.*

17           (b) *POWERS.*—*A public charter school shall have the*  
18           *following powers:*

19                   (1) *To adopt a name and corporate seal, but*  
20                   *only if the name selected includes the words “public*  
21                   *charter school”.*

22                   (2) *To acquire real property for use as the public*  
23                   *charter school’s facilities, from public or private*  
24                   *sources.*

1           (3) *To receive and disburse funds for public*  
2 *charter school purposes.*

3           (4) *Subject to subsection (c)(1), to secure appro-*  
4 *prate insurance and to make contracts and leases,*  
5 *including agreements to procure or purchase services,*  
6 *equipment, and supplies.*

7           (5) *To incur debt in reasonable anticipation of*  
8 *the receipt of funds from the general fund of the Dis-*  
9 *trict of Columbia or the receipt of Federal or private*  
10 *funds.*

11           (6) *To solicit and accept any grants or gifts for*  
12 *public charter school purposes, if the public charter*  
13 *school—*

14                   (A) *does not accept any grants or gifts sub-*  
15 *ject to any condition contrary to law or contrary*  
16 *to its charter; and*

17                   (B) *maintains for financial reporting pur-*  
18 *poses separate accounts for grants or gifts.*

19           (7) *To be responsible for the public charter*  
20 *school's operation, including preparation of a budget*  
21 *and personnel matters.*

22           (8) *To sue and be sued in the public charter*  
23 *school's own name.*

24           (c) *PROHIBITIONS AND OTHER REQUIREMENTS.—*

25                   (1) *CONTRACTING AUTHORITY.—*

1           (A) *NOTICE REQUIREMENT.*—*Except in the*  
2 *case of an emergency (as determined by the eligi-*  
3 *ble chartering authority of a public charter*  
4 *school), with respect to any contract proposed to*  
5 *be awarded by the public charter school and hav-*  
6 *ing a value equal to or exceeding \$10,000, the*  
7 *school shall publish a notice of a request for pro-*  
8 *posals in the District of Columbia Register and*  
9 *newspapers of general circulation not less than*  
10 *30 days prior to the award of the contract.*

11           (B) *SUBMISSION TO THE AUTHORITY.*—

12           (i) *DEADLINE FOR SUBMISSION.*—*With*  
13 *respect to any contract described in sub-*  
14 *paragraph (A) that is awarded by a public*  
15 *charter school, the school shall submit to the*  
16 *Authority, not later than 3 days after the*  
17 *date on which the award is made, all bids*  
18 *for the contract received by the school, the*  
19 *name of the contractor who is awarded the*  
20 *contract, and the rationale for the award of*  
21 *the contract.*

22           (ii) *EFFECTIVE DATE OF CONTRACT.*—

23           (I) *IN GENERAL.*—*Subject to*  
24 *subclause (II), a contract described in*  
25 *subparagraph (A) shall become effective*



1           *on the date that is 15 days after the*  
2           *date the school makes the submission*  
3           *under clause (i) with respect to the*  
4           *contract, or the effective date specified*  
5           *in the contract, whichever is later.*

6                   (II) *EXCEPTION.—A contract de-*  
7                   *scribed in subparagraph (A) shall be*  
8                   *considered null and void if the Author-*  
9                   *ity determines, within 12 days of the*  
10                  *date the school makes the submission*  
11                  *under clause (i) with respect to the*  
12                  *contract, that the contract endangers*  
13                  *the economic viability of the public*  
14                  *charter school.*

15                  (2) *TUITION.—A public charter school may not*  
16                  *charge tuition, fees, or other mandatory payments, ex-*  
17                  *cept to nonresident students, or for field trips or simi-*  
18                  *lar activities.*

19                  (3) *CONTROL.—A public charter school—*

20                         (A) *shall exercise exclusive control over its*  
21                         *expenditures, administration, personnel, and in-*  
22                         *structional methods, within the limitations im-*  
23                         *posed in this subtitle; and*

24                         (B) *shall be exempt from District of Colum-*  
25                         *bia statutes, policies, rules, and regulations es-*

1           *established for the District of Columbia public*  
2           *schools by the Superintendent, Board of Edu-*  
3           *cation, Mayor, District of Columbia Council, or*  
4           *Authority, except as otherwise provided in the*  
5           *school's charter or this subtitle.*

6           (4) *HEALTH AND SAFETY.*—*A public charter*  
7           *school shall maintain the health and safety of all stu-*  
8           *dents attending such school.*

9           (5) *CIVIL RIGHTS AND IDEA.*—*The Age Discrimi-*  
10          *nation Act of 1975 (42 U.S.C. 6101 et seq.), title VI*  
11          *of the Civil Rights Act of 1964 (42 U.S.C. 2000d et*  
12          *seq.), title IX of the Education Amendments of 1972*  
13          *(20 U.S.C. 1681 et seq.), section 504 of the Rehabili-*  
14          *tation Act of 1973 (29 U.S.C. 794), part B of the In-*  
15          *dividuals with Disabilities Education Act (20 U.S.C.*  
16          *1411 et seq.), and the Americans with Disabilities Act*  
17          *of 1990 (42 U.S.C. 12101 et seq.), shall apply to a*  
18          *public charter school.*

19          (6) *GOVERNANCE.*—*A public charter school shall*  
20          *be governed by a Board of Trustees in a manner con-*  
21          *sistent with the charter granted to the school and the*  
22          *provisions of this subtitle.*

23          (7) *OTHER STAFF.*—*No employee of the District*  
24          *of Columbia public schools may be required to accept*

1        *employment with, or be assigned to, a public charter*  
2        *school.*

3            (8) *OTHER STUDENTS.*—*No student enrolled in a*  
4        *District of Columbia public school may be required to*  
5        *attend a public charter school.*

6            (9) *TAXES OR BONDS.*—*A public charter school*  
7        *shall not levy taxes or issue bonds.*

8            (10) *CHARTER REVISION.*—*A public charter*  
9        *school seeking to revise its charter shall prepare a pe-*  
10       *tition for approval of the revision and file the petition*  
11       *with the eligible chartering authority that granted the*  
12       *charter. The provisions of section 2203 shall apply to*  
13       *such a petition in the same manner as such provi-*  
14       *sions apply to a petition to establish a public charter*  
15       *school.*

16            (11) *ANNUAL REPORT.*—

17            (A) *IN GENERAL.*—*A public charter school*  
18        *shall submit an annual report to the eligible*  
19        *chartering authority that approved its charter*  
20        *and to the Consensus Commission. The school*  
21        *shall permit a member of the public to review*  
22        *any such report upon request.*

23            (B) *CONTENTS.*—*A report submitted under*  
24        *subparagraph (A) shall include the following*  
25        *data:*

1           (i) *A report on the extent to which the*  
2           *school is meeting its mission and goals as*  
3           *stated in the petition for the charter school.*

4           (ii) *Student performance on any dis-*  
5           *trictwide assessments.*

6           (iii) *Grade advancement for students*  
7           *enrolled in the public charter school.*

8           (iv) *Graduation rates, college admis-*  
9           *sion test scores, and college admission rates,*  
10          *if applicable.*

11          (v) *Types and amounts of parental in-*  
12          *volvement.*

13          (vi) *Official student enrollment.*

14          (vii) *Average daily attendance.*

15          (viii) *Average daily membership.*

16          (ix) *A financial statement audited by*  
17          *an independent certified public accountant*  
18          *in accordance with Government auditing*  
19          *standards for financial audits issued by the*  
20          *Comptroller General of the United States.*

21          (x) *A report on school staff indicating*  
22          *the qualifications and responsibilities of*  
23          *such staff.*

24          (xi) *A list of all donors and grantors*  
25          *that have contributed monetary or in-kind*

1                   *donations having a value equal to or exceed-*  
2                   *ing \$500 during the year that is the subject*  
3                   *of the report.*

4                   (C) *NONIDENTIFYING DATA.—Data de-*  
5                   *scribed in clauses (i) through (ix) of subpara-*  
6                   *graph (B) that are included in an annual report*  
7                   *shall not identify the individuals to whom the*  
8                   *data pertain.*

9                   (12) *CENSUS.—A public charter school shall pro-*  
10                  *vide to the Board of Education student enrollment*  
11                  *data necessary for the Board of Education to comply*  
12                  *with section 3 of article II of the Act of February 4,*  
13                  *1925 (D.C. Code, sec. 31–404) (relating to census of*  
14                  *minors).*

15                  (13) *COMPLAINT RESOLUTION PROCESS.—A pub-*  
16                  *lic charter school shall establish an informal com-*  
17                  *plaint resolution process.*

18                  (14) *PROGRAM OF EDUCATION.—A public char-*  
19                  *ter school shall provide a program of education which*  
20                  *shall include one or more of the following:*

21                         (A) *Preschool.*

22                         (B) *Prekindergarten.*

23                         (C) *Any grade or grades from kindergarten*  
24                         *through grade 12.*

25                         (D) *Residential education.*

1                   (E) *Adult, community, continuing, and vo-*  
2                   *ccational education programs.*

3                   (15) *NONSECTARIAN NATURE OF SCHOOLS.—A*  
4                   *public charter school shall be nonsectarian and shall*  
5                   *not be affiliated with a sectarian school or religious*  
6                   *institution.*

7                   (16) *NONPROFIT STATUS OF SCHOOL.—A public*  
8                   *charter school shall be organized under the District of*  
9                   *Columbia Nonprofit Corporation Act (D.C. Code, sec.*  
10                  *29–501 et seq.).*

11                  (17) *IMMUNITY FROM CIVIL LIABILITY.—*

12                  (A) *IN GENERAL.—A public charter school,*  
13                  *and its incorporators, Board of Trustees, officers,*  
14                  *employees, and volunteers, shall be immune from*  
15                  *civil liability, both personally and professionally,*  
16                  *for any act or omission within the scope of their*  
17                  *official duties unless the act or omission—*

18                               (i) *constitutes gross negligence;*

19                               (ii) *constitutes an intentional tort; or*

20                               (iii) *is criminal in nature.*

21                  (B) *COMMON LAW IMMUNITY PRESERVED.—*

22                  *Subparagraph (A) shall not be construed to abro-*  
23                  *gate any immunity under common law of a per-*  
24                  *son described in such subparagraph.*

1 **SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER**  
2 **SCHOOL.**

3 (a) *BOARD OF TRUSTEES.*—The members of a Board  
4 of Trustees of a public charter school shall be elected or se-  
5 lected pursuant to the charter granted to the school. Such  
6 Board of Trustees shall have an odd number of members  
7 that does not exceed 7, of which—

8 (1) a majority shall be residents of the District  
9 of Columbia; and

10 (2) at least 2 shall be parents of a student at-  
11 tending the school.

12 (b) *ELIGIBILITY.*—An individual is eligible for election  
13 or selection to the Board of Trustees of a public charter  
14 school if the person—

15 (1) is a teacher or staff member who is employed  
16 at the school;

17 (2) is a parent of a student attending the school;  
18 or

19 (3) meets the election or selection criteria set  
20 forth in the charter granted to the school.

21 (c) *ELECTION OR SELECTION OF PARENTS.*—In the  
22 case of the first Board of Trustees of a public charter school  
23 to be elected or selected after the date on which the school  
24 is granted a charter, the election or selection of the members  
25 under subsection (a)(2) shall occur on the earliest prac-  
26 ticable date after classes at the school have commenced.

1 *Until such date, any other members who have been elected*  
2 *or selected shall serve as an interim Board of Trustees. Such*  
3 *an interim Board of Trustees may exercise all of the powers,*  
4 *and shall be subject to all of the duties, of a Board of Trust-*  
5 *ees.*

6 *(d) FIDUCIARIES.—The Board of Trustees of a public*  
7 *charter school shall be fiduciaries of the school and shall*  
8 *set overall policy for the school. The Board of Trustees may*  
9 *make final decisions on matters related to the operation of*  
10 *the school, consistent with the charter granted to the school,*  
11 *this subtitle, and other applicable law.*

12 **SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITH-**  
13 **DRAWAL.**

14 *(a) OPEN ENROLLMENT.—Enrollment in a public*  
15 *charter school shall be open to all students who are residents*  
16 *of the District of Columbia and, if space is available, to*  
17 *nonresident students who meet the tuition requirement in*  
18 *subsection (e).*

19 *(b) CRITERIA FOR ADMISSION.—A public charter*  
20 *school may not limit enrollment on the basis of a student's*  
21 *race, color, religion, national origin, language spoken, intel-*  
22 *lectual or athletic ability, measures of achievement or apti-*  
23 *tude, or status as a student with special needs. A public*  
24 *charter school may limit enrollment to specific grade levels.*



1           (c) *RANDOM SELECTION.*—If there are more applica-  
2           tions to enroll in a public charter school from students who  
3           are residents of the District of Columbia than there are  
4           spaces available, students shall be admitted using a random  
5           selection process.

6           (d) *ADMISSION TO AN EXISTING SCHOOL.*—During the  
7           5-year period beginning on the date that a petition, filed  
8           by an eligible applicant seeking to convert a District of Co-  
9           lumbia public school or a private or independent school into  
10          a public charter school, is approved, the school may give  
11          priority in enrollment to—

12                 (1) students enrolled in the school at the time the  
13                 petition is granted;

14                 (2) the siblings of students described in para-  
15                 graph (1); and

16                 (3) in the case of the conversion of a District of  
17                 Columbia public school, students who reside within  
18                 the attendance boundaries, if any, in which the school  
19                 is located.

20          (e) *NONRESIDENT STUDENTS.*—Nonresident students  
21          shall pay tuition to attend a public charter school at the  
22          applicable rate established for District of Columbia public  
23          schools administered by the Board of Education for the type  
24          of program in which the student is enrolled.

1       (f) *STUDENT WITHDRAWAL.*—A student may with-  
2 draw from a public charter school at any time and, if other-  
3 wise eligible, enroll in a District of Columbia public school  
4 administered by the Board of Education.

5       (g) *EXPULSION AND SUSPENSION.*—The principal of  
6 a public charter school may expel or suspend a student from  
7 the school based on criteria set forth in the charter granted  
8 to the school.

9       **SEC. 2207. EMPLOYEES.**

10       (a) *EXTENDED LEAVE OF ABSENCE WITHOUT PAY.*—

11               (1) *LEAVE OF ABSENCE FROM DISTRICT OF CO-*  
12 *LUMBIA PUBLIC SCHOOLS.*—The Superintendent shall  
13 grant, upon request, an extended leave of absence,  
14 without pay, to an employee of the District of Colum-  
15 bia public schools for the purpose of permitting the  
16 employee to accept a position at a public charter  
17 school for a 2-year term.

18               (2) *REQUEST FOR EXTENSION.*—At the end of a  
19 2-year term referred to in paragraph (1), an em-  
20 ployee granted an extended leave of absence without  
21 pay under such paragraph may submit a request to  
22 the Superintendent for an extension of the leave of ab-  
23 sence for an unlimited number of 2-year terms. The  
24 Superintendent may not unreasonably (as determined

1       *by the eligible chartering authority) withhold ap-*  
2       *proval of the request.*

3               (3) *RIGHTS UPON TERMINATION OF LEAVE.—An*  
4       *employee granted an extended leave of absence with-*  
5       *out pay for the purpose described in paragraph (1)*  
6       *or (2) shall have the same rights and benefits under*  
7       *law upon termination of such leave of absence as an*  
8       *employee of the District of Columbia public schools*  
9       *who is granted an extended leave of absence without*  
10       *pay for any other purpose.*

11       (b) *RETIREMENT SYSTEM.—*

12               (1) *CREDITABLE SERVICE.—An employee of a*  
13       *public charter school who has received a leave of ab-*  
14       *sence under subsection (a) shall receive creditable*  
15       *service, as defined in section 2604 of D.C. Law 2–139,*  
16       *effective March 3, 1979 (D.C. Code, sec. 1–627.4) and*  
17       *the rules established under such section, for the period*  
18       *of the employee’s employment at the public charter*  
19       *school.*

20               (2) *AUTHORITY TO ESTABLISH SEPARATE SYS-*  
21       *TEM.—A public charter school may establish a retire-*  
22       *ment system for employees under its authority.*

23               (3) *ELECTION OF RETIREMENT SYSTEM.—A*  
24       *former employee of the District of Columbia public*  
25       *schools who becomes an employee of a public charter*

1        *school within 60 days after the date the employee's*  
2        *employment with the District of Columbia public*  
3        *schools is terminated may, at the time the employee*  
4        *commences employment with the public charter*  
5        *school, elect—*

6                *(A) to remain in a District of Columbia*  
7                *Government retirement system and continue to*  
8                *receive creditable service for the period of their*  
9                *employment at a public charter school; or*

10               *(B) to transfer into a retirement system es-*  
11               *tablished by the public charter school pursuant*  
12               *to paragraph (2).*

13               *(4) PROHIBITED EMPLOYMENT CONDITIONS.—No*  
14               *public charter school may require a former employee*  
15               *of the District of Columbia public schools to transfer*  
16               *to the public charter school's retirement system as a*  
17               *condition of employment.*

18               *(5) CONTRIBUTIONS.—*

19               *(A) EMPLOYEES ELECTING NOT TO TRANS-*  
20               *FER.—In the case of a former employee of the*  
21               *District of Columbia public schools who elects to*  
22               *remain in a District of Columbia Government*  
23               *retirement system pursuant to paragraph (3)(A),*  
24               *the public charter school that employs the person*  
25               *shall make the same contribution to such system*

1           *on behalf of the person as the District of Colum-*  
2           *bia would have been required to make if the per-*  
3           *son had continued to be an employee of the Dis-*  
4           *trict of Columbia public schools.*

5           *(B) EMPLOYEES ELECTING TO TRANSFER.—*  
6           *In the case of a former employee of the District*  
7           *of Columbia public schools who elects to transfer*  
8           *into a retirement system of a public charter*  
9           *school pursuant to paragraph (3)(B), the appli-*  
10          *cable District of Columbia Government retire-*  
11          *ment system from which the former employee is*  
12          *transferring shall compute the employee's con-*  
13          *tribution to that system and transfer this*  
14          *amount, to the retirement system of the public*  
15          *charter school.*

16          *(c) EMPLOYMENT STATUS.—Notwithstanding any*  
17          *other provision of law and except as provided in this sec-*  
18          *tion, an employee of a public charter school shall not be*  
19          *considered to be an employee of the District of Columbia*  
20          *Government for any purpose.*

21          **SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.**

22          *A student attending a public charter school shall be*  
23          *eligible for reduced fares on the Metrobus and Metrorail*  
24          *Transit System on the same terms and conditions as are*  
25          *applicable under section 2 of D.C. Law 2–152, effective*

1 *March 9, 1979 (D.C. Code, sec. 44–216 et seq.), to a student*  
2 *attending a District of Columbia public school.*

3 **SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERV-**  
4 **ICES TO PUBLIC CHARTER SCHOOLS.**

5 *The Superintendent may provide services, such as fa-*  
6 *cilities maintenance, to public charter schools. All com-*  
7 *pensation for costs of such services shall be subject to nego-*  
8 *tiation and mutual agreement between a public charter*  
9 *school and the Superintendent.*

10 **SEC. 2210. APPLICATION OF LAW.**

11 *(a) ELEMENTARY AND SECONDARY EDUCATION ACT*  
12 *OF 1965.—*

13 *(1) TREATMENT AS LOCAL EDUCATIONAL AGEN-*  
14 *CY.—*

15 *(A) IN GENERAL.—For any fiscal year, a*  
16 *public charter school shall be considered to be a*  
17 *local educational agency for purposes of part A*  
18 *of title I of the Elementary and Secondary Edu-*  
19 *cation Act of 1965 (20 U.S.C. 6311 et seq.), and*  
20 *shall be eligible for assistance under such part,*  
21 *if the fraction the numerator of which is the*  
22 *number of low-income students enrolled in the*  
23 *public charter school during the fiscal year pre-*  
24 *ceding the fiscal year for which the determina-*  
25 *tion is made and the denominator of which is*

1           the total number of students enrolled in such  
2           public charter school for such preceding year, is  
3           equal to or greater than the lowest fraction deter-  
4           mined for any District of Columbia public school  
5           receiving assistance under such part A where the  
6           numerator is the number of low-income students  
7           enrolled in such public school for such preceding  
8           year and the denominator is the total number of  
9           students enrolled in such public school for such  
10          preceding year.

11                   (B) *DEFINITION.*—For the purposes of this  
12           subsection, the term “low-income student” means  
13           a student from a low-income family determined  
14           according to the measure adopted by the District  
15           of Columbia to carry out the provisions of part  
16           A of title I of the Elementary and Secondary  
17           Education Act of 1965 that is consistent with the  
18           measures described in section 1113(a)(5) of such  
19           Act (20 U.S.C. 6313(a)(5)) for the fiscal year for  
20           which the determination is made.

21                   (2) *ALLOCATION FOR FISCAL YEARS 1996*  
22           *THROUGH 1998.*—

23                   (A) *PUBLIC CHARTER SCHOOLS.*—For fiscal  
24           years 1996 through 1998, each public charter  
25           school that is eligible to receive assistance under

1           *part A of title I of the Elementary and Second-*  
2           *ary Education Act of 1965 shall receive a por-*  
3           *tion of the District of Columbia's total allocation*  
4           *under such part which bears the same ratio to*  
5           *such total allocation as the number described in*  
6           *subparagraph (C) bears to the number described*  
7           *in subparagraph (D).*

8           *(B) DISTRICT OF COLUMBIA PUBLIC*  
9           *SCHOOLS.—For fiscal years 1996 through 1998,*  
10          *the District of Columbia public schools shall re-*  
11          *ceive a portion of the District of Columbia's total*  
12          *allocation under part A of title I of the Elemen-*  
13          *tary and Secondary Education Act of 1965*  
14          *which bears the same ratio to such total alloca-*  
15          *tion as the total of the numbers described in*  
16          *clauses (ii) and (iii) of subparagraph (D) bears*  
17          *to the aggregate total described in subparagraph*  
18          *(D).*

19          *(C) NUMBER OF ELIGIBLE STUDENTS EN-*  
20          *ROLLED IN THE PUBLIC CHARTER SCHOOL.—The*  
21          *number described in this subparagraph is the*  
22          *number of low-income students enrolled in the*  
23          *public charter school during the fiscal year pre-*  
24          *ceding the fiscal year for which the determina-*  
25          *tion is made.*



1           (D) *AGGREGATE NUMBER OF ELIGIBLE STU-*  
2           *DENTS.—The number described in this subpara-*  
3           *graph is the aggregate total of the following*  
4           *numbers:*

5                   (i) *The number of low-income students*  
6                   *who, during the fiscal year preceding the*  
7                   *fiscal year for which the determination is*  
8                   *made, were enrolled in a public charter*  
9                   *school.*

10                   (ii) *The number of low-income students*  
11                   *who, during the fiscal year preceding the*  
12                   *fiscal year for which the determination is*  
13                   *made, were enrolled in a District of Colum-*  
14                   *bia public school selected to provide services*  
15                   *under part A of title I of the Elementary*  
16                   *and Secondary Education Act of 1965.*

17                   (iii) *The number of low-income stu-*  
18                   *dents who, during the fiscal year preceding*  
19                   *the fiscal year for which the determination*  
20                   *is made—*

21                           (I) *were enrolled in a private or*  
22                           *independent school; and*

23                           (II) *resided in an attendance area*  
24                           *of a District of Columbia public school*  
25                           *selected to provide services under part*

1                   *A of title I of the Elementary and Sec-*  
2                   *ondary Education Act of 1965.*

3                   (3) *ALLOCATION FOR FISCAL YEAR 1999 AND*  
4                   *THEREAFTER.—*

5                   (A) *CALCULATION BY SECRETARY.—Not-*  
6                   *withstanding sections 1124(a)(2), 1124A(a)(4),*  
7                   *and 1125(d) of the Elementary and Secondary*  
8                   *Education Act of 1965 (20 U.S.C. 6333(a)(2),*  
9                   *6334(a)(4), and 6335(d)), for fiscal year 1999*  
10                  *and each fiscal year thereafter, the total alloca-*  
11                  *tion under part A of title I of such Act for all*  
12                  *local educational agencies in the District of Co-*  
13                  *lumbia, including public charter schools that are*  
14                  *eligible to receive assistance under such part,*  
15                  *shall be calculated by the Secretary of Edu-*  
16                  *cation. In making such calculation, such Sec-*  
17                  *retary shall treat all such local educational agen-*  
18                  *cies as if such agencies were a single local edu-*  
19                  *cational agency for the District of Columbia.*

20                  (B) *ALLOCATION.—*

21                  (i) *PUBLIC CHARTER SCHOOLS.—For*  
22                  *fiscal year 1999 and each fiscal year there-*  
23                  *after, each public charter school that is eli-*  
24                  *gible to receive assistance under part A of*  
25                  *title I of the Elementary and Secondary*

1            *Education Act of 1965 shall receive a por-*  
2            *tion of the total allocation calculated under*  
3            *subparagraph (A) which bears the same*  
4            *ratio to such total allocation as the number*  
5            *described in paragraph (2)(C) bears to the*  
6            *aggregate total described in paragraph*  
7            *(2)(D).*

8            *(ii) DISTRICT OF COLUMBIA PUBLIC*  
9            *SCHOOL.—For fiscal year 1999 and each*  
10           *fiscal year thereafter, the District of Colum-*  
11           *bia public schools shall receive a portion of*  
12           *the total allocation calculated under sub-*  
13           *paragraph (A) which bears the same ratio*  
14           *to such total allocation as the total of the*  
15           *numbers described in clauses (ii) and (iii)*  
16           *of paragraph (2)(D) bears to the aggregate*  
17           *total described in paragraph (2)(D).*

18           *(4) USE OF ESEA FUNDS.—The Board of Edu-*  
19           *cation may not direct a public charter school in the*  
20           *school’s use of funds under part A of title I of the Ele-*  
21           *mentary and Secondary Education Act of 1965.*

22           *(5) ESEA REQUIREMENTS.—Except as provided*  
23           *in paragraph (6), a public charter school receiving*  
24           *funds under part A of title I of the Elementary and*  
25           *Secondary Education Act of 1965 (20 U.S.C. 6301 et*

1       *seq.) shall comply with all requirements applicable to*  
2       *schools receiving such funds.*

3               (6) *INAPPLICABILITY OF CERTAIN ESEA PROVI-*  
4       *SIONS.—The following provisions of the Elementary*  
5       *and Secondary Education Act of 1965 shall not apply*  
6       *to a public charter school:*

7               (A) *Paragraphs (5) and (8) of section*  
8       *1112(b) (20 U.S.C. 6312(b)).*

9               (B) *Paragraphs (1)(A), (1)(B), (1)(C),*  
10       *(1)(D), (1)(F), (1)(H), and (3) of section 1112(c)*  
11       *(20 U.S.C. 6312(c)).*

12              (C) *Section 1113 (20 U.S.C. 6313).*

13              (D) *Section 1115A (20 U.S.C. 6316).*

14              (E) *Subsections (a), (b), and (c) of section*  
15       *1116 (20 U.S.C. 6317).*

16              (F) *Subsections (d) and (e) of section 1118*  
17       *(20 U.S.C. 6319).*

18              (G) *Section 1120 (20 U.S.C. 6321).*

19              (H) *Subsections (a) and (c) of section*  
20       *1120A (20 U.S.C. 6322).*

21              (I) *Section 1126 (20 U.S.C. 6337).*

22       (b) *PROPERTY AND SALES TAXES.—A public charter*  
23       *school shall be exempt from District of Columbia property*  
24       *and sales taxes.*

1           (c) *EDUCATION OF CHILDREN WITH DISABILITIES.*—  
 2 *Notwithstanding any other provision of this title, each pub-*  
 3 *lic charter school shall elect to be treated as a local edu-*  
 4 *cational agency or a District of Columbia public school for*  
 5 *the purpose of part B of the Individuals with Disabilities*  
 6 *Education Act (20 U.S.C. 1411 et seq.) and section 504 of*  
 7 *the Rehabilitation Act of 1973 (29 U.S.C. 794).*

8   **SEC. 2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING**  
 9                                   **AUTHORITIES.**

10           (a) *OVERSIGHT.*—

11                   (1) *IN GENERAL.*—*An eligible chartering author-*  
 12                   *ity—*

13                           (A) *shall monitor the operations of each*  
 14                           *public charter school to which the eligible char-*  
 15                           *tering authority has granted a charter;*

16                           (B) *shall ensure that each such school com-*  
 17                           *plies with applicable laws and the provisions of*  
 18                           *the charter granted to such school; and*

19                           (C) *shall monitor the progress of each such*  
 20                           *school in meeting student academic achievement*  
 21                           *expectations specified in the charter granted to*  
 22                           *such school.*

23                   (2) *PRODUCTION OF BOOKS AND RECORDS.*—*An*  
 24                   *eligible chartering authority may require a public*  
 25                   *charter school to which the eligible chartering author-*

1        *ity has granted a charter to produce any book, record,*  
2        *paper, or document, if the eligible chartering author-*  
3        *ity determines that such production is necessary for*  
4        *the eligible chartering authority to carry out its func-*  
5        *tions under this subtitle.*

6        *(b) FEES.—*

7            *(1) APPLICATION FEE.—An eligible chartering*  
8        *authority may charge an eligible applicant a fee, not*  
9        *to exceed \$150, for processing a petition to establish*  
10       *a public charter school.*

11           *(2) ADMINISTRATION FEE.—In the case of an eli-*  
12       *gible chartering authority that has granted a charter*  
13       *to a public charter school, the eligible chartering au-*  
14       *thority may charge the school a fee, not to exceed one-*  
15       *half of one percent of the annual budget of the school,*  
16       *to cover the cost of undertaking the ongoing adminis-*  
17       *trative responsibilities of the eligible chartering au-*  
18       *thority with respect to the school that are described in*  
19       *this subtitle. The school shall pay the fee to the eligi-*  
20       *ble chartering authority not later than November 15*  
21       *of each year.*

22       *(c) IMMUNITY FROM CIVIL LIABILITY.—*

23           *(1) IN GENERAL.—An eligible chartering author-*  
24       *ity, the Board of Trustees of such an eligible charter-*  
25       *ing authority, and a director, officer, employee, or*

1       *volunteer of such an eligible chartering authority,*  
2       *shall be immune from civil liability, both personally*  
3       *and professionally, for any act or omission within the*  
4       *scope of their official duties unless the act or omis-*  
5       *sion—*

6                   *(A) constitutes gross negligence;*

7                   *(B) constitutes an intentional tort; or*

8                   *(C) is criminal in nature.*

9                   (2) *COMMON LAW IMMUNITY PRESERVED.—Para-*  
10       *graph (1) shall not be construed to abrogate any im-*  
11       *munity under common law of a person described in*  
12       *such paragraph.*

13                  (d) *ANNUAL REPORT.—On or before July 30 of each*  
14       *year, each eligible chartering authority that issues a charter*  
15       *under this subtitle shall submit a report to the Mayor, the*  
16       *District of Columbia Council, the Board of Education, the*  
17       *Secretary of Education, the appropriate congressional com-*  
18       *mittees, and the Consensus Commission that includes the*  
19       *following information:*

20                   (1) *A list of the members of the eligible charter-*  
21       *ing authority and the addresses of such members.*

22                   (2) *A list of the dates and places of each meeting*  
23       *of the eligible chartering authority during the year*  
24       *preceding the report.*

1           (3) *The number of petitions received by the eligi-*  
2           *ble chartering authority for the conversion of a Dis-*  
3           *trict of Columbia public school or a private or inde-*  
4           *pendent school to a public charter school, and for the*  
5           *creation of a new school as a public charter school.*

6           (4) *The number of petitions described in para-*  
7           *graph (3) that were approved and the number that*  
8           *were denied, as well as a summary of the reasons for*  
9           *which such petitions were denied.*

10          (5) *A description of any new charters issued by*  
11          *the eligible chartering authority during the year pre-*  
12          *ceding the report.*

13          (6) *A description of any charters renewed by the*  
14          *eligible chartering authority during the year preced-*  
15          *ing the report.*

16          (7) *A description of any charters revoked by the*  
17          *eligible chartering authority during the year preced-*  
18          *ing the report.*

19          (8) *A description of any charters refused renewal*  
20          *by the eligible chartering authority during the year*  
21          *preceding the report.*

22          (9) *Any recommendations the eligible chartering*  
23          *authority has concerning ways to improve the admin-*  
24          *istration of public charter schools.*



1 **SEC. 2212. CHARTER RENEWAL.**

2 (a) *TERM.*—A charter granted to a public charter  
3 school shall remain in force for a 5-year period, but may  
4 be renewed for an unlimited number of times, each time  
5 for a 5-year period.

6 (b) *APPLICATION FOR CHARTER RENEWAL.*—In the  
7 case of a public charter school that desires to renew its char-  
8 ter, the Board of Trustees of the school shall file an applica-  
9 tion to renew the charter with the eligible chartering au-  
10 thority that granted the charter not later than 120 days  
11 nor earlier than 365 days before the expiration of the char-  
12 ter. The application shall contain the following:

13 (1) A report on the progress of the public charter  
14 school in achieving the goals, student academic  
15 achievement expectations, and other terms of the ap-  
16 proved charter.

17 (2) All audited financial statements for the pub-  
18 lic charter school for the preceding 4 years.

19 (c) *APPROVAL OF CHARTER RENEWAL APPLICA-*  
20 *TION.*—The eligible chartering authority that granted a  
21 charter shall approve an application to renew the charter  
22 that is filed in accordance with subsection (b), except that  
23 the eligible chartering authority shall not approve such ap-  
24 plication if the eligible chartering authority determines  
25 that—

1           (1) *the school committed a material violation of*  
2 *applicable laws or a material violation of the condi-*  
3 *tions, terms, standards, or procedures set forth in its*  
4 *charter, including violations relating to the education*  
5 *of children with disabilities; or*

6           (2) *the school failed to meet the goals and stu-*  
7 *dent academic achievement expectations set forth in*  
8 *its charter.*

9           (d) *PROCEDURES FOR CONSIDERATION OF CHARTER*  
10 *RENEWAL.—*

11           (1) *NOTICE OF RIGHT TO HEARING.—An eligible*  
12 *chartering authority that has received an application*  
13 *to renew a charter that is filed by a Board of Trustees*  
14 *in accordance with subsection (b) shall provide to the*  
15 *Board of Trustees written notice of the right to an in-*  
16 *formal hearing on the application. The eligible char-*  
17 *tering authority shall provide the notice not later*  
18 *than 15 days after the date on which the eligible char-*  
19 *tering authority received the application.*

20           (2) *REQUEST FOR HEARING.—Not later than 15*  
21 *days after the date on which a Board of Trustees re-*  
22 *ceives a notice under paragraph (1), the Board of*  
23 *Trustees may request, in writing, an informal hear-*  
24 *ing on the application before the eligible chartering*  
25 *authority.*

1           (3) *DATE AND TIME OF HEARING.*—

2           (A) *NOTICE.*—Upon receiving a timely  
3 written request for a hearing under paragraph  
4 (2), an eligible chartering authority shall set a  
5 date and time for the hearing and shall provide  
6 reasonable notice of the date and time, as well as  
7 the procedures to be followed at the hearing, to  
8 the Board of Trustees.

9           (B) *DEADLINE.*—An informal hearing  
10 under this subsection shall take place not later  
11 than 30 days after an eligible chartering author-  
12 ity receives a timely written request for the hear-  
13 ing under paragraph (2).

14          (4) *FINAL DECISION.*—

15          (A) *DEADLINE.*—An eligible chartering au-  
16 thority shall render a final decision, in writing,  
17 on an application to renew a charter—

18               (i) not later than 30 days after the  
19 date on which the eligible chartering au-  
20 thority provided the written notice of the  
21 right to a hearing, in the case of an appli-  
22 cation with respect to which such a hearing  
23 is not held; and

24               (ii) not later than 30 days after the  
25 date on which the hearing is concluded, in

1           *the case of an application with respect to*  
2           *which a hearing is held.*

3           *(B) REASONS FOR NONRENEWAL.—An eligi-*  
4           *ble chartering authority that denies an applica-*  
5           *tion to renew a charter shall state in its decision*  
6           *the reasons for denial.*

7           *(5) ALTERNATIVES UPON NONRENEWAL.—If an*  
8           *eligible chartering authority denies an application to*  
9           *renew a charter granted to a public charter school, the*  
10          *Board of Education may—*

11           *(A) manage the school directly until alter-*  
12           *native arrangements can be made for students at*  
13           *the school; or*

14           *(B) place the school in a probationary sta-*  
15           *tus that requires the school to take remedial ac-*  
16           *tions, to be determined by the Board of Edu-*  
17           *cation, that directly relate to the grounds for the*  
18           *denial.*

19          *(6) JUDICIAL REVIEW.—*

20           *(A) AVAILABILITY OF REVIEW.—A decision*  
21           *by an eligible chartering authority to deny an*  
22           *application to renew a charter shall be subject to*  
23           *judicial review by an appropriate court of the*  
24           *District of Columbia.*

1                   (B) *STANDARD OF REVIEW.*—A decision by  
2                   an eligible chartering authority to deny an ap-  
3                   plication to renew a charter shall be upheld un-  
4                   less the decision is arbitrary and capricious or  
5                   clearly erroneous.

6   **SEC. 2213. CHARTER REVOCATION.**

7                   (a) *CHARTER OR LAW VIOLATIONS.*—An eligible char-  
8                   tering authority that has granted a charter to a public  
9                   charter school may revoke the charter if the eligible charter-  
10                  ing authority determines that the school has committed a  
11                  violation of applicable laws or a material violation of the  
12                  conditions, terms, standards, or procedures set forth in the  
13                  charter, including violations relating to the education of  
14                  children with disabilities.

15                  (b) *FISCAL MISMANAGEMENT.*—An eligible chartering  
16                  authority that has granted a charter to a public charter  
17                  school shall revoke the charter if the eligible chartering au-  
18                  thority determines that the school—

19                         (1) *has engaged in a pattern of nonadherence to*  
20                         *generally accepted accounting principles;*

21                         (2) *has engaged in a pattern of fiscal mis-*  
22                         *management; or*

23                         (3) *is no longer economically viable.*

24                   (c) *PROCEDURES FOR CONSIDERATION OF REVOCA-*  
25                   *TION.*—

1           (1) *NOTICE OF RIGHT TO HEARING.*—An eligible  
2           chartering authority that is proposing to revoke a  
3           charter granted to a public charter school shall pro-  
4           vide to the Board of Trustees of the school a written  
5           notice stating the reasons for the proposed revocation.  
6           The notice shall inform the Board of Trustees of the  
7           right of the Board of Trustees to an informal hearing  
8           on the proposed revocation.

9           (2) *REQUEST FOR HEARING.*—Not later than 15  
10          days after the date on which a Board of Trustees re-  
11          ceives a notice under paragraph (1), the Board of  
12          Trustees may request, in writing, an informal hear-  
13          ing on the proposed revocation before the eligible char-  
14          tering authority.

15          (3) *DATE AND TIME OF HEARING.*—

16                (A) *NOTICE.*—Upon receiving a timely  
17                written request for a hearing under paragraph  
18                (2), an eligible chartering authority shall set a  
19                date and time for the hearing and shall provide  
20                reasonable notice of the date and time, as well as  
21                the procedures to be followed at the hearing, to  
22                the Board of Trustees.

23                (B) *DEADLINE.*—An informal hearing  
24                under this subsection shall take place not later  
25                than 30 days after an eligible chartering author-

1            *ity receives a timely written request for the hear-*  
2            *ing under paragraph (2).*

3            (4) *FINAL DECISION.—*

4                    (A) *DEADLINE.—An eligible chartering au-*  
5                    *thority shall render a final decision, in writing,*  
6                    *on the revocation of a charter—*

7                            (i) *not later than 30 days after the*  
8                            *date on which the eligible chartering au-*  
9                            *thority provided the written notice of the*  
10                           *right to a hearing, in the case of a proposed*  
11                           *revocation with respect to which such a*  
12                           *hearing is not held; and*

13                           (ii) *not later than 30 days after the*  
14                           *date on which the hearing is concluded, in*  
15                           *the case of a proposed revocation with re-*  
16                           *spect to which a hearing is held.*

17                    (B) *REASONS FOR REVOCATION.—An eligi-*  
18                    *ble chartering authority that revokes a charter*  
19                    *shall state in its decision the reasons for the rev-*  
20                    *ocation.*

21            (5) *ALTERNATIVES UPON REVOCATION.—If an el-*  
22            *igible chartering authority revokes a charter granted*  
23            *to a public charter school, the Board of Education*  
24            *may manage the school directly until alternative ar-*  
25            *rangements can be made for students at the school.*

1           (6) *JUDICIAL REVIEW.*—

2                   (A) *AVAILABILITY OF REVIEW.*—*A decision*  
3                   *by an eligible chartering authority to revoke a*  
4                   *charter shall be subject to judicial review by an*  
5                   *appropriate court of the District of Columbia.*

6                   (B) *STANDARD OF REVIEW.*—*A decision by*  
7                   *an eligible chartering authority to revoke a char-*  
8                   *ter shall be upheld unless the decision is arbi-*  
9                   *trary and capricious or clearly erroneous.*

10 **SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.**

11           (a) *ESTABLISHMENT.*—

12                   (1) *IN GENERAL.*—*There is established within*  
13                   *the District of Columbia Government a Public Char-*  
14                   *ter School Board (in this section referred to as the*  
15                   *“Board”).*

16                   (2) *MEMBERSHIP.*—*The Secretary of Education*  
17                   *shall present the Mayor a list of 15 individuals the*  
18                   *Secretary determines are qualified to serve on the*  
19                   *Board. The Mayor, in consultation with the District*  
20                   *of Columbia City Council, shall appoint 7 individ-*  
21                   *uals from the list to serve on the Board. The Sec-*  
22                   *retary of Education shall recommend, and the Mayor*  
23                   *shall appoint, members to serve on the Board so that*  
24                   *a knowledge of each of the following areas is rep-*  
25                   *resented on the Board:*



1           (A) *Research about and experience in stu-*  
2           *dent learning, quality teaching, and evaluation*  
3           *of and accountability in successful schools.*

4           (B) *The operation of a financially sound*  
5           *enterprise, including leadership and manage-*  
6           *ment techniques, as well as the budgeting and*  
7           *accounting skills critical to the startup of a suc-*  
8           *cessful enterprise.*

9           (C) *The educational, social, and economic*  
10          *development needs of the District of Columbia.*

11          (D) *The needs and interests of students and*  
12          *parents in the District of Columbia, as well as*  
13          *methods of involving parents and other members*  
14          *of the community in individual schools.*

15          (3) *VACANCIES.—Any time there is a vacancy in*  
16          *the membership of the Board, the Secretary of Edu-*  
17          *cation shall present the Mayor a list of 3 individuals*  
18          *the Secretary determines are qualified to serve on the*  
19          *Board. The Mayor, in consultation with the District*  
20          *of Columbia Council, shall appoint 1 individual from*  
21          *the list to serve on the Board. The Secretary shall rec-*  
22          *ommend and the Mayor shall appoint, such member*  
23          *of the Board taking into consideration the criteria de-*  
24          *scribed in paragraph (2). Any member appointed to*  
25          *fill a vacancy occurring prior to the expiration of the*

1 term of a predecessor shall be appointed only for the  
2 remainder of the term.

3 (4) *TIME LIMIT FOR APPOINTMENTS.*—If, at any  
4 time, the Mayor does not appoint members to the  
5 Board sufficient to bring the Board's membership to  
6 7 within 30 days of receiving a recommendation from  
7 the Secretary of Education under paragraph (2) or  
8 (3), the Secretary shall make such appointments as  
9 are necessary to bring the membership of the Board  
10 to 7.

11 (5) *TERMS OF MEMBERS.*—

12 (A) *IN GENERAL.*—Members of the Board  
13 shall serve for terms of 4 years, except that, of  
14 the initial appointments made under paragraph  
15 (2), the Mayor shall designate—

16 (i) 2 members to serve terms of 3 years;

17 (ii) 2 members to serve terms of 2  
18 years; and

19 (iii) 1 member to serve a term of 1  
20 year.

21 (B) *REAPPOINTMENT.*—Members of the  
22 Board shall be eligible to be reappointed for one  
23 4-year term beyond their initial term of appoint-  
24 ment.

1           (6) *INDEPENDENCE.*—No person employed by the  
2           *District of Columbia public schools or a public char-*  
3           *ter school shall be eligible to be a member of the*  
4           *Board or to be employed by the Board.*

5           (b) *OPERATIONS OF THE BOARD.*—

6           (1) *CHAIR.*—The members of the Board shall  
7           elect from among their membership 1 individual to  
8           serve as Chair. Such election shall be held each year  
9           after members of the Board have been appointed to  
10          fill any vacancies caused by the regular expiration of  
11          previous members' terms, or when requested by a ma-  
12          jority vote of the members of the Board.

13          (2) *QUORUM.*—A majority of the members of the  
14          Board, not including any positions that may be va-  
15          cant, shall constitute a quorum sufficient for conduct-  
16          ing the business of the Board.

17          (3) *MEETINGS.*—The Board shall meet at the call  
18          of the Chair, subject to the hearing requirements of  
19          sections 2203, 2212(d)(3), and 2213(c)(3).

20          (c) *NO COMPENSATION FOR SERVICE.*—Members of the  
21          Board shall serve without pay, but may receive reimburse-  
22          ment for any reasonable and necessary expenses incurred  
23          by reason of service on the Board.

24          (d) *PERSONNEL AND RESOURCES.*—

1           (1) *IN GENERAL.*—*Subject to such rules as may*  
2           *be made by the Board, the Chair shall have the power*  
3           *to appoint, terminate, and fix the pay of an Execu-*  
4           *tive Director and such other personnel of the Board*  
5           *as the Chair considers necessary, but no individual so*  
6           *appointed shall be paid in excess of the rate payable*  
7           *for level EG–16 of the Educational Service of the Dis-*  
8           *trict of Columbia.*

9           (2) *SPECIAL RULE.*—*The Board is authorized to*  
10          *use the services, personnel, and facilities of the Dis-*  
11          *trict of Columbia.*

12          (e) *EXPENSES OF BOARD.*—*Any expenses of the Board*  
13          *shall be paid from such funds as may be available to the*  
14          *Mayor.*

15          (f) *AUDIT.*—*The Board shall provide for an audit of*  
16          *the financial statements of the Board by an independent*  
17          *certified public accountant in accordance with Government*  
18          *auditing standards for financial audits issued by the Comp-*  
19          *troller General of the United States.*

20          (g) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*  
21          *purpose of carrying out the provisions of this section and*  
22          *conducting the Board's functions required by this subtitle,*  
23          *there are authorized to be appropriated \$300,000 for fiscal*  
24          *year 1996 and such sums as may be necessary for each of*  
25          *the 4 succeeding fiscal years.*

1 **SEC. 2215. FEDERAL ENTITIES.**

2 (a) *IN GENERAL.*—*The following Federal agencies and*  
3 *federally established entities are encouraged to explore*  
4 *whether it is feasible for the agency or entity to establish*  
5 *one or more public charter schools:*

6 (1) *The Library of Congress.*

7 (2) *The National Aeronautics and Space Admin-*  
8 *istration.*

9 (3) *The Drug Enforcement Administration.*

10 (4) *The National Science Foundation.*

11 (5) *The Department of Justice.*

12 (6) *The Department of Defense.*

13 (7) *The Department of Education.*

14 (8) *The Smithsonian Institution, including the*  
15 *National Zoological Park, the National Museum of*  
16 *American History, the John F. Kennedy Center for*  
17 *the Performing Arts, and the National Gallery of Art.*

18 (b) *REPORT.*—*Not later than 120 days after date of*  
19 *enactment of this Act, any agency or institution described*  
20 *in subsection (a) that has explored the feasibility of estab-*  
21 *lishing a public charter school shall report its determina-*  
22 *tion on the feasibility to the appropriate committees of the*  
23 *Congress.*

**Subtitle C—Even Start****SEC. 2301. AMENDMENTS FOR EVEN START PROGRAMS.**

(a) *AUTHORIZATION OF APPROPRIATIONS.*—Section 1002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended by striking subsection (b) and inserting the following:

“(b) *EVEN START.*—

“(1) *IN GENERAL.*—For the purpose of carrying out part B, there are authorized to be appropriated \$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) *DISTRICT OF COLUMBIA.*—For the purpose of carrying out Even Start programs in the District of Columbia described in section 1211, there are authorized to be appropriated—

“(A) \$2,000,000 for fiscal year 1996;

“(B) \$3,500,000 for fiscal year 1997;

“(C) \$5,000,000 for fiscal year 1998;

“(D) \$5,000,000 for fiscal year 1999; and

“(E) \$5,000,000 for fiscal year 2000.”.

(b) *EVEN START FAMILY LITERACY PROGRAMS.*—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

1           (1) in section 1202(a)(1) (20 U.S.C. 6362(a)(1)),  
2           by inserting “(1)” after “1002(b)”;

3           (2) in section 1202(b) (20 U.S.C. 6362(b)), by  
4           inserting “(1)” after “1002(b)”;

5           (3) in section 1202(d)(3) (20 U.S.C. 6362(d)(3)),  
6           by inserting “(1)” after “1002(b)”;

7           (4) in section 1204(a) (20 U.S.C. 6364(a)), by  
8           inserting “intensive” after “cost of providing”;

9           (5) in section 1205(4) (20 U.S.C. 6365(4)), by  
10          inserting “, intensive” after “high-quality”; and

11          (6) by adding at the end the following new sec-  
12          tion:

13       **“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIA-**  
14               **TIVES.**

15       “(a) DISTRICT OF COLUMBIA PROGRAM AUTHOR-  
16       **IZED.—**

17               “(1) IN GENERAL.—In addition to any grant for  
18       the District of Columbia authorized under section  
19       1202, the Secretary shall provide grants, on a com-  
20       petitive basis, to eligible entities to enable such enti-  
21       ties to carry out Even Start programs in the District  
22       of Columbia that build on the findings of the National  
23       Evaluation of the Even Start Family Literacy Pro-  
24       gram, such as providing intensive services in early

1 *childhood education, parent training, and adult lit-*  
2 *eracy or adult education.*

3 “(2) *NUMBER OF GRANTS.*—*The Secretary shall*  
4 *award—*

5 “(A) *not more than 8 grants under this sec-*  
6 *tion for fiscal year 1996;*

7 “(B) *not more than 14 grants under this*  
8 *section for fiscal year 1997;*

9 “(C) *not more than 20 grants under this*  
10 *section for each of the fiscal years 1998 and*  
11 *1999; and*

12 “(D) *not more than 20 grants under this*  
13 *section, or such number as the Secretary deter-*  
14 *mines appropriate taking into account the re-*  
15 *sults of evaluations described in subsection (i),*  
16 *for fiscal year 2000.*

17 “(b) *DEFINITION.*—*For the purpose of this section, the*  
18 *term ‘eligible entity’ means a partnership composed of at*  
19 *least—*

20 “(1) *a District of Columbia public school;*

21 “(2) *the local educational agency in existence on*  
22 *September 1, 1995 for the District of Columbia, any*  
23 *other public organization, or an institution of higher*  
24 *education (as defined in section 1201(a) of the Higher*  
25 *Education Act of 1965 (20 U.S.C. 1141(a)); and*



1           “(3) a private nonprofit community-based orga-  
2           nization.

3           “(c) *USES OF FUNDS; FEDERAL SHARE.*—

4           “(1) *COMPLIANCE.*—Each eligible entity that re-  
5           ceives funds under this section shall comply with sec-  
6           tion 1204(a) and 1204(b)(3), relating to the use of  
7           such funds.

8           “(2) *FEDERAL SHARE.*—Each program funded  
9           under this section is subject to the Federal share re-  
10          quirement of section 1204(b)(1), except that the Sec-  
11          retary may waive that requirement, in whole or in  
12          part, for any eligible entity that demonstrates to the  
13          Secretary’s satisfaction that such entity otherwise  
14          would not be able to participate in the program  
15          under this section.

16          “(3) *MINIMUM.*—Except as provided in para-  
17          graph (4), each eligible entity selected to receive a  
18          grant under this section shall receive not more than  
19          \$250,000 in any fiscal year, except that the Secretary  
20          may increase such amount if the Secretary determines  
21          that—

22                  “(A) such entity needs additional funds to  
23                  be effective; and

1           “(B) *the increase will not reduce the*  
2           *amount of funds available to other eligible enti-*  
3           *ties that receive funds under this section.*

4           “(4) *REMAINING FUNDS.—If funds remain after*  
5           *payments are made under paragraph (3) for any fis-*  
6           *cal year, the Secretary shall make such remaining*  
7           *funds available to each eligible entity receiving a*  
8           *grant under this section for such year in an amount*  
9           *that bears the same relation to such funds as the*  
10          *amount each such entity received under this section*  
11          *bears to the amount all such entities received under*  
12          *this section.*

13          “(d) *PROGRAM ELEMENTS.—Each program assisted*  
14          *under this section shall comply with the program elements*  
15          *described in section 1205, including intensive high quality*  
16          *instruction programs of early childhood education, parent*  
17          *training, and adult literacy or adult education.*

18          “(e) *ELIGIBLE PARTICIPANTS.—*

19                  “(1) *IN GENERAL.—Individuals eligible to par-*  
20                  *ticipate in a program under this section are—*

21                          “(A) *the parent or parents of a child de-*  
22                          *scribed in subparagraph (B), or any other adult*  
23                          *who is substantially involved in the day-to-day*  
24                          *care of the child, if such parent or adult—*

1           “(i) is eligible to participate in an  
2           adult education program under the Adult  
3           Education Act; or

4           “(ii) is attending, or is eligible by age  
5           to attend, a District of Columbia public  
6           school; and

7           “(B) any child, from birth through age 7, of  
8           an individual described in subparagraph (A).

9           “(2) *ELIGIBILITY REQUIREMENTS.*—The eligi-  
10          bility factors described in section 1206(b) shall apply  
11          to programs under this section, except that for pur-  
12          poses of this section—

13                 “(A) the reference in paragraph (1) to sub-  
14                 section (a) shall be read to refer to paragraph  
15                 (1); and

16                 “(B) references in such section to this part  
17                 shall be read to refer to this section.

18          “(f) *APPLICATIONS.*—Each eligible entity that wishes  
19          to receive a grant under this section shall submit an appli-  
20          cation to the Secretary at such time, in such manner, and  
21          containing such information as the Secretary may require.

22          “(g) *SELECTION OF GRANTEES.*—In awarding grants  
23          under this section, the Secretary shall—

1           “(1) use the selection criteria described in sub-  
2           paragraphs (A) through (F), and (H), of section  
3           1208(a)(1); and

4           “(2) give priority to applications for programs  
5           that—

6                   “(A) target services to schools in which a  
7                   schoolwide program is being conducted under  
8                   section 1114; or

9                   “(B) are located in areas designated as  
10                  empowerment zones or enterprise communities.

11          “(h) DURATION OF PROGRAMS.—The priority for  
12          subgrants described in section 1208(a)(2), and the progress  
13          requirement described in section 1208(b)(4), shall apply to  
14          grants made under this section, except that—

15                 “(1) references in those sections to the State edu-  
16                 cational agency and to subgrants shall be read to  
17                 refer to the Secretary and to grants under this sec-  
18                 tion, respectively; and

19                 “(2) notwithstanding section 1208(b), the Sec-  
20                 retary shall not provide continuation funding to a  
21                 grant recipient under this section if the Secretary de-  
22                 termines, after affording the recipient notice and an  
23                 opportunity for a hearing, that the recipient has not  
24                 made substantial progress in accomplishing the objec-  
25                 tives of this section.

1       “(i) *TECHNICAL ASSISTANCE AND EVALUATION.*—

2               “(1) *TECHNICAL ASSISTANCE.*—(A) *The Sec-*  
3       *retary shall use not more than 5 percent of the*  
4       *amounts authorized under section 1002(b)(2) for any*  
5       *fiscal year—*

6               “(i) *to provide technical assistance to eligi-*  
7       *ble entities, including providing funds to one or*  
8       *more District of Columbia nonprofit organiza-*  
9       *tions to enable such organizations to provide*  
10       *technical assistance to eligible entities in the*  
11       *areas of community development and coalition*  
12       *building; and*

13              “(ii) *for the evaluation conducted pursuant*  
14       *to paragraph (2).*

15              “(B) *The Secretary shall allocate 5 percent of the*  
16       *amounts authorized under section 1002(b)(2) for any*  
17       *fiscal year to enter into a contract with the National*  
18       *Center for Family Literacy for the provision of tech-*  
19       *nical assistance to eligible entities.*

20              “(2) *EVALUATION.*—(A) *The Secretary shall use*  
21       *funds available under paragraph (1)(A)—*

22              “(i) *to provide for independent evaluations*  
23       *of programs under this section in order to deter-*  
24       *mine the effectiveness of such programs in pro-*

1            *viding high quality family literacy services, in-*  
2            *cluding—*

3                    *“(I) intensive and high quality early*  
4                    *childhood education;*

5                    *“(II) intensive and high quality serv-*  
6                    *ices in adult literacy or adult education;*

7                    *“(III) intensive and high quality serv-*  
8                    *ices in parent training;*

9                    *“(IV) coordination with related pro-*  
10                   *grams; and*

11                   *“(V) training of related personnel in*  
12                   *appropriate skill areas; and*

13                   *“(ii) to determine if the grant amount pro-*  
14                   *vided to eligible recipients to carry out such*  
15                   *projects is appropriate to accomplish the objec-*  
16                   *tives of this section.*

17                   *“(B)(i) Such evaluation shall be conducted by*  
18                   *individuals not directly involved in the administra-*  
19                   *tion of a program operated with funds provided*  
20                   *under this section. Such independent evaluators and*  
21                   *the program administrators shall jointly develop eval-*  
22                   *uation criteria which provide for appropriate analy-*  
23                   *sis of the factors listed in subparagraph (A).*

24                   *“(ii) In order to determine a program’s effective-*  
25                   *ness, each evaluation shall contain objective measures*

1 of such effectiveness, and whenever feasible, shall con-  
2 tain the specific views of program participants about  
3 such programs.

4 “(C) The Secretary shall prepare and submit to  
5 the appropriate congressional committees a report re-  
6 garding the results of such evaluations not later than  
7 March 1, 1999. The Secretary shall provide an in-  
8 terim report regarding the results of such evaluations  
9 by March 1, 1998.”.

10 **Subtitle D—World Class Schools Task Force,**  
11 **Core Curriculum, Content Standards, As-**  
12 **essments, and Promotion Gates**

13 **PART 1—WORLD CLASS SCHOOLS TASK FORCE,**  
14 **CORE CURRICULUM, CONTENT STANDARDS,**  
15 **AND ASSESSMENTS**

16 **SEC. 2411. GRANT AUTHORIZED AND RECOMMENDATION**  
17 **REQUIRED.**

18 (a) GRANT AUTHORIZED.—

19 (1) IN GENERAL.—The Superintendent is author-  
20 ized to award a grant to a World Class Schools Task  
21 Force to enable such task force to make the rec-  
22 ommendation described in subsection (b).

23 (2) DEFINITION.—For the purpose of this sub-  
24 title, the term “World Class Schools Task Force”

1 means 1 nonprofit organization located in the Dis-  
2 trict of Columbia that—

3 (A) has a national reputation for advocat-  
4 ing content standards;

5 (B) has a national reputation for advocat-  
6 ing a strong liberal arts curriculum;

7 (C) has experience with at least 4 urban  
8 school districts for the purpose of establishing  
9 content standards;

10 (D) has developed and managed profes-  
11 sional development programs in science, mathe-  
12 matics, the humanities and the arts; and

13 (E) is governed by an independent board of  
14 directors composed of citizens with a variety of  
15 experiences in education and public policy.

16 (b) *RECOMMENDATION REQUIRED.*—

17 (1) *IN GENERAL.*—*The World Class Schools Task*  
18 *Force shall recommend to the Superintendent, the*  
19 *Board of Education, and the District of Columbia*  
20 *Goals Panel the following:*

21 (A) *Content standards in the core academic*  
22 *subjects that are developed by working with the*  
23 *District of Columbia community, which stand-*  
24 *ards shall be developed not later than 12 months*  
25 *after the date of enactment of this Act.*



1           (B) A core curriculum developed by working  
2           with the District of Columbia community, which  
3           curriculum shall include the teaching of com-  
4           puter skills.

5           (C) Districtwide assessments for measuring  
6           student achievement in accordance with content  
7           standards developed under subparagraph (A).  
8           Such assessments shall be developed at several  
9           grade levels, including at a minimum, the grade  
10          levels with respect to which the Superintendent  
11          establishes promotion gates under section 2421.  
12          To the extent feasible, such assessments shall, at  
13          a minimum, be designed to provide information  
14          that permits comparisons between—

15                 (i) individual District of Columbia  
16                 public schools and public charter schools;  
17                 and

18                 (ii) individual students attending such  
19                 schools.

20          (D) Model professional development pro-  
21          grams for teachers using the standards and cur-  
22          riculum developed under subparagraphs (A) and  
23          (B).

24          (2) SPECIAL RULE.—The World Class Schools  
25          Task Force is encouraged, to the extent practicable, to

1        *develop districtwide assessments described in para-*  
2        *graph (1)(C) that permit comparisons among—*

3                    *(A) individual District of Columbia public*  
4                    *schools and public charter schools, and individ-*  
5                    *ual students attending such schools; and*

6                    *(B) students of other nations.*

7        *(c) CONTENT.—The content standards and assessments*  
8        *recommended under subsection (b) shall be judged by the*  
9        *World Class Schools Task Force to be world class, including*  
10        *having a level of quality and rigor, or being analogous to*  
11        *content standards and assessments of other States or na-*  
12        *tions (including nations whose students historically score*  
13        *high on international studies of student achievement).*

14        *(d) SUBMISSION TO BOARD OF EDUCATION FOR ADOPTI-*  
15        *ON.—If the content standards, curriculum, assessments,*  
16        *and programs recommended under subsection (b) are ap-*  
17        *proved by the Superintendent, the Superintendent may sub-*  
18        *mit such content standards, curriculum, assessments, and*  
19        *programs to the Board of Education for adoption.*

20        **SEC. 2412. CONSULTATION.**

21        *The World Class Schools Task Force shall conduct its*  
22        *duties under this part in consultation with—*

23                    *(1) the District of Columbia Goals Panel;*

24                    *(2) officials of the District of Columbia public*  
25        *schools who have been identified by the Superintend-*

1        *ent as having responsibilities relevant to this part, in-*  
2        *cluding the Deputy Superintendent for Curriculum;*

3            *(3) the District of Columbia community, with*  
4        *particular attention given to educators, and parent*  
5        *and business organizations; and*

6            *(4) any other persons or groups that the task*  
7        *force deems appropriate.*

8        **SEC. 2413. ADMINISTRATIVE PROVISIONS.**

9            *The World Class Schools Task Force shall ensure pub-*  
10        *lic access to its proceedings (other than proceedings, or por-*  
11        *tions of proceedings, relating to internal personnel and*  
12        *management matters) that are relevant to its duties under*  
13        *this part and shall make available to the public, at reason-*  
14        *able cost, transcripts of such proceedings.*

15        **SEC. 2414. CONSULTANTS.**

16            *Upon the request of the World Class Schools Task*  
17        *Force, the head of any department or agency of the Federal*  
18        *Government may detail any of the personnel of such agency*  
19        *to such task force to assist such task force in carrying out*  
20        *such task force's duties under this part.*

21        **SEC. 2415. AUTHORIZATION OF APPROPRIATIONS.**

22            *There are authorized to be appropriated \$2,000,000 for*  
23        *fiscal year 1996 to carry out this part. Such funds shall*  
24        *remain available until expended.*

1                                   **PART 2—PROMOTION GATES**

2   **SEC. 2421. PROMOTION GATES.**

3           (a) *KINDERGARTEN THROUGH 4TH GRADE.*—Not later  
4 *than one year after the date of adoption in accordance with*  
5 *section 2411(d) of the assessments described in section*  
6 *2411(b)(1)(C), the Superintendent shall establish and im-*  
7 *plement promotion gates for mathematics, reading, and*  
8 *writing, for not less than 1 grade level from kindergarten*  
9 *through grade 4, including at least grade 4, and shall estab-*  
10 *lish dates for establishing such other promotion gates for*  
11 *other subject areas.*

12           (b) *5TH THROUGH 8TH GRADES.*—Not later than one  
13 *year after the adoption in accordance with section 2411(d)*  
14 *of the assessments described in section 2411(b)(1)(C), the*  
15 *Superintendent shall establish and implement promotion*  
16 *gates with respect to not less than one grade level from grade*  
17 *5 through grade 8, including at least grade 8.*

18           (c) *9TH THROUGH 12TH GRADES.*—Not later than one  
19 *year after the adoption in accordance with section 2411(d)*  
20 *of the assessments described in section 2411(b)(1)(C), the*  
21 *Superintendent shall establish and implement promotion*  
22 *gates with respect to not less than one grade level from grade*  
23 *9 through grade 12, including at least grade 12.*

1 ***Subtitle E—Per Capita District of***  
2 ***Columbia Public School and***  
3 ***Public Charter School Funding***

4 ***SEC. 2501. ANNUAL BUDGETS FOR SCHOOLS.***

5 *(a) IN GENERAL.—For fiscal year 1997 and for each*  
6 *subsequent fiscal year, the Mayor shall make annual pay-*  
7 *ments from the general fund of the District of Columbia*  
8 *in accordance with the formula established under subsection*  
9 *(b).*

10 *(b) FORMULA.—*

11 *(1) IN GENERAL.—The Mayor and the District of*  
12 *Columbia Council, in consultation with the Board of*  
13 *Education and the Superintendent, shall establish on*  
14 *or before April 15, 1996, a formula to determine the*  
15 *amount of—*

16 *(A) the annual payment to the Board of*  
17 *Education for the operating expenses of the Dis-*  
18 *trict of Columbia public schools, which for pur-*  
19 *poses of this paragraph includes the operating*  
20 *expenses of the Board of Education and the Of-*  
21 *fice of the Superintendent; and*

22 *(B) the annual payment to each public*  
23 *charter school for the operating expenses of each*  
24 *public charter school.*

1           (2) *FORMULA CALCULATION.*—*Except as pro-*  
2 *vided in paragraph (3), the amount of the annual*  
3 *payment under paragraph (1) shall be calculated by*  
4 *multiplying a uniform dollar amount used in the for-*  
5 *mula established under such paragraph by—*

6                   (A) *the number of students calculated under*  
7 *section 2502 that are enrolled at District of Co-*  
8 *lumbia public schools, in the case of the payment*  
9 *under paragraph (1)(A); or*

10                   (B) *the number of students calculated under*  
11 *section 2502 that are enrolled at each public*  
12 *charter school, in the case of a payment under*  
13 *paragraph (1)(B).*

14           (3) *EXCEPTIONS.*—

15                   (A) *FORMULA.*—*Notwithstanding para-*  
16 *graph (2), the Mayor and the District of Colum-*  
17 *bia Council, in consultation with the Board of*  
18 *Education and the Superintendent, may adjust*  
19 *the formula to increase or decrease the amount*  
20 *of the annual payment to the District of Colum-*  
21 *bia public schools or each public charter school*  
22 *based on a calculation of—*

23                           (i) *the number of students served by*  
24 *such schools in certain grade levels; and*

1                   (ii) the cost of educating students at  
2                   such certain grade levels.

3                   (B) *PAYMENT.*—Notwithstanding para-  
4                   graph (2), the Mayor and the District of Colum-  
5                   bia Council, in consultation with the Board of  
6                   Education and the Superintendent, may adjust  
7                   the amount of the annual payment under para-  
8                   graph (1) to increase the amount of such pay-  
9                   ment if a District of Columbia public school or  
10                  a public charter school serves a high number of  
11                  students—

12                               (i) with special needs; or

13                               (ii) who do not meet minimum literacy  
14                   standards.

15 **SEC. 2502. CALCULATION OF NUMBER OF STUDENTS.**

16                  (a) *SCHOOL REPORTING REQUIREMENT.*—

17                               (1) *IN GENERAL.*—Not later than September 15,  
18                               1996, and not later than September 15 of each year  
19                               thereafter, each District of Columbia public school  
20                               and public charter school shall submit a report to the  
21                               Mayor and the Board of Education containing the in-  
22                               formation described in subsection (b) that is applica-  
23                               ble to such school.

24                               (2) *SPECIAL RULE.*—Not later than April 1,  
25                               1997, and not later than April 1 of each year there-

1       *after, each public charter school shall submit a report*  
2       *in the same form and manner as described in para-*  
3       *graph (1) to ensure accurate payment under section*  
4       *2503(a)(2)(B)(ii).*

5       **(b) CALCULATION OF NUMBER OF STUDENTS.**—*Not*  
6       *later than 30 days after the date of the enactment of this*  
7       *Act, and not later than October 15 of each year thereafter,*  
8       *the Board of Education shall calculate the following:*

9               (1) *The number of students, including non-*  
10              *resident students and students with special needs, en-*  
11              *rolled in each grade from kindergarten through grade*  
12              *12 of the District of Columbia public schools and in*  
13              *public charter schools, and the number of students*  
14              *whose tuition for enrollment in other schools is paid*  
15              *for with funds available to the District of Columbia*  
16              *public schools.*

17              (2) *The amount of fees and tuition assessed and*  
18              *collected from the nonresident students described in*  
19              *paragraph (1).*

20              (3) *The number of students, including non-*  
21              *resident students, enrolled in preschool and prekind-*  
22              *ergarten in the District of Columbia public schools and*  
23              *in public charter schools.*



1           (4) *The amount of fees and tuition assessed and*  
2           *collected from the nonresident students described in*  
3           *paragraph (3).*

4           (5) *The number of full time equivalent adult stu-*  
5           *dents enrolled in adult, community, continuing, and*  
6           *vocational education programs in the District of Co-*  
7           *lumbia public schools and in public charter schools.*

8           (6) *The amount of fees and tuition assessed and*  
9           *collected from resident and nonresident adult students*  
10          *described in paragraph (5).*

11          (7) *The number of students, including non-*  
12          *resident students, enrolled in nongrade level programs*  
13          *in District of Columbia public schools and in public*  
14          *charter schools.*

15          (8) *The amount of fees and tuition assessed and*  
16          *collected from nonresident students described in para-*  
17          *graph (7).*

18          (c) *ANNUAL REPORTS.*—*Not later than 30 days after*  
19          *the date of the enactment of this Act, and not later than*  
20          *October 15 of each year thereafter, the Board of Education*  
21          *shall prepare and submit to the Authority, the Mayor, the*  
22          *District of Columbia Council, the Consensus Commission,*  
23          *the Comptroller General of the United States, and the ap-*  
24          *propriate congressional committees a report containing a*

1 *summary of the most recent calculations made under sub-*  
2 *section (b).*

3 *(d) AUDIT OF INITIAL CALCULATIONS.—*

4 *(1) IN GENERAL.—The Board of Education shall*  
5 *arrange with the Authority to provide for the conduct*  
6 *of an independent audit of the initial calculations de-*  
7 *scribed in subsection (b).*

8 *(2) CONDUCT OF AUDIT.—In conducting the*  
9 *audit, the independent auditor—*

10 *(A) shall provide an opinion as to the accu-*  
11 *racy of the information contained in the report*  
12 *described in subsection (c); and*

13 *(B) shall identify any material weaknesses*  
14 *in the systems, procedures, or methodology used*  
15 *by the Board of Education—*

16 *(i) in determining the number of stu-*  
17 *dents, including nonresident students, en-*  
18 *rolled in the District of Columbia public*  
19 *schools and in public charter schools, and*  
20 *the number of students whose tuition for en-*  
21 *rollment in other school systems is paid for*  
22 *by funds available to the District of Colum-*  
23 *bia public schools; and*

24 *(ii) in assessing and collecting fees and*  
25 *tuition from nonresident students.*

1           (3) *SUBMISSION OF AUDIT.*—Not later than 45  
2     *days, or as soon thereafter as is practicable, after the*  
3     *date on which the Authority receives the initial an-*  
4     *nual report from the Board of Education under sub-*  
5     *section (c), the Authority shall submit to the Board*  
6     *of Education, the Mayor, the District of Columbia*  
7     *Council, and the appropriate congressional commit-*  
8     *tees, the audit conducted under this subsection.*

9           (4) *COST OF THE AUDIT.*—The Board of Edu-  
10    *cation shall reimburse the Authority for the cost of the*  
11    *independent audit, solely from amounts appropriated*  
12    *to the Board of Education for staff, stipends, and*  
13    *other-than-personal-services of the Board of Education*  
14    *by an Act making appropriations for the District of*  
15    *Columbia.*

16 **SEC. 2503. PAYMENTS.**

17       (a) *IN GENERAL.*—

18           (1) *ESCROW FOR PUBLIC CHARTER SCHOOLS.*—  
19    *Except as provided in subsection (b), for any fiscal*  
20    *year, not later than 10 days after the date of enact-*  
21    *ment of an Act making appropriations for the Dis-*  
22    *trict of Columbia for such fiscal year, the Mayor shall*  
23    *place in escrow an amount equal to the aggregate of*  
24    *the amounts determined under section 2501(b)(1)(B)*

1       *for use only by District of Columbia public charter*  
2       *schools.*

3           (2) *TRANSFER OF ESCROW FUNDS.—*

4           (A) *INITIAL PAYMENT.—Not later than Oc-*  
5       *tober 15, 1996, and not later than October 15 of*  
6       *each year thereafter, the Mayor shall transfer, by*  
7       *electronic funds transfer, an amount equal to 75*  
8       *percent of the amount of the annual payment for*  
9       *each public charter school determined by using*  
10      *the formula established pursuant to section*  
11      *2501(b) to a bank designated by such school.*

12          (B) *FINAL PAYMENT.—*

13           (i) *Except as provided in clause (ii),*  
14      *not later than May 1, 1997, and not later*  
15      *than May 1 of each year thereafter, the*  
16      *Mayor shall transfer the remainder of the*  
17      *annual payment for a public charter school*  
18      *in the same manner as the initial payment*  
19      *was made under subparagraph (A).*

20           (ii) *Not later than March 15, 1997,*  
21      *and not later than March 15 of each year*  
22      *thereafter, if the enrollment number of a*  
23      *public charter school has changed from the*  
24      *number reported to the Mayor and the*  
25      *Board of Education, as required under sec-*

1            *tion 2502(a), the Mayor shall increase the*  
2            *payment in an amount equal to 50 percent*  
3            *of the amount provided for each student*  
4            *who has enrolled in such school in excess of*  
5            *such enrollment number, or shall reduce the*  
6            *payment in an amount equal to 50 percent*  
7            *of the amount provided for each student*  
8            *who has withdrawn or dropped out of such*  
9            *school below such enrollment number.*

10            *(C) PRO RATA REDUCTION OR INCREASE IN*  
11            *PAYMENTS.—*

12            *(i) PRO RATA REDUCTION.—If the*  
13            *funds made available to the District of Co-*  
14            *lumbia Government for the District of Co-*  
15            *lumbia public school system and each public*  
16            *charter school for any fiscal year are insuf-*  
17            *ficient to pay the full amount that such sys-*  
18            *tem and each public charter school is eligi-*  
19            *ble to receive under this subtitle for such*  
20            *year, the Mayor shall ratably reduce such*  
21            *amounts for such year on the basis of the*  
22            *formula described in section 2501(b).*

23            *(ii) INCREASE.—If additional funds*  
24            *become available for making payments*  
25            *under this subtitle for such fiscal year,*

1            *amounts that were reduced under subpara-*  
2            *graph (A) shall be increased on the same*  
3            *basis as such amounts were reduced.*

4            *(D) UNEXPENDED FUNDS.—Any funds that*  
5            *remain in the escrow account for public charter*  
6            *schools on September 30 of a fiscal year shall re-*  
7            *vert to the general fund of the District of Colum-*  
8            *bia.*

9            *(b) EXCEPTION FOR NEW SCHOOLS.—*

10            *(1) AUTHORIZATION.—There are authorized to be*  
11            *appropriated \$200,000 for each fiscal year to carry*  
12            *out this subsection.*

13            *(2) DISBURSEMENT TO MAYOR.—The Secretary*  
14            *of the Treasury shall make available and disburse to*  
15            *the Mayor, not later than August 1 of each of the fis-*  
16            *cal years 1996 through 2000, such funds as have been*  
17            *appropriated under paragraph (1).*

18            *(3) ESCROW.—The Mayor shall place in escrow,*  
19            *for use by public charter schools, any sum disbursed*  
20            *under paragraph (2) and not paid under paragraph*  
21            *(4).*

22            *(4) PAYMENTS TO SCHOOLS.—The Mayor shall*  
23            *pay to public charter schools described in paragraph*  
24            *(5), in accordance with this subsection, any sum dis-*  
25            *bursed under paragraph (2).*

1           (5) *SCHOOLS DESCRIBED.*—*The schools referred*  
2 *to in paragraph (4) are public charter schools that—*

3           (A) *did not operate as public charter schools*  
4 *during any portion of the fiscal year preceding*  
5 *the fiscal year for which funds are authorized to*  
6 *be appropriated under paragraph (1); and*

7           (B) *operated as public charter schools dur-*  
8 *ing the fiscal year for which funds are author-*  
9 *ized to be appropriated under paragraph (1).*

10          (6) *FORMULA.*—

11           (A) *1996.*—*The amount of the payment to*  
12 *a public charter school described in paragraph*  
13 *(5) that begins operation in fiscal year 1996*  
14 *shall be calculated by multiplying \$6,300 by  $\frac{1}{12}$*   
15 *of the total anticipated enrollment as set forth in*  
16 *the petition to establish the public charter school;*  
17 *and*

18           (B) *1997 THROUGH 2000.*—*The amount of*  
19 *the payment to a public charter school described*  
20 *in paragraph (5) that begins operation in any*  
21 *of fiscal years 1997 through 2000 shall be cal-*  
22 *culated by multiplying the uniform dollar*  
23 *amount used in the formula established under*  
24 *section 2501(b) by  $\frac{1}{12}$  of the total anticipated*

1           enrollment as set forth in the petition to establish  
2           the public charter school.

3           (7) *PAYMENT TO SCHOOLS.*—

4                   (A) *TRANSFER.*—On September 1 of each of  
5           the years 1996 through 2000, the Mayor shall  
6           transfer, by electronic funds transfer, the amount  
7           determined under paragraph (6) for each public  
8           charter school from the escrow account estab-  
9           lished under subsection (a) to a bank designated  
10          by each such school.

11                   (B) *PRO RATA AND REMAINING FUNDS.*—  
12          Subparagraphs (C) and (D) of subsection (a)(2)  
13          shall apply to payments made under this sub-  
14          section, except that for purposes of this subpara-  
15          graph references to District of Columbia public  
16          schools in such subparagraphs (C) and (D) shall  
17          be read to refer to public charter schools.

18       ***Subtitle F—School Facilities Repair***  
19                   ***and Improvement***

20       ***SEC. 2550. DEFINITIONS.***

21           For purposes of this subtitle—

22                   (1) the term “facilities” means buildings, struc-  
23           tures, and real property of the District of Columbia  
24           public schools, except that such term does not include



1        *any administrative office building that is not located*  
2        *in a building containing classrooms; and*

3                *(2) the term “repair and improvement” includes*  
4        *administration, construction, and renovation.*

5                                ***PART 1—SCHOOL FACILITIES***

6        ***SEC. 2551. TECHNICAL ASSISTANCE.***

7                *(a) IN GENERAL.—Not later than 90 days after the*  
8        *date of enactment of this Act the Administrator of the Gen-*  
9        *eral Services Administration shall enter into a Memoran-*  
10        *dum of Agreement or Understanding (referred to in this*  
11        *subtitle as the “Agreement”) with the Superintendent re-*  
12        *garding the terms under which the Administrator will pro-*  
13        *vide technical assistance and related services with respect*  
14        *to District of Columbia public schools facilities manage-*  
15        *ment in accordance with this section.*

16                *(b) TECHNICAL ASSISTANCE AND RELATED SERV-*  
17        *ICES.—The technical assistance and related services de-*  
18        *scribed in subsection (a) shall include—*

19                        *(1) the Administrator consulting with and advis-*  
20        *ing District of Columbia public school personnel re-*  
21        *sponsible for public schools facilities management, in-*  
22        *cluding repair and improvement with respect to fa-*  
23        *cilities management of such schools;*

24                        *(2) the Administrator assisting the Superintend-*  
25        *ent in developing a systemic and comprehensive fa-*

1 *ilities revitalization program, for the repair and im-*  
2 *provement of District of Columbia public school fa-*  
3 *ilities, which program shall—*

4 *(A) include a list of facilities to be repaired*  
5 *and improved in a recommended order of prior-*  
6 *ity;*

7 *(B) provide the repair and improvement re-*  
8 *quired to support modern technology; and*

9 *(C) take into account the Preliminary Fa-*  
10 *ilities Master Plan 2005 (prepared by the Su-*  
11 *perintendent's Task Force on Education Infra-*  
12 *structure for the 21st Century);*

13 *(3) the method by which the Superintendent will*  
14 *accept donations of private goods and services for use*  
15 *by the District of Columbia public schools without re-*  
16 *gard to any law or regulation of the District of Co-*  
17 *lumbia;*

18 *(4) the Administrator recommending specific re-*  
19 *pair and improvement projects in District of Colum-*  
20 *bia public school facilities to the Superintendent that*  
21 *are appropriate for completion by members and units*  
22 *of the National Guard and the Reserves in accordance*  
23 *with the program developed under paragraph (2);*

24 *(5) upon the request of the Superintendent, the*  
25 *Administrator assisting the appropriate District of*

1 *Columbia public school officials in the preparation of*  
2 *an action plan for the performance of any repair and*  
3 *improvement recommended in the program developed*  
4 *under paragraph (2), which action plan shall detail*  
5 *the technical assistance and related services the Ad-*  
6 *ministrator proposes to provide in the accomplish-*  
7 *ment of the repair and improvement;*

8 *(6) upon the request of the Superintendent, and*  
9 *if consistent with the efficient use of resources as de-*  
10 *termined by the Administrator, the coordination of*  
11 *the accomplishment of any repair and improvement*  
12 *in accordance with the action plan prepared under*  
13 *paragraph (5), except that in carrying out this para-*  
14 *graph, the Administrator shall not be subject to the*  
15 *requirements of title III of the Federal Property and*  
16 *Administrative Services Act of 1949 (41 U.S.C. 251*  
17 *et seq.), the Office of Federal Procurement Policy Act*  
18 *(41 U.S.C. 401 et seq.), nor shall such action plan be*  
19 *subject to review under the bid protest procedures de-*  
20 *scribed in sections 3551 through 3556 of title 31,*  
21 *United States Code, or the Contract Disputes Act of*  
22 *1978 (41 U.S.C. 601 et seq.);*

23 *(7) providing access for the Administrator to all*  
24 *District of Columbia public school facilities as well as*  
25 *permitting the Administrator to request and obtain*

1     *any record or document regarding such facilities as*  
2     *the Administrator determines necessary, except that*  
3     *any such record or document shall not become a*  
4     *record (as defined in section 552a of title 5, United*  
5     *States Code) of the General Services Administration;*  
6     *and*

7             *(8) the Administrator making recommendations*  
8     *regarding how District of Columbia public school fa-*  
9     *cilities may be used by the District of Columbia com-*  
10    *munity for multiple purposes.*

11    *(c) AGREEMENT PROVISIONS.—The Agreement shall*  
12    *include—*

13             *(1) the procedures by which the Superintendent*  
14    *and Administrator will consult with respect to carry-*  
15    *ing out this section, including reasonable time frames*  
16    *for such consultation;*

17             *(2) the scope of the technical assistance and re-*  
18    *lated services to be provided by the General Services*  
19    *Administration in accordance with this section;*

20             *(3) assurances by the Administrator and the Su-*  
21    *perintendent to cooperate with each other in any way*  
22    *necessary to ensure implementation of the Agreement,*  
23    *including assurances that funds available to the Dis-*  
24    *trict of Columbia shall be used to pay the obligations*  
25    *of the District of Columbia public school system that*

1        *are incurred as a result of actions taken under, or in*  
2        *furtherance of, the Agreement, in addition to funds*  
3        *available to the Administrator for purposes of this*  
4        *section; and*

5            *(4) the duration of the Agreement, except that in*  
6        *no event shall the Agreement remain in effect later*  
7        *than the day that is 24 months after the date that the*  
8        *Agreement is signed, or the day that the agency des-*  
9        *ignated pursuant to section 2552(a)(2) assumes re-*  
10       *sponsibility for the District of Columbia public school*  
11       *facilities, whichever day is earlier.*

12        *(d) LIMITATION ON ADMINISTRATOR'S LIABILITY.—No*  
13       *claim, suit, or action may be brought against the Adminis-*  
14       *trator in connection with the discharge of the Administra-*  
15       *tor's responsibilities under this subtitle.*

16        *(e) SPECIAL RULE.—Notwithstanding any other pro-*  
17       *vision of law, the Administrator is authorized to accept and*  
18       *use a conditioned gift made for the express purpose of re-*  
19       *pairing or improving a District of Columbia public school,*  
20       *except that the Administrator shall not be required to carry*  
21       *out any repair or improvement under this section unless*  
22       *the Administrator accepts a donation of private goods or*  
23       *services sufficient to cover the costs of such repair or im-*  
24       *provement.*

1       (f) *EFFECTIVE DATE.*—*This subtitle shall cease to be*  
2 *effective on the earlier day specified in subsection (c)(4).*

3       **SEC. 2552. FACILITIES REVITALIZATION PROGRAM.**

4       (a) *PROGRAM.*—*Not later than 24 months after the*  
5 *date that the Agreement is signed, the Mayor and the Dis-*  
6 *trict of Columbia Council in consultation with the Admin-*  
7 *istrator, the Authority, the Board of Education, and the*  
8 *Superintendent, shall—*

9               (1) *design and implement a comprehensive long-*  
10 *term program for the repair and improvement, and*  
11 *maintenance and management, of the District of Co-*  
12 *lumbia public school facilities, which program shall*  
13 *incorporate the work completed in accordance with*  
14 *the program described in section 2551(b)(2); and*

15              (2) *designate a new or existing agency or au-*  
16 *thority within the District of Columbia Government*  
17 *to administer such program.*

18       (b) *PROCEEDS.*—*Such program shall include—*

19              (1) *identifying short-term funding for capital*  
20 *and maintenance of facilities, which may include re-*  
21 *taining proceeds from the sale or lease of a District*  
22 *of Columbia public school facility; and*

23              (2) *identifying and designating long-term fund-*  
24 *ing for capital and maintenance of facilities.*

1           (c) *IMPLEMENTATION.*—Upon implementation of such  
 2 program, the agency or authority created or designated pur-  
 3 suant to subsection (a)(2) shall assume authority and re-  
 4 sponsibility for the repair and improvement, and mainte-  
 5 nance and management, of District of Columbia public  
 6 schools.

7   **SEC. 2553. AUTHORIZATION OF APPROPRIATIONS FOR EN-**  
 8                                   **GINEERING PLANS.**

9           There are authorized to be appropriated to the Admin-  
 10 istrator, \$500,000 for fiscal year 1996, which funds only  
 11 shall be available for the costs of engineering plans devel-  
 12 oped to carry out this subtitle.

13                                   **PART 2—WAIVERS**

14   **SEC. 2561. WAIVERS.**

15           (a) *IN GENERAL.*—

16                   (1) *REQUIREMENTS WAIVED.*—Subject to sub-  
 17 section (b), all District of Columbia fees and all re-  
 18 quirements contained in the document entitled “Dis-  
 19 trict of Columbia Public Schools Standard Contract  
 20 Provisions” (as such document was in effect on No-  
 21 vember 2, 1995 and including any revisions or modi-  
 22 fications to such document) published by the District  
 23 of Columbia public schools for use with construction  
 24 or maintenance projects, are waived, for purposes of  
 25 repair and improvement of District of Columbia pub-

1 *lic schools facilities for a period beginning on the date*  
2 *of enactment of this Act and ending 24 months after*  
3 *such date.*

4 (2) *DONATIONS.*—*An employer may accept, and*  
5 *persons may voluntarily donate, materials and serv-*  
6 *ices for the repair and improvement of a District of*  
7 *Columbia public school facility: Provided, That the*  
8 *provision of voluntary labor meets the requirements of*  
9 *29 U.S.C. 203(e)(4).*

10 (b) *LIMITATION.*—*A waiver under subsection (a) shall*  
11 *not apply to requirements under 40 U.S.C. 276a–276a–7.*

12 ***PART 3—GIFTS, DONATIONS, BEQUESTS, AND***  
13 ***DEVICES***

14 ***SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVICES.***

15 (a) *IN GENERAL.*—*A District of Columbia public*  
16 *school or a public charter school may accept directly from*  
17 *any person a gift, donation, bequest, or devise of any prop-*  
18 *erty, real or personal, without regard to any law or regula-*  
19 *tion of the District of Columbia.*

20 (b) *TAX LAWS.*—*For the purposes of the income tax,*  
21 *gift tax, and estate tax laws of the Federal Government,*  
22 *any money or other property given, donated, bequeathed,*  
23 *or devised to a District of Columbia public school or a pub-*  
24 *lic charter school, shall be deemed to have been given, do-*



1 nated, bequeathed, or devised to or for the use of the District  
2 of Columbia.

### 3 ***Subtitle G—Residential School***

#### 4 ***SEC. 2601. RESIDENTIAL SCHOOL AUTHORIZED.***

5 (a) *IN GENERAL.*—*The Superintendent is authorized*  
6 *to develop a plan to establish for the District of Columbia*  
7 *a residential school for academic year 1997–1998 and to*  
8 *assist in the startup of such school.*

9 (b) *PLAN REQUIREMENTS.*—*If developed, the plan for*  
10 *the residential school shall include, at a minimum—*

11 (1) *options for the location of the school, includ-*  
12 *ing the renovation or construction of a facility;*

13 (2) *financial plans for the facility, including an-*  
14 *ual costs to operate the school, capital expenditures*  
15 *required to open the facility, maintenance of facili-*  
16 *ties, and staffing costs; and*

17 (3) *staff development and training plans.*

#### 18 ***SEC. 2602. USE OF FUNDS.***

19 *Funds under this subtitle may be used—*

20 (1) *to develop the plan described in section 2601;*  
21 *and*

22 (2) *for capital costs associated with the startup*  
23 *of a residential school, including the purchase of real*  
24 *and personal property and the renovation or con-*  
25 *struction of facilities.*

1 **SEC. 2603. FUTURE FUNDING.**

2 *The Superintendent shall identify, not later than De-*  
3 *cember 31, 1996, in a report to the Mayor, the District of*  
4 *Columbia Council, the Authority, and the appropriate con-*  
5 *gressional committees, non-Federal funding sources for the*  
6 *operation of the residential school.*

7 **SEC. 2604. GIFTS.**

8 *The Superintendent may accept donations of money,*  
9 *property, and personal services for purposes of the establish-*  
10 *ment and operation of the residential school.*

11 **SEC. 2605. AUTHORIZATION OF APPROPRIATIONS.**

12 *(a) PLAN.—There are authorized to be appropriated*  
13 *to the District of Columbia \$100,000 for fiscal year 1996*  
14 *to develop the plan described in section 2601.*

15 *(b) CAPITAL COSTS.—There are authorized to be ap-*  
16 *propriated \$1,900,000 for fiscal year 1997 to carry out sec-*  
17 *tion 2602(2).*

18 ***Subtitle H—Progress Reports and***  
19 ***Accountability***

20 **SEC. 2651. SUPERINTENDENT'S REPORT ON REFORMS.**

21 *Not later than December 1, 1996, the Superintendent*  
22 *shall submit to the appropriate congressional committees,*  
23 *the Board of Education, the Mayor, the Consensus Commis-*  
24 *sion, and the District of Columbia Council a report regard-*  
25 *ing the progress of the District of Columbia public schools*  
26 *toward achieving the goals of the long-term reform plan.*

1 **SEC. 2652. DISTRICT OF COLUMBIA COUNCIL REPORT.**

2 *Not later than April 1, 1997, the Chairperson of the*  
3 *District of Columbia Council shall submit to the appro-*  
4 *priate congressional committees a report describing legisla-*  
5 *tive and other actions the District of Columbia Council has*  
6 *taken or will take to facilitate the implementation of the*  
7 *goals of the long-term reform plan.*

8 ***Subtitle I—Partnerships With***  
9 ***Business***

10 **SEC. 2701. PURPOSE.**

11 *The purpose of this subtitle is—*

12 *(1) to leverage private sector funds utilizing ini-*  
13 *tial Federal investments in order to provide students*  
14 *and teachers within the District of Columbia public*  
15 *schools and public charter schools with access to state-*  
16 *of-the-art educational technology;*

17 *(2) to establish a regional job training and em-*  
18 *ployment center;*

19 *(3) to strengthen workforce preparation initia-*  
20 *tives for students within the District of Columbia*  
21 *public schools and public charter schools;*

22 *(4) to coordinate private sector investments in*  
23 *carrying out this title; and*

24 *(5) to assist the Superintendent with the develop-*  
25 *ment of individual career paths in accordance with*  
26 *the long-term reform plan.*

1 **SEC. 2702. DUTIES OF THE SUPERINTENDENT OF THE DIS-**  
2 **TRICT OF COLUMBIA PUBLIC SCHOOLS.**

3 *Not later than 45 days after the date of the enactment*  
4 *of this Act, the Superintendent shall provide a grant to a*  
5 *private, nonprofit corporation that meets the eligibility cri-*  
6 *teria under section 2703 for the purposes of carrying out*  
7 *the duties under sections 2704 and 2707.*

8 **SEC. 2703. ELIGIBILITY CRITERIA FOR PRIVATE, NON-**  
9 **PROFIT CORPORATION.**

10 *A private, nonprofit corporation shall be eligible to re-*  
11 *ceive a grant under section 2702 if the corporation is a*  
12 *national business organization incorporated in the District*  
13 *of Columbia, that—*

14 *(1) has a board of directors which includes mem-*  
15 *bers who are also chief executive officers of technology-*  
16 *related corporations involved in education and*  
17 *workforce development issues;*

18 *(2) has extensive practical experience with ini-*  
19 *tiatives that link business resources and expertise*  
20 *with education and training systems;*

21 *(3) has experience in working with State and*  
22 *local educational agencies throughout the United*  
23 *States with respect to the integration of academic*  
24 *studies with workforce preparation programs; and*

1           (4) *has a nationwide structure through which*  
2           *additional resources can be leveraged and innovative*  
3           *practices disseminated.*

4   **SEC. 2704. DUTIES OF THE PRIVATE, NONPROFIT CORPORA-**  
5                                   **TION.**

6           (a) *DISTRICT EDUCATION AND LEARNING TECH-*  
7           *NOLOGIES ADVANCEMENT COUNCIL.—*

8                   (1) *ESTABLISHMENT.—The private, nonprofit*  
9           *corporation shall establish a council to be known as*  
10          *the “District Education and Learning Technologies*  
11          *Advancement Council” (in this subtitle referred to as*  
12          *the “council”).*

13                   (2) *MEMBERSHIP.—*

14                           (A) *IN GENERAL.—The private, nonprofit*  
15          *corporation shall appoint members to the coun-*  
16          *cil. An individual shall be appointed as a mem-*  
17          *ber to the council on the basis of the commitment*  
18          *of the individual, or the entity which the indi-*  
19          *vidual is representing, to providing time, energy,*  
20          *and resources to the council.*

21                           (B) *COMPENSATION.—Members of the coun-*  
22          *cil shall serve without compensation.*

23                   (3) *DUTIES.—The council—*

24                           (A) *shall advise the private, nonprofit cor-*  
25          *poration with respect to the duties of the cor-*

1            *poration under subsections (b) through (e) of this*  
2            *section; and*

3                    *(B) shall assist the corporation in*  
4            *leveraging private sector resources for the pur-*  
5            *pose of carrying out such duties.*

6            *(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL*  
7            *TECHNOLOGY.—*

8                    *(1) IN GENERAL.—The private, nonprofit cor-*  
9            *poration, in conjunction with the Superintendent,*  
10          *students, parents, and teachers, shall establish and*  
11          *implement strategies to ensure access to state-of-the-*  
12          *art educational technology within the District of Co-*  
13          *lumbia public schools and public charter schools.*

14                   *(2) ELECTRONIC DATA TRANSFER SYSTEM.—The*  
15          *private, nonprofit corporation shall assist the Super-*  
16          *intendent in acquiring the necessary equipment, in-*  
17          *cluding computer hardware and software, to establish*  
18          *an electronic data transfer system. The private, non-*  
19          *profit corporation shall also assist in arranging for*  
20          *training of District of Columbia public school em-*  
21          *ployees in using such equipment.*

22                   *(3) TECHNOLOGY ASSESSMENT.—*

23                   *(A) IN GENERAL.—In establishing and im-*  
24          *plementing the strategies under paragraph (1),*  
25          *the private, nonprofit corporation, not later than*

1           *September 1, 1996, shall provide for an assess-*  
2           *ment of the availability, on the date of enact-*  
3           *ment of this Act, of state-of-the-art educational*  
4           *technology within the District of Columbia pub-*  
5           *lic schools and public charter schools.*

6                   *(B) CONDUCT OF ASSESSMENT.—In provid-*  
7           *ing for the assessment under subparagraph (A),*  
8           *the private, nonprofit corporation—*

9                           *(i) shall provide for onsite inspections*  
10                           *of the state-of-the-art educational technology*  
11                           *within a minimum sampling of District of*  
12                           *Columbia public schools and public charter*  
13                           *schools; and*

14                           *(ii) shall ensure proper input from stu-*  
15                           *dents, parents, teachers, and other school of-*  
16                           *icials through the use of focus groups and*  
17                           *other appropriate mechanisms.*

18                   *(C) RESULTS OF ASSESSMENT.—The pri-*  
19           *vate, nonprofit corporation shall ensure that the*  
20           *assessment carried out under this paragraph*  
21           *provides, at a minimum, necessary information*  
22           *on state-of-the-art educational technology within*  
23           *the District of Columbia public schools and pub-*  
24           *lic charter schools, including—*

1                   (i) the extent to which typical District  
2 of Columbia public schools have access to  
3 such state-of-the-art educational technology  
4 and training for such technology;

5                   (ii) how such schools are using such  
6 technology;

7                   (iii) the need for additional technology  
8 and the need for infrastructure for the im-  
9 plementation of such additional technology;

10                  (iv) the need for computer hardware,  
11 software, training, and funding for such ad-  
12 ditional technology or infrastructure; and

13                  (v) the potential for computer linkages  
14 among District of Columbia public schools  
15 and public charter schools.

16                  (4) *SHORT-TERM TECHNOLOGY PLAN.*—

17                   (A) *IN GENERAL.*—Based upon the results  
18 of the technology assessment under paragraph  
19 (3), the private, nonprofit corporation shall de-  
20 velop a 3-year plan that includes goals, prior-  
21 ities, and strategies for obtaining the resources  
22 necessary to implement strategies to ensure ac-  
23 cess to state-of-the-art educational technology  
24 within the District of Columbia public schools  
25 and public charter schools.



1                   (B) *IMPLEMENTATION.*—*The private, non-*  
2                   *profit corporation, in conjunction with schools,*  
3                   *students, parents, and teachers, shall implement*  
4                   *the plan developed under subparagraph (A).*

5                   (5) *LONG-TERM TECHNOLOGY PLAN.*—*Prior to*  
6                   *the completion of the implementation of the short-*  
7                   *term technology plan under paragraph (4), the pri-*  
8                   *vate, nonprofit corporation shall develop a plan under*  
9                   *which the corporation will continue to coordinate the*  
10                  *donation of private sector resources for maintaining*  
11                  *the continuous improvement and upgrading of state-*  
12                  *of-the-art educational technology within the District*  
13                  *of Columbia public schools and public charter schools.*

14                  (c) *DISTRICT EMPLOYMENT AND LEARNING CEN-*  
15                  *TER.*—

16                   (1) *ESTABLISHMENT.*—*The private, nonprofit*  
17                   *corporation shall establish a center to be known as the*  
18                   *“District Employment and Learning Center” (in this*  
19                   *subtitle referred to as the “center”), which shall serve*  
20                   *as a regional institute providing job training and*  
21                   *employment assistance.*

22                   (2) *DUTIES.*—

23                   (A) *JOB TRAINING AND EMPLOYMENT AS-*  
24                   *SISTANCE PROGRAM.*—*The center shall establish*  
25                   *a program to provide job training and employ-*

1           *ment assistance in the District of Columbia and*  
2           *shall coordinate with career preparation pro-*  
3           *grams in existence on the date of enactment of*  
4           *this Act, such as vocational education, school-to-*  
5           *work, and career academies in the District of Co-*  
6           *lumbia public schools.*

7           *(B) CONDUCT OF PROGRAM.—In carrying*  
8           *out the program established under subparagraph*  
9           *(A), the center—*

10                   *(i) shall provide job training and em-*  
11                   *ployment assistance to youths who have at-*  
12                   *tained the age of 18 but have not attained*  
13                   *the age of 26, who are residents of the Dis-*  
14                   *trict of Columbia, and who are in need of*  
15                   *such job training and employment assist-*  
16                   *ance for an appropriate period not to ex-*  
17                   *ceed 2 years;*

18                   *(ii) shall work to establish partnerships*  
19                   *and enter into agreements with appropriate*  
20                   *agencies of the District of Columbia Govern-*  
21                   *ment to serve individuals participating in*  
22                   *appropriate Federal programs, including*  
23                   *programs under the Job Training Partner-*  
24                   *ship Act (29 U.S.C. 1501 et seq.), the Job*  
25                   *Opportunities and Basic Skills Training*

1            *Program under part F of title IV of the So-*  
2            *cial Security Act (42 U.S.C. 681 et seq.),*  
3            *the Carl D. Perkins Vocational and Applied*  
4            *Technology Education Act (20 U.S.C. 2301*  
5            *et seq.), and the School-to-Work Opportuni-*  
6            *ties Act of 1994 (20 U.S.C. 6101 et seq.);*

7            *(iii) shall conduct such job training, as*  
8            *appropriate, through a consortium of col-*  
9            *leges, universities, community colleges, busi-*  
10           *nesses, and other appropriate providers, in*  
11           *the District of Columbia metropolitan area;*

12           *(iv) shall design modular training pro-*  
13           *grams that allow students to enter and leave*  
14           *the training curricula depending on their*  
15           *opportunities for job assignments with em-*  
16           *ployers; and*

17           *(v) shall utilize resources from busi-*  
18           *nesses to enhance work-based learning op-*  
19           *portunities and facilitate access by students*  
20           *to work-based learning and work experience*  
21           *through temporary work assignments with*  
22           *employers in the District of Columbia met-*  
23           *ropolitan area.*

24           *(C) COMPENSATION.—The center may pro-*  
25           *vide compensation to youths participating in the*

1           *program under this paragraph for part-time*  
2           *work assigned in conjunction with training.*  
3           *Such compensation may include need-based pay-*  
4           *ments and reimbursement of expenses.*

5           *(d) WORKFORCE PREPARATION INITIATIVES.—*

6           (1) *IN GENERAL.—The private, nonprofit cor-*  
7           *poration shall establish initiatives with the District of*  
8           *Columbia public schools, and public charter schools,*  
9           *appropriate governmental agencies, and businesses*  
10           *and other private entities, to facilitate the integration*  
11           *of rigorous academic studies with workforce prepara-*  
12           *tion programs in District of Columbia public schools*  
13           *and public charter schools.*

14           (2) *CONDUCT OF INITIATIVES.—In carrying out*  
15           *the initiatives under paragraph (1), the private, non-*  
16           *profit corporation shall, at a minimum, actively de-*  
17           *velop, expand, and promote the following programs:*

18           (A) *Career academy programs in secondary*  
19           *schools, as such programs are established in cer-*  
20           *tain District of Columbia public schools, which*  
21           *provide a school-within-a-school concept, focusing*  
22           *on career preparation and the integration of the*  
23           *academy programs with vocational and technical*  
24           *curriculum.*

1                   (B) *Programs carried out in the District of*  
2                   *Columbia that are funded under the School-to-*  
3                   *Work Opportunities Act of 1994 (20 U.S.C. 6101*  
4                   *et seq.).*

5           (e) *PROFESSIONAL DEVELOPMENT PROGRAM FOR*  
6 *TEACHERS AND ADMINISTRATORS.—*

7                   (1) *ESTABLISHMENT OF PROGRAM.—The private,*  
8                   *nonprofit corporation shall establish a consortium*  
9                   *consisting of the corporation, teachers, school admin-*  
10                   *istrators, and the consortium of universities located*  
11                   *in the District of Columbia (in existence on the date*  
12                   *of the enactment of this Act), for the purpose of estab-*  
13                   *lishing a program for the professional development of*  
14                   *teachers and school administrators employed by the*  
15                   *District of Columbia public schools and public charter*  
16                   *schools.*

17                   (2) *CONDUCT OF PROGRAM.—In carrying out the*  
18                   *program established under paragraph (1), the consor-*  
19                   *tium established under such paragraph, in consulta-*  
20                   *tion with the task force established under subtitle D*  
21                   *and the Superintendent, at a minimum, shall provide*  
22                   *for the following:*

23                               (A) *Professional development for teachers*  
24                               *consistent with the model professional develop-*  
25                               *ment programs for teachers under section*

1           2411(b)(4), or consistent with the core curricu-  
2           lum developed by the Superintendent under sec-  
3           tion 2411(b)(2), as the case may be, except that  
4           for fiscal year 1996, such professional develop-  
5           ment shall focus on curriculum for elementary  
6           school grades in reading and mathematics that  
7           have been demonstrated to be effective for stu-  
8           dents from low-income backgrounds.

9           (B) Professional development for principals,  
10          with a special emphasis on middle school prin-  
11          cipals, focusing on effective practices that reduce  
12          the number of students who drop out of school.

13          (C) Private sector training of teachers in  
14          the use, application, and operation of state-of-  
15          the-art technology in education.

16          (D) Training for school principals and  
17          other school administrators in effective private  
18          sector management practices for the purpose of  
19          site-based management in the District of Colum-  
20          bia public schools, and training in the manage-  
21          ment of public charter schools established in ac-  
22          cordance with this title.

23   **SEC. 2705. MATCHING FUNDS.**

24           The private, nonprofit corporation, to the extent prac-  
25          ticable, shall provide matching funds, or in-kind contribu-

1 tions, or a combination thereof, for the purpose of carrying  
2 out the duties of the corporation under section 2704, as fol-  
3 lows:

4 (1) For fiscal year 1996, the nonprofit corpora-  
5 tion shall provide matching funds or in-kind con-  
6 tributions of \$1 for every \$1 of Federal funds pro-  
7 vided under this subtitle for such year for activities  
8 under section 2704.

9 (2) For fiscal year 1997, the nonprofit corpora-  
10 tion shall provide matching funds or in-kind con-  
11 tributions of \$3 for every \$1 of Federal funds pro-  
12 vided under this subtitle for such year for activities  
13 under section 2704.

14 (3) For fiscal year 1998, the nonprofit corpora-  
15 tion shall provide matching funds or in-kind con-  
16 tributions of \$5 for every \$1 of Federal funds pro-  
17 vided under this subtitle for such year for activities  
18 under section 2704.

19 **SEC. 2706. REPORT.**

20 The private, nonprofit corporation shall prepare and  
21 submit to the appropriate congressional committees on a  
22 quarterly basis, or, with respect to fiscal year 1996, on a  
23 biannual basis, a report which shall contain—

24 (1) the activities the corporation has carried out,  
25 including the duties of the corporation described in

1        *section 2704, for the 3-month period ending on the*  
2        *date of the submission of the report, or, with respect*  
3        *to fiscal year 1996, the 6-month period ending on the*  
4        *date of the submission of the report;*

5            *(2) an assessment of the use of funds or other re-*  
6        *sources donated to the corporation;*

7            *(3) the results of the assessment carried out*  
8        *under section 2704(b)(3); and*

9            *(4) a description of the goals and priorities of*  
10        *the corporation for the 3-month period beginning on*  
11        *the date of the submission of the report, or, with re-*  
12        *spect to fiscal year 1996, the 6-month period begin-*  
13        *ning on the date of the submission of the report.*

14        **SEC. 2707. JOBS FOR D.C. GRADUATES PROGRAM.**

15            *(a) IN GENERAL.—The nonprofit corporation shall es-*  
16        *tablish a program, to be known as the “Jobs for D.C. Grad-*  
17        *uates Program”, to assist District of Columbia public*  
18        *schools and public charter schools in organizing and imple-*  
19        *menting a school-to-work transition system, which system*  
20        *shall give priority to providing assistance to at-risk youths*  
21        *and disadvantaged youths.*

22            *(b) CONDUCT OF PROGRAM.—In carrying out the pro-*  
23        *gram established under subsection (a), the nonprofit cor-*  
24        *poration, consistent with the policies of the nationally rec-*  
25        *ognized Jobs for America’s Graduates, Inc., shall—*



1           (1) *establish performance standards for such pro-*  
2 *gram;*

3           (2) *provide ongoing enhancement and improve-*  
4 *ments in such program;*

5           (3) *provide research and reports on the results of*  
6 *such program; and*

7           (4) *provide preservice and inservice training.*

8 **SEC. 2708. AUTHORIZATION OF APPROPRIATIONS.**

9           (a) *AUTHORIZATION.—*

10           (1) *DELTA COUNCIL; ACCESS TO STATE-OF-THE-*  
11 *ART EDUCATIONAL TECHNOLOGY; AND WORKFORCE*  
12 *PREPARATION INITIATIVES.—There are authorized to*  
13 *be appropriated to carry out subsections (a), (b), and*  
14 *(d) of section 2704, \$1,000,000 for each of the fiscal*  
15 *years 1996, 1997, and 1998.*

16           (2) *DEAL CENTER.—There are authorized to be*  
17 *appropriated to carry out section 2704(c), \$2,000,000*  
18 *for each of the fiscal years 1996, 1997, and 1998.*

19           (3) *PROFESSIONAL DEVELOPMENT PROGRAM FOR*  
20 *TEACHERS AND ADMINISTRATORS.—There are author-*  
21 *ized to be appropriated to carry out section 2704(e),*  
22 *\$1,000,000 for each of the fiscal years 1996, 1997,*  
23 *and 1998.*

1           (4) *JOBS FOR D.C. GRADUATES PROGRAM.*—  
2           *There are authorized to be appropriated to carry out*  
3           *section 2707—*

4                   (A) \$2,000,000 for fiscal year 1996; and

5                   (B) \$3,000,000 for each of the fiscal years  
6           1997 through 2000.

7           (b) *AVAILABILITY.*—*Amounts authorized to be appro-*  
8           *priated under subsection (a) are authorized to remain*  
9           *available until expended.*

10 ***SEC. 2709. TERMINATION OF FEDERAL SUPPORT; SENSE OF***

11                   ***THE CONGRESS RELATING TO CONTINU-***  
12                   ***ATION OF ACTIVITIES.***

13           (a) *TERMINATION OF FEDERAL SUPPORT.*—*The au-*  
14           *thority under this subtitle to provide assistance to the pri-*  
15           *vate, nonprofit corporation or any other entity established*  
16           *pursuant to this subtitle shall terminate on October 1, 1998.*

17           (b) *SENSE OF THE CONGRESS RELATING TO CONTINU-*  
18           *ATION OF ACTIVITIES.*—*It is the sense of the Congress*  
19           *that—*

20                   (1) *the activities of the private, nonprofit cor-*  
21           *poration under section 2704 should continue to be*  
22           *carried out after October 1, 1998, with resources made*  
23           *available from the private sector; and*

24                   (2) *the corporation should provide oversight and*  
25           *coordination for such activities after such date.*

1 ***Subtitle J—Management and Fiscal***  
2 ***Accountability***

3 ***SEC. 2751. MANAGEMENT SUPPORT SYSTEMS.***

4 (a) *FOOD SERVICES AND SECURITY SERVICES.*—Not-  
5 *withstanding any other law, rule, or regulation, the Board*  
6 *of Education shall enter into a contract for academic year*  
7 *1995–1996 and each succeeding academic year, for the pro-*  
8 *vision of all food services operations and security services*  
9 *for the District of Columbia public schools, unless the Su-*  
10 *perintendent determines that it is not feasible and provides*  
11 *the Superintendent’s reasons in writing to the Board of*  
12 *Education and the Authority.*

13 (b) *DEVELOPMENT OF NEW MANAGEMENT AND DATA*  
14 *SYSTEMS.*—*Notwithstanding any other law, rule, or regula-*  
15 *tion, the Board of Education shall, in academic year 1995–*  
16 *1996, consult with the Authority on the development of new*  
17 *management and data systems, as well as training of per-*  
18 *sonnel to use and manage the systems in areas of budget,*  
19 *finance, personnel and human resources, management in-*  
20 *formation services, procurement, supply management, and*  
21 *other systems recommended by the Authority. Such plans*  
22 *shall be consistent with, and contemporaneous to, the Dis-*  
23 *trict of Columbia Government’s development and imple-*  
24 *mentation of a replacement for the financial management*

1 *system for the District of Columbia Government in use on*  
2 *the date of enactment of this Act.*

3 **SEC. 2752. ANNUAL REPORTING REQUIREMENTS.**

4 (a) *IN GENERAL.*—*The Board of Education shall an-*  
5 *nually compile an accurate and verifiable report on the po-*  
6 *sitions and employees in the District of Columbia public*  
7 *school system. The annual report shall set forth—*

8 (1) *the number of validated schedule A positions*  
9 *in the District of Columbia public schools for fiscal*  
10 *year 1995, fiscal year 1996, and thereafter on a full-*  
11 *time equivalent basis, including a compilation of all*  
12 *positions by control center, responsibility center,*  
13 *funding source, position type, position title, pay plan,*  
14 *grade, and annual salary; and*

15 (2) *a compilation of all employees in the District*  
16 *of Columbia public schools as of December 31, of the*  
17 *year preceding the year for which the report is made,*  
18 *verified as to its accuracy in accordance with the*  
19 *functions that each employee actually performs, by*  
20 *control center, responsibility center, agency reporting*  
21 *code, program (including funding source), activity,*  
22 *location for accounting purposes, job title, grade and*  
23 *classification, annual salary, and position control*  
24 *number.*

1       (b) *SUBMISSION.*—*The annual report required by sub-*  
2 *section (a) shall be submitted to the Congress, the Mayor,*  
3 *the District of Columbia Council, the Consensus Commis-*  
4 *sion, and the Authority, not later than February 8, 1996,*  
5 *and each February 8 thereafter.*

6       **SEC. 2753. ANNUAL BUDGETS AND BUDGET REVISIONS.**

7       (a) *IN GENERAL.*—*Not later than October 1, 1996, or*  
8 *prior to 15 calendar days after the date of the enactment*  
9 *of the District of Columbia Appropriations Act, 1996,*  
10 *whichever occurs first, and each succeeding year thereafter,*  
11 *the Board of Education shall submit to the appropriate con-*  
12 *gressional committees, the Mayor, the District of Columbia*  
13 *Council, the Consensus Commission, and the Authority, a*  
14 *revised appropriated funds operating budget for the District*  
15 *of Columbia public school system for such fiscal year that*  
16 *is consistent with the total amount appropriated in an Act*  
17 *making appropriations for the District of Columbia for*  
18 *such fiscal year and that realigns budgeted data for per-*  
19 *sonal services and other than personal services, with antici-*  
20 *pated actual expenditures.*

21       (b) *SUBMISSION.*—*The revised budget required by sub-*  
22 *section (a) shall be submitted in the format of the budget*  
23 *that the Board of Education submits to the Mayor for inclu-*  
24 *sion in the Mayor’s budget submission to the District of*  
25 *Columbia Council pursuant to section 442 of the District*

1 of Columbia Self-Government and Governmental Reorga-  
2 nization Act, Public Law 93-198 (D.C. Code, sec. 47-301).

3 **SEC. 2754. ACCESS TO FISCAL AND STAFFING DATA.**

4 (a) *IN GENERAL.*—The budget, financial-accounting,  
5 personnel, payroll, procurement, and management informa-  
6 tion systems of the District of Columbia public schools shall  
7 be coordinated and interface with related systems of the Dis-  
8 trict of Columbia Government.

9 (b) *ACCESS.*—The Board of Education shall provide  
10 read-only access to its internal financial management sys-  
11 tems and all other data bases to designated staff of the  
12 Mayor, the Council, the Authority, and appropriate con-  
13 gressional committees.

14 **SEC. 2755. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET**  
15 **REQUEST.**

16 (a) *IN GENERAL.*—The Board of Education shall de-  
17 velop its fiscal year 1997 gross operating budget and its  
18 fiscal year 1997 appropriated funds budget request in ac-  
19 cordance with this section.

20 (b) *FISCAL YEAR 1996 BUDGET REVISION.*—Not later  
21 than February 15, 1996, the Board of Education shall de-  
22 velop, approve, and submit to the Mayor, the District of  
23 Columbia Council, the Authority, and appropriate congres-  
24 sional committees, a revised fiscal year 1996 gross operat-

1 *ing budget that reflects the amount appropriated in the Dis-*  
2 *trict of Columbia Appropriations Act, 1996, and which—*

3 *(1) is broken out on the basis of appropriated*  
4 *funds and nonappropriated funds, control center, re-*  
5 *sponsibility center, agency reporting code, object class,*  
6 *and object; and*

7 *(2) indicates by position title, grade, and agency*  
8 *reporting code, all staff allocated to each District of*  
9 *Columbia public school as of October 15, 1995, and*  
10 *indicates on an object class basis all other-than-per-*  
11 *sonal-services financial resources allocated to each*  
12 *school.*

13 *(c) ZERO-BASE BUDGET.—For fiscal year 1997, the*  
14 *Board of Education shall build its gross operating budget*  
15 *and appropriated funds request from a zero-base, starting*  
16 *from the local school level through the central office level.*

17 *(d) SCHOOL-BY-SCHOOL BUDGETS.—The Board of*  
18 *Education's initial fiscal year 1997 gross operating budget*  
19 *and appropriated funds budget request submitted to the*  
20 *Mayor, the District of Columbia Council, and the Authority*  
21 *shall contain school-by-school budgets and shall also—*

22 *(1) be broken out on the basis of appropriated*  
23 *funds and nonappropriated funds, control center, re-*  
24 *sponsibility center, agency reporting code, object class,*  
25 *and object;*

1           (2) indicate by position title, grade, and agency  
 2           reporting code all staff budgeted for each District of  
 3           Columbia public school, and indicate on an object  
 4           class basis all other-than-personal-services financial  
 5           resources allocated to each school; and

6           (3) indicate the amount and reason for all  
 7           changes made to the initial fiscal year 1997 gross op-  
 8           erating budget and appropriated funds request from  
 9           the revised fiscal year 1996 gross operating budget re-  
 10          quired by subsection (b).

11 **SEC. 2756. TECHNICAL AMENDMENTS.**

12          Section 1120A of the Elementary and Secondary Edu-  
 13          cation Act of 1965 (20 U.S.C. 6322) is amended—

14           (1) in subsection (b)(1), by—

15                   (A) striking “(A) Except as provided in  
 16                   subparagraph (B), a State” and inserting “A  
 17                   State”; and

18                   (B) striking subparagraph (B); and

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

21          “(d) **EXCLUSION OF FUNDS.**—For the purpose of com-  
 22          plying with subsections (b) and (c), a State or local edu-  
 23          cational agency may exclude supplemental State or local  
 24          funds expended in any school attendance area or school for  
 25          programs that meet the intent and purposes of this part.”.



1 ***Subtitle K—Personal Accountability***  
2 ***and Preservation of School-***  
3 ***Based Resources***

4 ***SEC. 2801. PRESERVATION OF SCHOOL-BASED STAFF POSI-***  
5 ***TIONS.***

6 (a) *RESTRICTIONS ON REDUCTIONS OF SCHOOL-*  
7 *BASED EMPLOYEES.—To the extent that a reduction in the*  
8 *number of full-time equivalent positions for the District of*  
9 *Columbia public schools is required to remain within the*  
10 *number of full-time equivalent positions established for the*  
11 *public schools in appropriations Acts, no reductions shall*  
12 *be made from the full-time equivalent positions for school-*  
13 *based teachers, principals, counselors, librarians, or other*  
14 *school-based educational positions that were established as*  
15 *of the end of fiscal year 1995, unless the Authority makes*  
16 *a determination based on student enrollment that—*

17 (1) *fewer school-based positions are needed to*  
18 *maintain established pupil-to-staff ratios; or*

19 (2) *reductions in positions for other than school-*  
20 *based employees are not practicable.*

21 (b) *DEFINITION.—The term “school-based educational*  
22 *position” means a position located at a District of Colum-*  
23 *bia public school or other position providing direct support*  
24 *to students at such a school, including a position for a cleri-*

1 *cal, stenographic, or secretarial employee, but not including*  
2 *any part-time educational aide position.*

3 **SEC. 2802. MODIFICATIONS OF BOARD OF EDUCATION RE-**  
4 **DUCTION-IN-FORCE PROCEDURES.**

5 *The District of Columbia Government Comprehensive*  
6 *Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.)*  
7 *is amended—*

8 *(1) in section 301 (D.C. Code, sec. 1.603.1)—*

9 *(A) by inserting after paragraph (13), the*  
10 *following new paragraph:*

11 *“(13A) The term ‘nonschool-based personnel’*  
12 *means any employee of the District of Columbia pub-*  
13 *lic schools who is not based at a local school or who*  
14 *does not provide direct services to individual stu-*  
15 *dents.”; and*

16 *(B) by inserting after paragraph (15), the*  
17 *following new paragraph:*

18 *“(15A) The term ‘school administrators’ means*  
19 *principals, assistant principals, school program direc-*  
20 *tors, coordinators, instructional supervisors, and sup-*  
21 *port personnel of the District of Columbia public*  
22 *schools.”;*

23 *(2) in section 801A(b)(2) (D.C. Code, sec. 1–*  
24 *609.1(b)(2)(L)—*

1           (A) by striking “(L) reduction-in-force” and  
2           inserting “(L)(i) reduction-in-force”; and

3           (B) by inserting after subparagraph (L)(i),  
4           the following new clause:

5           “(i) Notwithstanding any other provision  
6           of law, the Board of Education shall not issue  
7           rules that require or permit nonschool-based per-  
8           sonnel or school administrators to be assigned or  
9           reassigned to the same competitive level as class-  
10          room teachers;” and

11          (3) in section 2402 (D.C. Code, sec. 1–625.2), by  
12          adding at the end the following new subsection:

13          “(f) Notwithstanding any other provision of law, the  
14          Board of Education shall not require or permit nonschool-  
15          based personnel or school administrators to be assigned or  
16          reassigned to the same competitive level as classroom teach-  
17          ers.”.

18          **SEC. 2803. PUBLIC SCHOOL EMPLOYEE EVALUATIONS.**

19          Notwithstanding any other provision of law, rule, or  
20          regulation, the evaluation process and instruments for eval-  
21          uating District of Columbia public school employees shall  
22          be a nonnegotiable item for collective bargaining purposes.

1 **SEC. 2804. PERSONAL AUTHORITY FOR PUBLIC SCHOOL EM-**  
2 **PLOYEES.**

3 (a) *IN GENERAL.*—Notwithstanding any other provi-  
4 sion of law, rule, or regulation, an employee of a District  
5 of Columbia public school shall be—

6 (1) *classified as an educational service employee;*

7 (2) *placed under the personnel authority of the*  
8 *Board of Education; and*

9 (3) *subject to all Board of Education rules.*

10 (b) *SCHOOL-BASED PERSONNEL.*—School-based per-  
11 sonnel shall constitute a separate competitive area from  
12 nonschool-based personnel who shall not compete with  
13 school-based personnel for retention purposes.

14 **Subtitle L—Establishment and Or-**  
15 **ganization of the Commission on**  
16 **Consensus Reform in the District**  
17 **of Columbia Public Schools**

18 **SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE**  
19 **DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**

20 (a) *ESTABLISHMENT.*—

21 (1) *IN GENERAL.*—There is established within  
22 the District of Columbia Government a Commission  
23 on Consensus Reform in the District of Columbia  
24 Public Schools, consisting of 7 members to be ap-  
25 pointed in accordance with paragraph (2).

1           (2) *MEMBERSHIP.*—*The Consensus Commission*  
2           *shall consist of the following members:*

3                   (A) *1 member to be appointed by the Presi-*  
4                   *dent chosen from a list of 3 proposed members*  
5                   *submitted by the Majority Leader of the Senate.*

6                   (B) *1 member to be appointed by the Presi-*  
7                   *dent chosen from a list of 3 proposed members*  
8                   *submitted by the Speaker of the House of Rep-*  
9                   *resentatives.*

10                  (C) *2 members to be appointed by the Presi-*  
11                  *dent, of which 1 shall represent the local business*  
12                  *community and 1 of which shall be a teacher in*  
13                  *a District of Columbia public school.*

14                  (D) *The President of the District of Colum-*  
15                  *bia Congress of Parents and Teachers.*

16                  (E) *The President of the Board of Edu-*  
17                  *cation.*

18                  (F) *The Superintendent.*

19                  (G) *The Mayor and District of Columbia*  
20                  *Council Chairman shall each name 1 nonvoting*  
21                  *ex officio member.*

22                  (H) *The Chief of the National Guard Bu-*  
23                  *reau who shall be an ex officio member.*

1           (3) *TERMS OF SERVICE.*—*The members of the*  
2           *Consensus Commission shall serve for a term of 3*  
3           *years.*

4           (4) *VACANCIES.*—*Any vacancy in the member-*  
5           *ship of the Consensus Commission shall be filled by*  
6           *the appointment of a new member in the same man-*  
7           *ner as provided for the vacated membership. A mem-*  
8           *ber appointed under this paragraph shall serve the re-*  
9           *maining term of the vacated membership.*

10          (5) *QUALIFICATIONS.*—*Members of the Consensus*  
11          *Commission appointed under subparagraphs (A), (B),*  
12          *and (C) of paragraph (2) shall be residents of the Dis-*  
13          *trict of Columbia and shall have a knowledge of pub-*  
14          *lic education in the District of Columbia.*

15          (6) *CHAIR.*—*The Chair of the Consensus Com-*  
16          *mission shall be chosen by the Consensus Commission*  
17          *from among its members, except that the President of*  
18          *the Board of Education and the Superintendent shall*  
19          *not be eligible to serve as Chair.*

20          (7) *NO COMPENSATION FOR SERVICE.*—*Members*  
21          *of the Consensus Commission shall serve without pay,*  
22          *but may receive reimbursement for any reasonable*  
23          *and necessary expenses incurred by reason of service*  
24          *on the Consensus Commission.*

1           (b) *EXECUTIVE DIRECTOR.*—*The Consensus Commis-*  
2 *sion shall have an Executive Director who shall be ap-*  
3 *pointed by the Chair with the consent of the Consensus*  
4 *Commission. The Executive Director shall be paid at a rate*  
5 *determined by the Consensus Commission, except that such*  
6 *rate may not exceed the highest rate of pay payable for level*  
7 *EG–16 of the Educational Service of the District of Colum-*  
8 *bia.*

9           (c) *STAFF.*—*With the approval of the Chair and the*  
10 *Authority, the Executive Director may appoint and fix the*  
11 *pay of additional personnel as the Executive Director con-*  
12 *siders appropriate, except that no individual appointed by*  
13 *the Executive Director may be paid at a rate greater than*  
14 *the rate of pay for the Executive Director.*

15           (d) *SPECIAL RULE.*—*The Board of Education, or the*  
16 *Authority, shall reprogram such funds, as the Chair of the*  
17 *Consensus Commission shall in writing request, from*  
18 *amounts available to the Board of Education.*

19 ***SEC. 2852. PRIMARY PURPOSE AND FINDINGS.***

20           (a) *PURPOSE.*—*The primary purpose of the Consensus*  
21 *Commission is to assist in developing a long-term reform*  
22 *plan that has the support of the District of Columbia com-*  
23 *munity through the participation of representatives of var-*  
24 *ious critical segments of such community in helping to de-*  
25 *velop and approve the plan.*

1       **(b) FINDINGS.**—*The Congress finds that—*

2               (1) *experience has shown that the failure of the*  
3 *District of Columbia educational system has been due*  
4 *more to the failure to implement a plan than the fail-*  
5 *ure to develop a plan;*

6               (2) *national studies indicate that 50 percent of*  
7 *secondary school graduates lack basic literacy skills,*  
8 *and over 30 percent of the 7th grade students in the*  
9 *District of Columbia public schools drop out of school*  
10 *before graduating;*

11              (3) *standard student assessments indicate only*  
12 *average performance for grade level and fail to iden-*  
13 *tify individual students who lack basic skills, allow-*  
14 *ing too many students to graduate lacking these basic*  
15 *skills and diminishing the worth of a diploma;*

16              (4) *experience has shown that successful schools*  
17 *have good community, parent, and business involve-*  
18 *ment;*

19              (5) *experience has shown that reducing dropout*  
20 *rates in the critical middle and secondary school*  
21 *years requires individual student involvement and at-*  
22 *tention through such activities as arts or athletics;*  
23 *and*

24              (6) *experience has shown that close coordination*  
25 *between educators and business persons is required to*





1           (3) assist in developing districtwide assessments,  
2           including individual assessments, that identify Dis-  
3           trict of Columbia public school students who lack  
4           basic literacy skills, with particular attention being  
5           given to grade 4 and the middle school years, and es-  
6           tablish procedures to ensure that a teacher is made  
7           accountable for the performance of every such student  
8           in such teacher's class;

9           (4) make recommendations to improve commu-  
10          nity, parent, and business involvement in District of  
11          Columbia public schools and public charter schools;

12          (5) assess opportunities in the District of Colum-  
13          bia to increase individual student involvement and  
14          attention through such activities as arts or athletics,  
15          and make recommendations on how to increase such  
16          involvement; and

17          (6) assist in the establishment of procedures that  
18          ensure every District of Columbia public school stu-  
19          dent is provided the skills necessary for employment,  
20          including the development of individual career paths.

21          (c) *POWERS.*—The Consensus Commission shall have  
22          the following powers:

23                 (1) To monitor and comment on the development  
24                 and implementation of the long-term reform plan.

1           (2) *To exercise its authority, as provided in this*  
2 *subtitle, as necessary to facilitate implementation of*  
3 *the long-term reform plan.*

4           (3) *To review and comment on the budgets of the*  
5 *Board of Education, the District of Columbia public*  
6 *schools and public charter schools.*

7           (4) *To recommend rules concerning the manage-*  
8 *ment and direction of the Board of Education that*  
9 *address obstacles to the development or implementa-*  
10 *tion of the long-term reform plan.*

11           (5) *To review and comment on the core curricu-*  
12 *lum for kindergarten through grade 12 developed*  
13 *under subtitle D.*

14           (6) *To review and comment on a core curricu-*  
15 *lum for prekindergarten, vocational and technical*  
16 *training, and adult education.*

17           (7) *To review and comment on all other edu-*  
18 *cational programs carried out by the Board of Edu-*  
19 *cation and public charter schools.*

20           (8) *To review and comment on the districtwide*  
21 *assessments for measuring student achievement in the*  
22 *core curriculum developed under subtitle D.*

23           (9) *To review and comment on the model profes-*  
24 *sional development programs for teachers using the*  
25 *core curriculum developed under subtitle D.*

1 (d) *LIMITATIONS.*—

2 (1) *IN GENERAL.*—*Except as otherwise provided*  
3 *in this subtitle, the Consensus Commission shall have*  
4 *no powers to involve itself in the management or op-*  
5 *eration of the Board of Education with respect to the*  
6 *implementation of the long-term reform plan.*

7 (2) *SPECIAL RULE.*—*If the Consensus Commis-*  
8 *sion determines that the Board of Education has*  
9 *failed to take an action necessary to develop or imple-*  
10 *ment the long-term reform plan or that the Board of*  
11 *Education is unable to do so, the Consensus Commis-*  
12 *sion shall request the Authority to take appropriate*  
13 *action, and the Authority shall take such action as*  
14 *the Authority deems appropriate, to develop or imple-*  
15 *ment, as the case may be, the long-term reform plan.*

16 **SEC. 2854. IMPROVING ORDER AND DISCIPLINE.**

17 (a) *COMMUNITY SERVICE REQUIREMENT FOR SUS-*  
18 *PENDED STUDENTS.*—

19 (1) *IN GENERAL.*—*Any student suspended from*  
20 *classes at a District of Columbia public school who is*  
21 *required to serve the suspension outside the school*  
22 *shall perform community service for the period of sus-*  
23 *pension. The community service required by this sub-*  
24 *section shall be subject to rules and regulations pro-*  
25 *mulgated by the Mayor.*

1           (2) *EFFECTIVE DATE.*—*This subsection shall take*  
2           *effect on the first day of the 1996–1997 academic*  
3           *year.*

4           (b) *EXPIRATION DATE.*—*This section, and sections*  
5           *2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective*  
6           *on the last day of the 1997–1998 academic year.*

7           (c) *REPORT.*—*The Consensus Commission shall study*  
8           *the effectiveness of the policies implemented pursuant to this*  
9           *section in improving order and discipline in District of Co-*  
10          *lumbia public schools and report its findings to the appro-*  
11          *priate congressional committees not later than 60 days*  
12          *prior to the last day of the 1997–1998 academic year.*

13          ***SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.***

14          (a) *IN GENERAL.*—*The Consensus Commission may*  
15          *examine and request the Inspector General of the District*  
16          *of Columbia or the Authority to audit the records of the*  
17          *Board of Education to ensure, monitor, and evaluate the*  
18          *performance of the Board of Education with respect to com-*  
19          *pliance with the long-term reform plan and such plan’s*  
20          *overall educational achievement. The Consensus Commis-*  
21          *sion shall conduct an annual review of the educational per-*  
22          *formance of the Board of Education with respect to meeting*  
23          *the goals of such plan for such year. The Board of Edu-*  
24          *cation shall cooperate and assist in the review or audit as*  
25          *requested by the Consensus Commission.*

1           (b) *AUDIT.*—*The Consensus Commission may examine*  
 2 *and request the Inspector General of the District of Colum-*  
 3 *bia or the Authority to audit the records of any public char-*  
 4 *ter school to assure, monitor, and evaluate the performance*  
 5 *of the public charter school with respect to the content*  
 6 *standards and districtwide assessments described in section*  
 7 *2411(b). The Consensus Commission shall receive a copy of*  
 8 *each public charter school’s annual report.*

9       **SEC. 2856. INVESTIGATIVE POWERS.**

10           *The Consensus Commission may investigate any ac-*  
 11 *tion or activity which may hinder the progress of any part*  
 12 *of the long-term reform plan. The Board of Education shall*  
 13 *cooperate and assist the Consensus Commission in any in-*  
 14 *vestigation. Reports of the findings of any such investiga-*  
 15 *tion shall be provided to the Board of Education, the Super-*  
 16 *intendent, the Mayor, the District of Columbia Council, the*  
 17 *Authority, and the appropriate congressional committees.*

18       **SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COM-**  
 19                         **MISSION.**

20           (a) *IN GENERAL.*—*The Consensus Commission may at*  
 21 *any time submit recommendations to the Board of Edu-*  
 22 *cation, the Mayor, the District of Columbia Council, the*  
 23 *Authority, the Board of Trustees of any public charter*  
 24 *school and the Congress with respect to actions the District*

1 of Columbia Government or the Federal Government should  
2 take to ensure implementation of the long-term reform plan.

3 (b) *AUTHORITY ACTIONS.*—Pursuant to the District of  
4 Columbia Financial Responsibility and Management As-  
5 sistance Act of 1995 or upon the recommendation of the  
6 Consensus Commission, the Authority may take whatever  
7 actions the Authority deems necessary to ensure the imple-  
8 mentation of the long-term reform plan.

9 **SEC. 2858. EXPIRATION DATE.**

10 Except as otherwise provided in this subtitle, this sub-  
11 title shall be effective during the period beginning on the  
12 date of enactment of this Act and ending 7 years after such  
13 date.

14 **Subtitle M—Parent Attendance at**  
15 **Parent-Teacher Conferences**

16 **SEC. 2901. POLICY.**

17 Notwithstanding any other provision of law, the  
18 Mayor is authorized to develop and implement a policy en-  
19 couraging all residents of the District of Columbia with  
20 children attending a District of Columbia public school to  
21 attend and participate in at least one parent-teacher con-  
22 ference every 90 days during the academic year.

23 (c) Such amounts as may be necessary for programs,  
24 projects or activities provided for in the Department of the  
25 Interior and Related Agencies Appropriations Act, 1996 at

1 *a rate of operations and to the extent and in the manner*  
2 *provided as follows, to be effective as if it had been enacted*  
3 *into law as the regular appropriations Act:*

4 *AN ACT*

5 *Making appropriations for the Department of the Inte-*  
6 *rior and related agencies for the fiscal year ending Septem-*  
7 *ber 30, 1996, and for other purposes.*

8 *TITLE I—DEPARTMENT OF THE INTERIOR*

9 *BUREAU OF LAND MANAGEMENT*

10 *MANAGEMENT OF LANDS AND RESOURCES*

11 *For expenses necessary for protection, use, improve-*  
12 *ment, development, disposal, cadastral surveying, classifica-*  
13 *tion, acquisition of easements and other interests in lands,*  
14 *and performance of other functions, including maintenance*  
15 *of facilities, as authorized by law, in the management of*  
16 *lands and their resources under the jurisdiction of the Bu-*  
17 *reau of Land Management, including the general adminis-*  
18 *tration of the Bureau, and assessment of mineral potential*  
19 *of public lands pursuant to Public Law 96–487 (16 U.S.C.*  
20 *3150(a)), \$567,753,000, to remain available until expended,*  
21 *of which \$2,000,000 shall be available for assessment of the*  
22 *mineral potential of public lands in Alaska pursuant to sec-*  
23 *tion 1010 of Public Law 96–487 (16 U.S.C. 3150), and of*  
24 *which \$4,000,000 shall be derived from the special receipt*  
25 *account established by section 4 of the Land and Water*



1 *Conservation Fund Act of 1965, as amended (16 U.S.C.*  
2 *460l–6a(i)): Provided, That appropriations herein made*  
3 *shall not be available for the destruction of healthy,*  
4 *unadopted, wild horses and burros in the care of the Bureau*  
5 *or its contractors; and in addition, \$27,650,000 for Mining*  
6 *Law Administration program operations, to remain avail-*  
7 *able until expended, to be reduced by amounts collected by*  
8 *the Bureau of Land Management and credited to this ap-*  
9 *propriation from annual mining claim fees so as to result*  
10 *in a final appropriation estimated at not more than*  
11 *\$567,753,000: Provided further, That in addition to funds*  
12 *otherwise available, and to remain available until ex-*  
13 *pended, not to exceed \$5,000,000 from annual mining claim*  
14 *fees shall be credited to this account for the costs of admin-*  
15 *istering the mining claim fee program, and \$2,000,000*  
16 *from communication site rental fees established by the Bu-*  
17 *reau.*

18 *WILDLAND FIRE MANAGEMENT*

19 *For necessary expenses for fire use and management,*  
20 *fire preparedness, emergency presuppression, suppression*  
21 *operations, emergency rehabilitation, and renovation or*  
22 *construction of fire facilities in the Department of the Inte-*  
23 *rior, \$235,924,000, to remain available until expended, of*  
24 *which not to exceed \$5,025,000, shall be available for the*  
25 *renovation or construction of fire facilities: Provided, That*  
26 *notwithstanding any other provision of law, persons hired*

1 *pursuant to 43 U.S.C. 1469 may be furnished subsistence*  
2 *and lodging without cost from funds available from this ap-*  
3 *propriation: Provided further, That such funds are also*  
4 *available for repayment of advances to other appropriation*  
5 *accounts from which funds were previously transferred for*  
6 *such purposes: Provided further, That unobligated balances*  
7 *of amounts previously appropriated to the Fire Protection*  
8 *and Emergency Department of the Interior Firefighting*  
9 *Fund may be transferred or merged with this appropria-*  
10 *tion.*

11 *CENTRAL HAZARDOUS MATERIALS FUND*

12 *For expenses necessary for use by the Department of*  
13 *the Interior and any of its component offices and bureaus*  
14 *for the remedial action, including associated activities, of*  
15 *hazardous waste substances, pollutants, or contaminants*  
16 *pursuant to the Comprehensive Environmental Response,*  
17 *Compensation and Liability Act, as amended (42 U.S.C.*  
18 *9601 et seq.), \$10,000,000, to remain available until ex-*  
19 *pended: Provided, That, notwithstanding 31 U.S.C. 3302,*  
20 *sums recovered from or paid by a party in advance of or*  
21 *as reimbursement for remedial action or response activities*  
22 *conducted by the Department pursuant to sections 107 or*  
23 *113(f) of the Comprehensive Environmental Response, Com-*  
24 *ensation and Liability Act, as amended (42 U.S.C. 9607*  
25 *or 9613(f)), shall be credited to this account and shall be*  
26 *available without further appropriation and shall remain*

1 *available until expended: Provided further, That such sums*  
2 *recovered from or paid by any party are not limited to*  
3 *monetary payments and may include stocks, bonds or other*  
4 *personal or real property, which may be retained, liq-*  
5 *uidated, or otherwise disposed of by the Secretary of the*  
6 *Interior and which shall be credited to this account.*

7 *CONSTRUCTION AND ACCESS*

8 *For acquisition of lands and interests therein, and*  
9 *construction of buildings, recreation facilities, roads, trails,*  
10 *and appurtenant facilities, \$3,115,000, to remain available*  
11 *until expended.*

12 *PAYMENTS IN LIEU OF TAXES*

13 *For expenses necessary to implement the Act of October*  
14 *20, 1976, as amended (31 U.S.C. 6901–07), \$101,500,000,*  
15 *of which not to exceed \$400,000 shall be available for ad-*  
16 *ministrative expenses.*

17 *LAND ACQUISITION*

18 *For expenses necessary to carry out the provisions of*  
19 *sections 205, 206, and 318(d) of Public Law 94–579 includ-*  
20 *ing administrative expenses and acquisition of lands or wa-*  
21 *ters, or interests therein, \$12,800,000 to be derived from the*  
22 *Land and Water Conservation Fund, to remain available*  
23 *until expended.*

24 *OREGON AND CALIFORNIA GRANT LANDS*

25 *For expenses necessary for management, protection,*  
26 *and development of resources and for construction, oper-*

1 ation, and maintenance of access roads, reforestation, and  
2 other improvements on the revested Oregon and California  
3 Railroad grant lands, on other Federal lands in the Oregon  
4 and California land-grant counties of Oregon, and on adja-  
5 cent rights-of-way; and acquisition of lands or interests  
6 therein including existing connecting roads on or adjacent  
7 to such grant lands; \$97,452,000, to remain available until  
8 expended: Provided, That 25 per centum of the aggregate  
9 of all receipts during the current fiscal year from the  
10 revested Oregon and California Railroad grant lands is  
11 hereby made a charge against the Oregon and California  
12 land-grant fund and shall be transferred to the General  
13 Fund in the Treasury in accordance with the provisions  
14 of the second paragraph of subsection (b) of title II of the  
15 Act of August 28, 1937 (50 Stat. 876).

16 *RANGE IMPROVEMENTS*

17 *For rehabilitation, protection, and acquisition of lands*  
18 *and interests therein, and improvement of Federal range-*  
19 *lands pursuant to section 401 of the Federal Land Policy*  
20 *and Management Act of 1976 (43 U.S.C. 1701), notwith-*  
21 *standing any other Act, sums equal to 50 per centum of*  
22 *all moneys received during the prior fiscal year under sec-*  
23 *tions 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315*  
24 *et seq.) and the amount designated for range improvements*  
25 *from grazing fees and mineral leasing receipts from*  
26 *Bankhead-Jones lands transferred to the Department of the*

1 *Interior pursuant to law, but not less than \$9,113,000, to*  
2 *remain available until expended: Provided, That not to ex-*  
3 *ceed \$600,000 shall be available for administrative ex-*  
4 *penses.*

5 *SERVICE CHARGES, DEPOSITS, AND FORFEITURES*

6 *For administrative expenses and other costs related to*  
7 *processing application documents and other authorizations*  
8 *for use and disposal of public lands and resources, for costs*  
9 *of providing copies of official public land documents, for*  
10 *monitoring construction, operation, and termination of fa-*  
11 *cilities in conjunction with use authorizations, and for re-*  
12 *habilitation of damaged property, such amounts as may be*  
13 *collected under sections 209(b), 304(a), 304(b), 305(a), and*  
14 *504(g) of the Act approved October 21, 1976 (43 U.S.C.*  
15 *1701), and sections 101 and 203 of Public Law 93-153,*  
16 *to be immediately available until expended: Provided, That*  
17 *notwithstanding any provision to the contrary of section*  
18 *305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)),*  
19 *any moneys that have been or will be received pursuant*  
20 *to that section, whether as a result of forfeiture, com-*  
21 *promise, or settlement, if not appropriate for refund pursu-*  
22 *ant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall*  
23 *be available and may be expended under the authority of*  
24 *this or subsequent appropriations Acts by the Secretary to*  
25 *improve, protect, or rehabilitate any public lands adminis-*  
26 *tered through the Bureau of Land Management which have*

1 *been damaged by the action of a resource developer, pur-*  
2 *chaser, permittee, or any unauthorized person, without re-*  
3 *gard to whether all moneys collected from each such forfeit-*  
4 *ure, compromise, or settlement are used on the exact lands*  
5 *damage to which led to the forfeiture, compromise, or settle-*  
6 *ment: Provided further, That such moneys are in excess of*  
7 *amounts needed to repair damage to the exact land for*  
8 *which collected.*

9 *MISCELLANEOUS TRUST FUNDS*

10 *In addition to amounts authorized to be expended*  
11 *under existing law, there is hereby appropriated such*  
12 *amounts as may be contributed under section 307 of the*  
13 *Act of October 21, 1976 (43 U.S.C. 1701), and such*  
14 *amounts as may be advanced for administrative costs, sur-*  
15 *veys, appraisals, and costs of making conveyances of omit-*  
16 *ted lands under section 211(b) of that Act, to remain avail-*  
17 *able until expended.*

18 *ADMINISTRATIVE PROVISIONS*

19 *Appropriations for the Bureau of Land Management*  
20 *shall be available for purchase, erection, and dismantlement*  
21 *of temporary structures, and alteration and maintenance*  
22 *of necessary buildings and appurtenant facilities to which*  
23 *the United States has title; up to \$100,000 for payments,*  
24 *at the discretion of the Secretary, for information or evi-*  
25 *dence concerning violations of laws administered by the Bu-*  
26 *reau of Land Management; miscellaneous and emergency*

1 *expenses of enforcement activities authorized or approved*  
2 *by the Secretary and to be accounted for solely on his cer-*  
3 *tificate, not to exceed \$10,000: Provided, That notwith-*  
4 *standing 44 U.S.C. 501, the Bureau may, under cooperative*  
5 *cost-sharing and partnership arrangements authorized by*  
6 *law, procure printing services from cooperators in connec-*  
7 *tion with jointly-produced publications for which the co-*  
8 *operators share the cost of printing either in cash or in serv-*  
9 *ices, and the Bureau determines the cooperator is capable*  
10 *of meeting accepted quality standards.*

11 *UNITED STATES FISH AND WILDLIFE SERVICE*

12 *RESOURCE MANAGEMENT*

13 *For expenses necessary for scientific and economic*  
14 *studies, conservation, management, investigations, protec-*  
15 *tion, and utilization of fishery and wildlife resources, except*  
16 *whales, seals, and sea lions, and for the performance of other*  
17 *authorized functions related to such resources; for the gen-*  
18 *eral administration of the United States Fish and Wildlife*  
19 *Service; and for maintenance of the herd of long-horned cat-*  
20 *tle on the Wichita Mountains Wildlife Refuge; and not less*  
21 *than \$1,000,000 for high priority projects within the scope*  
22 *of the approved budget which shall be carried out by the*  
23 *Youth Conservation Corps as authorized by the Act of Au-*  
24 *gust 13, 1970, as amended by Public Law 93-408,*  
25 *\$499,100,000, to remain available for obligation until Sep-*

1 tember 30, 1997, of which \$2,000,000 shall be available for  
2 activities under section 4 of the Endangered Species Act  
3 of 1973 (16 U.S.C. 1533), of which \$11,557,000 shall be  
4 available until expended for operation and maintenance of  
5 fishery mitigation facilities constructed by the Corps of En-  
6 gineers under the Lower Snake River Compensation Plan,  
7 authorized by the Water Resources Development Act of 1976  
8 (90 Stat. 2921), to compensate for loss of fishery resources  
9 from water development projects on the Lower Snake River:  
10 Provided, That unobligated and unexpended balances in the  
11 Resource Management account at the end of fiscal year  
12 1995, shall be merged with and made a part of the fiscal  
13 year 1996 Resource Management appropriation, and shall  
14 remain available for obligation until September 30, 1997:  
15 Provided further, That no monies appropriated under this  
16 Act or any other law shall be used by the Secretary of the  
17 Interior to issue final determinations under subsections (a),  
18 (b), (c), (e), (g) or (i) of section 4 of the Endangered Species  
19 Act of 1973 (16 U.S.C. 1533), until such time as legislation  
20 reauthorizing the Act is enacted or until the end of fiscal  
21 year 1996, whichever is earlier, except that monies appro-  
22 priated under this Act may be used to delist or reclassify  
23 species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i),  
24 and 4(c)(2)(B)(ii) of the Endangered Species Act, and may



1 *be used to issue emergency listings under section 4(b)(7)*  
2 *of the Endangered Species Act.*

3 *CONSTRUCTION*

4 *For construction and acquisition of buildings and*  
5 *other facilities required in the conservation, management,*  
6 *investigation, protection, and utilization of fishery and*  
7 *wildlife resources, and the acquisition of lands and interests*  
8 *therein; \$37,655,000, to remain available until expended.*

9 *NATURAL RESOURCE DAMAGE ASSESSMENT FUND*

10 *To conduct natural resource damage assessment activi-*  
11 *ties by the Department of the Interior necessary to carry*  
12 *out the provisions of the Comprehensive Environmental Re-*  
13 *sponse, Compensation, and Liability Act, as amended (42*  
14 *U.S.C. 9601, et seq.), Federal Water Pollution Control Act,*  
15 *as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act*  
16 *of 1990 (Public Law 101–380), and the Act of July 27, 1990*  
17 *(Public Law 101–337); \$4,000,000, to remain available*  
18 *until expended: Provided, That sums provided by any party*  
19 *in fiscal year 1996 and thereafter are not limited to mone-*  
20 *tary payments and may include stocks, bonds or other per-*  
21 *sonal or real property, which may be retained, liquidated*  
22 *or otherwise disposed of by the Secretary and such sums*  
23 *or properties shall be utilized for the restoration of injured*  
24 *resources, and to conduct new damage assessment activities.*

## LAND ACQUISITION

1  
2       *For expenses necessary to carry out the provisions of*  
3 *the Land and Water Conservation Fund Act of 1965, as*  
4 *amended (16 U.S.C. 460l-4-11), including administrative*  
5 *expenses, and for acquisition of land or waters, or interest*  
6 *therein, in accordance with statutory authority applicable*  
7 *to the United States Fish and Wildlife Service, \$36,900,000,*  
8 *to be derived from the Land and Water Conservation Fund,*  
9 *to remain available until expended.*

## COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

10  
11       *For expenses necessary to carry out the provisions of*  
12 *the Endangered Species Act of 1973 (16 U.S.C. 1531-1543),*  
13 *as amended by Public Law 100-478, \$8,085,000 for grants*  
14 *to States, to be derived from the Cooperative Endangered*  
15 *Species Conservation Fund, and to remain available until*  
16 *expended.*

## NATIONAL WILDLIFE REFUGE FUND

17  
18       *For expenses necessary to implement the Act of October*  
19 *17, 1978 (16 U.S.C. 715s), \$10,779,000.*

## REWARDS AND OPERATIONS

20  
21       *For expenses necessary to carry out the provisions of*  
22 *the African Elephant Conservation Act (16 U.S.C. 4201-*  
23 *4203, 4211-4213, 4221-4225, 4241-4245, and 1538),*  
24 *\$600,000, to remain available until expended.*

1 NORTH AMERICAN WETLANDS CONSERVATION FUND

2 For expenses necessary to carry out the provisions of  
3 the North American Wetlands Conservation Act, Public  
4 Law 101–233, \$6,750,000, to remain available until ex-  
5 pended.

6 LAHONTAN VALLEY AND PYRAMID LAKE FISH AND

7 WILDLIFE FUND

8 For carrying out section 206(f) of Public Law 101–  
9 618, such sums as have previously been credited or may  
10 be credited hereafter to the Lahontan Valley and Pyramid  
11 Lake Fish and Wildlife Fund, to be available until ex-  
12 pended without further appropriation.

13 RHINOCEROS AND TIGER CONSERVATION FUND

14 For deposit to the Rhinoceros and Tiger Conservation  
15 Fund, \$200,000, to remain available until expended, to be  
16 available to carry out the provisions of the Rhinoceros and  
17 Tiger Conservation Act of 1994 (Public Law 103–391).

18 WILDLIFE CONSERVATION AND APPRECIATION FUND

19 For deposit to the Wildlife Conservation and Apprecia-  
20 tion Fund, \$800,000, to remain available until expended.

21 ADMINISTRATIVE PROVISIONS

22 Appropriations and funds available to the United  
23 States Fish and Wildlife Service shall be available for pur-  
24 chase of not to exceed 113 passenger motor vehicles; not to  
25 exceed \$400,000 for payment, at the discretion of the Sec-  
26 retary, for information, rewards, or evidence concerning

1 *violations of laws administered by the United States Fish*  
2 *and Wildlife Service, and miscellaneous and emergency ex-*  
3 *penses of enforcement activities, authorized or approved by*  
4 *the Secretary and to be accounted for solely on his certifi-*  
5 *cate; repair of damage to public roads within and adjacent*  
6 *to reservation areas caused by operations of the United*  
7 *States Fish and Wildlife Service; options for the purchase*  
8 *of land at not to exceed \$1 for each option; facilities inci-*  
9 *dent to such public recreational uses on conservation areas*  
10 *as are consistent with their primary purpose; and the*  
11 *maintenance and improvement of aquaria, buildings, and*  
12 *other facilities under the jurisdiction of the United States*  
13 *Fish and Wildlife Service and to which the United States*  
14 *has title, and which are utilized pursuant to law in connec-*  
15 *tion with management and investigation of fish and wild-*  
16 *life resources: Provided, That notwithstanding 44 U.S.C.*  
17 *501, the Service may, under cooperative cost sharing and*  
18 *partnership arrangements authorized by law, procure*  
19 *printing services from cooperators in connection with joint-*  
20 *ly-produced publications for which the cooperators share at*  
21 *least one-half the cost of printing either in cash or services*  
22 *and the Service determines the cooperator is capable of*  
23 *meeting accepted quality standards: Provided further, That*  
24 *the United States Fish and Wildlife Service may accept do-*  
25 *nated aircraft as replacements for existing aircraft: Pro-*

1 *vided further, That notwithstanding any other provision of*  
2 *law, the Secretary of the Interior may not spend any of*  
3 *the funds appropriated in this Act for the purchase of lands*  
4 *or interests in lands to be used in the establishment of any*  
5 *new unit of the National Wildlife Refuge System unless the*  
6 *purchase is approved in advance by the House and Senate*  
7 *Committees on Appropriations in compliance with the*  
8 *reprogramming procedures contained in House Report*  
9 *103-551: Provided further, That none of the funds made*  
10 *available in this Act may be used by the U. S. Fish and*  
11 *Wildlife Service to impede or delay the issuance of a wet-*  
12 *lands permit by the U. S. Army Corps of Engineers to the*  
13 *City of Lake Jackson, Texas, for the development of a public*  
14 *golf course west of Buffalo Camp Bayou between the Brazos*  
15 *River and Highway 332: Provided further, That the Direc-*  
16 *tor of the Fish and Wildlife Service may charge reasonable*  
17 *fees for expenses to the Federal Government for providing*  
18 *training by the National Education and Training Center:*  
19 *Provided further, That all training fees collected shall be*  
20 *available to the Director, until expended, without further*  
21 *appropriation, to be used for the costs of training and edu-*  
22 *cation provided by the National Education and Training*  
23 *Center: Provided further, That with respect to lands leased*  
24 *for farming pursuant to Public Law 88-567, if for any rea-*  
25 *son the Secretary disapproves for use in 1996 or does not*

1 *finally approve for use in 1996 any pesticide or chemical*  
2 *which was approved for use in 1995 or had been requested*  
3 *for use in 1996 by the submission of a pesticide use proposal*  
4 *as of September 19, 1995, none of the funds in this Act*  
5 *may be used to develop, implement, or enforce regulations*  
6 *or policies (including pesticide use proposals) related to the*  
7 *use of chemicals and pest management that are more re-*  
8 *strictive than the requirements of applicable State and Fed-*  
9 *eral laws related to the use of chemicals and pest manage-*  
10 *ment practices on non-Federal lands.*

11 *NATIONAL PARK SERVICE*

12 *OPERATION OF THE NATIONAL PARK SYSTEM*

13 *For expenses necessary for the management, operation,*  
14 *and maintenance of areas and facilities administered by*  
15 *the National Park Service (including special road mainte-*  
16 *nance service to trucking permittees on a reimbursable*  
17 *basis), and for the general administration of the National*  
18 *Park Service, including not to exceed \$1,593,000 for the*  
19 *Volunteers-in-Parks program, and not less than \$1,000,000*  
20 *for high priority projects within the scope of the approved*  
21 *budget which shall be carried out by the Youth Conservation*  
22 *Corps as authorized by the Act of August 13, 1970, as*  
23 *amended by Public Law 93-408, \$1,084,755,000, without*  
24 *regard to the Act of August 24, 1912, as amended (16*  
25 *U.S.C. 451), of which not to exceed \$72,000,000, to remain*

1 *available until expended is to be derived from the special*  
2 *fee account established pursuant to title V, section 5201, of*  
3 *Public Law 100–203.*

4 *NATIONAL RECREATION AND PRESERVATION*

5 *For expenses necessary to carry out recreation pro-*  
6 *grams, natural programs, cultural programs, environ-*  
7 *mental compliance and review, international park affairs,*  
8 *statutory or contractual aid for other activities, and grant*  
9 *administration, not otherwise provided for, \$37,649,000:*  
10 *Provided, That \$236,000 of the funds provided herein are*  
11 *for the William O. Douglas Outdoor Education Center, sub-*  
12 *ject to authorization.*

13 *HISTORIC PRESERVATION FUND*

14 *For expenses necessary in carrying out the provisions*  
15 *of the Historic Preservation Act of 1966 (80 Stat. 915), as*  
16 *amended (16 U.S.C. 470), \$36,212,000, to be derived from*  
17 *the Historic Preservation Fund, established by section 108*  
18 *of that Act, as amended, to remain available for obligation*  
19 *until September 30, 1997.*

20 *CONSTRUCTION*

21 *For construction, improvements, repair or replacement*  
22 *of physical facilities, \$143,225,000, to remain available*  
23 *until expended: Provided, That not to exceed \$4,500,000 of*  
24 *the funds provided herein shall be paid to the Army Corps*  
25 *of Engineers for modifications authorized by section 104 of*  
26 *the Everglades National Park Protection and Expansion*

1 *Act of 1989: Provided further, That funds provided under*  
2 *this head, derived from the Historic Preservation Fund, es-*  
3 *tablished by the Historic Preservation Act of 1966 (80 Stat.*  
4 *915), as amended (16 U.S.C. 470), may be available until*  
5 *expended to render sites safe for visitors and for building*  
6 *stabilization.*

7 *LAND AND WATER CONSERVATION FUND*

8 *(RESCISSION)*

9 *The contract authority provided for fiscal year 1996*  
10 *by 16 U.S.C. 460l–10a is rescinded.*

11 *LAND ACQUISITION AND STATE ASSISTANCE*

12 *For expenses necessary to carry out the provisions of*  
13 *the Land and Water Conservation Fund Act of 1965, as*  
14 *amended (16 U.S.C. 460l–4–11), including administrative*  
15 *expenses, and for acquisition of lands or waters, or interest*  
16 *therein, in accordance with statutory authority applicable*  
17 *to the National Park Service, \$49,100,000, to be derived*  
18 *from the Land and Water Conservation Fund, to remain*  
19 *available until expended, and of which \$1,500,000 is to ad-*  
20 *minister the State assistance program: Provided, That any*  
21 *funds made available for the purpose of acquisition of the*  
22 *Elwha and Glines dams shall be used solely for acquisition,*  
23 *and shall not be expended until the full purchase amount*  
24 *has been appropriated by the Congress.*



## ADMINISTRATIVE PROVISIONS

1  
2       *Appropriations for the National Park Service shall be*  
3 *available for the purchase of not to exceed 518 passenger*  
4 *motor vehicles, of which 323 shall be for replacement only,*  
5 *including not to exceed 411 for police-type use, 12 buses,*  
6 *and 5 ambulances: Provided, That none of the funds appro-*  
7 *priated to the National Park Service may be used to process*  
8 *any grant or contract documents which do not include the*  
9 *text of 18 U.S.C. 1913: Provided further, That none of the*  
10 *funds appropriated to the National Park Service may be*  
11 *used to implement an agreement for the redevelopment of*  
12 *the southern end of Ellis Island until such agreement has*  
13 *been submitted to the Congress and shall not be imple-*  
14 *mented prior to the expiration of 30 calendar days (not*  
15 *including any day in which either House of Congress is*  
16 *not in session because of adjournment of more than three*  
17 *calendar days to a day certain) from the receipt by the*  
18 *Speaker of the House of Representatives and the President*  
19 *of the Senate of a full and comprehensive report on the de-*  
20 *velopment of the southern end of Ellis Island, including the*  
21 *facts and circumstances relied upon in support of the pro-*  
22 *posed project.*

23       *None of the funds in this Act may be spent by the Na-*  
24 *tional Park Service for activities taken in direct response*  
25 *to the United Nations Biodiversity Convention.*

1        *The National Park Service may enter into cooperative*  
2 *agreements that involve the transfer of National Park Serv-*  
3 *ice appropriated funds to State, local and tribal govern-*  
4 *ments, other public entities, educational institutions, and*  
5 *private nonprofit organizations for the public purpose of*  
6 *carrying out National Park Service programs.*

7        *The National Park Service shall, within existing*  
8 *funds, conduct a Feasibility Study for a northern access*  
9 *route into Denali National Park and Preserve in Alaska,*  
10 *to be completed within one year of the enactment of this*  
11 *Act and submitted to the House and Senate Committees on*  
12 *Appropriations and to the Senate Committee on Energy*  
13 *and Natural Resources and the House Committee on Re-*  
14 *sources. The Feasibility Study shall ensure that resource*  
15 *impacts from any plan to create such access route are evalu-*  
16 *ated with accurate information and according to a process*  
17 *that takes into consideration park values, visitor needs, a*  
18 *full range of alternatives, the viewpoints of all interested*  
19 *parties, including the tourism industry and the State of*  
20 *Alaska, and potential needs for compliance with the Na-*  
21 *tional Environmental Policy Act. The Study shall also ad-*  
22 *dress the time required for development of alternatives and*  
23 *identify all associated costs.*

24        *This Feasibility Study shall be conducted solely by the*  
25 *National Park Service planning personnel permanently as-*

1 *signed to National Park Service offices located in the State*  
2 *of Alaska in consultation with the State of Alaska Depart-*  
3 *ment of Transportation.*

4 *UNITED STATES GEOLOGICAL SURVEY*

5 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

6 *For expenses necessary for the United States Geological*  
7 *Survey to perform surveys, investigations, and research cov-*  
8 *ering topography, geology, hydrology, and the mineral and*  
9 *water resources of the United States, its Territories and pos-*  
10 *sessions, and other areas as authorized by law (43 U.S.C.*  
11 *31, 1332 and 1340); classify lands as to their mineral and*  
12 *water resources; give engineering supervision to power per-*  
13 *mittees and Federal Energy Regulatory Commission licens-*  
14 *ees; administer the minerals exploration program (30*  
15 *U.S.C. 641); and publish and disseminate data relative to*  
16 *the foregoing activities; and to conduct inquiries into the*  
17 *economic conditions affecting mining and materials proc-*  
18 *essing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C.*  
19 *98g(1)) and related purposes as authorized by law and to*  
20 *publish and disseminate data; \$730,330,000, of which*  
21 *\$62,130,000 shall be available for cooperation with States*  
22 *or municipalities for water resources investigations, and of*  
23 *which \$137,000,000 for resource research and the operations*  
24 *of Cooperative Research Units shall remain available until*  
25 *September 30, 1997, and of which \$16,000,000 shall remain*

1 available until expended for conducting inquiries into the  
2 economic conditions affecting mining and materials proc-  
3 essing industries: Provided, That no part of this appropria-  
4 tion shall be used to pay more than one-half the cost of  
5 any topographic mapping or water resources investigations  
6 carried on in cooperation with any State or municipality:  
7 Provided further, That funds available herein for resource  
8 research may be used for the purchase of not to exceed 61  
9 passenger motor vehicles, of which 55 are for replacement  
10 only: Provided further, That none of the funds available  
11 under this head for resource research shall be used to con-  
12 duct new surveys on private property, including new aerial  
13 surveys for the designation of habitat under the Endangered  
14 Species Act, except when it is made known to the Federal  
15 official having authority to obligate or expend such funds  
16 that the survey or research has been requested and author-  
17 ized in writing by the property owner or the owner's au-  
18 thorized representative: Provided further, That none of the  
19 funds provided herein for resource research may be used to  
20 administer a volunteer program when it is made known  
21 to the Federal official having authority to obligate or ex-  
22 pend such funds that the volunteers are not properly trained  
23 or that information gathered by the volunteers is not care-  
24 fully verified: Provided further, That no later than April  
25 1, 1996, the Director of the United States Geological Survey

1 *shall issue agency guidelines for resource research that en-*  
2 *sure that scientific and technical peer review is utilized as*  
3 *fully as possible in selection of projects for funding and en-*  
4 *sure the validity and reliability of research and data collec-*  
5 *tion on Federal lands: Provided further, That no funds*  
6 *available for resource research may be used for any activity*  
7 *that was not authorized prior to the establishment of the*  
8 *National Biological Survey: Provided further, That once*  
9 *every five years the National Academy of Sciences shall re-*  
10 *view and report on the resource research activities of the*  
11 *Survey: Provided further, That if specific authorizing legis-*  
12 *lation is enacted during or before the start of fiscal year*  
13 *1996, the resource research component of the Survey should*  
14 *comply with the provisions of that legislation: Provided fur-*  
15 *ther, That unobligated and unexpended balances in the Na-*  
16 *tional Biological Survey, Research, inventories and surveys*  
17 *account at the end of fiscal year 1995, shall be merged with*  
18 *and made a part of the United States Geological Survey,*  
19 *Surveys, investigations, and research account and shall re-*  
20 *main available for obligation until September 30, 1996:*  
21 *Provided further, That the authority granted to the United*  
22 *States Bureau of Mines to conduct mineral surveys and to*  
23 *determine mineral values by section 603 of Public Law 94-*  
24 *579 is hereby transferred to, and vested in, the Director of*  
25 *the United States Geological Survey.*

1                                *ADMINISTRATIVE PROVISIONS*

2            *The amount appropriated for the United States Geo-*  
3 *logical Survey shall be available for purchase of not to ex-*  
4 *ceed 22 passenger motor vehicles, for replacement only; re-*  
5 *imbursement to the General Services Administration for se-*  
6 *curity guard services; contracting for the furnishing of topo-*  
7 *graphic maps and for the making of geophysical or other*  
8 *specialized surveys when it is administratively determined*  
9 *that such procedures are in the public interest; construction*  
10 *and maintenance of necessary buildings and appurtenant*  
11 *facilities; acquisition of lands for gauging stations and ob-*  
12 *servation wells; expenses of the United States National*  
13 *Committee on Geology; and payment of compensation and*  
14 *expenses of persons on the rolls of the United States Geologi-*  
15 *cal Survey appointed, as authorized by law, to represent*  
16 *the United States in the negotiation and administration*  
17 *of interstate compacts: Provided, That activities funded by*  
18 *appropriations herein made may be accomplished through*  
19 *the use of contracts, grants, or cooperative agreements as*  
20 *defined in 31 U.S.C. 6302, et seq.*

21                                *MINERALS MANAGEMENT SERVICE*22                                *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

23            *For expenses necessary for minerals leasing and envi-*  
24 *ronmental studies, regulation of industry operations, and*  
25 *collection of royalties, as authorized by law; for enforcing*

1 laws and regulations applicable to oil, gas, and other min-  
2 erals leases, permits, licenses and operating contracts; and  
3 for matching grants or cooperative agreements; including  
4 the purchase of not to exceed eight passenger motor vehicles  
5 for replacement only; \$182,771,000, of which not less than  
6 \$70,105,000 shall be available for royalty management ac-  
7 tivities; and an amount not to exceed \$15,400,000 for the  
8 Technical Information Management System and Related  
9 Activities of the Outer Continental Shelf (OCS) Lands Ac-  
10 tivity, to be credited to this appropriation and to remain  
11 available until expended, from additions to receipts result-  
12 ing from increases to rates in effect on August 5, 1993, from  
13 rate increases to fee collections for OCS administrative ac-  
14 tivities performed by the Minerals Management Service over  
15 and above the rates in effect on September 30, 1993, and  
16 from additional fees for OCS administrative activities es-  
17 tablished after September 30, 1993: Provided, That begin-  
18 ning in fiscal year 1996 and thereafter, fees for royalty rate  
19 relief applications shall be established (and revised as need-  
20 ed) in Notices to Lessees, and shall be credited to this ac-  
21 count in the program areas performing the function, and  
22 remain available until expended for the costs of administer-  
23 ing the royalty rate relief authorized by 43 U.S.C.  
24 1337(a)(3): Provided further, That \$1,500,000 for computer  
25 acquisitions shall remain available until September 30,

1 1997: *Provided further, That funds appropriated under this*  
2 *Act shall be available for the payment of interest in accord-*  
3 *ance with 30 U.S.C. 1721 (b) and (d): Provided further,*  
4 *That not to exceed \$3,000 shall be available for reasonable*  
5 *expenses related to promoting volunteer beach and marine*  
6 *cleanup activities: Provided further, That notwithstanding*  
7 *any other provision of law, \$15,000 under this head shall*  
8 *be available for refunds of overpayments in connection with*  
9 *certain Indian leases in which the Director of the Minerals*  
10 *Management Service concurred with the claimed refund*  
11 *due, to pay amounts owed to Indian allottees or Tribes, or*  
12 *to correct prior unrecoverable erroneous payments: Provided*  
13 *further, That beginning in fiscal year 1996 and thereafter,*  
14 *the Secretary shall take appropriate action to collect unpaid*  
15 *and underpaid royalties and late payment interest owed*  
16 *by Federal and Indian mineral lessees and other royalty*  
17 *payors on amounts received in settlement or other resolu-*  
18 *tion of disputes under, and for partial or complete termi-*  
19 *nation of, sales agreements for minerals from Federal and*  
20 *Indian leases.*

21 *OIL SPILL RESEARCH*

22 *For necessary expenses to carry out the purposes of*  
23 *title I, section 1016, title IV, sections 4202 and 4303, title*  
24 *VII, and title VIII, section 8201 of the Oil Pollution Act*  
25 *of 1990, \$6,440,000, which shall be derived from the Oil*



1 *Spill Liability Trust Fund, to remain available until ex-*  
2 *pended.*

3 *BUREAU OF MINES*

4 *MINES AND MINERALS*

5 *For expenses necessary for, and incidental to, the clo-*  
6 *sure of the United States Bureau of Mines, \$64,000,000,*  
7 *to remain available until expended, of which not to exceed*  
8 *\$5,000,000 may be used for the completion and/or transfer*  
9 *of certain ongoing projects within the United States Bureau*  
10 *of Mines, such projects to be identified by the Secretary of*  
11 *the Interior within 90 days of enactment of this Act: Pro-*  
12 *vided, That there hereby are transferred to, and vested in,*  
13 *the Secretary of Energy: (1) the functions pertaining to the*  
14 *promotion of health and safety in mines and the mineral*  
15 *industry through research vested by law in the Secretary*  
16 *of the Interior or the United States Bureau of Mines and*  
17 *performed in fiscal year 1995 by the United States Bureau*  
18 *of Mines at its Pittsburgh Research Center in Pennsylvania,*  
19 *and at its Spokane Research Center in Washington; (2) the*  
20 *functions pertaining to the conduct of inquiries, techno-*  
21 *logical investigations and research concerning the extrac-*  
22 *tion, processing, use and disposal of mineral substances*  
23 *vested by law in the Secretary of the Interior or the United*  
24 *States Bureau of Mines and performed in fiscal year 1995*  
25 *by the United States Bureau of Mines under the minerals*

1 *and materials science programs at its Pittsburgh Research*  
2 *Center in Pennsylvania, and at its Albany Research Center*  
3 *in Oregon; and (3) the functions pertaining to mineral rec-*  
4 *lamation industries and the development of methods for the*  
5 *disposal, control, prevention, and reclamation of mineral*  
6 *waste products vested by law in the Secretary of the Interior*  
7 *or the United States Bureau of Mines and performed in*  
8 *fiscal year 1995 by the United States Bureau of Mines at*  
9 *its Pittsburgh Research Center in Pennsylvania: Provided*  
10 *further, That, if any of the same functions were performed*  
11 *in fiscal year 1995 at locations other than those listed*  
12 *above, such functions shall not be transferred to the Sec-*  
13 *retary of Energy from those other locations: Provided fur-*  
14 *ther, That the Director of the Office of Management and*  
15 *Budget, in consultation with the Secretary of Energy and*  
16 *the Secretary of the Interior, is authorized to make such*  
17 *determinations as may be necessary with regard to the*  
18 *transfer of functions which relate to or are used by the De-*  
19 *partment of the Interior, or component thereof affected by*  
20 *this transfer of functions, and to make such dispositions*  
21 *of personnel, facilities, assets, liabilities, contracts, prop-*  
22 *erty, records, and unexpended balances of appropriations,*  
23 *authorizations, allocations, and other funds held, used, aris-*  
24 *ing from, available to or to be made available in connection*  
25 *with, the functions transferred herein as are deemed nec-*

1 *essary to accomplish the purposes of this transfer: Provided*  
2 *further, That all reductions in personnel complements re-*  
3 *sulting from the provisions of this Act shall, as to the func-*  
4 *tions transferred to the Secretary of Energy, be done by the*  
5 *Secretary of the Interior as though these transfers had not*  
6 *taken place but had been required of the Department of the*  
7 *Interior by all other provisions of this Act before the trans-*  
8 *fers of function became effective: Provided further, That the*  
9 *transfers of function to the Secretary of Energy shall become*  
10 *effective on the date specified by the Director of the Office*  
11 *of Management and Budget, but in no event later than 90*  
12 *days after enactment into law of this Act: Provided further,*  
13 *That the reference to “function” includes, but is not limited*  
14 *to, any duty, obligation, power, authority, responsibility,*  
15 *right, privilege, and activity, or the plural thereof, as the*  
16 *case may be.*

17 *ADMINISTRATIVE PROVISIONS*

18 *The Secretary is authorized to accept lands, buildings,*  
19 *equipment, other contributions, and fees from public and*  
20 *private sources, and to prosecute projects using such con-*  
21 *tributions and fees in cooperation with other Federal, State*  
22 *or private agencies: Provided, That the Bureau of Mines*  
23 *is authorized, during the current fiscal year, to sell directly*  
24 *or through any Government agency, including corporations,*  
25 *any metal or mineral products that may be manufactured*  
26 *in pilot plants operated by the Bureau of Mines, and the*

1 *proceeds of such sales shall be covered into the Treasury as*  
2 *miscellaneous receipts: Provided further, That notwith-*  
3 *standing any other provision of law, the Secretary is au-*  
4 *thorized to convey, without reimbursement, title and all in-*  
5 *terest of the United States in property and facilities of the*  
6 *United States Bureau of Mines in Juneau, Alaska, to the*  
7 *City and Borough of Juneau, Alaska; in Tuscaloosa, Ala-*  
8 *bama, to the University of Alabama; in Rolla, Missouri,*  
9 *to the University of Missouri-Rolla; and in other localities*  
10 *to such university or government entities as the Secretary*  
11 *deems appropriate.*

12 *OFFICE OF SURFACE MINING RECLAMATION AND*

13 *ENFORCEMENT*

14 *REGULATION AND TECHNOLOGY*

15 *For necessary expenses to carry out the provisions of*  
16 *the Surface Mining Control and Reclamation Act of 1977,*  
17 *Public Law 95–87, as amended, including the purchase of*  
18 *not to exceed 15 passenger motor vehicles for replacement*  
19 *only; \$95,470,000, and notwithstanding 31 U.S.C. 3302, an*  
20 *additional amount shall be credited to this account, to re-*  
21 *main available until expended, from performance bond for-*  
22 *feitures in fiscal year 1996: Provided, That notwithstand-*  
23 *ing any other provision of law, the Secretary of the Interior,*  
24 *pursuant to regulations, may utilize directly or through*  
25 *grants to States, moneys collected in fiscal year 1996 pursu-*

1 *ant to the assessment of civil penalties under section 518*  
2 *of the Surface Mining Control and Reclamation Act of 1977*  
3 *(30 U.S.C. 1268), to reclaim lands adversely affected by coal*  
4 *mining practices after August 3, 1977, to remain available*  
5 *until expended: Provided further, That notwithstanding*  
6 *any other provision of law, appropriations for the Office*  
7 *of Surface Mining Reclamation and Enforcement may pro-*  
8 *vide for the travel and per diem expenses of State and tribal*  
9 *personnel attending Office of Surface Mining Reclamation*  
10 *and Enforcement sponsored training.*

11 *ABANDONED MINE RECLAMATION FUND*

12 *For necessary expenses to carry out the provisions of*  
13 *title IV of the Surface Mining Control and Reclamation Act*  
14 *of 1977, Public Law 95–87, as amended, including the pur-*  
15 *chase of not more than 22 passenger motor vehicles for re-*  
16 *placement only, \$173,887,000, to be derived from receipts*  
17 *of the Abandoned Mine Reclamation Fund and to remain*  
18 *available until expended: Provided, That grants to mini-*  
19 *mum program States will be \$1,500,000 per State in fiscal*  
20 *year 1996: Provided further, That of the funds herein pro-*  
21 *vided up to \$18,000,000 may be used for the emergency pro-*  
22 *gram authorized by section 410 of Public Law 95–87, as*  
23 *amended, of which no more than 25 per centum shall be*  
24 *used for emergency reclamation projects in any one State*  
25 *and funds for Federally-administered emergency reclama-*  
26 *tion projects under this proviso shall not exceed*

1 \$11,000,000: *Provided further, That prior year unobligated*  
2 *funds appropriated for the emergency reclamation program*  
3 *shall not be subject to the 25 per centum limitation per*  
4 *State and may be used without fiscal year limitation for*  
5 *emergency projects: Provided further, That pursuant to*  
6 *Public Law 97-365, the Department of the Interior is au-*  
7 *thorized to utilize up to 20 per centum from the recovery*  
8 *of the delinquent debt owed to the United States Govern-*  
9 *ment to pay for contracts to collect these debts: Provided*  
10 *further, That funds made available to States under title IV*  
11 *of Public Law 95-87 may be used, at their discretion, for*  
12 *any required non-Federal share of the cost of projects funded*  
13 *by the Federal Government for the purpose of environ-*  
14 *mental restoration related to treatment or abatement of acid*  
15 *mine drainage from abandoned mines: Provided further,*  
16 *That such projects must be consistent with the purposes and*  
17 *priorities of the Surface Mining Control and Reclamation*  
18 *Act.*

19 *BUREAU OF INDIAN AFFAIRS*

20 *OPERATION OF INDIAN PROGRAMS*

21 *For operation of Indian programs by direct expendi-*  
22 *ture, contracts, cooperative agreements, compacts, and*  
23 *grants including expenses necessary to provide education*  
24 *and welfare services for Indians, either directly or in co-*  
25 *operation with States and other organizations, including*

1 *payment of care, tuition, assistance, and other expenses of*  
2 *Indians in boarding homes, or institutions, or schools;*  
3 *grants and other assistance to needy Indians; maintenance*  
4 *of law and order; management, development, improvement,*  
5 *and protection of resources and appurtenant facilities*  
6 *under the jurisdiction of the Bureau of Indian Affairs, in-*  
7 *cluding payment of irrigation assessments and charges; ac-*  
8 *quisition of water rights; advances for Indian industrial*  
9 *and business enterprises; operation of Indian arts and*  
10 *crafts shops and museums; development of Indian arts and*  
11 *crafts, as authorized by law; for the general administration*  
12 *of the Bureau of Indian Affairs, including such expenses*  
13 *in field offices; maintaining of Indian reservation roads as*  
14 *defined in section 101 of title 23, United States Code; and*  
15 *construction, repair, and improvement of Indian housing,*  
16 *\$1,384,434,000, of which not to exceed \$100,255,000 shall*  
17 *be for welfare assistance grants and not to exceed*  
18 *\$104,626,000 shall be for payments to tribes and tribal or-*  
19 *ganizations for contract support costs associated with ongo-*  
20 *ing contracts or grants or compacts entered into with the*  
21 *Bureau of Indian Affairs prior to fiscal year 1996, as au-*  
22 *thorized by the Indian Self-Determination Act of 1975, as*  
23 *amended, and up to \$5,000,000 shall be for the Indian Self-*  
24 *Determination Fund, which shall be available for the tran-*  
25 *sitional cost of initial or expanded tribal contracts, grants,*

1 compacts, or cooperative agreements with the Bureau of In-  
2 dian Affairs under the provisions of the Indian Self-Deter-  
3 mination Act; and of which not to exceed \$330,711,000 for  
4 school operations costs of Bureau-funded schools and other  
5 education programs shall become available for obligation on  
6 July 1, 1996, and shall remain available for obligation  
7 until September 30, 1997; and of which not to exceed  
8 \$68,209,000 for higher education scholarships, adult voca-  
9 tional training, and assistance to public schools under the  
10 Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C.  
11 452 et seq.), shall remain available for obligation until Sep-  
12 tember 30, 1997; and of which not to exceed \$71,854,000  
13 shall remain available until expended for housing improve-  
14 ment, road maintenance, attorney fees, litigation support,  
15 self-governance grants, the Indian Self-Determination  
16 Fund, and the Navajo-Hopi Settlement Program: Provided,  
17 That tribes and tribal contractors may use their tribal pri-  
18 ority allocations for unmet indirect costs of ongoing con-  
19 tracts, grants or compact agreements: Provided further,  
20 That funds made available to tribes and tribal organiza-  
21 tions through contracts or grants obligated during fiscal  
22 year 1996, as authorized by the Indian Self-Determination  
23 Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants  
24 authorized by the Indian Education Amendments of 1988  
25 (25 U.S.C. 2001 and 2008A) shall remain available until



1 expended by the contractor or grantee: Provided further,  
2 That to provide funding uniformity within a Self-Govern-  
3 ance Compact, any funds provided in this Act with avail-  
4 ability for more than one year may be reprogrammed to  
5 one year availability but shall remain available within the  
6 Compact until expended: Provided further, That notwith-  
7 standing any other provision of law, Indian tribal govern-  
8 ments may, by appropriate changes in eligibility criteria  
9 or by other means, change eligibility for general assistance  
10 or change the amount of general assistance payments for  
11 individuals within the service area of such tribe who are  
12 otherwise deemed eligible for general assistance payments  
13 so long as such changes are applied in a consistent manner  
14 to individuals similarly situated: Provided further, That  
15 any savings realized by such changes shall be available for  
16 use in meeting other priorities of the tribes: Provided fur-  
17 ther, That any net increase in costs to the Federal Govern-  
18 ment which result solely from tribally increased payment  
19 levels for general assistance shall be met exclusively from  
20 funds available to the tribe from within its tribal priority  
21 allocation: Provided further, That any forestry funds allo-  
22 cated to a tribe which remain unobligated as of September  
23 30, 1996, may be transferred during fiscal year 1997 to  
24 an Indian forest land assistance account established for the  
25 benefit of such tribe within the tribe's trust fund account:

1 *Provided further, That any such unobligated balances not*  
2 *so transferred shall expire on September 30, 1997: Provided*  
3 *further, That notwithstanding any other provision of law,*  
4 *no funds available to the Bureau of Indian Affairs, other*  
5 *than the amounts provided herein for assistance to public*  
6 *schools under the Act of April 16, 1934 (48 Stat. 596), as*  
7 *amended (25 U.S.C. 452 et seq.), shall be available to sup-*  
8 *port the operation of any elementary or secondary school*  
9 *in the State of Alaska in fiscal year 1996: Provided further,*  
10 *That funds made available in this or any other Act for ex-*  
11 *penditure through September 30, 1997 for schools funded*  
12 *by the Bureau of Indian Affairs shall be available only to*  
13 *the schools which are in the Bureau of Indian Affairs school*  
14 *system as of September 1, 1995: Provided further, That no*  
15 *funds available to the Bureau of Indian Affairs shall be*  
16 *used to support expanded grades for any school beyond the*  
17 *grade structure in place at each school in the Bureau of*  
18 *Indian Affairs school system as of October 1, 1995: Provided*  
19 *further, That notwithstanding the provisions of 25 U.S.C.*  
20 *2011(h)(1)(B) and (c), upon the recommendation of a local*  
21 *school board for a Bureau of Indian Affairs operated school,*  
22 *the Secretary shall establish rates of basic compensation or*  
23 *annual salary rates for the positions of teachers and coun-*  
24 *selors (including dormitory and homeliving counselors) at*  
25 *the school at a level not less than that for comparable posi-*

1 tions in public school districts in the same geographic area,  
2 to become effective on July 1, 1997: Provided further, That  
3 of the funds available only through September 30, 1995, not  
4 to exceed \$8,000,000 in unobligated and unexpended bal-  
5 ances in the Operation of Indian Programs account shall  
6 be merged with and made a part of the fiscal year 1996  
7 Operation of Indian Programs appropriation, and shall re-  
8 main available for obligation for employee severance, relo-  
9 cation, and related expenses, until September 30, 1996.

10 CONSTRUCTION

11 For construction, major repair, and improvement of  
12 irrigation and power systems, buildings, utilities, and other  
13 facilities, including architectural and engineering services  
14 by contract; acquisition of lands and interests in lands; and  
15 preparation of lands for farming, \$100,833,000, to remain  
16 available until expended: Provided, That such amounts as  
17 may be available for the construction of the Navajo Indian  
18 Irrigation Project and for other water resource development  
19 activities related to the Southern Arizona Water Rights Set-  
20 tlement Act may be transferred to the Bureau of Reclama-  
21 tion: Provided further, That not to exceed 6 per centum of  
22 contract authority available to the Bureau of Indian Affairs  
23 from the Federal Highway Trust Fund may be used to cover  
24 the road program management costs of the Bureau of In-  
25 dian Affairs: Provided further, That any funds provided for  
26 the Safety of Dams program pursuant to 25 U.S.C. 13 shall

1 *be made available on a non-reimbursable basis: Provided*  
2 *further, That for the fiscal year ending September 30, 1996,*  
3 *in implementing new construction or facilities improve-*  
4 *ment and repair project grants in excess of \$100,000 that*  
5 *are provided to tribally controlled grant schools under Pub-*  
6 *lic Law 100–297, as amended, the Secretary of the Interior*  
7 *shall use the Administrative and Audit Requirements and*  
8 *Cost Principles for Assistance Programs contained in 43*  
9 *CFR part 12 as the regulatory requirements: Provided fur-*  
10 *ther, That such grants shall not be subject to section 12.61*  
11 *of 43 CFR; the Secretary and the grantee shall negotiate*  
12 *and determine a schedule of payments for the work to be*  
13 *performed: Provided further, That in considering applica-*  
14 *tions, the Secretary shall consider whether the Indian tribe*  
15 *or tribal organization would be deficient in assuring that*  
16 *the construction projects conform to applicable building*  
17 *standards and codes and Federal, tribal, or State health*  
18 *and safety standards as required by 25 U.S.C. 2005(a),*  
19 *with respect to organizational and financial management*  
20 *capabilities: Provided further, That if the Secretary declines*  
21 *an application, the Secretary shall follow the requirements*  
22 *contained in 25 U.S.C. 2505(f): Provided further, That any*  
23 *disputes between the Secretary and any grantee concerning*  
24 *a grant shall be subject to the disputes provision in 25*  
25 *U.S.C. 2508(e).*

1        *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*  
2                    *MISCELLANEOUS PAYMENTS TO INDIANS*

3        *For miscellaneous payments to Indian tribes and indi-*  
4 *viduals and for necessary administrative expenses,*  
5 *\$80,645,000, to remain available until expended; of which*  
6 *\$78,600,000 shall be available for implementation of en-*  
7 *acted Indian land and water claim settlements pursuant*  
8 *to Public Laws 87-483, 97-293, 101-618, 102-374, 102-*  
9 *441, 102-575, and 103-116, and for implementation of*  
10 *other enacted water rights settlements, including not to ex-*  
11 *ceed \$8,000,000, which shall be for the Federal share of the*  
12 *Catawba Indian Tribe of South Carolina Claims Settle-*  
13 *ment, as authorized by section 5(a) of Public Law 103-*  
14 *116; and of which \$1,045,000 shall be available pursuant*  
15 *to Public Laws 98-500, 99-264, and 100-580; and of which*  
16 *\$1,000,000 shall be available (1) to liquidate obligations*  
17 *owed tribal and individual Indian payees of any checks*  
18 *canceled pursuant to section 1003 of the Competitive Equal-*  
19 *ity Banking Act of 1987 (Public Law 100-86 (101 Stat.*  
20 *659)), 31 U.S.C. 3334(b), (2) to restore to Individual In-*  
21 *dian Monies trust funds, Indian Irrigation Systems, and*  
22 *Indian Power Systems accounts amounts invested in credit*  
23 *unions or defaulted savings and loan associations and*  
24 *which were not Federally insured, and (3) to reimburse In-*  
25 *dian trust fund account holders for losses to their respective*

1 *accounts where the claim for said loss(es) has been reduced*  
2 *to a judgment or settlement agreement approved by the De-*  
3 *partment of Justice.*

4 *TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES*

5 *For payment of management and technical assistance*  
6 *requests associated with loans and grants approved under*  
7 *the Indian Financing Act of 1974, as amended, \$500,000.*

8 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

9 *For the cost of guaranteed loans \$4,500,000, as author-*  
10 *ized by the Indian Financing Act of 1974, as amended: Pro-*  
11 *vided, That such costs, including the cost of modifying such*  
12 *loans, shall be as defined in section 502 of the Congressional*  
13 *Budget Act of 1974, as amended: Provided further, That*  
14 *these funds are available to subsidize total loan principal,*  
15 *any part of which is to be guaranteed, not to exceed*  
16 *\$35,914,000.*

17 *In addition, for administrative expenses necessary to*  
18 *carry out the guaranteed loan program, \$500,000.*

19 *ADMINISTRATIVE PROVISIONS*

20 *Appropriations for the Bureau of Indian Affairs shall*  
21 *be available for expenses of exhibits, and purchase of not*  
22 *to exceed 275 passenger carrying motor vehicles, of which*  
23 *not to exceed 215 shall be for replacement only.*

1           *TERRITORIAL AND INTERNATIONAL AFFAIRS*2                           *ASSISTANCE TO TERRITORIES*

3           *For expenses necessary for assistance to territories*  
4 *under the jurisdiction of the Department of the Interior,*  
5 *\$65,188,000, of which (1) \$61,661,000 shall be available*  
6 *until expended for technical assistance, including mainte-*  
7 *nance assistance, disaster assistance, insular management*  
8 *controls, and brown tree snake control and research; grants*  
9 *to the judiciary in American Samoa for compensation and*  
10 *expenses, as authorized by law (48 U.S.C. 1661(c)); grants*  
11 *to the Government of American Samoa, in addition to cur-*  
12 *rent local revenues, for construction and support of govern-*  
13 *mental functions; grants to the Government of the Virgin*  
14 *Islands as authorized by law; grants to the Government of*  
15 *Guam, as authorized by law; and grants to the Government*  
16 *of the Northern Mariana Islands as authorized by law*  
17 *(Public Law 94-241; 90 Stat. 272); and (2) \$3,527,000*  
18 *shall be available for salaries and expenses of the Office of*  
19 *Insular Affairs: Provided, That all financial transactions*  
20 *of the territorial and local governments herein provided for,*  
21 *including such transactions of all agencies or instrumental-*  
22 *ities established or utilized by such governments, may be*  
23 *audited by the General Accounting Office, at its discretion,*  
24 *in accordance with chapter 35 of title 31, United States*  
25 *Code: Provided further, That Northern Mariana Islands*

1 *Covenant grant funding shall be provided according to those*  
2 *terms of the Agreement of the Special Representatives on*  
3 *Future United States Financial Assistance for the Northern*  
4 *Mariana Islands approved by Public Law 99–396, or any*  
5 *subsequent legislation related to Commonwealth of the*  
6 *Northern Mariana Islands Covenant grant funding: Pro-*  
7 *vided further, That of the amounts provided for technical*  
8 *assistance, sufficient funding shall be made available for a*  
9 *grant to the Close Up Foundation: Provided further, That*  
10 *the funds for the program of operations and maintenance*  
11 *improvement are appropriated to institutionalize routine*  
12 *operations and maintenance of capital infrastructure in*  
13 *American Samoa, Guam, the Virgin Islands, the Common-*  
14 *wealth of the Northern Mariana Islands, the Republic of*  
15 *Palau, the Republic of the Marshall Islands, and the Fed-*  
16 *erated States of Micronesia through assessments of long-*  
17 *range operations and maintenance needs, improved capa-*  
18 *bility of local operations and maintenance institutions and*  
19 *agencies (including management and vocational education*  
20 *training), and project-specific maintenance (with terri-*  
21 *torial participation and cost sharing to be determined by*  
22 *the Secretary based on the individual territory’s commit-*  
23 *ment to timely maintenance of its capital assets): Provided*  
24 *further, That any appropriation for disaster assistance*  
25 *under this head in this Act or previous appropriations Acts*



1 *may be used as non-Federal matching funds for the purpose*  
2 *of hazard mitigation grants provided pursuant to section*  
3 *404 of the Robert T. Stafford Disaster Relief and Emer-*  
4 *gency Assistance Act (42 U.S.C. 5170c).*

5 *COMPACT OF FREE ASSOCIATION*

6 *For economic assistance and necessary expenses for the*  
7 *Federated States of Micronesia and the Republic of the Mar-*  
8 *shall Islands as provided for in sections 122, 221, 223, 232,*  
9 *and 233 of the Compacts of Free Association, and for eco-*  
10 *nomie assistance and necessary expenses for the Republic*  
11 *of Palau as provided for in sections 122, 221, 223, 232,*  
12 *and 233 of the Compact of Free Association, \$24,938,000,*  
13 *to remain available until expended, as authorized by Public*  
14 *Law 99–239 and Public Law 99–658: Provided, That not-*  
15 *withstanding section 112 of Public Law 101–219 (103 Stat.*  
16 *1873), the Secretary of the Interior may agree to technical*  
17 *changes in the specifications for the project described in the*  
18 *subsidiary agreement negotiated under section 212(a) of the*  
19 *Compact of Free Association, Public Law 99–658, or its*  
20 *annex, if the changes do not result in increased costs to the*  
21 *United States.*

22 *DEPARTMENTAL OFFICES*

23 *DEPARTMENTAL MANAGEMENT*

24 *SALARIES AND EXPENSES*

25 *For necessary expenses for management of the Depart-*  
26 *ment of the Interior, \$57,340,000, of which not to exceed*

1 \$7,500 may be for official reception and representation ex-  
2 penses.

3 *OFFICE OF THE SOLICITOR*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Office of the Solicitor,*  
6 *\$34,516,000.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Office of Inspector Gen-*  
10 *eral, \$23,939,000.*

11 *CONSTRUCTION MANAGEMENT*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Office of Construction*  
14 *Management, \$500,000.*

15 *NATIONAL INDIAN GAMING COMMISSION*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the National Indian Gaming*  
18 *Commission, pursuant to Public Law 100–497, \$1,000,000:*  
19 *Provided, That on March 1, 1996, the Chairman shall sub-*  
20 *mit to the Secretary a report detailing those Indian tribes*  
21 *or tribal organizations with gaming operations that are in*  
22 *full compliance, partial compliance, or non-compliance*  
23 *with the provisions of the Indian Gaming Regulatory Act*  
24 *(25 U.S.C. 2701, et seq.): Provided further, That the infor-*

1 *mation contained in the report shall be updated on a con-*  
2 *tinuing basis.*

3 *OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS*

4 *FEDERAL TRUST PROGRAMS*

5 *For operation of trust programs for Indians by direct*  
6 *expenditure, contracts, cooperative agreements, compacts,*  
7 *and grants, \$16,338,000, of which \$15,891,000 shall remain*  
8 *available until expended for trust funds management: Pro-*  
9 *vided, That funds made available to tribes and tribal orga-*  
10 *nizations through contracts or grants obligated during fis-*  
11 *cal year 1996, as authorized by the Indian Self-Determina-*  
12 *tion Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.),*  
13 *shall remain available until expended by the contractor or*  
14 *grantee: Provided further, That notwithstanding any other*  
15 *provision of law, the statute of limitations shall not com-*  
16 *mence to run on any claim, including any claim in litiga-*  
17 *tion pending on the date of this Act, concerning losses to*  
18 *or mismanagement of trust funds, until the affected tribe*  
19 *or individual Indian has been furnished with the account-*  
20 *ing of such funds from which the beneficiary can determine*  
21 *whether there has been a loss: Provided further, That obli-*  
22 *gated and unobligated balances provided for trust funds*  
23 *management within "Operation of Indian programs", Bu-*  
24 *reau of Indian Affairs are hereby transferred to and merged*  
25 *with this appropriation.*



1 *been exhausted: Provided further, That all funds used pur-*  
2 *suant to this section are hereby designated by Congress to*  
3 *be “emergency requirements” pursuant to section*  
4 *251(b)(2)(D) of the Balanced Budget and Emergency Defi-*  
5 *cit Control Act of 1985 and must be replenished by a sup-*  
6 *plemental appropriation which must be requested as*  
7 *promptly as possible.*

8       *SEC. 102. The Secretary may authorize the expendi-*  
9 *ture or transfer of any no year appropriation in this title,*  
10 *in addition to the amounts included in the budget programs*  
11 *of the several agencies, for the suppression or emergency*  
12 *prevention of forest or range fires on or threatening lands*  
13 *under the jurisdiction of the Department of the Interior;*  
14 *for the emergency rehabilitation of burned-over lands under*  
15 *its jurisdiction; for emergency actions related to potential*  
16 *or actual earthquakes, floods, volcanoes, storms, or other un-*  
17 *avoidable causes; for contingency planning subsequent to*  
18 *actual oilspills; response and natural resource damage as-*  
19 *essment activities related to actual oilspills; for the preven-*  
20 *tion, suppression, and control of actual or potential grass-*  
21 *hopper and Mormon cricket outbreaks on lands under the*  
22 *jurisdiction of the Secretary, pursuant to the authority in*  
23 *section 1773(b) of Public Law 99–198 (99 Stat. 1658); for*  
24 *emergency reclamation projects under section 410 of Public*  
25 *Law 95–87; and shall transfer, from any no year funds*

1 *available to the Office of Surface Mining Reclamation and*  
2 *Enforcement, such funds as may be necessary to permit as-*  
3 *sumption of regulatory authority in the event a primacy*  
4 *State is not carrying out the regulatory provisions of the*  
5 *Surface Mining Act: Provided, That appropriations made*  
6 *in this title for fire suppression purposes shall be available*  
7 *for the payment of obligations incurred during the preced-*  
8 *ing fiscal year, and for reimbursement to other Federal*  
9 *agencies for destruction of vehicles, aircraft, or other equip-*  
10 *ment in connection with their use for fire suppression pur-*  
11 *poses, such reimbursement to be credited to appropriations*  
12 *currently available at the time of receipt thereof: Provided*  
13 *further, That for emergency rehabilitation and wildfire sup-*  
14 *pression activities, no funds shall be made available under*  
15 *this authority until funds appropriated to the “Emergency*  
16 *Department of the Interior Firefighting Fund” shall have*  
17 *been exhausted: Provided further, That all funds used pur-*  
18 *suant to this section are hereby designated by Congress to*  
19 *be “emergency requirements” pursuant to section*  
20 *251(b)(2)(D) of the Balanced Budget and Emergency Defi-*  
21 *cit Control Act of 1985 and must be replenished by a sup-*  
22 *plemental appropriation which must be requested as*  
23 *promptly as possible: Provided further, That such replenish-*  
24 *ment funds shall be used to reimburse, on a pro rata basis,*  
25 *accounts from which emergency funds were transferred.*

1       *SEC. 103. Appropriations made in this title shall be*  
2 *available for operation of warehouses, garages, shops, and*  
3 *similar facilities, wherever consolidation of activities will*  
4 *contribute to efficiency or economy, and said appropria-*  
5 *tions shall be reimbursed for services rendered to any other*  
6 *activity in the same manner as authorized by sections 1535*  
7 *and 1536 of title 31, United States Code: Provided, That*  
8 *reimbursements for costs and supplies, materials, equip-*  
9 *ment, and for services rendered may be credited to the ap-*  
10 *propriation current at the time such reimbursements are*  
11 *received.*

12       *SEC. 104. Appropriations made to the Department of*  
13 *the Interior in this title shall be available for services as*  
14 *authorized by 5 U.S.C. 3109, when authorized by the Sec-*  
15 *retary, in total amount not to exceed \$500,000; hire, main-*  
16 *tenance, and operation of aircraft; hire of passenger motor*  
17 *vehicles; purchase of reprints; payment for telephone service*  
18 *in private residences in the field, when authorized under*  
19 *regulations approved by the Secretary; and the payment of*  
20 *dues, when authorized by the Secretary, for library member-*  
21 *ship in societies or associations which issue publications to*  
22 *members only or at a price to members lower than to sub-*  
23 *scribers who are not members.*

24       *SEC. 105. Appropriations available to the Department*  
25 *of the Interior for salaries and expenses shall be available*

1 *for uniforms or allowances therefor, as authorized by law*  
2 *(5 U.S.C. 5901–5902 and D.C. Code 4–204).*

3 *SEC. 106. Appropriations made in this title shall be*  
4 *available for obligation in connection with contracts issued*  
5 *for services or rentals for periods not in excess of twelve*  
6 *months beginning at any time during the fiscal year.*

7 *SEC. 107. Appropriations made in this title from the*  
8 *Land and Water Conservation Fund for acquisition of*  
9 *lands and waters, or interests therein, shall be available for*  
10 *transfer, with the approval of the Secretary, between the*  
11 *following accounts: Bureau of Land Management, Land ac-*  
12 *quisition, United States Fish and Wildlife Service, Land*  
13 *acquisition, and National Park Service, Land acquisition*  
14 *and State assistance. Use of such funds are subject to the*  
15 *reprogramming guidelines of the House and Senate Com-*  
16 *mittees on Appropriations.*

17 *SEC. 108. Prior to the transfer of Presidio properties*  
18 *to the Presidio Trust, when authorized, the Secretary may*  
19 *not obligate in any calendar month more than  $\frac{1}{12}$  of the*  
20 *fiscal year 1996 appropriation for operation of the Pre-*  
21 *sidio: Provided, That this section shall expire on December*  
22 *31, 1995.*

23 *SEC. 109. Section 6003 of Public Law 101–380 is here-*  
24 *by repealed.*



1        *SEC. 110. None of the funds appropriated or otherwise*  
2 *made available by this Act may be obligated or expended*  
3 *by the Secretary of the Interior for developing, promulgat-*  
4 *ing, and thereafter implementing a rule concerning rights-*  
5 *of-way under section 2477 of the Revised Statutes.*

6        *SEC. 111. No funds provided in this title may be ex-*  
7 *pended by the Department of the Interior for the conduct*  
8 *of offshore leasing and related activities placed under re-*  
9 *striction in the President's moratorium statement of June*  
10 *26, 1990, in the areas of Northern, Central, and Southern*  
11 *California; the North Atlantic; Washington and Oregon;*  
12 *and the Eastern Gulf of Mexico south of 26 degrees north*  
13 *latitude and east of 86 degrees west longitude.*

14        *SEC. 112. No funds provided in this title may be ex-*  
15 *pended by the Department of the Interior for the conduct*  
16 *of leasing, or the approval or permitting of any drilling*  
17 *or other exploration activity, on lands within the North*  
18 *Aleutian Basin planning area.*

19        *SEC. 113. No funds provided in this title may be ex-*  
20 *pended by the Department of the Interior for the conduct*  
21 *of preleasing and leasing activities in the Eastern Gulf of*  
22 *Mexico for Outer Continental Shelf Lease Sale 151 in the*  
23 *Outer Continental Shelf Natural Gas and Oil Resource*  
24 *Management Comprehensive Program, 1992–1997.*

1        *SEC. 114. No funds provided in this title may be ex-*  
2 *pended by the Department of the Interior for the conduct*  
3 *of preleasing and leasing activities in the Atlantic for Outer*  
4 *Continental Shelf Lease Sale 164 in the Outer Continental*  
5 *Shelf Natural Gas and Oil Resource Management Com-*  
6 *prehensive Program, 1992–1997.*

7        *SEC. 115. (a) Of the funds appropriated by this Act*  
8 *or any subsequent Act providing for appropriations in fis-*  
9 *cal years 1996 and 1997, not more than 50 percent of any*  
10 *self-governance funds that would otherwise be allocated to*  
11 *each Indian tribe in the State of Washington shall actually*  
12 *be paid to or on account of such Indian tribe from and*  
13 *after the time at which such tribe shall—*

14            *(1) take unilateral action that adversely impacts*  
15 *the existing rights to and/or customary uses of,*  
16 *nontribal member owners of fee simple land within*  
17 *the exterior boundary of the tribe’s reservation to*  
18 *water, electricity, or any other similar utility or ne-*  
19 *cessity for the nontribal members’ residential use of*  
20 *such land; or*

21            *(2) restrict or threaten to restrict said owners*  
22 *use of or access to publicly maintained rights-of-way*  
23 *necessary or desirable in carrying the utilities or ne-*  
24 *cessities described above.*

1           **(b)** *Such penalty shall not attach to the initiation of*  
2 *any legal actions with respect to such rights or the enforce-*  
3 *ment of any final judgments, appeals from which have been*  
4 *exhausted, with respect thereto.*

5           **SEC. 116.** *Within 30 days after the enactment of this*  
6 *Act, the Department of the Interior shall issue a specific*  
7 *schedule for the completion of the Lake Cushman Land Ex-*  
8 *change Act (Public Law 102–436) and shall complete the*  
9 *exchange not later than September 30, 1996.*

10          **SEC. 117.** *Notwithstanding Public Law 90–544, as*  
11 *amended, the National Park Service is authorized to expend*  
12 *appropriated funds for maintenance and repair of the Com-*  
13 *pany Creek Road in the Lake Chelan National Recreation*  
14 *Area: Provided, That appropriated funds shall not be ex-*  
15 *pended for the purpose of improving the property of private*  
16 *individuals unless specifically authorized by law.*

17          **SEC. 118.** *Section 4(b) of Public Law 94–241 (90 Stat.*  
18 *263) as added by section 10 of Public Law 99–396 is*  
19 *amended by deleting “until Congress otherwise provides by*  
20 *law.” and inserting in lieu thereof: “except that, for fiscal*  
21 *years 1996 through 2002, payments to the Commonwealth*  
22 *of the Northern Mariana Islands pursuant to the multi-year*  
23 *funding agreements contemplated under the Covenant shall*  
24 *be \$11,000,000 annually, subject to an equal local match*  
25 *and all other requirements set forth in the Agreement of*

1 *the Special Representatives on Future Federal Financial*  
2 *Assistance of the Northern Mariana Islands, executed on*  
3 *December 17, 1992 between the special representative of the*  
4 *President of the United States and special representatives*  
5 *of the Governor of the Northern Mariana Islands with any*  
6 *additional amounts otherwise made available under this*  
7 *section in any fiscal year and not required to meet the*  
8 *schedule of payments in this subsection to be provided as*  
9 *set forth in subsection (c) until Congress otherwise provides*  
10 *by law.*

11       “(c) *The additional amounts referred to in subsection*  
12 *(b) shall be made available to the Secretary for obligation*  
13 *as follows:*

14               “(1) *for fiscal years 1996 through 2001,*  
15               *\$4,580,000 annually for capital infrastructure*  
16               *projects as Impact Aid for Guam under section*  
17               *104(c)(6) of Public Law 99–239;*

18               “(2) *for fiscal year 1996, \$7,700,000 shall be*  
19               *provided for capital infrastructure projects in Amer-*  
20               *ican Samoa; \$4,420,000 for resettlement of Rongelap*  
21               *Atoll; and*

22               “(3) *for fiscal years 1997 and thereafter, all such*  
23               *amounts shall be available solely for capital infra-*  
24               *structure projects in Guam, the Virgin Islands, Amer-*  
25               *ican Samoa, the Commonwealth of the Northern Mar-*

1        *iana Islands, the Republic of Palau, the Federated*  
2        *States of Micronesia and the Republic of the Marshall*  
3        *Islands: Provided, That, in fiscal year 1997,*  
4        *\$3,000,000 of such amounts shall be made available*  
5        *to the College of the Northern Marianas and begin-*  
6        *ning in fiscal year 1997, and in each year thereafter,*  
7        *not to exceed \$3,000,000 may be allocated, as pro-*  
8        *vided in appropriations Acts, to the Secretary of the*  
9        *Interior for use by Federal agencies or the Common-*  
10       *wealth of the Northern Mariana Islands to address*  
11       *immigration, labor, and law enforcement issues in the*  
12       *Northern Mariana Islands. The specific projects to be*  
13       *funded in American Samoa shall be set forth in a*  
14       *five-year plan for infrastructure assistance developed*  
15       *by the Secretary of the Interior in consultation with*  
16       *the American Samoa Government and updated annu-*  
17       *ally and submitted to the Congress concurrent with*  
18       *the budget justifications for the Department of the In-*  
19       *terior. In developing budget recommendations for cap-*  
20       *ital infrastructure funding, the Secretary shall indi-*  
21       *cate the highest priority projects, consider the extent*  
22       *to which particular projects are part of an overall*  
23       *master plan, whether such project has been reviewed*  
24       *by the Corps of Engineers and any recommendations*  
25       *made as a result of such review, the extent to which*

1        *a set-aside for maintenance would enhance the life of*  
2        *the project, the degree to which a local cost-share re-*  
3        *quirement would be consistent with local economic*  
4        *and fiscal capabilities, and may propose an incre-*  
5        *mental set-aside, not to exceed \$2,000,000 per year, to*  
6        *remain available without fiscal year limitation, as an*  
7        *emergency fund in the event of natural or other disas-*  
8        *ters to supplement other assistance in the repair, re-*  
9        *placement, or hardening of essential facilities: Pro-*  
10       *vided further, That the cumulative amount set aside*  
11       *for such emergency fund may not exceed \$10,000,000*  
12       *at any time.*

13       *“(d) Within the amounts allocated for infrastructure*  
14       *pursuant to this section, and subject to the specific alloca-*  
15       *tions made in subsection (c), additional contributions may*  
16       *be made, as set forth in appropriations Acts, to assist in*  
17       *the resettlement of Rongelap Atoll: Provided, That the total*  
18       *of all contributions from any Federal source after enact-*  
19       *ment of this Act may not exceed \$32,000,000 and shall be*  
20       *contingent upon an agreement, satisfactory to the Presi-*  
21       *dent, that such contributions are a full and final settlement*  
22       *of all obligations of the United States to assist in the reset-*  
23       *tlement of Rongelap Atoll and that such funds will be ex-*  
24       *pended solely on resettlement activities and will be properly*  
25       *audited and accounted for. In order to provide such con-*

1 *tributions in a timely manner, each Federal agency provid-*  
2 *ing assistance or services, or conducting activities, in the*  
3 *Republic of the Marshall Islands, is authorized to make*  
4 *funds available through the Secretary of the Interior, to as-*  
5 *sist in the resettlement of Rongelap. Nothing in this sub-*  
6 *section shall be construed to limit the provision of ex gratia*  
7 *assistance pursuant to section 105(c)(2) of the Compact of*  
8 *Free Association Act of 1985 (Public Law 99–239, 99 Stat.*  
9 *1770, 1792) including for individuals choosing not to reset-*  
10 *tle at Rongelap, except that no such assistance for such in-*  
11 *dividuals may be provided until the Secretary notifies the*  
12 *Congress that the full amount of all funds necessary for re-*  
13 *settlement at Rongelap has been provided.”.*

14 *TITLE II—RELATED AGENCIES*

15 *DEPARTMENT OF AGRICULTURE*

16 *FOREST SERVICE*

17 *FOREST RESEARCH*

18 *For necessary expenses of forest research as authorized*  
19 *by law, \$177,757,000, to remain available until September*  
20 *30, 1997.*

21 *STATE AND PRIVATE FORESTRY*

22 *For necessary expenses of cooperating with, and pro-*  
23 *viding technical and financial assistance to States, Terri-*  
24 *tories, possessions, and others and for forest pest manage-*  
25 *ment activities, cooperative forestry and education and*

1 *land conservation activities, \$136,695,000, to remain avail-*  
2 *able until expended, as authorized by law: Provided, That*  
3 *of funds available under this heading for Pacific Northwest*  
4 *Assistance in this or prior appropriations Acts, \$200,000*  
5 *shall be provided to the World Forestry Center for purposes*  
6 *of continuing scientific research and other authorized efforts*  
7 *regarding the land exchange efforts in the Umpqua River*  
8 *Basin Region.*

9 *NATIONAL FOREST SYSTEM*

10 *For necessary expenses of the Forest Service, not other-*  
11 *wise provided for, for management, protection, improve-*  
12 *ment, and utilization of the National Forest System, for*  
13 *ecosystem planning, inventory, and monitoring, and for ad-*  
14 *ministrative expenses associated with the management of*  
15 *funds provided under the heads "Forest Research", "State*  
16 *and Private Forestry", "National Forest System", "Con-*  
17 *struction", "Fire Protection and Emergency Suppression",*  
18 *and "Land Acquisition", \$1,255,004,999, to remain avail-*  
19 *able for obligation until September 30, 1997, and including*  
20 *65 per centum of all monies received during the prior fiscal*  
21 *year as fees collected under the Land and Water Conserva-*  
22 *tion Fund Act of 1965, as amended, in accordance with*  
23 *section 4 of the Act (16 U.S.C. 460l-6a(i)), of which not*  
24 *more than \$81,249,999 shall be available for travel ex-*  
25 *penses: Provided, That unobligated and unexpended bal-*



1 *ances in the National Forest System account at the end of*  
2 *fiscal year 1995, shall be merged with and made a part*  
3 *of the fiscal year 1996 National Forest System appropria-*  
4 *tion, and shall remain available for obligation until Sep-*  
5 *tember 30, 1997: Provided further, That up to \$5,000,000*  
6 *of the funds provided herein for road maintenance shall be*  
7 *available for the planned obliteration of roads which are*  
8 *no longer needed.*

9 *WILDLAND FIRE MANAGEMENT*

10 *For necessary expenses for forest fire presuppression*  
11 *activities on National Forest System lands, for emergency*  
12 *fire suppression on or adjacent to National Forest System*  
13 *lands or other lands under fire protection agreement, and*  
14 *for emergency rehabilitation of burned over National Forest*  
15 *System lands, \$385,485,000, to remain available until ex-*  
16 *pended: Provided, That unexpended balances of amounts*  
17 *previously appropriated under any other headings for For-*  
18 *est Service fire activities may be transferred to and merged*  
19 *with this appropriation: Provided further, That such funds*  
20 *are available for repayment of advances from other appro-*  
21 *priations accounts previously transferred for such purposes.*

22 *CONSTRUCTION*

23 *For necessary expenses of the Forest Service, not other-*  
24 *wise provided for, \$163,384,000, to remain available until*  
25 *expended, for construction and acquisition of buildings and*  
26 *other facilities, and for construction and repair of forest*

1 roads and trails by the Forest Service as authorized by 16  
2 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided,  
3 That funds becoming available in fiscal year 1996 under  
4 the Act of March 4, 1913 (16 U.S.C. 501) shall be trans-  
5 ferred to the General Fund of the Treasury of the United  
6 States: Provided further, That not to exceed \$50,000,000,  
7 to remain available until expended, may be obligated for  
8 the construction of forest roads by timber purchasers: Pro-  
9 vided further, That \$2,500,000 of the funds appropriated  
10 herein shall be available for a grant to the “Non-Profit Citi-  
11 zens for the Columbia Gorge Discovery Center” for the con-  
12 struction of the Columbia Gorge Discovery Center: Provided  
13 further, That the Forest Service is authorized to grant the  
14 unobligated balance of funds appropriated in fiscal year  
15 1995 for the construction of the Columbia Gorge Discovery  
16 Center and related trail construction funds to the “Non-  
17 Profit Citizens for the Columbia Gorge Discovery Center”  
18 to be used for the same purpose: Provided further, That the  
19 Forest Service is authorized to convey the land needed for  
20 the construction of the Columbia Gorge Discovery Center  
21 without cost to the “Non-Profit Citizens for the Columbia  
22 Gorge Discovery Center”: Provided further, That notwith-  
23 standing any other provision of law, funds originally ap-  
24 propriated under this head in Public Law 101–512 for the  
25 Forest Service share of a new research facility at the Uni-

1 *versity of Missouri, Columbia, shall be available for a grant*  
2 *to the University of Missouri, as the Federal share in the*  
3 *construction of the new facility: Provided further, That*  
4 *agreed upon lease of space in the new facility shall be pro-*  
5 *vided to the Forest Service without charge for the life of*  
6 *the building.*

7 *LAND ACQUISITION*

8 *For expenses necessary to carry out the provisions of*  
9 *the Land and Water Conservation Fund Act of 1965, as*  
10 *amended (16 U.S.C. 460l-4-11), including administrative*  
11 *expenses, and for acquisition of land or waters, or interest*  
12 *therein, in accordance with statutory authority applicable*  
13 *to the Forest Service, \$41,200,000, to be derived from the*  
14 *Land and Water Conservation Fund, to remain available*  
15 *until expended.*

16 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*

17 *ACTS*

18 *For acquisition of lands within the exterior boundaries*  
19 *of the Cache, Uinta, and Wasatch National Forests, Utah;*  
20 *the Toiyabe National Forest, Nevada; and the Angeles, San*  
21 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*  
22 *ornia, as authorized by law, \$1,069,000, to be derived from*  
23 *forest receipts.*

## 1 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

2 For acquisition of lands, to be derived from funds de-  
3 posited by State, county, or municipal governments, public  
4 school districts, or other public school authorities pursuant  
5 to the Act of December 4, 1967, as amended (16 U.S.C.  
6 484a), to remain available until expended.

## 7 RANGE BETTERMENT FUND

8 For necessary expenses of range rehabilitation, protec-  
9 tion, and improvement, 50 per centum of all moneys re-  
10 ceived during the prior fiscal year, as fees for grazing do-  
11 mestic livestock on lands in National Forests in the sixteen  
12 Western States, pursuant to section 401(b)(1) of Public Law  
13 94-579, as amended, to remain available until expended,  
14 of which not to exceed 6 per centum shall be available for  
15 administrative expenses associated with on-the-ground  
16 range rehabilitation, protection, and improvements.

## 17 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

## 18 RANGELAND RESEARCH

19 For expenses authorized by 16 U.S.C. 1643(b),  
20 \$92,000, to remain available until expended, to be derived  
21 from the fund established pursuant to the above Act.

## 22 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

23 Appropriations to the Forest Service for the current  
24 fiscal year shall be available for: (a) purchase of not to ex-  
25 ceed 183 passenger motor vehicles of which 32 will be used

1 *primarily for law enforcement purposes and of which 151*  
2 *shall be for replacement; acquisition of 22 passenger motor*  
3 *vehicles from excess sources, and hire of such vehicles; oper-*  
4 *ation and maintenance of aircraft, the purchase of not to*  
5 *exceed two for replacement only, and acquisition of 20 air-*  
6 *craft from excess sources; notwithstanding other provisions*  
7 *of law, existing aircraft being replaced may be sold, with*  
8 *proceeds derived or trade-in value used to offset the pur-*  
9 *chase price for the replacement aircraft; (b) services pursu-*  
10 *ant to the second sentence of section 706(a) of the Organic*  
11 *Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000*  
12 *for employment under 5 U.S.C. 3109; (c) purchase, erection,*  
13 *and alteration of buildings and other public improvements*  
14 *(7 U.S.C. 2250); (d) acquisition of land, waters, and inter-*  
15 *ests therein, pursuant to the Act of August 3, 1956 (7 U.S.C.*  
16 *428a); (e) for expenses pursuant to the Volunteers in the*  
17 *National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a*  
18 *note); and (f) for debt collection contracts in accordance*  
19 *with 31 U.S.C. 3718(c).*

20 *None of the funds made available under this Act shall*  
21 *be obligated or expended to change the boundaries of any*  
22 *region, to abolish any region, to move or close any regional*  
23 *office for research, State and private forestry, or National*  
24 *Forest System administration of the Forest Service, Depart-*  
25 *ment of Agriculture, or to implement any reorganization,*

1 “reinvention” or other type of organizational restructuring  
2 of the Forest Service, other than the relocation of the Re-  
3 gional Office for Region 5 of the Forest Service from San  
4 Francisco to excess military property at Mare Island,  
5 Vallejo, California, without the consent of the House and  
6 Senate Committees on Appropriations and the Committee  
7 on Agriculture, Nutrition, and Forestry and the Committee  
8 on Energy and Natural Resources in the United States Sen-  
9 ate and the Committee on Agriculture and the Committee  
10 on Resources in the United States House of Representatives.

11       Any appropriations or funds available to the Forest  
12 Service may be advanced to the Fire and Emergency Sup-  
13 pression appropriation and may be used for forest firefight-  
14 ing and the emergency rehabilitation of burned-over lands  
15 under its jurisdiction: Provided, That no funds shall be  
16 made available under this authority until funds appro-  
17 priated to the “Emergency Forest Service Firefighting  
18 Fund” shall have been exhausted.

19       Any funds available to the Forest Service may be used  
20 for retrofitting Mare Island facilities to accommodate the  
21 relocation: Provided, That funds for the move must come  
22 from funds otherwise available to Region 5: Provided fur-  
23 ther, That any funds to be provided for such purposes shall  
24 only be available upon approval of the House and Senate  
25 Committees on Appropriations.

1        *Funds appropriated to the Forest Service shall be*  
2 *available for assistance to or through the Agency for Inter-*  
3 *national Development and the Foreign Agricultural Service*  
4 *in connection with forest and rangeland research, technical*  
5 *information, and assistance in foreign countries, and shall*  
6 *be available to support forestry and related natural resource*  
7 *activities outside the United States and its territories and*  
8 *possessions, including technical assistance, education and*  
9 *training, and cooperation with United States and inter-*  
10 *national organizations.*

11        *None of the funds made available to the Forest Service*  
12 *under this Act shall be subject to transfer under the provi-*  
13 *sions of section 702(b) of the Department of Agriculture Or-*  
14 *ganic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless*  
15 *the proposed transfer is approved in advance by the House*  
16 *and Senate Committees on Appropriations in compliance*  
17 *with the reprogramming procedures contained in House Re-*  
18 *port 103–551.*

19        *No funds appropriated to the Forest Service shall be*  
20 *transferred to the Working Capital Fund of the Department*  
21 *of Agriculture without the approval of the Chief of the For-*  
22 *est Service.*

23        *Notwithstanding any other provision of law, any ap-*  
24 *propriations or funds available to the Forest Service may*  
25 *be used to disseminate program information to private and*

1 *public individuals and organizations through the use of*  
2 *nonmonetary items of nominal value and to provide*  
3 *nonmonetary awards of nominal value and to incur nec-*  
4 *essary expenses for the nonmonetary recognition of private*  
5 *individuals and organizations that make contributions to*  
6 *Forest Service programs.*

7 *Notwithstanding any other provision of law, money*  
8 *collected, in advance or otherwise, by the Forest Service*  
9 *under authority of section 101 of Public Law 93–153 (30*  
10 *U.S.C. 185(1)) as reimbursement of administrative and*  
11 *other costs incurred in processing pipeline right-of-way or*  
12 *permit applications and for costs incurred in monitoring*  
13 *the construction, operation, maintenance, and termination*  
14 *of any pipeline and related facilities, may be used to reim-*  
15 *burse the applicable appropriation to which such costs were*  
16 *originally charged.*

17 *Funds available to the Forest Service shall be available*  
18 *to conduct a program of not less than \$1,000,000 for high*  
19 *priority projects within the scope of the approved budget*  
20 *which shall be carried out by the Youth Conservation Corps*  
21 *as authorized by the Act of August 13, 1970, as amended*  
22 *by Public Law 93–408.*

23 *None of the funds available in this Act shall be used*  
24 *for timber sale preparation using clearcutting in hardwood*  
25 *stands in excess of 25 percent of the fiscal year 1989 har-*



1 *vested volume in the Wayne National Forest, Ohio: Pro-*  
2 *vided, That this limitation shall not apply to hardwood*  
3 *stands damaged by natural disaster: Provided further, That*  
4 *landscape architects shall be used to maintain a visually*  
5 *pleasing forest.*

6 *Any money collected from the States for fire suppres-*  
7 *sion assistance rendered by the Forest Service on non-Fed-*  
8 *eral lands not in the vicinity of National Forest System*  
9 *lands shall be used to reimburse the applicable appropria-*  
10 *tion and shall remain available until expended as the Sec-*  
11 *retary may direct in conducting activities authorized by*  
12 *16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.*

13 *Of the funds available to the Forest Service, \$1,500 is*  
14 *available to the Chief of the Forest Service for official recep-*  
15 *tion and representation expenses.*

16 *Notwithstanding any other provision of law, the Forest*  
17 *Service is authorized to employ or otherwise contract with*  
18 *persons at regular rates of pay, as determined by the Serv-*  
19 *ice, to perform work occasioned by emergencies such as fires,*  
20 *storms, floods, earthquakes or any other unavoidable cause*  
21 *without regard to Sundays, Federal holidays, and the regu-*  
22 *lar workweek.*

23 *To the greatest extent possible, and in accordance with*  
24 *the Final Amendment to the Shawnee National Forest Plan,*  
25 *none of the funds available in this Act shall be used for*

1 *preparation of timber sales using clearcutting or other*  
2 *forms of even aged management in hardwood stands in the*  
3 *Shawnee National Forest, Illinois.*

4 *Funds appropriated to the Forest Service shall be*  
5 *available for interactions with and providing technical as-*  
6 *sistance to rural communities for sustainable rural develop-*  
7 *ment purposes.*

8 *Notwithstanding any other provision of law, eighty*  
9 *percent of the funds appropriated to the Forest Service in*  
10 *the National Forest System and Construction accounts and*  
11 *planned to be allocated to activities under the “Jobs in the*  
12 *Woods” program for projects on National Forest land in*  
13 *the State of Washington may be granted directly to the*  
14 *Washington State Department of Fish and Wildlife for ac-*  
15 *complishment of planned projects. Twenty percent of said*  
16 *funds shall be retained by the Forest Service for planning*  
17 *and administering projects. Project selection and*  
18 *prioritization shall be accomplished by the Forest Service*  
19 *with such consultation with the State of Washington as the*  
20 *Forest Service deems appropriate.*

21 *For one year after enactment of this Act, the Secretary*  
22 *shall continue the current Tongass Land Management Plan*  
23 *(TLMP) and may accommodate commercial tourism (if an*  
24 *agreement is signed between the Forest Service and the*  
25 *Alaska Visitors’ Association) except that during this period,*

1 *the Secretary shall maintain at least the number of acres*  
2 *of suitable available and suitable scheduled timber lands,*  
3 *and Allowable Sale Quantity as identified in the Preferred*  
4 *Alternative (Alternative P) in the Tongass Land and Re-*  
5 *sources Management Plan and Final Environmental Im-*  
6  *pact Statement (dated October 1992) as selected in the*  
7 *Record of Decision Review Draft #3-2/93. Nothing in this*  
8 *paragraph shall be interpreted to mandate clear-cutting or*  
9 *require the sale of timber and nothing in this paragraph,*  
10 *including the ASQ identified in Alternative P, shall be con-*  
11 *strued to limit the Secretary's consideration of new infor-*  
12 *mation or to prejudice future revision, amendment or modi-*  
13 *fication of TLMP based upon sound, verifiable scientific*  
14 *data.*

15 *If the Forest Service determines in a Supplemental*  
16 *Evaluation to an Environmental Impact Statement that no*  
17 *additional analysis under the National Environmental Pol-*  
18 *icy Act or section 810 of the Alaska National Interest Lands*  
19 *Conservation Act is necessary for any timber sale or offer-*  
20 *ing which has been prepared for acceptance by, or award*  
21 *to, a purchaser after December 31, 1988, that has been sub-*  
22 *sequently determined by the Forest Service to be available*  
23 *for sale or offering to one or more other purchaser, the*  
24 *change of purchasers for whatever reason shall not be con-*  
25 *sidered a significant new circumstance, and the Forest*

1 *Service may offer or award such timber sale or offering to*  
2 *a different purchaser or offeree, notwithstanding any other*  
3 *provision of law. A determination by the Forest Service*  
4 *pursuant to this paragraph shall not be subject to judicial*  
5 *review.*

6 *None of the funds appropriated under this Act for the*  
7 *Forest Service shall be made available for the purpose of*  
8 *applying paint to rocks, or rock colorization: Provided,*  
9 *That notwithstanding any other provision of law, the Forest*  
10 *Service shall not require of any individual or entity, as*  
11 *part of any permitting process under its authority, or as*  
12 *a requirement of compliance with the National Environ-*  
13 *mental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the*  
14 *painting or colorization of rocks.*

15 **DEPARTMENT OF ENERGY**

16 **FOSSIL ENERGY RESEARCH AND DEVELOPMENT**

17 *For necessary expenses in carrying out fossil energy*  
18 *research and development activities, under the authority of*  
19 *the Department of Energy Organization Act (Public Law*  
20 *95–91), including the acquisition of interest, including de-*  
21 *feasible and equitable interests in any real property or any*  
22 *facility or for plant or facility acquisition or expansion,*  
23 *and for promoting health and safety in mines and the min-*  
24 *eral industry through research (30 U.S.C. 3, 861(b), and*  
25 *951(a)), for conducting inquiries, technological investiga-*

1 tions and research concerning the extraction, processing,  
2 use, and disposal of mineral substances without objection-  
3 able social and environmental costs (30 U.S.C. 3, 1602, and  
4 1603), and for the development of methods for the disposal,  
5 control, prevention, and reclamation of waste products in  
6 the mining, minerals, metal, and mineral reclamation in-  
7 dustries (30 U.S.C. 3 and 21a), \$417,092,000, to remain  
8 available until expended: Provided, That no part of the sum  
9 herein made available shall be used for the field testing of  
10 nuclear explosives in the recovery of oil and gas.

11                                    *ALTERNATIVE FUELS PRODUCTION*  
12                                    *(INCLUDING TRANSFER OF FUNDS)*

13       *Monies received as investment income on the principal*  
14 *amount in the Great Plains Project Trust at the Norwest*  
15 *Bank of North Dakota, in such sums as are earned as of*  
16 *October 1, 1995, shall be deposited in this account and im-*  
17 *mediately transferred to the General Fund of the Treasury.*  
18 *Monies received as revenue sharing from the operation of*  
19 *the Great Plains Gasification Plant shall be immediately*  
20 *transferred to the General Fund of the Treasury.*

21                                    *NAVAL PETROLEUM AND OIL SHALE RESERVES*

22       *For necessary expenses in carrying out naval petro-*  
23 *leum and oil shale reserve activities, \$148,786,000, to re-*  
24 *main available until expended: Provided, That the require-*  
25 *ments of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal*

1 *year 1996: Provided further, That section 501 of Public*  
2 *Law 101–45 is hereby repealed.*

3 *ENERGY CONSERVATION*

4 *For necessary expenses in carrying out energy con-*  
5 *servaion activities, \$553,240,000, to remain available until*  
6 *expended, including, notwithstanding any other provision*  
7 *of law, the excess amount for fiscal year 1996 determined*  
8 *under the provisions of section 3003(d) of Public Law 99–*  
9 *509 (15 U.S.C. 4502), and of which \$16,000,000 shall be*  
10 *derived from available unobligated balances in the Biomass*  
11 *Energy Development account: Provided, That \$140,696,000*  
12 *shall be for use in energy conservation programs as defined*  
13 *in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507)*  
14 *and shall not be available until excess amounts are deter-*  
15 *mined under the provisions of section 3003(d) of Public*  
16 *Law 99–509 (15 U.S.C. 4502): Provided further, That not-*  
17 *withstanding section 3003(d)(2) of Public Law 99–509 such*  
18 *sums shall be allocated to the eligible programs as follows:*  
19 *\$114,196,000 for the weatherization assistance program*  
20 *and \$26,500,000 for the State energy conservation program.*

21 *ECONOMIC REGULATION*

22 *For necessary expenses in carrying out the activities*  
23 *of the Economic Regulatory Administration and the Office*  
24 *of Hearings and Appeals, \$6,297,000, to remain available*  
25 *until expended.*

1                    *STRATEGIC PETROLEUM RESERVE*2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For necessary expenses for Strategic Petroleum Reserve*  
4 *facility development and operations and program manage-*  
5 *ment activities pursuant to the Energy Policy and Con-*  
6 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*  
7 *\$287,000,000, to remain available until expended, of which*  
8 *\$187,000,000 shall be derived by transfer of unobligated bal-*  
9 *ances from the “SPR petroleum account” and \$100,000,000*  
10 *shall be derived by transfer from the “SPR Decommission-*  
11 *ing Fund”: Provided, That notwithstanding section 161 of*  
12 *the Energy Policy and Conservation Act, the Secretary shall*  
13 *draw down and sell up to seven million barrels of oil from*  
14 *the Strategic Petroleum Reserve: Provided further, That the*  
15 *proceeds from the sale shall be deposited into a special ac-*  
16 *count in the Treasury, to be established and known as the*  
17 *“SPR Decommissioning Fund”, and shall be available for*  
18 *the purpose of removal of oil from and decommissioning*  
19 *of the Weeks Island site and for other purposes related to*  
20 *the operations of the Strategic Petroleum Reserve.*

21                    *SPR PETROLEUM ACCOUNT*

22            *Notwithstanding 42 U.S.C. 6240(d) the United States*  
23 *share of crude oil in Naval Petroleum Reserve Numbered*  
24 *1 (Elk Hills) may be sold or otherwise disposed of to other*  
25 *than the Strategic Petroleum Reserve: Provided, That out-*

1 *lays in fiscal year 1996 resulting from the use of funds in*  
2 *this account shall not exceed \$5,000,000.*

3 *ENERGY INFORMATION ADMINISTRATION*

4 *For necessary expenses in carrying out the activities*  
5 *of the Energy Information Administration, \$72,266,000, to*  
6 *remain available until expended: Provided, That notwith-*  
7 *standing section 4(d) of the Service Contract Act of 1965*  
8 *(41 U.S.C. 353(d)) or any other provision of law, funds*  
9 *appropriated under this heading hereafter may be used to*  
10 *enter into a contract for end use consumption surveys for*  
11 *a term not to exceed eight years: Provided further, That*  
12 *notwithstanding any other provision of law, hereafter the*  
13 *Manufacturing Energy Consumption Survey shall be con-*  
14 *ducted on a triennial basis.*

15 *ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY*

16 *Appropriations under this Act for the current fiscal*  
17 *year shall be available for hire of passenger motor vehicles;*  
18 *hire, maintenance, and operation of aircraft; purchase, re-*  
19 *pair, and cleaning of uniforms; and reimbursement to the*  
20 *General Services Administration for security guard serv-*  
21 *ices.*

22 *From appropriations under this Act, transfers of sums*  
23 *may be made to other agencies of the Government for the*  
24 *performance of work for which the appropriation is made.*



1        *None of the funds made available to the Department*  
2 *of Energy under this Act shall be used to implement or fi-*  
3 *nance authorized price support or loan guarantee programs*  
4 *unless specific provision is made for such programs in an*  
5 *appropriations Act.*

6        *The Secretary is authorized to accept lands, buildings,*  
7 *equipment, and other contributions from public and private*  
8 *sources and to prosecute projects in cooperation with other*  
9 *agencies, Federal, State, private, or foreign: Provided, That*  
10 *revenues and other moneys received by or for the account*  
11 *of the Department of Energy or otherwise generated by sale*  
12 *of products in connection with projects of the Department*  
13 *appropriated under this Act may be retained by the Sec-*  
14 *retary of Energy, to be available until expended, and used*  
15 *only for plant construction, operation, costs, and payments*  
16 *to cost-sharing entities as provided in appropriate cost-*  
17 *sharing contracts or agreements: Provided further, That the*  
18 *remainder of revenues after the making of such payments*  
19 *shall be covered into the Treasury as miscellaneous receipts:*  
20 *Provided further, That any contract, agreement, or provi-*  
21 *sion thereof entered into by the Secretary pursuant to this*  
22 *authority shall not be executed prior to the expiration of*  
23 *30 calendar days (not including any day in which either*  
24 *House of Congress is not in session because of adjournment*  
25 *of more than three calendar days to a day certain) from*

1 *the receipt by the Speaker of the House of Representatives*  
2 *and the President of the Senate of a full comprehensive re-*  
3 *port on such project, including the facts and circumstances*  
4 *relied upon in support of the proposed project.*

5 *No funds provided in this Act may be expended by the*  
6 *Department of Energy to prepare, issue, or process procure-*  
7 *ment documents for programs or projects for which appro-*  
8 *priations have not been made.*

9 *DEPARTMENT OF HEALTH AND HUMAN*

10 *SERVICES*

11 *INDIAN HEALTH SERVICE*

12 *INDIAN HEALTH SERVICES*

13 *For expenses necessary to carry out the Act of August*  
14 *5, 1954 (68 Stat. 674), the Indian Self-Determination Act,*  
15 *the Indian Health Care Improvement Act, and titles II and*  
16 *III of the Public Health Service Act with respect to the In-*  
17 *dian Health Service, \$1,747,842,000, together with pay-*  
18 *ments received during the fiscal year pursuant to 42 U.S.C.*  
19 *300aaa-2 for services furnished by the Indian Health Serv-*  
20 *ice: Provided, That of the funds provided, \$800,000 shall*  
21 *be used for inhalant abuse treatment programs to treat in-*  
22 *halant abuse and to provide for referrals to specialized*  
23 *treatment facilities in the United States: Provided further,*  
24 *That funds made available to tribes and tribal organiza-*  
25 *tions through contracts, grant agreements, or any other*

1 *agreements or compacts authorized by the Indian Self-De-*  
2 *termination and Education Assistance Act of 1975 (88*  
3 *Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated*  
4 *at the time of the grant or contract award and thereafter*  
5 *shall remain available to the tribe or tribal organization*  
6 *without fiscal year limitation: Provided further, That*  
7 *\$12,000,000 shall remain available until expended, for the*  
8 *Indian Catastrophic Health Emergency Fund: Provided*  
9 *further, That \$350,564,000 for contract medical care shall*  
10 *remain available for obligation until September 30, 1997:*  
11 *Provided further, That of the funds provided, not less than*  
12 *\$11,306,000 shall be used to carry out the loan repayment*  
13 *program under section 108 of the Indian Health Care Im-*  
14 *provement Act, as amended: Provided further, That funds*  
15 *provided in this Act may be used for one-year contracts and*  
16 *grants which are to be performed in two fiscal years, so*  
17 *long as the total obligation is recorded in the year for which*  
18 *the funds are appropriated: Provided further, That the*  
19 *amounts collected by the Secretary of Health and Human*  
20 *Services under the authority of title IV of the Indian Health*  
21 *Care Improvement Act shall be available for two fiscal years*  
22 *after the fiscal year in which they were collected, for the*  
23 *purpose of achieving compliance with the applicable condi-*  
24 *tions and requirements of titles XVIII and XIX of the So-*  
25 *cial Security Act (exclusive of planning, design, or con-*

1 *struction of new facilities): Provided further, That of the*  
2 *funds provided, \$7,500,000 shall remain available until ex-*  
3 *pended, for the Indian Self-Determination Fund, which*  
4 *shall be available for the transitional costs of initial or ex-*  
5 *panded tribal contracts, grants or cooperative agreements*  
6 *with the Indian Health Service under the provisions of the*  
7 *Indian Self-Determination Act: Provided further, That*  
8 *funding contained herein, and in any earlier appropria-*  
9 *tions Acts for scholarship programs under the Indian*  
10 *Health Care Improvement Act (25 U.S.C. 1613) shall re-*  
11 *main available for obligation until September 30, 1997:*  
12 *Provided further, That amounts received by tribes and trib-*  
13 *al organizations under title IV of the Indian Health Care*  
14 *Improvement Act, as amended, shall be reported and ac-*  
15 *counted for and available to the receiving tribes and tribal*  
16 *organizations until expended.*

17 *INDIAN HEALTH FACILITIES*

18 *For construction, repair, maintenance, improvement,*  
19 *and equipment of health and related auxiliary facilities, in-*  
20 *cluding quarters for personnel; preparation of plans, speci-*  
21 *fications, and drawings; acquisition of sites, purchase and*  
22 *erection of modular buildings, and purchases of trailers;*  
23 *and for provision of domestic and community sanitation*  
24 *facilities for Indians, as authorized by section 7 of the Act*  
25 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*

1 *mination Act and the Indian Health Care Improvement*  
2 *Act, and for expenses necessary to carry out the Act of Au-*  
3 *gust 5, 1954 (68 Stat. 674), the Indian Self-Determination*  
4 *Act, the Indian Health Care Improvement Act, and titles*  
5 *II and III of the Public Health Service Act with respect*  
6 *to environmental health and facilities support activities of*  
7 *the Indian Health Service, \$238,958,000, to remain avail-*  
8 *able until expended: Provided, That notwithstanding any*  
9 *other provision of law, funds appropriated for the planning,*  
10 *design, construction or renovation of health facilities for the*  
11 *benefit of an Indian tribe or tribes may be used to purchase*  
12 *land for sites to construct, improve, or enlarge health or*  
13 *related facilities.*

14 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

15 *Appropriations in this Act to the Indian Health Serv-*  
16 *ice shall be available for services as authorized by 5 U.S.C.*  
17 *3109 but at rates not to exceed the per diem rate equivalent*  
18 *to the maximum rate payable for senior-level positions*  
19 *under 5 U.S.C. 5376; hire of passenger motor vehicles and*  
20 *aircraft; purchase of medical equipment; purchase of re-*  
21 *prints; purchase, renovation and erection of modular build-*  
22 *ings and renovation of existing facilities; payments for tele-*  
23 *phone service in private residences in the field, when au-*  
24 *thorized under regulations approved by the Secretary; and*  
25 *for uniforms or allowances therefor as authorized by law*

1 *(5 U.S.C. 5901–5902); and for expenses of attendance at*  
2 *meetings which are concerned with the functions or activi-*  
3 *ties for which the appropriation is made or which will con-*  
4 *tribute to improved conduct, supervision, or management*  
5 *of those functions or activities: Provided, That in accord-*  
6 *ance with the provisions of the Indian Health Care Im-*  
7 *provement Act, non-Indian patients may be extended health*  
8 *care at all tribally administered or Indian Health Service*  
9 *facilities, subject to charges, and the proceeds along with*  
10 *funds recovered under the Federal Medical Care Recovery*  
11 *Act (42 U.S.C. 2651–53) shall be credited to the account*  
12 *of the facility providing the service and shall be available*  
13 *without fiscal year limitation: Provided further, That not-*  
14 *withstanding any other law or regulation, funds transferred*  
15 *from the Department of Housing and Urban Development*  
16 *to the Indian Health Service shall be administered under*  
17 *Public Law 86–121 (the Indian Sanitation Facilities Act)*  
18 *and Public Law 93–638, as amended: Provided further,*  
19 *That funds appropriated to the Indian Health Service in*  
20 *this Act, except those used for administrative and program*  
21 *direction purposes, shall not be subject to limitations di-*  
22 *rected at curtailing Federal travel and transportation: Pro-*  
23 *vided further, That the Indian Health Service shall neither*  
24 *bill nor charge those Indians who may have the economic*  
25 *means to pay unless and until such time as Congress has*

1 agreed upon a specific policy to do so and has directed the  
2 Indian Health Service to implement such a policy: Pro-  
3 vided further, That, notwithstanding any other provision  
4 of law, funds previously or herein made available to a tribe  
5 or tribal organization through a contract, grant or agree-  
6 ment authorized by title I of the Indian Self-Determination  
7 and Education Assistance Act of 1975 (88 Stat. 2203; 25  
8 U.S.C. 450), may be deobligated and reobligated to a self-  
9 governance funding agreement under title III of the Indian  
10 Self-Determination and Education Assistance Act of 1975  
11 and thereafter shall remain available to the tribe or tribal  
12 organization without fiscal year limitation: Provided fur-  
13 ther, That none of the funds made available to the Indian  
14 Health Service in this Act shall be used to implement the  
15 final rule published in the Federal Register on September  
16 16, 1987, by the Department of Health and Human Serv-  
17 ices, relating to eligibility for the health care services of the  
18 Indian Health Service until the Indian Health Service has  
19 submitted a budget request reflecting the increased costs as-  
20 sociated with the proposed final rule, and such request has  
21 been included in an appropriations Act and enacted into  
22 law: Provided further, That funds made available in this  
23 Act are to be apportioned to the Indian Health Service as  
24 appropriated in this Act, and accounted for in the appro-  
25 priation structure set forth in this Act: Provided further,

1 *That the appropriation structure for the Indian Health*  
2 *Service may not be altered without advance approval of the*  
3 *House and Senate Committees on Appropriations.*

4 *DEPARTMENT OF EDUCATION*

5 *OFFICE OF ELEMENTARY AND SECONDARY EDUCATION*

6 *INDIAN EDUCATION*

7 *For necessary expenses to carry out, to the extent not*  
8 *otherwise provided, title IX, part A, subpart 1 of the Ele-*  
9 *mentary and Secondary Education Act of 1965, as amend-*  
10 *ed, and section 215 of the Department of Education Organi-*  
11 *zation Act, \$52,500,000.*

12 *OTHER RELATED AGENCIES*

13 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Office of Navajo and*  
16 *Hopi Indian Relocation as authorized by Public Law 93-*  
17 *531, \$20,345,000, to remain available until expended: Pro-*  
18 *vided, That funds provided in this or any other appropri-*  
19 *ations Act are to be used to relocate eligible individuals and*  
20 *groups including evictees from District 6, Hopi-partitioned*  
21 *lands residents, those in significantly substandard housing,*  
22 *and all others certified as eligible and not included in the*  
23 *preceding categories: Provided further, That none of the*  
24 *funds contained in this or any other Act may be used by*  
25 *the Office of Navajo and Hopi Indian Relocation to evict*



1 *any single Navajo or Navajo family who, as of November*  
2 *30, 1985, was physically domiciled on the lands partitioned*  
3 *to the Hopi Tribe unless a new or replacement home is pro-*  
4 *vided for such household: Provided further, That no*  
5 *relocatee will be provided with more than one new or re-*  
6 *placement home: Provided further, That the Office shall re-*  
7 *locate any certified eligible relocatees who have selected and*  
8 *received an approved homesite on the Navajo reservation*  
9 *or selected a replacement residence off the Navajo reserva-*  
10 *tion or on the land acquired pursuant to 25 U.S.C. 640d-*  
11 *10.*

12 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*  
13 *CULTURE AND ARTS DEVELOPMENT*

14 *PAYMENT TO THE INSTITUTE*

15 *For payment to the Institute of American Indian and*  
16 *Alaska Native Culture and Arts Development, as authorized*  
17 *by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.),*  
18 *\$5,500,000.*

19 *SMITHSONIAN INSTITUTION*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Smithsonian Institution,*  
22 *as authorized by law, including research in the fields of art,*  
23 *science, and history; development, preservation, and docu-*  
24 *mentation of the National Collections; presentation of pub-*  
25 *lic exhibits and performances; collection, preparation, dis-*

1 *semination, and exchange of information and publications;*  
 2 *conduct of education, training, and museum assistance pro-*  
 3 *grams; maintenance, alteration, operation, lease (for terms*  
 4 *not to exceed thirty years), and protection of buildings, fa-*  
 5 *cilities, and approaches; not to exceed \$100,000 for services*  
 6 *as authorized by 5 U.S.C. 3109; up to 5 replacement pas-*  
 7 *senger vehicles; purchase, rental, repair, and cleaning of*  
 8 *uniforms for employees; \$308,188,000, of which not to ex-*  
 9 *ceed \$30,472,000 for the instrumentation program, collec-*  
 10 *tions acquisition, Museum Support Center equipment and*  
 11 *move, exhibition reinstallation, the National Museum of the*  
 12 *American Indian, the repatriation of skeletal remains pro-*  
 13 *gram, research equipment, information management, and*  
 14 *Latino programming shall remain available until expended*  
 15 *and, including such funds as may be necessary to support*  
 16 *American overseas research centers and a total of \$125,000*  
 17 *for the Council of American Overseas Research Centers:*  
 18 *Provided, That funds appropriated herein are available for*  
 19 *advance payments to independent contractors performing*  
 20 *research services or participating in official Smithsonian*  
 21 *presentations.*

22           *CONSTRUCTION AND IMPROVEMENTS, NATIONAL*  
 23                           *ZOOLOGICAL PARK*

24           *For necessary expenses of planning, construction, re-*  
 25 *modeling, and equipping of buildings and facilities at the*

1 *National Zoological Park, by contract or otherwise,*  
2 *\$3,250,000, to remain available until expended.*

3 *REPAIR AND RESTORATION OF BUILDINGS*

4 *For necessary expenses of repair and restoration of*  
5 *buildings owned or occupied by the Smithsonian Institu-*  
6 *tion, by contract or otherwise, as authorized by section 2*  
7 *of the Act of August 22, 1949 (63 Stat. 623), including not*  
8 *to exceed \$10,000 for services as authorized by 5 U.S.C.*  
9 *3109, \$33,954,000, to remain available until expended: Pro-*  
10 *vided, That contracts awarded for environmental systems,*  
11 *protection systems, and exterior repair or restoration of*  
12 *buildings of the Smithsonian Institution may be negotiated*  
13 *with selected contractors and awarded on the basis of con-*  
14 *tractor qualifications as well as price.*

15 *CONSTRUCTION*

16 *For necessary expenses for construction, \$27,700,000,*  
17 *to remain available until expended.*

18 *NATIONAL GALLERY OF ART*

19 *SALARIES AND EXPENSES*

20 *For the upkeep and operations of the National Gallery*  
21 *of Art, the protection and care of the works of art therein,*  
22 *and administrative expenses incident thereto, as authorized*  
23 *by the Act of March 24, 1937 (50 Stat. 51), as amended*  
24 *by the public resolution of April 13, 1939 (Public Resolu-*  
25 *tion 9, Seventy-sixth Congress), including services as au-*

1 *thorized by 5 U.S.C. 3109; payment in advance when au-*  
2 *thorized by the treasurer of the Gallery for membership in*  
3 *library, museum, and art associations or societies whose*  
4 *publications or services are available to members only, or*  
5 *to members at a price lower than to the general public; pur-*  
6 *chase, repair, and cleaning of uniforms for guards, and uni-*  
7 *forms, or allowances therefor, for other employees as author-*  
8 *ized by law (5 U.S.C. 5901–5902); purchase or rental of*  
9 *devices and services for protecting buildings and contents*  
10 *thereof, and maintenance, alteration, improvement, and re-*  
11 *pair of buildings, approaches, and grounds; and purchase*  
12 *of services for restoration and repair of works of art for*  
13 *the National Gallery of Art by contracts made, without ad-*  
14 *vertising, with individuals, firms, or organizations at such*  
15 *rates or prices and under such terms and conditions as the*  
16 *Gallery may deem proper, \$51,844,000, of which not to ex-*  
17 *ceed \$3,026,000 for the special exhibition program shall re-*  
18 *main available until expended.*

19 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

20 *For necessary expenses of repair, restoration and ren-*  
21 *ovation of buildings, grounds and facilities owned or occu-*  
22 *ped by the National Gallery of Art, by contract or other-*  
23 *wise, as authorized, \$6,442,000, to remain available until*  
24 *expended: Provided, That contracts awarded for environ-*  
25 *mental systems, protection systems, and exterior repair or*  
26 *renovation of buildings of the National Gallery of Art may*

1 *be negotiated with selected contractors and awarded on the*  
2 *basis of contractor qualifications as well as price.*

3 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*  
4 *OPERATIONS AND MAINTENANCE*

5 *For necessary expenses for the operation, maintenance*  
6 *and security of the John F. Kennedy Center for the Per-*  
7 *forming Arts, \$10,323,000: Provided, That 40 U.S.C. 193n*  
8 *is hereby amended by striking the word “and” after the*  
9 *word “Institution” and inserting in lieu thereof a comma,*  
10 *and by inserting “and the Trustees of the John F. Kennedy*  
11 *Center for the Performing Arts,” after the word “Art,”.*

12 *CONSTRUCTION*

13 *For necessary expenses of capital repair and rehabili-*  
14 *tation of the existing features of the building and site of*  
15 *the John F. Kennedy Center for the Performing Arts,*  
16 *\$8,983,000, to remain available until expended.*

17 *WOODROW WILSON INTERNATIONAL CENTER FOR*  
18 *SCHOLARS*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary in carrying out the provisions*  
21 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*  
22 *1356) including hire of passenger vehicles and services as*  
23 *authorized by 5 U.S.C. 3109, \$5,840,000.*

1        *NATIONAL FOUNDATION ON THE ARTS AND THE*  
2    *HUMANITIES*

3    *NATIONAL ENDOWMENT FOR THE ARTS*  
4    *GRANTS AND ADMINISTRATION*

5        *For necessary expenses to carry out the National Foun-*  
6 *ation on the Arts and the Humanities Act of 1965, as*  
7 *amended, \$82,259,000, shall be available to the National*  
8 *Endowment for the Arts for the support of projects and pro-*  
9 *ductions in the arts through assistance to groups and indi-*  
10 *viduals pursuant to section 5(c) of the Act, and for admin-*  
11 *istering the functions of the Act, to remain available until*  
12 *September 30, 1997.*

13    *MATCHING GRANTS*

14        *To carry out the provisions of section 10(a)(2) of the*  
15 *National Foundation on the Arts and the Humanities Act*  
16 *of 1965, as amended, \$17,235,000, to remain available until*  
17 *September 30, 1997, to the National Endowment for the*  
18 *Arts, of which \$7,500,000 shall be available for purposes*  
19 *of section 5(p)(1): Provided, That this appropriation shall*  
20 *be available for obligation only in such amounts as may*  
21 *be equal to the total amounts of gifts, bequests, and devises*  
22 *of money, and other property accepted by the Chairman*  
23 *or by grantees of the Endowment under the provisions of*  
24 *section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A)*  
25 *during the current and preceding fiscal years for which*  
26 *equal amounts have not previously been appropriated.*

1            *NATIONAL ENDOWMENT FOR THE HUMANITIES*2                            *GRANTS AND ADMINISTRATION*

3            *For necessary expenses to carry out the National Foun-*  
4 *ation on the Arts and the Humanities Act of 1965, as*  
5 *amended, \$94,000,000, shall be available to the National*  
6 *Endowment for the Humanities for support of activities in*  
7 *the humanities, pursuant to section 7(c) of the Act, and for*  
8 *administering the functions of the Act, to remain available*  
9 *until September 30, 1997.*

10                            *MATCHING GRANTS*

11            *To carry out the provisions of section 10(a)(2) of the*  
12 *National Foundation on the Arts and the Humanities Act*  
13 *of 1965, as amended, \$16,000,000, to remain available until*  
14 *September 30, 1997, of which \$10,000,000 shall be available*  
15 *to the National Endowment for the Humanities for the pur-*  
16 *poses of section 7(h): Provided, That this appropriation*  
17 *shall be available for obligation only in such amounts as*  
18 *may be equal to the total amounts of gifts, bequests, and*  
19 *devises of money, and other property accepted by the Chair-*  
20 *man or by grantees of the Endowment under the provisions*  
21 *of subsections 11(a)(2)(B) and 11(a)(3)(B) during the cur-*  
22 *rent and preceding fiscal years for which equal amounts*  
23 *have not previously been appropriated.*

1                    *INSTITUTE OF MUSEUM SERVICES*2                    *GRANTS AND ADMINISTRATION*

3            *For carrying out title II of the Arts, Humanities, and*  
4 *Cultural Affairs Act of 1976, as amended, \$21,000,000, to*  
5 *remain available until September 30, 1997.*

6                    *ADMINISTRATIVE PROVISIONS*

7            *None of the funds appropriated to the National Foun-*  
8 *dation on the Arts and the Humanities may be used to*  
9 *process any grant or contract documents which do not in-*  
10 *clude the text of 18 U.S.C. 1913: Provided, That none of*  
11 *the funds appropriated to the National Foundation on the*  
12 *Arts and the Humanities may be used for official reception*  
13 *and representation expenses.*

14                    *COMMISSION OF FINE ARTS*15                    *SALARIES AND EXPENSES*

16            *For expenses made necessary by the Act establishing*  
17 *a Commission of Fine Arts (40 U.S.C. 104), \$834,000.*

18                    *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

19            *For necessary expenses as authorized by Public Law*  
20 *99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended,*  
21 *\$6,000,000.*

22                    *ADVISORY COUNCIL ON HISTORIC PRESERVATION*23                    *SALARIES AND EXPENSES*

24            *For expenses necessary for the Advisory Council on*  
25 *Historic Preservation, \$2,500,000.*



1            *NATIONAL CAPITAL PLANNING COMMISSION*2                            *SALARIES AND EXPENSES*

3            *For necessary expenses, as authorized by the National*  
4 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*  
5 *ing services as authorized by 5 U.S.C. 3109, \$5,090,000:*  
6 *Provided, That all appointed members will be compensated*  
7 *at a rate not to exceed the rate for Executive Schedule Level*  
8 *IV.*

9            *FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION*10                           *SALARIES AND EXPENSES*

11           *For necessary expenses of the Franklin Delano Roo-*  
12 *sevelt Memorial Commission, established by the Act of Au-*  
13 *gust 11, 1955 (69 Stat. 694), as amended by Public Law*  
14 *92–332 (86 Stat. 401), \$147,000, to remain available until*  
15 *September 30, 1997.*

16           *PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION*17                           *PUBLIC DEVELOPMENT*

18           *Funds made available under this heading in prior*  
19 *years shall be available for operating and administrative*  
20 *expenses and for the orderly closure of the Corporation, as*  
21 *well as operating and administrative expenses for the func-*  
22 *tions transferred to the General Services Administration.*

23                            *(RESCISSION)*

24           *Of the available balances under this heading,*  
25 *\$2,172,000 are rescinded.*

1        *UNITED STATES HOLOCAUST MEMORIAL COUNCIL*

2                    *HOLOCAUST MEMORIAL COUNCIL*

3        *For expenses of the Holocaust Memorial Council, as*  
4 *authorized by Public Law 96-388, as amended,*  
5 *\$28,707,000; of which \$1,575,000 for the Museum's repair*  
6 *and rehabilitation program and \$1,264,000 for the Muse-*  
7 *um's exhibition program shall remain available until ex-*  
8 *ended.*

9                    *TITLE III—GENERAL PROVISIONS*

10        *SEC. 301. The expenditure of any appropriation under*  
11 *this Act for any consulting service through procurement*  
12 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*  
13 *those contracts where such expenditures are a matter of pub-*  
14 *lic record and available for public inspection, except where*  
15 *otherwise provided under existing law, or under existing*  
16 *Executive order issued pursuant to existing law.*

17        *SEC. 302. No part of any appropriation under this*  
18 *Act shall be available to the Secretary of the Interior or*  
19 *the Secretary of Agriculture for the leasing of oil and natu-*  
20 *ral gas by noncompetitive bidding on publicly owned lands*  
21 *within the boundaries of the Shawnee National Forest, Illi-*  
22 *nois: Provided, That nothing herein is intended to inhibit*  
23 *or otherwise affect the sale, lease, or right to access to min-*  
24 *erals owned by private individuals.*

1        *SEC. 303. No part of any appropriation contained in*  
2 *this Act shall be available for any activity or the publica-*  
3 *tion or distribution of literature that in any way tends to*  
4 *promote public support or opposition to any legislative pro-*  
5 *posal on which congressional action is not complete.*

6        *SEC. 304. No part of any appropriation contained in*  
7 *this Act shall remain available for obligation beyond the*  
8 *current fiscal year unless expressly so provided herein.*

9        *SEC. 305. None of the funds provided in this Act to*  
10 *any department or agency shall be obligated or expended*  
11 *to provide a personal cook, chauffeur, or other personal serv-*  
12 *ants to any officer or employee of such department or agen-*  
13 *cy except as otherwise provided by law.*

14        *SEC. 306. No assessments may be levied against any*  
15 *program, budget activity, subactivity, or project funded by*  
16 *this Act unless notice of such assessments and the basis*  
17 *therefor are presented to the Committees on Appropriations*  
18 *and are approved by such Committees.*

19        *SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN*  
20 *ACT.—None of the funds made available in this Act may*  
21 *be expended by an entity unless the entity agrees that in*  
22 *expending the funds the entity will comply with sections*  
23 *2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–*  
24 *10c; popularly known as the “Buy American Act”).*

1       **(b) SENSE OF CONGRESS; REQUIREMENT REGARDING**  
2 *NOTICE.*—

3           **(1) PURCHASE OF AMERICAN-MADE EQUIPMENT**  
4 *AND PRODUCTS.*—*In the case of any equipment or*  
5 *product that may be authorized to be purchased with*  
6 *financial assistance provided using funds made avail-*  
7 *able in this Act, it is the sense of the Congress that*  
8 *entities receiving the assistance should, in expending*  
9 *the assistance, purchase only American-made equip-*  
10 *ment and products.*

11           **(2) NOTICE TO RECIPIENTS OF ASSISTANCE.**—*In*  
12 *providing financial assistance using funds made*  
13 *available in this Act, the head of each Federal agency*  
14 *shall provide to each recipient of the assistance a no-*  
15 *tice describing the statement made in paragraph (1)*  
16 *by the Congress.*

17       **(c) PROHIBITION OF CONTRACTS WITH PERSONS**  
18 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.*—  
19 *If it has been finally determined by a court or Federal agen-*  
20 *cy that any person intentionally affixed a label bearing a*  
21 *“Made in America” inscription, or any inscription with*  
22 *the same meaning, to any product sold in or shipped to*  
23 *the United States that is not made in the United States,*  
24 *the person shall be ineligible to receive any contract or sub-*  
25 *contract made with funds made available in this Act, pur-*

1 *suant to the debarment, suspension, and ineligibility proce-*  
2 *dures described in sections 9.400 through 9.409 of title 48,*  
3 *Code of Federal Regulations.*

4 *SEC. 308. None of the funds in this Act may be used*  
5 *to plan, prepare, or offer for sale timber from trees classified*  
6 *as giant sequoia (*sequoiadendron giganteum*) which are lo-*  
7 *cated on National Forest System or Bureau of Land Man-*  
8 *agement lands in a manner different than such sales were*  
9 *conducted in fiscal year 1995.*

10 *SEC. 309. None of the funds made available by this*  
11 *Act may be obligated or expended by the National Park*  
12 *Service to enter into or implement a concession contract*  
13 *which permits or requires the removal of the underground*  
14 *lunchroom at the Carlsbad Caverns National Park.*

15 *SEC. 310. Where the actual costs of construction*  
16 *projects under self-determination contracts, compacts, or*  
17 *grants, pursuant to Public Laws 93-638, 103-413, or 100-*  
18 *297, are less than the estimated costs thereof, use of the re-*  
19 *sulting excess funds shall be determined by the appropriate*  
20 *Secretary after consultation with the tribes.*

21 *SEC. 311. Notwithstanding Public Law 103-413,*  
22 *quarterly payments of funds to tribes and tribal organiza-*  
23 *tions under annual funding agreements pursuant to section*  
24 *108 of Public Law 93-638, as amended, may be made on*

1 *the first business day following the first day of a fiscal*  
2 *quarter.*

3       *SEC. 312. None of funds appropriated or otherwise*  
4 *made available by this Act may be used for the AmeriCorps*  
5 *program, unless the relevant agencies of the Department of*  
6 *the Interior and/or Agriculture follow appropriate*  
7 *reprogramming guidelines: Provided, That if no funds are*  
8 *provided for the AmeriCorps program by the VA–HUD and*  
9 *Independent Agencies fiscal year 1996 appropriations bill,*  
10 *then none of the funds appropriated or otherwise made*  
11 *available by this Act may be used for the AmeriCorps pro-*  
12 *grams.*

13       *SEC. 313. (a) On or before April 1, 1996, the Penn-*  
14 *sylvania Avenue Development Corporation shall—*

15             *(1) transfer and assign in accordance with this*  
16 *section all of its rights, title, and interest in and to*  
17 *all of the leases, covenants, agreements, and easements*  
18 *it has executed or will execute by March 31, 1996, in*  
19 *carrying out its powers and duties under the Penn-*  
20 *sylvania Avenue Development Corporation Act (40*  
21 *U.S.C. 871–885) and the Federal Triangle Develop-*  
22 *ment Act (40 U.S.C. 1101–1109) to the General Serv-*  
23 *ices Administration, National Capital Planning*  
24 *Commission, or the National Park Service; and*

1           (2) *except as provided by subsection (d), transfer*  
2           *all rights, title, and interest in and to all property,*  
3           *both real and personal, held in the name of the Penn-*  
4           *sylvania Avenue Development Corporation to the*  
5           *General Services Administration.*

6           (b) *The responsibilities of the Pennsylvania Avenue*  
7           *Development Corporation transferred to the General Serv-*  
8           *ices Administration under subsection (a) include, but are*  
9           *not limited to, the following:*

10           (1) *Collection of revenue owed the Federal Gov-*  
11           *ernment as a result of real estate sales or lease agree-*  
12           *ments entered into by the Pennsylvania Avenue De-*  
13           *velopment Corporation and private parties, includ-*  
14           *ing, at a minimum, with respect to the following*  
15           *projects:*

16                   (A) *The Willard Hotel property on Square*  
17                   225.

18                   (B) *The Gallery Row project on Square*  
19                   457.

20                   (C) *The Lansburgh's project on Square 431.*

21                   (D) *The Market Square North project on*  
22                   *Square 407.*

23           (2) *Collection of sale or lease revenue owed the*  
24           *Federal Government (if any) in the event two unde-*  
25           *veloped sites owned by the Pennsylvania Avenue De-*

1        *velopment Corporation on Squares 457 and 406 are*  
2        *sold or leased prior to April 1, 1996.*

3            *(3) Application of collected revenue to repay*  
4        *United States Treasury debt incurred by the Penn-*  
5        *sylvania Avenue Development Corporation in the*  
6        *course of acquiring real estate.*

7            *(4) Performing financial audits for projects in*  
8        *which the Pennsylvania Avenue Development Cor-*  
9        *poration has actual or potential revenue expectation,*  
10       *as identified in paragraphs (1) and (2), in accord-*  
11       *ance with procedures described in applicable sale or*  
12       *lease agreements.*

13           *(5) Disposition of real estate properties which*  
14       *are or become available for sale and lease or other*  
15       *uses.*

16           *(6) Payment of benefits in accordance with the*  
17       *Uniform Relocation Assistance and Real Property Ac-*  
18       *quisitions Policies Act of 1970 to which persons in the*  
19       *project area squares are entitled as a result of the*  
20       *Pennsylvania Avenue Development Corporation's ac-*  
21       *quisition of real estate.*

22           *(7) Carrying out the responsibilities of the Penn-*  
23       *sylvania Avenue Development Corporation under the*  
24       *Federal Triangle Development Act (40 U.S.C. 1101-*



1       1109), including responsibilities for managing assets  
2       and liabilities of the Corporation under such Act.

3       (c) In carrying out the responsibilities of the Penn-  
4       sylvania Avenue Development Corporation transferred  
5       under this section, the Administrator of the General Serv-  
6       ices Administration shall have the following powers:

7               (1) To acquire lands, improvements, and prop-  
8       erties by purchase, lease or exchange, and to sell,  
9       lease, or otherwise dispose of real or personal property  
10      as necessary to complete the development plan devel-  
11      oped under section 5 of the Pennsylvania Avenue De-  
12      velopment Corporation Act of 1972 (40 U.S.C. 874)  
13      if a notice of intention to carry out such acquisition  
14      or disposal is first transmitted to the Committee on  
15      Transportation and Infrastructure and the Committee  
16      on Appropriations of the House of Representatives  
17      and the Committee on Environment and Public  
18      Works and the Committee on Appropriations of the  
19      Senate and at least 60 days elapse after the date of  
20      such transmission.

21              (2) To modify from time to time the plan re-  
22      ferred to in paragraph (1) if such modification is  
23      first transmitted to the Committee on Transportation  
24      and Infrastructure and the Committee on Appropria-  
25      tions of the House of Representatives and the Com-

1        *mittee on Environment and Public Works and the*  
2        *Committee on Appropriations of the Senate and at*  
3        *least 60 days elapse after the date of such trans-*  
4        *mission.*

5            *(3) To maintain any existing Pennsylvania Ave-*  
6        *nue Development Corporation insurance programs.*

7            *(4) To enter into and perform such leases, con-*  
8        *tracts, or other transactions with any agency or in-*  
9        *strumentality of the United States, the several States,*  
10       *or the District of Columbia or with any person, firm,*  
11       *association, or corporation as may be necessary to*  
12       *carry out the responsibilities of the Pennsylvania Av-*  
13       *enue Development Corporation under the Federal Tri-*  
14       *angle Development Act (40 U.S.C. 1101–1109).*

15           *(5) To request the Council of the District of Co-*  
16        *lumbia to close any alleys necessary for the comple-*  
17        *tion of development in Square 457.*

18           *(6) To use all of the funds transferred from the*  
19        *Pennsylvania Avenue Development Corporation or in-*  
20        *come earned on Pennsylvania Avenue Development*  
21        *Corporation property to complete any pending devel-*  
22        *opment projects.*

23           *(d)(1)(A) On or before April 1, 1996, the Pennsylvania*  
24        *Avenue Development Corporation shall transfer all its*  
25        *right, title, and interest in and to the property described*

1 *in subparagraph (B) to the National Park Service, Depart-*  
2 *ment of the Interior.*

3       *(B) The property referred to in subparagraph (A) is*  
4 *the property located within the Pennsylvania Avenue Na-*  
5 *tional Historic Site depicted on a map entitled “Pennsylva-*  
6 *nia Avenue National Historic Park”, dated June 1, 1995,*  
7 *and numbered 840–82441, which shall be on file and avail-*  
8 *able for public inspection in the offices of the National Park*  
9 *Service, Department of the Interior. The Pennsylvania Ave-*  
10 *nue National Historic Site includes the parks, plazas, side-*  
11 *walks, special lighting, trees, sculpture, and memorials.*

12       *(2) Jurisdiction of Pennsylvania Avenue and all other*  
13 *roadways from curb to curb shall remain with the District*  
14 *of Columbia but vendors shall not be permitted to occupy*  
15 *street space except during temporary special events.*

16       *(3) The National Park Service shall be responsible for*  
17 *management, administration, maintenance, law enforce-*  
18 *ment, visitor services, resource protection, interpretation,*  
19 *and historic preservation at the Pennsylvania Avenue Na-*  
20 *tional Historic Site.*

21       *(4) The National Park Service may enter into con-*  
22 *tracts, cooperative agreements, or other transactions with*  
23 *any agency or instrumentality of the United States, the sev-*  
24 *eral States, or the District of Columbia or with any person,*  
25 *firm, association, or corporation as may be deemed nec-*

1 *essary or appropriate for the conduct of special events, fes-*  
2 *tivals, concerts, or other art and cultural programs at the*  
3 *Pennsylvania Avenue National Historic Site or may estab-*  
4 *lish a nonprofit foundation to solicit funds for such activi-*  
5 *ties.*

6 *(e) Notwithstanding any other provision of law, the*  
7 *responsibility for ensuring that development or redevelop-*  
8 *ment in the Pennsylvania Avenue area is carried out in*  
9 *accordance with the Pennsylvania Avenue Development*  
10 *Corporation Plan—1974, as amended, is transferred to the*  
11 *National Capital Planning Commission or its successor*  
12 *commencing April 1, 1996.*

13 *(f) SAVINGS PROVISIONS.—*

14 *(1) REGULATIONS.—Any regulations prescribed*  
15 *by the Corporation in connection with the Pennsylva-*  
16 *nia Avenue Development Corporation Act of 1972 (40*  
17 *U.S.C. 871–885) and the Federal Triangle Develop-*  
18 *ment Act (40 U.S.C. 1101–1109) shall continue in ef-*  
19 *fect until suspended by regulations prescribed by the*  
20 *Administrator of the General Services Administra-*  
21 *tion.*

22 *(2) EXISTING RIGHTS, DUTIES, AND OBLIGA-*  
23 *TIONS NOT AFFECTED.—Subsection (a) shall not be*  
24 *construed as affecting the validity of any right, duty,*  
25 *or obligation of the United States or any other person*

1        *arising under or pursuant to any contract, loan, or*  
2        *other instrument or agreement which was in effect on*  
3        *the day before the date of the transfers under sub-*  
4        *section (a).*

5            (3) *CONTINUATION OF SUITS.—No action or*  
6        *other proceeding commenced by or against the Cor-*  
7        *poration in connection with administration of the*  
8        *Pennsylvania Avenue Development Corporation Act*  
9        *of 1972 (40 U.S.C. 871–885) and the Federal Tri-*  
10       *angle Development Act (40 U.S.C. 1101–1109) shall*  
11       *abate by reason of enactment and implementation of*  
12       *this Act, except that the General Services Administra-*  
13       *tion shall be substituted for the Corporation as a*  
14       *party to any such action or proceeding.*

15        (g) *Section 3(b) of the Pennsylvania Avenue Develop-*  
16       *ment Corporation Act of 1972 (40 U.S.C. 872(b)) is amend-*  
17       *ed as follows:*

18            “(b) *The Corporation shall be dissolved on or before*  
19        *April 1, 1996. Upon dissolution, assets, obligations, indebt-*  
20        *edness, and all unobligated and unexpended balances of the*  
21        *Corporation shall be transferred in accordance with the De-*  
22        *partment of the Interior and Related Agencies Appropria-*  
23        *tions Act, 1996.”.*

24            *SEC. 314. (a) Except as provided in subsection (b), no*  
25        *part of any appropriation contained in this Act or any*

1 *other Act shall be obligated or expended for the operation*  
2 *or implementation of the Interior Columbia Basin Eco-*  
3 *system Management Project (hereinafter “Project”).*

4 *(b) From the funds appropriated to the Forest Service*  
5 *and Bureau of Land Management: a sum of \$4,000,000 is*  
6 *made available for the Executive Steering Committee of the*  
7 *Project to publish, and submit to the Congress, by May 31,*  
8 *1996, an assessment of the National Forest System lands*  
9 *and lands administered by the Bureau of Land Manage-*  
10 *ment within the area encompassed by the Project. The as-*  
11 *essment shall be accompanied by two draft Environmental*  
12 *Impact Statements that: are not decisional and not subject*  
13 *to judicial review; contain a range of alternatives, without*  
14 *the identification of a preferred alternative or management*  
15 *recommendation; and provide a methodology for conducting*  
16 *any cumulative effects analysis required by section 102(2)*  
17 *of the National Environmental Policy Act (42 U.S.C.*  
18 *433(2)) in the preparation of amendments to resource man-*  
19 *agement plans pursuant to subsection (c). The assessment*  
20 *shall incorporate all existing relevant scientific information*  
21 *including, but not limited to, information on landscape dy-*  
22 *namics, forest and rangeland health conditions, fisheries,*  
23 *and watersheds and the implications of each as they relate*  
24 *to federal forest and rangeland health. The assessment and*  
25 *draft Environmental Impact Statements shall not be: the*

1 *subject of consultation or conferencing pursuant to section*  
2 *7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);*  
3 *accompanied by any record of decision or other National*  
4 *Environmental Policy Act documentation; or applied or*  
5 *used to regulate non-federal lands. The Executive Steering*  
6 *Committee shall release the draft Environmental Impact*  
7 *Statements for a ninety day public comment period and*  
8 *include a summary of the public comments received in the*  
9 *submission to Congress.*

10 *(c)(1) From the funds appropriated to the Forest Serv-*  
11 *ice and the Bureau of Land Management, based on the doc-*  
12 *uments prepared pursuant to subsection (b) and any other*  
13 *guidance or policy issued prior to the date of enactment*  
14 *of this section, and in consultation with the affected Gov-*  
15 *ernor, and county commissioners, each Forest Supervisor*  
16 *and District Manager with responsibility for a national*  
17 *forest or a unit of land administered by the Bureau of Land*  
18 *Management (hereinafter “forest”) within the area encom-*  
19 *passed by the Project shall review the resource management*  
20 *plan (hereinafter “plan”) for such forest and develop, by*  
21 *an amendment to such plan, a modification of or alter-*  
22 *native to any policy which is applicable to such plan upon*  
23 *the date of enactment of this section (whether or not such*  
24 *policy has been added to such plan by amendment), includ-*  
25 *ing any policy which is, or is intended to be, of limited*

1 *duration, and which the Project addresses, to meet the spe-*  
2 *cific conditions of such forest. Each amendment shall: con-*  
3 *tain the modified or alternative policy developed pursuant*  
4 *to this paragraph, be directed solely to and affect only such*  
5 *plan; address the specific conditions of the forest to which*  
6 *the plan applies and the relationship of the modified or al-*  
7 *ternative policy to such conditions; and, to the maximum*  
8 *extent practicable, establish site-specific standards in lieu*  
9 *of imposing general standards applicable to multiple sites.*

10       *(2)(A) Each amendment prepared pursuant to para-*  
11 *graph (1) shall comply with any applicable requirements*  
12 *of section 102(2) of the National Environmental Policy Act,*  
13 *except that any cumulative effects analysis conducted in ac-*  
14 *cordance with the methodology provided pursuant to sub-*  
15 *section (b) shall be deemed to meet any requirement of such*  
16 *Act for such analysis.*

17       *(B) Any policy adopted in an amendment prepared*  
18 *pursuant to paragraph (1) which is a modification of or*  
19 *alternative to a policy referred to in paragraph (1) upon*  
20 *which consultation or conferencing has occurred pursuant*  
21 *to section 7 of the Endangered Species Act of 1973 shall*  
22 *not again be subject to the consultation or conferencing pro-*  
23 *visions of such section 7. Any other consultation or con-*  
24 *ferencing required by such section 7 shall be conducted sepa-*  
25 *rately on each amendment prepared pursuant to paragraph*



1 (1): *Provided, That, except as provided in this subpara-*  
2 *graph, no other consultation shall be undertaken on such*  
3 *amendments, on any project or activity which is consistent*  
4 *with an applicable amendment, on any policy referred to*  
5 *in paragraph (1), or on any portion of any plan related*  
6 *to such policy or the species to which such policy applies.*

7 (3) *Each amendment prepared pursuant to paragraph*  
8 *(1) shall be adopted on or before March 31, 1997, and no*  
9 *policy referred to in paragraph (1), or any provision of*  
10 *a plan or other planning document incorporating such pol-*  
11 *icy, shall be effective in any forest subject to the Project*  
12 *on or after such date, or after an amendment to the plan*  
13 *which applies to such forest is adopted pursuant to this sub-*  
14 *section, whichever occurs first.*

15 (4) *On the signing of a record of decision or equivalent*  
16 *document making an amendment for the Clearwater Na-*  
17 *tional Forest pursuant to paragraph (1), the requirement*  
18 *for revision referred to in this Stipulation of Dismissal*  
19 *dated September 13, 1993, applicable to such Forest is*  
20 *deemed to be satisfied, and the interim management direc-*  
21 *tion provisions contained in the Stipulation of Dismissal*  
22 *shall be of no further effect with respect to such Forest.*

23 **SEC. 315. RECREATIONAL FEE DEMONSTRATION PRO-**  
24 **GRAM.—(a) The Secretary of the Interior (acting through**  
25 **the Bureau of Land Management, the National Park Serv-**

1 *ice and the United States Fish and Wildlife Service) and*  
2 *the Secretary of Agriculture (acting through the Forest*  
3 *Service) shall each implement a fee program to demonstrate*  
4 *the feasibility of user-generated cost recovery for the oper-*  
5 *ation and maintenance of recreation areas or sites and*  
6 *habitat enhancement projects on Federal lands.*

7 *(b) In carrying out the pilot program established pur-*  
8 *suant to this section, the appropriate Secretary shall select*  
9 *from areas under the jurisdiction of each of the four agen-*  
10 *cies referred to in subsection (a) no fewer than 10, but as*  
11 *many as 50, areas, sites or projects for fee demonstration.*  
12 *For each such demonstration, the Secretary, notwithstand-*  
13 *ing any other provision of law—*

14 *(1) shall charge and collect fees for admission to*  
15 *the area or for the use of outdoor recreation sites, fa-*  
16 *cilities, visitor centers, equipment, and services by in-*  
17 *dividuals and groups, or any combination thereof;*

18 *(2) shall establish fees under this section based*  
19 *upon a variety of cost recovery and fair market valu-*  
20 *ation methods to provide a broad basis for feasibility*  
21 *testing;*

22 *(3) may contract, including provisions for rea-*  
23 *sonable commissions, with any public or private en-*  
24 *tity to provide visitor services, including reservations*  
25 *and information, and may accept services of volun-*

1        *teers to collect fees charged pursuant to paragraph*  
2        *(1);*

3            *(4) may encourage private investment and part-*  
4        *nerships to enhance the delivery of quality customer*  
5        *services and resource enhancement, and provide ap-*  
6        *propriate recognition to such partners or investors;*  
7        *and*

8            *(5) may assess a fine of not more than \$100 for*  
9        *any violation of the authority to collect fees for ad-*  
10       *mission to the area or for the use of outdoor recre-*  
11       *ation sites, facilities, visitor centers, equipment, and*  
12       *services.*

13        *(c)(1) Amounts collected at each fee demonstration*  
14       *area, site or project shall be distributed as follows:*

15            *(A) Of the amount in excess of 104% of the*  
16        *amount collected in fiscal year 1995, and thereafter*  
17        *annually adjusted upward by 4%, eighty percent to*  
18        *a special account in the Treasury for use without fur-*  
19        *ther appropriation, by the agency which administers*  
20        *the site, to remain available for expenditures in ac-*  
21        *cordance with paragraph (2)(A).*

22            *(B) Of the amount in excess of 104% of the*  
23        *amount collected in fiscal year 1995, and thereafter*  
24        *annually adjusted upward by 4%, twenty percent to*  
25        *a special account in the Treasury for use without fur-*

1        *ther appropriation, by the agency which administers*  
2        *the site, to remain available for expenditure in ac-*  
3        *cordance with paragraph (2)(B).*

4            *(C) For agencies other than the Fish and Wild-*  
5        *life Service, up to 15% of current year collections of*  
6        *each agency, but not greater than fee collection costs*  
7        *for that fiscal year, to remain available for expendi-*  
8        *ture without further appropriation in accordance*  
9        *with paragraph (2)(C).*

10           *(D) For agencies other than the Fish and Wild-*  
11        *life Service, the balance to the special account estab-*  
12        *lished pursuant to subparagraph (A) of section 4(i)(1)*  
13        *of the Land and Water Conservation Fund Act, as*  
14        *amended.*

15           *(E) For the Fish and Wildlife Service, the bal-*  
16        *ance shall be distributed in accordance with section*  
17        *201(c) of the Emergency Wetlands Resources Act.*

18        *(2)(A) Expenditures from site specific special funds*  
19        *shall be for further activities of the area, site or project from*  
20        *which funds are collected, and shall be accounted for sepa-*  
21        *rately.*

22           *(B) Expenditures from agency specific special funds*  
23        *shall be for use on an agency-wide basis and shall be ac-*  
24        *counted for separately.*

1           (C) *Expenditures from the fee collection support fund*  
2 *shall be used to cover fee collection costs in accordance with*  
3 *section 4(i)(1)(B) of the Land and Water Conservation*  
4 *Fund Act, as amended: Provided, That funds unexpended*  
5 *and unobligated at the end of the fiscal year shall not be*  
6 *deposited into the special account established pursuant to*  
7 *section 4(i)(1)(A) of said Act and shall remain available*  
8 *for expenditure without further appropriation.*

9           (3) *In order to increase the quality of the visitor expe-*  
10 *rience at public recreational areas and enhance the protec-*  
11 *tion of resources, amounts available for expenditure under*  
12 *this section may only be used for the area, site or project*  
13 *concerned, for backlogged repair and maintenance projects*  
14 *(including projects relating to health and safety) and for*  
15 *interpretation, signage, habitat or facility enhancement, re-*  
16 *source preservation, annual operation (including fee collec-*  
17 *tion), maintenance, and law enforcement relating to public*  
18 *use. The agencywide accounts may be used for the same pur-*  
19 *poses set forth in the preceding sentence, but for areas, sites*  
20 *or projects selected at the discretion of the respective agency*  
21 *head.*

22           (d)(1) *Amounts collected under this section shall not*  
23 *be taken into account for the purposes of the Act of May*  
24 *23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500),*  
25 *the Act of March 4, 1913 (16 U.S.C. 501), the Act of July*

1 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and  
2 the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act  
3 of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31,  
4 United States Code, section 401 of the Act of June 15, 1935  
5 (16 U.S.C. 715s), the Land and Water Conservation Fund  
6 Act of 1965 (16 U.S.C. 460l), and any other provision of  
7 law relating to revenue allocation.

8 (2) Fees charged pursuant to this section shall be in  
9 lieu of fees charged under any other provision of law.

10 (e) The Secretary of the Interior and the Secretary of  
11 Agriculture shall carry out this section without promulgat-  
12 ing regulations.

13 (f) The authority to collect fees under this section shall  
14 commence on October 1, 1995, and end on September 30,  
15 1998. Funds in accounts established shall remain available  
16 through September 30, 2001.

17 SEC. 316. Section 2001(a)(2) of Public Law 104–19  
18 is amended as follows: Strike “September 30, 1997” and  
19 insert in lieu thereof “December 31, 1996”.

20 SEC. 317. None of the funds made available in this  
21 Act may be used for any program, project, or activity when  
22 it is made known to the Federal entity or official to which  
23 the funds are made available that the program, project, or  
24 activity is not in compliance with any applicable Federal

1 *law relating to risk assessment, the protection of private*  
2 *property rights, or unfunded mandates.*

3       *SEC. 318. None of the funds provided in this Act may*  
4 *be made available for the Mississippi River Corridor Herit-*  
5 *age Commission.*

6       *SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3*  
7 *of the Great Basin National Park Act of 1986 (16 U.S.C.*  
8 *410mm–1) is amended—*

9           *(1) in the first sentence of subsection (e) by strik-*  
10 *ing “shall” and inserting “may”; and*

11           *(2) in subsection (f)—*

12               *(A) by striking “At the request” and insert-*  
13 *ing the following:*

14               *“(1) EXCHANGES.—At the request”;*

15               *(B) by striking “grazing permits” and in-*  
16 *serting “grazing permits and grazing leases”;*  
17 *and*

18               *(C) by adding after “Federal lands.” the*  
19 *following:*

20               *“(2) ACQUISITION BY DONATION.—*

21                   *(A) IN GENERAL.—The Secretary may ac-*  
22 *quire by donation valid existing permits and*  
23 *grazing leases authorizing grazing on land in the*  
24 *park.*

1           (B) *TERMINATION.*—*The Secretary shall*  
2           *terminate a grazing permit or grazing lease ac-*  
3           *quired under subparagraph (A) so as to end*  
4           *grazing previously authorized by the permit or*  
5           *lease.”.*

6           *SEC. 320. None of the funds made available in this*  
7           *Act shall be used by the Department of Energy in imple-*  
8           *menting the Codes and Standards Program to propose,*  
9           *issue, or prescribe any new or amended standard: Provided,*  
10          *That this section shall expire on September 30, 1996: Pro-*  
11          *vided further, That nothing in this section shall preclude*  
12          *the Federal Government from promulgating rules concern-*  
13          *ing energy efficiency standards for the construction of new*  
14          *federally-owned commercial and residential buildings.*

15          *SEC. 321. None of the funds made available in this*  
16          *Act may be used (1) to demolish the bridge between Jersey*  
17          *City, New Jersey, and Ellis Island; or (2) to prevent pedes-*  
18          *trian use of such bridge, when it is made known to the Fed-*  
19          *eral official having authority to obligate or expend such*  
20          *funds that such pedestrian use is consistent with generally*  
21          *accepted safety standards.*

22          *SEC. 322. (a) None of the funds appropriated or other-*  
23          *wise made available pursuant to this Act shall be obligated*  
24          *or expended to accept or process applications for a patent*



1 *for any mining or mill site claim located under the general*  
2 *mining laws.*

3       **(b)** *The provisions of subsection (a) shall not apply*  
4 *if the Secretary of the Interior determines that, for the claim*  
5 *concerned: (1) a patent application was filed with the Sec-*  
6 *retary on or before September 30, 1994, and (2) all require-*  
7 *ments established under sections 2325 and 2326 of the Re-*  
8 *vised Statutes (30 U.S.C. 29 and 30) for vein or lode claims*  
9 *and sections 2329, 2330, 2331, and 2333 of the Revised*  
10 *Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and*  
11 *section 2337 of the Revised Statutes (30 U.S.C. 42) for mill*  
12 *site claims, as the case may be, were fully complied with*  
13 *by the applicant by that date.*

14       **(c)** *PROCESSING SCHEDULE.—For those applications*  
15 *for patents pursuant to subsection (b) which were filed with*  
16 *the Secretary of the Interior, prior to September 30, 1994,*  
17 *the Secretary of the Interior shall—*

18           **(1)** *Within three months of the enactment of this*  
19 *Act, file with the House and Senate Committees on*  
20 *Appropriations and the Committee on Resources of*  
21 *the House of Representatives and the Committee on*  
22 *Energy and Natural Resources of the United States*  
23 *Senate a plan which details how the Department of*  
24 *the Interior will make a final determination as to*  
25 *whether or not an applicant is entitled to a patent*

1        *under the general mining laws on at least 90 percent*  
2        *of such applications within five years of the enact-*  
3        *ment of this Act and file reports annually thereafter*  
4        *with the same committees detailing actions taken by*  
5        *the Department of the Interior to carry out such plan;*  
6        *and*

7                (2) *Take such actions as may be necessary to*  
8        *carry out such plan.*

9        (d) *MINERAL EXAMINATIONS.—In order to process*  
10       *patent applications in a timely and responsible manner,*  
11       *upon the request of a patent applicant, the Secretary of the*  
12       *Interior shall allow the applicant to fund a qualified third-*  
13       *party contractor to be selected by the Bureau of Land*  
14       *Management to conduct a mineral examination of the min-*  
15       *ing claims or mill sites contained in a patent application*  
16       *as set forth in subsection (b). The Bureau of Land Manage-*  
17       *ment shall have the sole responsibility to choose and pay*  
18       *the third-party contractor in accordance with the standard*  
19       *procedures employed by the Bureau of Land Management*  
20       *in the retention of third-party contractors.*

21                *SEC. 323. None of the funds appropriated or otherwise*  
22       *made available by this Act may be used for the purposes*  
23       *of acquiring lands in the counties of Lawrence, Monroe, or*  
24       *Washington, Ohio, for the Wayne National Forest.*

1        *SEC. 324. No part of any appropriation contained in*  
2 *this Act or any other Act shall be expended or obligated*  
3 *to fund the activities of the Office of Forestry and Economic*  
4 *Development after December 31, 1995.*

5        *SEC. 325. Amend section 2001(k) of Public Law 104–*  
6 *19 by striking “in fiscal years 1995 and 1996” in para-*  
7 *graph (1) and adding paragraph (4) to read:*

8        *“(4) TIMING AND CONDITIONS OF ALTERNATIVE VOL-*  
9 *UME.—For any sale subject to paragraph (2) of this sub-*  
10 *section, the Secretary concerned shall, and for any other*  
11 *sale subject to this subsection, the Secretary concerned may,*  
12 *within 45 days of the date of enactment of this paragraph,*  
13 *reach agreement with the purchaser to identify and provide,*  
14 *by a date agreed to by the purchaser, a volume, value and*  
15 *kind of timber satisfactory to the purchaser to substitute*  
16 *for all or a portion of the timber subject to the sale, which*  
17 *shall be subject to the original terms of the contract except*  
18 *as otherwise agreed, and shall be subject to paragraph (1).*  
19 *After the agreed date for providing alternative timber the*  
20 *purchaser may operate the original sale under the terms*  
21 *of paragraph (1) until the Secretary concerned designates*  
22 *and the purchaser accepts alternative timber under this*  
23 *paragraph. Any sale subject to this subsection shall be*  
24 *awarded, released, and completed pursuant to paragraph*  
25 *(1) for a period equal to the length of the original contract,*

1 *and shall not count against current allowable sale quan-*  
2 *tities or timber sales to be offered under subsections (b) and*  
3 *(d).”*

4       “(5) *BUY-OUT AUTHORIZATION.—The Secretary con-*  
5 *cerned is authorized to permit a requesting purchaser of*  
6 *any sale subject to this subsection to return to the Govern-*  
7 *ment all or a specific volume of timber under the sale con-*  
8 *tract, and shall pay to such purchaser upon tender of such*  
9 *volume a buy-out payment for such volume from any funds*  
10 *available to the Secretary concerned except from accounts*  
11 *governing or related to forest land management, fire fight-*  
12 *ing, timber sale preparation, harvest administration, road*  
13 *construction and maintenance, timber sale program sup-*  
14 *port; any accounts associated with preparing or admin-*  
15 *istering the sale of timber from any public lands under the*  
16 *jurisdiction of the Secretary concerned, range or minerals*  
17 *management; or any permanent appropriation or trust*  
18 *funds. Such volume and such payment shall be mutually*  
19 *agreed to by the Secretary and the purchaser. The authority*  
20 *provided by this paragraph to reach such agreement shall*  
21 *expire 45 days after the enactment of this paragraph.”*

22       *SEC. 326. (a) LAND EXCHANGE.—The Secretary of the*  
23 *Interior (hereinafter referred to as the “Secretary”) is au-*  
24 *thorized to convey to the Boise Cascade Corporation (here-*  
25 *inafter referred to as the “Corporation”), a corporation*

1 *formed under the statutes of the State of Delaware, with*  
2 *its principal place of business at Boise, Idaho, title to ap-*  
3 *proximately seven acres of land, more or less, located in*  
4 *sections 14 and 23, township 36 north, range 37 east, Wil-*  
5 *lamette Meridian, Stevens County, Washington, further*  
6 *identified in the records of the Bureau of Reclamation, De-*  
7 *partment of the Interior, as Tract No. GC-19860, and to*  
8 *accept from the Corporation in exchange therefor, title to*  
9 *approximately one hundred and thirty-six acres of land lo-*  
10 *cated in section 19, township 37 north, range 38 east and*  
11 *section 33, township 38 north, range 37 east, Willamette*  
12 *Meridian, Stevens County, Washington, and further identi-*  
13 *fied in the records of the Bureau of Reclamation, Depart-*  
14 *ment of the Interior, as Tract No. GC-19858 and Tract*  
15 *No. GC-19859, respectively.*

16       **(b) APPRAISAL.**—*The properties so exchanged either*  
17 *shall be approximately equal in fair market value or if they*  
18 *are not approximately equal, shall be equalized by the pay-*  
19 *ment of cash to the Corporation or to the Secretary as re-*  
20 *quired or in the event the value of the Corporation's lands*  
21 *is greater, the acreage may be reduced so that the fair mar-*  
22 *ket value is approximately equal: Provided, That the Sec-*  
23 *retary shall order appraisals made of the fair market value*  
24 *of each tract of land included in the exchange without con-*  
25 *sideration for improvements thereon: Provided further, That*

1 *any cash payment received by the Secretary shall be covered*  
2 *in the Reclamation Fund and credited to the Columbia*  
3 *Basin project.*

4 *(c) ADMINISTRATIVE COSTS.—Costs of conducting the*  
5 *necessary land surveys, preparing the legal descriptions of*  
6 *the lands to be conveyed, performing the appraisals, and*  
7 *administrative costs incurred in completing the exchange*  
8 *shall be borne by the Corporation.*

9 *(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1)*  
10 *The Secretary shall not acquire any lands under this Act*  
11 *if the Secretary determines that such lands, or any portion*  
12 *thereof, have become contaminated with hazardous sub-*  
13 *stances (as defined in the Comprehensive Environmental*  
14 *Response, Compensation, and Liability Act (42 U.S.C.*  
15 *9601)).*

16 *(2) Notwithstanding any other provision of law, the*  
17 *United States shall have no responsibility or liability with*  
18 *respect to any hazardous wastes or other substances placed*  
19 *on any of the lands covered by this Act after their transfer*  
20 *to the ownership of any party, but nothing in this Act shall*  
21 *be construed as either diminishing or increasing any re-*  
22 *sponsibility or liability of the United States based on the*  
23 *condition of such lands on the date of their transfer to the*  
24 *ownership of another party. The Corporation shall indem-*  
25 *nify the United States for liabilities arising under the Com-*

1 *prehensive Environmental Response, Compensation, and*  
2 *Liability Act (42 U.S.C. 9601), and the Resource Conserva-*  
3 *tion Recovery Act (42 U.S.C. 6901 et seq.).*

4 *(e) AUTHORIZATION OF APPROPRIATIONS.—There are*  
5 *authorized to be appropriated such sums as may be nec-*  
6 *essary to carry out the purposes of this Act.*

7 *SEC. 327. TIMBER SALES PIPELINE RESTORATION*  
8 *FUNDS.—(a) The Secretary of Agriculture and the Sec-*  
9 *retary of the Interior shall each establish a Timber Sales*  
10 *Pipeline Restoration Fund (hereinafter “Agriculture Fund”*  
11 *and “Interior Fund” or “Funds”). Any revenues received*  
12 *from sales released under section 2001(k) of the fiscal year*  
13 *1995 Supplemental Appropriations for Disaster Assistance*  
14 *and Rescissions Act, minus the funds necessary to make*  
15 *payments to States or local governments under other law*  
16 *concerning the distribution of revenues derived from the af-*  
17 *ected lands, which are in excess of \$37,500,000 (hereinafter*  
18 *“excess revenues”) shall be deposited into the Funds. The*  
19 *distribution of excess revenues between the Agriculture*  
20 *Fund and Interior Fund shall be calculated by multiplying*  
21 *the total of excess revenues times a fraction with a denomi-*  
22 *nator of the total revenues received from all sales released*  
23 *under such section 2001(k) and numerators of the total reve-*  
24 *nuces received from such sales on lands within the National*  
25 *Forest System and the total revenues received from such*

1 sales on lands administered by the Bureau of Land Man-  
2 agement, respectively: Provided, That revenues or portions  
3 thereof from sales released under such section 2001(k),  
4 minus the amounts necessary for State and local govern-  
5 ment payments and other necessary deposits, may be depos-  
6 ited into the Funds immediately upon receipt thereof and  
7 subsequently redistributed between the Funds or paid into  
8 the United States Treasury as miscellaneous receipts as  
9 may be required when the calculation of excess revenues is  
10 made.

11 (b)(1) From the funds deposited into the Agriculture  
12 Fund and into the Interior Fund pursuant to subsection  
13 (a)—

14 (A) seventy-five percent shall be available, with-  
15 out fiscal year limitation or further appropriation,  
16 for preparation of timber sales, other than salvage  
17 sales as defined in section 2001(a)(3) of the fiscal  
18 year 1995 Supplemental Appropriations for Disaster  
19 Assistance and Rescissions Act, which—

20 (i) are situated on lands within the Na-  
21 tional Forest System and lands administered by  
22 the Bureau of Land Management, respectively;  
23 and



1           (ii) are in addition to timber sales for  
2           which funds are otherwise available in this Act  
3           or other appropriations Acts; and

4           (B) twenty-five percent shall be available, with-  
5           out fiscal year limitation or further appropriation, to  
6           expend on the backlog of recreation projects on lands  
7           within the National Forest System and lands admin-  
8           istered by the Bureau of Land Management, respec-  
9           tively.

10          (2) Expenditures under this subsection for preparation  
11          of timber sales may include expenditures for Forest Service  
12          activities within the forest land management budget line  
13          item and associated timber roads, and Bureau of Land  
14          Management activities within the Oregon and California  
15          grant lands account and the forestry management area ac-  
16          count, as determined by the Secretary concerned.

17          (c) Revenues received from any timber sale prepared  
18          under subsection (b) or under this subsection, minus the  
19          amounts necessary for State and local government pay-  
20          ments and other necessary deposits, shall be deposited into  
21          the Fund from which funds were expended on such sale.  
22          Such deposited revenues shall be available for preparation  
23          of additional timber sales and completion of additional  
24          recreation projects in accordance with the requirements set  
25          forth in subsection (b).

1           (d) *The Secretary concerned shall terminate all pay-*  
2 *ments into the Agriculture Fund or the Interior Fund, and*  
3 *pay any unobligated funds in the affected Fund into the*  
4 *United States Treasury as miscellaneous receipts, whenever*  
5 *the Secretary concerned makes a finding, published in the*  
6 *Federal Register, that sales sufficient to achieve the total*  
7 *allowable sales quantity of the National Forest System for*  
8 *the Forest Service or the allowable sales level for the Oregon*  
9 *and California grant lands for the Bureau of Land Man-*  
10 *agement, respectively, have been prepared.*

11           (e) *Any timber sales prepared and recreation projects*  
12 *completed under this section shall comply with all applica-*  
13 *ble environmental and natural resource laws and regula-*  
14 *tions.*

15           (f) *The Secretary concerned shall report annually to*  
16 *the Committees on Appropriations of the United States*  
17 *Senate and the House of Representatives on expenditures*  
18 *made from the Fund for timber sales and recreation*  
19 *projects, revenues received into the Fund from timber sales,*  
20 *and timber sale preparation and recreation project work*  
21 *undertaken during the previous year and projected for the*  
22 *next year under the Fund. Such information shall be pro-*  
23 *vided for each Forest Service region and Bureau of Land*  
24 *Management State office.*

1           (g) *The authority of this section shall terminate upon*  
2 *the termination of both Funds in accordance with the provi-*  
3 *sions of subsection (d).*

4           *SEC. 328. Of the funds provided to the National En-*  
5 *dowment for the Arts:*

6           (a) *The Chairperson shall only award a grant to*  
7 *an individual if such grant is awarded to such indi-*  
8 *vidual for a literature fellowship, National Heritage*  
9 *Fellowship, or American Jazz Masters Fellowship.*

10          (b) *The Chairperson shall establish procedures to*  
11 *ensure that no funding provided through a grant, ex-*  
12 *cept a grant made to a State or regional group, may*  
13 *be used to make a grant to any other organization or*  
14 *individual to conduct activity independent of the di-*  
15 *rect grant recipient. Nothing in this subsection shall*  
16 *prohibit payments made in exchange for goods and*  
17 *services.*

18          (c) *No grant shall be used for seasonal support*  
19 *to a group, unless the application is specific to the*  
20 *contents of the season, including identified programs*  
21 *and/or projects.*

22           *SEC. 329. DELAY IN IMPLEMENTATION OF THE ADMIN-*  
23 *ISTRATION'S RANGELAND REFORM PROGRAM.—None of the*  
24 *funds made available under this or any other Act may be*  
25 *used to implement or enforce the final rule published by*

1 *the Secretary of the Interior on February 22, 1995 (60 Fed.*  
2 *Reg. 9894), making amendments to parts 4, 1780, and 4100*  
3 *of title 43, Code of Federal Regulations, to take effect August*  
4 *21, 1995, until November 21, 1995. None of the funds made*  
5 *available under this or any other Act may be used to pub-*  
6 *lish proposed or enforce final regulations governing the*  
7 *management of livestock grazing on lands administered by*  
8 *the Forest Service until November 21, 1995.*

9       *SEC. 330. Section 1864 of title 18, United States Code,*  
10 *is amended—*

11           *(1) in subsection (b)—*

12                   *(A) in paragraph (2), by striking “twenty”*  
13 *and inserting “40”;*

14                   *(B) in paragraph (3), by striking “ten” and*  
15 *inserting “20”;*

16                   *(C) in paragraph (4), by striking “if dam-*  
17 *age exceeding \$10,000 to the property of any in-*  
18 *dividual results,” and inserting “if damage to*  
19 *the property of any individual results or if*  
20 *avoidance costs have been incurred exceeding*  
21 *\$10,000, in the aggregate,”; and*

22                   *(D) in paragraph (4), by striking “ten”*  
23 *and inserting “20”;*

24           *(2) in subsection (c) by striking “ten” and in-*  
25 *serting “20”;*

1           (3) in subsection (d), by—

2                   (A) striking “and” at the end of paragraph

3           (2);

4                   (B) striking the period at the end of para-  
5           graph (3) and inserting “; and”; and

6                   (C) adding at the end the following:

7           “(4) the term ‘avoidance costs’ means costs in-  
8           curred by any individual for the purpose of—

9                   “(A) detecting a hazardous or injurious de-  
10           vice; or

11                   “(B) preventing death, serious bodily in-  
12           jury, bodily injury, or property damage likely to  
13           result from the use of a hazardous or injurious  
14           device in violation of subsection (a).”; and

15           (4) by adding at the end thereof the following:

16           “(e) Any person injured as the result of a violation  
17           of subsection (a) may commence a civil action on his own  
18           behalf against any person who is alleged to be in violation  
19           of subsection (a). The district courts shall have jurisdiction,  
20           without regard to the amount in controversy or the citizen-  
21           ship of the parties, in such civil actions. The court may  
22           award, in addition to monetary damages for any injury  
23           resulting from an alleged violation of subsection (a), costs  
24           of litigation, including reasonable attorney and expert wit-  
25           ness fees, to any prevailing or substantially prevailing

1 party, whenever the court determines such award is appro-  
2 priate.”.

3       SEC. 331. (a) *PURPOSES OF NATIONAL ENDOWMENT*  
4 *FOR THE ARTS.*—Section 2 of the National Foundation on  
5 the Arts and the Humanities Act of 1965, as amended (20  
6 U.S.C. 951), sets out findings and purposes for which the  
7 National Endowment for the Arts was established, among  
8 which are—

9           (1) “The arts and humanities belong to all the  
10 people of the United States”;

11           (2) “The arts and humanities reflect the high  
12 place accorded by the American people . . . to the  
13 fostering of mutual respect for the diverse beliefs and  
14 values of all persons and groups”;

15           (3) “Public funding of the arts and humanities  
16 is subject to the conditions that traditionally govern  
17 the use of public money [and] such funding should  
18 contribute to public support and confidence in the use  
19 of taxpayer funds”; and

20           (4) “Public funds provided by the Federal Gov-  
21 ernment must ultimately serve public purposes the  
22 Congress defines”.

23       (b) *ADDITIONAL CONGRESSIONAL FINDINGS.*—Con-  
24 gress further finds and declares that the use of scarce funds,  
25 which have been taken from all taxpayers of the United

1 *States, to promote, disseminate, sponsor, or produce any*  
2 *material or performance that—*

3           (1) *denigrates the religious objects or religious*  
4 *beliefs of the adherents of a particular religion, or*

5           (2) *depicts or describes, in a patently offensive*  
6 *way, sexual or excretory activities or organs,*

7 *is contrary to the express purposes of the National Founda-*  
8 *tion on the Arts and the Humanities Act of 1965, as amend-*  
9 *ed.*

10           (c) *PROHIBITION ON FUNDING THAT IS NOT CONSIST-*  
11 *ENT WITH THE PURPOSES OF THE ACT.—Notwithstanding*  
12 *any other provision of law, none of the scarce funds which*  
13 *have been taken from all taxpayers of the United States and*  
14 *made available under this Act to the National Endowment*  
15 *for the Arts may be used to promote, disseminate, sponsor,*  
16 *or produce any material or performance that—*

17           (1) *denigrates the religious objects or religious*  
18 *beliefs of the adherents of a particular religion, or*

19           (2) *depicts or describes, in a patently offensive*  
20 *way, sexual or excretory activities or organs,*

21 *and this prohibition shall be strictly applied without regard*  
22 *to the content or viewpoint of the material or performance.*

23           (d) *SECTION NOT TO AFFECT OTHER WORKS.—Noth-*  
24 *ing in this section shall be construed to affect in any way*  
25 *the freedom of any artist or performer to create any mate-*

1 rial or performance using funds which have not been made  
2 available under this Act to the National Endowment for  
3 the Arts.

4       *SEC. 332. For purposes related to the closure of the*  
5 *Bureau of Mines, funds made available to the United States*  
6 *Geological Survey, the United States Bureau of Mines, and*  
7 *the Bureau of Land Management shall be available for*  
8 *transfer, with the approval of the Secretary of the Interior,*  
9 *among the following accounts: United States Geological*  
10 *Survey, Surveys, investigations, and research; Bureau of*  
11 *Mines, Mines and minerals; and Bureau of Land Manage-*  
12 *ment, Management of lands and resources. The Secretary*  
13 *of Energy shall reimburse the Secretary of the Interior, in*  
14 *an amount to be determined by the Director of the Office*  
15 *of Management and Budget, for the expenses of the trans-*  
16 *ferred functions between October 1, 1995 and the effective*  
17 *date of the transfers of function. Such transfers shall be sub-*  
18 *ject to the reprogramming guidelines of the House and Sen-*  
19 *ate Committees on Appropriations.*

20       *SEC. 333. No funds appropriated under this or any*  
21 *other Act shall be used to review or modify sourcing areas*  
22 *previously approved under section 490(c)(3) of the Forest*  
23 *Resources Conservation and Shortage Relief Act of 1990*  
24 *(Public Law 101–382) or to enforce or implement Federal*  
25 *regulations 36 CFR part 223 promulgated on September*



1 8, 1995. The regulations and interim rules in effect prior  
2 to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36  
3 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR  
4 261.6) shall remain in effect. The Secretary of Agriculture  
5 or the Secretary of the Interior shall not adopt any policies  
6 concerning Public Law 101–382 or existing regulations that  
7 would restrain domestic transportation or processing of  
8 timber from private lands or impose additional account-  
9 ability requirements on any timber. The Secretary of Com-  
10 merce shall extend until September 30, 1996, the order is-  
11 sued under section 491(b)(2)(A) of Public Law 101–382 and  
12 shall issue an order under section 491(b)(2)(B) of such law  
13 that will be effective October 1, 1996.

14       *SEC. 334. The National Park Service, in accordance*  
15 *with the Memorandum of Agreement between the United*  
16 *States National Park Service and the City of Vancouver*  
17 *dated November 4, 1994, shall permit general aviation on*  
18 *its portion of Pearson Field in Vancouver, Washington*  
19 *until the year 2022, during which time a plan and method*  
20 *for transitioning from general aviation aircraft to historic*  
21 *aircraft shall be completed; such transition to be accom-*  
22 *plished by that date. This action shall not be construed to*  
23 *limit the authority of the Federal Aviation Administration*  
24 *over air traffic control or aviation activities at Pearson*

1 *Field or limit operations and airspace of Portland Inter-*  
2 *national Airport.*

3       *SEC. 335. The United States Forest Service approval*  
4 *of Alternative site 2 (ALT 2), issued on December 6, 1993,*  
5 *is hereby authorized and approved and shall be deemed to*  
6 *be consistent with, and permissible under, the terms of Pub-*  
7 *lic Law 100–696 (the Arizona-Idaho Conservation Act of*  
8 *1988).*

9       *SEC. 336. Notwithstanding any other provision of law,*  
10 *no funds made available to the Department of the Interior*  
11 *or the Department of Agriculture by this or any other act,*  
12 *through May 15, 1997, may be used to prepare, issue, or*  
13 *implement regulations, rules, or policies pursuant to Title*  
14 *VIII of the Alaska National Interest Lands Conservation*  
15 *Act to assert jurisdiction, management, or control over nav-*  
16 *igable waters transferred to the State of Alaska pursuant*  
17 *to the Submerged Lands Act of 1953 or the Alaska State-*  
18 *hood Act of 1959.*

19       *SEC. 337. Upon enactment of this Act, the following*  
20 *provisions of Public Law 104–92, Public Law 104–91, and*  
21 *Public Law 104–99 that would continue to have effect after*  
22 *March 15, 1996, are superseded:*

23               *Section 101 of Public Law 104–92, as amended:*  
24               *(1) the paragraph dealing with general welfare assist-*  
25               *ance payments and foster care payments funded*

1        *under the account heading “Operations of Indian*  
2        *Programs”;* and (2) *the paragraph dealing with the*  
3        *visitor services in the National Park System, the Na-*  
4        *tional Wildlife Refuges, the National Forests, the*  
5        *Smithsonian Institution facilities, the National Gal-*  
6        *lery of Art, the John F. Kennedy Center for the Per-*  
7        *forming Arts, and the United States Holocaust Memo-*  
8        *rial.*

9                *Section 101(a) of Public Law 104–91: (1) the*  
10        *paragraph dealing with visitor services on the public*  
11        *lands managed by the Bureau of Land Management;*  
12        *and (2) the paragraph dealing with Self-Determina-*  
13        *tion and Self-Governance projects and activities*  
14        *under the account heading “Operations of Indian*  
15        *Programs” and the account heading “Indian Health*  
16        *Service”.*

17                *Section 123 of Public Law 104–99.*

18                *Section 124 of Public Law 104–99.*

19        *This Act may be cited as the “Department of the Inte-*  
20        *rior and Related Agencies Appropriations Act, 1996”.*

21        *(d) Such amounts as may be necessary for programs,*  
22        *projects or activities provided for in the Departments of*  
23        *Labor, Health and Human Services, and Education, and*  
24        *Related Agencies Appropriations Act, 1996 at a rate of op-*  
25        *erations and to the extent and in the manner provided as*

1 *follows, to be effective as if it had been enacted into law*  
2 *as the regular appropriations Act:*

3 *AN ACT*

4 *Making appropriations for the Departments of Labor,*  
5 *Health and Human Services, and Education, and related*  
6 *agencies, for the fiscal year ending September 30, 1996 and*  
7 *for other purposes.*

8 *TITLE I—DEPARTMENT OF LABOR*

9 *EMPLOYMENT AND TRAINING ADMINISTRATION*

10 *TRAINING AND EMPLOYMENT SERVICES*

11 *For expenses necessary to carry into effect the Job*  
12 *Training Partnership Act, as amended, including the pur-*  
13 *chase and hire of passenger motor vehicles, the construction,*  
14 *alteration, and repair of buildings and other facilities, and*  
15 *the purchase of real property for training centers as author-*  
16 *ized by the Job Training Partnership Act; title II of the*  
17 *Civil Rights Act of 1991; the Women in Apprenticeship and*  
18 *Nontraditional Occupations Act; National Skill Standards*  
19 *Act of 1994; and the School-to-Work Opportunities Act;*  
20 *\$3,108,978,000 plus reimbursements, of which*  
21 *\$2,891,759,000 is available for obligation for the period*  
22 *July 1, 1996 through June 30, 1997; of which \$121,467,000*  
23 *is available for the period July 1, 1996 through June 30,*  
24 *1999 for necessary expenses of construction, rehabilitation,*  
25 *and acquisition of Job Corps centers; and of which*

1 \$95,000,000 shall be available from July 1, 1996 through  
2 September 30, 1997, for carrying out activities of the  
3 School-to-Work Opportunities Act: Provided, That  
4 \$52,502,000 shall be for carrying out section 401 of the Job  
5 Training Partnership Act, \$69,285,000 shall be for carry-  
6 ing out section 402 of such Act, \$7,300,000 shall be for car-  
7 rying out section 441 of such Act, \$8,000,000 shall be for  
8 all activities conducted by and through the National Occu-  
9 pational Information Coordinating Committee under such  
10 Act, \$745,700,000 shall be for carrying out title II, part  
11 A of such Act, and \$126,672,000 shall be for carrying out  
12 title II, part C of such Act and \$5,000,000 shall be available  
13 for obligation for the period July 1, 1995 through June 30,  
14 1996 for employment-related activities of the 1996  
15 Paralympic Games: Provided further, That no funds from  
16 any other appropriation shall be used to provide meal serv-  
17 ices at or for Job Corps centers: Provided further, That not-  
18 withstanding any other provision of law, the Secretary of  
19 Labor may waive any of the requirements contained in sec-  
20 tions 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264,  
21 301, 311, 313, 314, and 315 of the Job Training Partner-  
22 ship Act in order to assist States in improving State  
23 workforce development systems, pursuant to a request sub-  
24 mitted by a State that has prior to the date of enactment  
25 of this Act executed a Memorandum of Understanding with

1 *the United States requiring such State to meet agreed upon*  
2 *outcomes: Provided further, That funds used from this Act*  
3 *to carry out title III of the Job Training Partnership Act*  
4 *shall not be subject to the limitation contained in subsection*  
5 *(b) of section 315 of such Act; that the waiver allowing a*  
6 *reduction in the cost limitation relating to retraining serv-*  
7 *ices described in subsection (a)(2) of such section 315 may*  
8 *be granted with respect to funds from this Act if a substate*  
9 *grantee demonstrates to the Governor that such waiver is*  
10 *appropriate due to the availability of low-cost retraining*  
11 *services, is necessary to facilitate the provision of needs-re-*  
12 *lated payments to accompany long-term training, or is nec-*  
13 *essary to facilitate the provision of appropriate basic read-*  
14 *justment services and that funds used from this Act to carry*  
15 *out the Secretary's discretionary grants under part B of*  
16 *such title III may be used to provide needs-related pay-*  
17 *ments to participants who, in lieu of meeting the require-*  
18 *ments relating to enrollment in training under section*  
19 *314(e) of such Act, are enrolled in training by the end of*  
20 *the sixth week after funds have been awarded: Provided fur-*  
21 *ther, That service delivery areas may transfer funding pro-*  
22 *vided herein under authority of title II-C of the Job Train-*  
23 *ing Partnership Act to the program authorized by title II-*  
24 *B of that Act, if such transfer is approved by the Governor:*  
25 *Provided further, That service delivery areas and substate*

1 *areas may transfer funding provided herein under author-*  
2 *ity of title II–A and title III of the Job Training Partner-*  
3 *ship Act between the programs authorized by those titles*  
4 *of the Act, if such transfer is approved by the Governor:*  
5 *Provided further, That, notwithstanding any other provi-*  
6 *sion of law, any proceeds from the sale of Job Corps Center*  
7 *facilities shall be retained by the Secretary of Labor to*  
8 *carry out the Job Corps program.*

9 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

10 *To carry out the activities for national grants or con-*  
11 *tracts with public agencies and public or private nonprofit*  
12 *organizations under paragraph (1)(A) of section 506(a) of*  
13 *title V of the Older Americans Act of 1965, as amended,*  
14 *or to carry out older worker activities as subsequently au-*  
15 *thorized, \$273,000,000.*

16 *To carry out the activities for grants to States under*  
17 *paragraph (3) of section 506(a) of title V of the Older Amer-*  
18 *icans Act of 1965, as amended, or to carry out older worker*  
19 *activities as subsequently authorized, \$77,000,000.*

20 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

21 *For payments during the current fiscal year of trade*  
22 *adjustment benefit payments and allowances under part I,*  
23 *and for training, for allowances for job search and reloca-*  
24 *tion, and for related State administrative expenses under*  
25 *part II, subchapters B and D, chapter 2, title II of the*

1 *Trade Act of 1974, as amended, \$346,100,000, together with*  
2 *such amounts as may be necessary to be charged to the sub-*  
3 *sequent appropriation for payments for any period subse-*  
4 *quent to September 15 of the current year.*

5 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

6 *SERVICE OPERATIONS*

7 *For activities authorized by the Act of June 6, 1933,*  
8 *as amended (29 U.S.C. 49-49l-1; 39 U.S.C.*  
9 *3202(a)(1)(E)); title III of the Social Security Act, as*  
10 *amended (42 U.S.C. 502-504); necessary administrative ex-*  
11 *penses for carrying out 5 U.S.C. 8501-8523, and sections*  
12 *225, 231-235, 243-244, and 250(d)(1), 250(d)(3), title II*  
13 *of the Trade Act of 1974, as amended; as authorized by sec-*  
14 *tion 7c of the Act of June 6, 1933, as amended, necessary*  
15 *administrative expenses under sections 101(a)(15)(H),*  
16 *212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2),*  
17 *and (3), and 258(c) of the Immigration and Nationality*  
18 *Act, as amended (8 U.S.C. 1101 et seq.); necessary adminis-*  
19 *trative expenses to carry out section 221(a) of the Immigra-*  
20 *tion Act of 1990, \$117,328,000, together with not to exceed*  
21 *\$3,104,194,000 (including not to exceed \$1,653,000 which*  
22 *may be used for amortization payments to States which had*  
23 *independent retirement plans in their State employment*  
24 *service agencies prior to 1980, and including not to exceed*  
25 *\$2,000,000 which may be obligated in contracts with non-*



1 *State entities for activities such as occupational and test*  
2 *research activities which benefit the Federal-State Employ-*  
3 *ment Service System), which may be expended from the*  
4 *Employment Security Administration account in the Un-*  
5 *employment Trust Fund, and of which the sums available*  
6 *in the allocation for activities authorized by title III of the*  
7 *Social Security Act, as amended (42 U.S.C. 502–504), and*  
8 *the sums available in the allocation for necessary adminis-*  
9 *trative expenses for carrying out 5 U.S.C. 8501–8523, shall*  
10 *be available for obligation by the States through December*  
11 *31, 1996, except that funds used for automation acquisi-*  
12 *tions shall be available for obligation by States through*  
13 *September 30, 1998; and of which \$115,452,000, together*  
14 *with not to exceed \$738,283,000 of the amount which may*  
15 *be expended from said trust fund shall be available for obli-*  
16 *gation for the period July 1, 1996, through June 30, 1997,*  
17 *to fund activities under the Act of June 6, 1933, as amend-*  
18 *ed, including the cost of penalty mail made available to*  
19 *States in lieu of allotments for such purpose, and of which*  
20 *\$216,333,000 shall be available only to the extent necessary*  
21 *for additional State allocations to administer unemploy-*  
22 *ment compensation laws to finance increases in the number*  
23 *of unemployment insurance claims filed and claims paid*  
24 *or changes in a State law: Provided, That to the extent that*  
25 *the Average Weekly Insured Unemployment (AWIU) for fis-*

1 *cal year 1996 is projected by the Department of Labor to*  
2 *exceed 2.785 million, an additional \$28,600,000 shall be*  
3 *available for obligation for every 100,000 increase in the*  
4 *AWIU level (including a pro rata amount for any incre-*  
5 *ment less than 100,000) from the Employment Security Ad-*  
6 *ministration Account of the Unemployment Trust Fund:*  
7 *Provided further, That funds appropriated in this Act*  
8 *which are used to establish a national one-stop career center*  
9 *network may be obligated in contracts, grants or agreements*  
10 *with non-State entities: Provided further, That funds ap-*  
11 *propriated under this Act for activities authorized under*  
12 *the Wagner-Peyser Act, as amended, and title III of the So-*  
13 *cial Security Act, may be used by the States to fund inte-*  
14 *grated Employment Service and Unemployment Insurance*  
15 *automation efforts, notwithstanding cost allocation prin-*  
16 *ciples prescribed under Office of Management and Budget*  
17 *Circular A-87.*

18 *ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND*

19 *OTHER FUNDS*

20 *For repayable advances to the Unemployment Trust*  
21 *Fund as authorized by sections 905(d) and 1203 of the So-*  
22 *cial Security Act, as amended, and to the Black Lung Dis-*  
23 *ability Trust Fund as authorized by section 9501(c)(1) of*  
24 *the Internal Revenue Code of 1954, as amended; and for*  
25 *nonrepayable advances to the Unemployment Trust Fund*

1 *as authorized by section 8509 of title 5, United States Code,*  
2 *and section 104(d) of Public Law 102–164, and section 5*  
3 *of Public Law 103–6, and to the “Federal unemployment*  
4 *benefits and allowances” account, to remain available until*  
5 *September 30, 1997, \$369,000,000.*

6 *In addition, for making repayable advances to the*  
7 *Black Lung Disability Trust Fund in the current fiscal*  
8 *year after September 15, 1996, for costs incurred by the*  
9 *Black Lung Disability Trust Fund in the current fiscal*  
10 *year, such sums as may be necessary.*

11 *ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRA-*  
12 *TION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND*  
13 *(RESCISSION)*

14 *Amounts remaining unobligated under this heading as*  
15 *of September 30, 1995, are hereby rescinded.*

16 *PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND*  
17 *OTHER FUNDS*  
18 *(RESCISSION)*

19 *Of the amounts remaining unobligated under this*  
20 *heading as of September 30, 1995, \$266,000,000 are hereby*  
21 *rescinded.*

22 *PROGRAM ADMINISTRATION*

23 *For expenses of administering employment and train-*  
24 *ing programs and for carrying out section 908 of the Social*  
25 *Security Act, \$83,054,000, together with not to exceed*  
26 *\$40,793,000, which may be expended from the Employment*

1 *Security Administration account in the Unemployment*  
2 *Trust Fund.*

3 *PENSION AND WELFARE BENEFITS ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for Pension and Welfare Bene-*  
6 *fits Administration, \$65,198,000.*

7 *PENSION BENEFIT GUARANTY CORPORATION*

8 *PENSION BENEFIT GUARANTY CORPORATION FUND*

9 *The Pension Benefit Guaranty Corporation is author-*  
10 *ized to make such expenditures, including financial assist-*  
11 *ance authorized by section 104 of Public Law 96-364, with-*  
12 *in limits of funds and borrowing authority available to*  
13 *such Corporation, and in accord with law, and to make*  
14 *such contracts and commitments without regard to fiscal*  
15 *year limitations as provided by section 104 of the Govern-*  
16 *ment Corporation Control Act, as amended (31 U.S.C.*  
17 *9104), as may be necessary in carrying out the program*  
18 *through September 30, 1996, for such Corporation: Pro-*  
19 *vided, That not to exceed \$10,603,000 shall be available for*  
20 *administrative expenses of the Corporation: Provided fur-*  
21 *ther, That expenses of such Corporation in connection with*  
22 *the collection of premiums, the termination of pension*  
23 *plans, for the acquisition, protection or management, and*  
24 *investment of trust assets, and for benefits administration*  
25 *services shall be considered as non-administrative expenses*

1 *for the purposes hereof, and excluded from the above limita-*  
2 *tion.*

3 *EMPLOYMENT STANDARDS ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Employment Standards*  
6 *Administration, including reimbursement to State, Federal,*  
7 *and local agencies and their employees for inspection serv-*  
8 *ices rendered, \$254,756,000, together with \$978,000 which*  
9 *may be expended from the Special Fund in accordance with*  
10 *sections 39(c) and 44(j) of the Longshore and Harbor Work-*  
11 *ers' Compensation Act: Provided, That the Secretary of*  
12 *Labor is authorized to accept, retain, and spend, until ex-*  
13 *pended, in the name of the Department of Labor, all sums*  
14 *of money ordered to be paid to the Secretary of Labor, in*  
15 *accordance with the terms of the Consent Judgment in Civil*  
16 *Action No. 91-0027 of the United States District Court for*  
17 *the District of the Northern Mariana Islands (May 21,*  
18 *1992): Provided further, That the Secretary of Labor is au-*  
19 *thorized to establish and, in accordance with 31 U.S.C.*  
20 *3302, collect and deposit in the Treasury fees for processing*  
21 *applications and issuing certificates under sections 11(d)*  
22 *and 14 of the Fair Labor Standards Act of 1938, as amend-*  
23 *ed (29 U.S.C. 211(d) and 214) and for processing applica-*  
24 *tions and issuing registrations under Title I of the Migrant*

1 *and Seasonal Agricultural Worker Protection Act, 29*  
2 *U.S.C. 1801 et seq.*

3 *SPECIAL BENEFITS*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the payment of compensation, benefits, and ex-*  
6 *penses (except administrative expenses) accruing during the*  
7 *current or any prior fiscal year authorized by title 5, chap-*  
8 *ter 81 of the United States Code; continuation of benefits*  
9 *as provided for under the head "Civilian War Benefits" in*  
10 *the Federal Security Agency Appropriation Act, 1947; the*  
11 *Employees' Compensation Commission Appropriation Act,*  
12 *1944; and sections 4(c) and 5(f) of the War Claims Act of*  
13 *1948 (50 U.S.C. App. 2012); and 50 per centum of the addi-*  
14 *tional compensation and benefits required by section 10(h)*  
15 *of the Longshore and Harbor Workers' Compensation Act,*  
16 *as amended, \$218,000,000 together with such amounts as*  
17 *may be necessary to be charged to the subsequent year ap-*  
18 *propriation for the payment of compensation and other ben-*  
19 *efits for any period subsequent to August 15 of the current*  
20 *year: Provided, That such sums as are necessary may be*  
21 *used under section 8104 of title 5, United States Code, by*  
22 *the Secretary to reimburse an employer, who is not the em-*  
23 *ployer at the time of injury, for portions of the salary of*  
24 *a reemployed, disabled beneficiary: Provided further, That*  
25 *balances of reimbursements unobligated on September 30,*

1 1995, shall remain available until expended for the pay-  
2 ment of compensation, benefits, and expenses: Provided fur-  
3 ther, That in addition there shall be transferred to this ap-  
4 propriation from the Postal Service and from any other cor-  
5 poration or instrumentality required under section 8147(c)  
6 of title 5, United States Code, to pay an amount for its  
7 fair share of the cost of administration, such sums as the  
8 Secretary of Labor determines to be the cost of administra-  
9 tion for employees of such fair share entities through Sep-  
10 tember 30, 1996: Provided further, That of those funds  
11 transferred to this account from the fair share entities to  
12 pay the cost of administration, \$19,383,000 shall be made  
13 available to the Secretary of Labor for expenditures relating  
14 to capital improvements in support of Federal Employees'  
15 Compensation Act administration, and the balance of such  
16 funds shall be paid into the Treasury as miscellaneous re-  
17 ceipts: Provided further, That the Secretary may require  
18 that any person filing a notice of injury or a claim for  
19 benefits under Subchapter 5, U.S.C., chapter 81, or under  
20 subchapter 33, U.S.C. 901, et seq. (the Longshore and Har-  
21 bor Workers' Compensation Act, as amended), provide as  
22 part of such notice and claim, such identifying information  
23 (including Social Security account number) as such regula-  
24 tions may prescribe.

1                    *BLACK LUNG DISABILITY TRUST FUND*2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For payments from the Black Lung Disability Trust*  
4 *Fund, \$996,763,000, of which \$949,494,000 shall be avail-*  
5 *able until September 30, 1997, for payment of all benefits*  
6 *as authorized by section 9501(d) (1), (2), (4), and (7), of*  
7 *the Internal Revenue Code of 1954, as amended, and inter-*  
8 *est on advances as authorized by section 9501(c)(2) of that*  
9 *Act, and of which \$27,350,000 shall be available for transfer*  
10 *to Employment Standards Administration, Salaries and*  
11 *Expenses, and \$19,621,000 for transfer to Departmental*  
12 *Management, Salaries and Expenses, and \$298,000 for*  
13 *transfer to Departmental Management, Office of Inspector*  
14 *General, for expenses of operation and administration of*  
15 *the Black Lung Benefits program as authorized by section*  
16 *9501(d)(5)(A) of that Act: Provided, That in addition, such*  
17 *amounts as may be necessary may be charged to the subse-*  
18 *quent year appropriation for the payment of compensation,*  
19 *interest, or other benefits for any period subsequent to Au-*  
20 *gust 15 of the current year: Provided further, That in addi-*  
21 *tion such amounts shall be paid from this fund into mis-*  
22 *cellaneous receipts as the Secretary of the Treasury deter-*  
23 *mines to be the administrative expenses of the Department*  
24 *of the Treasury for administering the fund during the cur-*



1 *rent fiscal year, as authorized by section 9501(d)(5)(B) of*  
2 *that Act.*

3 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Occupational Safety*  
6 *and Health Administration, \$288,985,000 including not to*  
7 *exceed \$70,615,000 which shall be the maximum amount*  
8 *available for grants to States under section 23(g) of the Oc-*  
9 *cupational Safety and Health Act, which grants shall be*  
10 *no less than fifty percent of the costs of State occupational*  
11 *safety and health programs required to be incurred under*  
12 *plans approved by the Secretary under section 18 of the*  
13 *Occupational Safety and Health Act of 1970; and, in addi-*  
14 *tion, notwithstanding 31 U.S.C. 3302, the Occupational*  
15 *Safety and Health Administration may retain up to*  
16 *\$750,000 per fiscal year of training institute course tuition*  
17 *fees, otherwise authorized by law to be collected, and may*  
18 *utilize such sums for occupational safety and health train-*  
19 *ing and education grants: Provided, That none of the funds*  
20 *appropriated under this paragraph shall be obligated or ex-*  
21 *pended to prescribe, issue, administer, or enforce any stand-*  
22 *ard, rule, regulation, or order under the Occupational Safe-*  
23 *ty and Health Act of 1970 which is applicable to any per-*  
24 *son who is engaged in a farming operation which does not*  
25 *maintain a temporary labor camp and employs ten or fewer*

1 *employees: Provided further, That no funds appropriated*  
2 *under this paragraph shall be obligated or expended to ad-*  
3 *minister or enforce any standard, rule, regulation, or order*  
4 *under the Occupational Safety and Health Act of 1970 with*  
5 *respect to any employer of ten or fewer employees who is*  
6 *included within a category having an occupational injury*  
7 *lost workday case rate, at the most precise Standard Indus-*  
8 *trial Classification Code for which such data are published,*  
9 *less than the national average rate as such rates are most*  
10 *recently published by the Secretary, acting through the Bu-*  
11 *reau of Labor Statistics, in accordance with section 24 of*  
12 *that Act (29 U.S.C. 673), except—*

13           (1) *to provide, as authorized by such Act, con-*  
14 *sultation, technical assistance, educational and train-*  
15 *ing services, and to conduct surveys and studies;*

16           (2) *to conduct an inspection or investigation in*  
17 *response to an employee complaint, to issue a citation*  
18 *for violations found during such inspection, and to*  
19 *assess a penalty for violations which are not corrected*  
20 *within a reasonable abatement period and for any*  
21 *willful violations found;*

22           (3) *to take any action authorized by such Act*  
23 *with respect to imminent dangers;*

24           (4) *to take any action authorized by such Act*  
25 *with respect to health hazards;*

1           (5) to take any action authorized by such Act  
2           with respect to a report of an employment accident  
3           which is fatal to one or more employees or which re-  
4           sults in hospitalization of two or more employees, and  
5           to take any action pursuant to such investigation au-  
6           thorized by such Act; and

7           (6) to take any action authorized by such Act  
8           with respect to complaints of discrimination against  
9           employees for exercising rights under such Act:

10          *Provided further, That the foregoing proviso shall not apply*  
11          *to any person who is engaged in a farming operation which*  
12          *does not maintain a temporary labor camp and employs*  
13          *ten or fewer employees.*

14                    MINE SAFETY AND HEALTH ADMINISTRATION

15                                SALARIES AND EXPENSES

16          *For necessary expenses for the Mine Safety and Health*  
17          *Administration, \$196,673,000, including purchase and be-*  
18          *stowal of certificates and trophies in connection with mine*  
19          *rescue and first-aid work, and the hire of passenger motor*  
20          *vehicles; the Secretary is authorized to accept lands, build-*  
21          *ings, equipment, and other contributions from public and*  
22          *private sources and to prosecute projects in cooperation*  
23          *with other agencies, Federal, State, or private; the Mine*  
24          *Safety and Health Administration is authorized to promote*  
25          *health and safety education and training in the mining*

1 *community through cooperative programs with States, in-*  
2 *dustry, and safety associations; and any funds available to*  
3 *the Department may be used, with the approval of the Sec-*  
4 *retary, to provide for the costs of mine rescue and survival*  
5 *operations in the event of a major disaster: Provided, That*  
6 *none of the funds appropriated under this paragraph shall*  
7 *be obligated or expended to carry out section 115 of the Fed-*  
8 *eral Mine Safety and Health Act of 1977 or to carry out*  
9 *that portion of section 104(g)(1) of such Act relating to the*  
10 *enforcement of any training requirements, with respect to*  
11 *shell dredging, or with respect to any sand, gravel, surface*  
12 *stone, surface clay, colloidal phosphate, or surface limestone*  
13 *mine.*

14 *BUREAU OF LABOR STATISTICS*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses for the Bureau of Labor Statis-*  
17 *tics, including advances or reimbursements to State, Fed-*  
18 *eral, and local agencies and their employees for services ren-*  
19 *dered, \$292,462,000, of which \$11,549,000 shall be for ex-*  
20 *penses of revising the Consumer Price Index and shall re-*  
21 *main available until September 30, 1997, together with not*  
22 *to exceed \$49,997,000, which may be expended from the*  
23 *Employment Security Administration account in the Un-*  
24 *employment Trust Fund.*

*DEPARTMENTAL MANAGEMENT**SALARIES AND EXPENSES*

1                                    *For necessary expenses for Departmental Management,*  
2  
3                                    *including the hire of three sedans, and including up to*  
4                                    *\$4,358,000 for the President's Committee on Employment*  
5                                    *of People With Disabilities, \$140,077,000; together with not*  
6                                    *to exceed \$303,000, which may be expended from the Em-*  
7                                    *ployment Security Administration account in the Unem-*  
8                                    *ployment Trust Fund: Provided, That no funds made avail-*  
9                                    *able by this Act may be used by the Solicitor of Labor to*  
10                                    *participate in a review in any United States court of ap-*  
11                                    *peals of any decision made by the Benefits Review Board*  
12                                    *under Section 21 of the Longshore and Harbor Workers'*  
13                                    *Compensation Act (33 U.S.C. 921) where such participa-*  
14                                    *tion is precluded by the decision of the United States Su-*  
15                                    *preme Court in Director, Office of Workers' Compensation*  
16                                    *Programs v. Newport News Shipbuilding, 115 S. Ct. 1278,*  
17                                    *(1995): Provided further, That no funds made available by*  
18                                    *this Act may be used by the Secretary of Labor after Sep-*  
19                                    *tember 12, 1996, to review a decision under the Longshore*  
20                                    *and Harbor Workers' Compensation Act (33 U.S.C. 901 et*  
21                                    *seq.) that has been appealed and that has been pending be-*  
22                                    *fore the Benefits Review Board for more than 12 months:*  
23                                    *Provided further, That any such decision pending a review*  
24                                    *by the Benefits Review Board for more than one year shall,*  
25

1 *if not acted upon by the Board before September 12, 1996,*  
2 *be considered affirmed by the Benefits Review Board on*  
3 *that date, and shall be considered the final order of the*  
4 *Board for purposes of obtaining a review in the United*  
5 *States courts of appeals: Provided further, That beginning*  
6 *on September 13, 1996, the Benefits Review Board shall*  
7 *make a decision on an appeal of a decision under the*  
8 *Longshore and Harbor Workers' Compensation Act (33*  
9 *U.S.C. 901 et seq.) not later than 1 year after the date the*  
10 *appeal to the Benefits Review Board was filed; however, if*  
11 *the Benefits Review Board fails to make a decision within*  
12 *the 1-year period, the decision under review shall be consid-*  
13 *ered the final order of the Board for purposes of obtaining*  
14 *a review in the United States courts of appeals.*

15 **WORKING CAPITAL FUND**

16 *The language under this heading in Public Law 85-*  
17 *67, as amended, is further amended by adding the following*  
18 *before the last period: “: Provided further, That within the*  
19 *Working Capital Fund, there is established an Investment*  
20 *in Reinvention Fund (IRF), which shall be available to in-*  
21 *vest in projects of the Department designed to produce*  
22 *measurable improvements in agency efficiency and signifi-*  
23 *cant taxpayer savings. Notwithstanding any other provi-*  
24 *sion of law, the Secretary of Labor may retain up to*  
25 *\$3,900,000 of the unobligated balances in the Department's*  
26 *annual Salaries and Expenses accounts as of September 30,*

1 1995, and transfer those amounts to the IRF to provide the  
2 initial capital for the IRF, to remain available until ex-  
3 pended, to make loans to agencies of the Department for  
4 projects designed to enhance productivity and generate cost  
5 savings. Such loans shall be repaid to the IRF no later than  
6 September 30 of the fiscal year following the fiscal year in  
7 which the project is completed. Such repayments shall be  
8 deposited in the IRF, to be available without further appro-  
9 priation action.”

10 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND  
11 TRAINING

12 Not to exceed \$170,390,000 may be derived from the  
13 Employment Security Administration account in the Un-  
14 employment Trust Fund to carry out the provisions of 38  
15 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–  
16 353, and which shall be available for obligation by the  
17 States through December 31, 1996.

18 OFFICE OF INSPECTOR GENERAL

19 For salaries and expenses of the Office of Inspector  
20 General in carrying out the provisions of the Inspector Gen-  
21 eral Act of 1978, as amended, \$44,426,000, together with  
22 not to exceed \$3,615,000, which may be expended from the  
23 Employment Security Administration account in the Un-  
24 employment Trust Fund.

1 *GENERAL PROVISIONS*

2 *SEC. 101. None of the funds appropriated in this title*  
3 *for the Job Corps shall be used to pay the compensation*  
4 *of an individual, either as direct costs or any proration*  
5 *as an indirect cost, at a rate in excess of \$125,000.*

6 *SEC. 102. None of the funds made available in this*  
7 *Act may be used by the Occupational Safety and Health*  
8 *Administration to promulgate or issue any proposed or*  
9 *final standard or guideline regarding ergonomic protection.*  
10 *Nothing in this section shall be construed to limit the Occu-*  
11 *pational Safety and Health Administration from conduct-*  
12 *ing any peer reviewed risk assessment activity regarding*  
13 *ergonomics, including conducting peer reviews of the sci-*  
14 *entific basis for establishing any standard or guideline, di-*  
15 *rect or contracted research, or other activity necessary to*  
16 *fully establish the scientific basis for promulgating any*  
17 *standard or guideline on ergonomic protection.*

18 *(TRANSFER OF FUNDS)*

19 *SEC. 103. Not to exceed 1 percent of any appropriation*  
20 *made available for the current fiscal year for the Depart-*  
21 *ment of Labor in this Act may be transferred between such*  
22 *appropriations, but no such appropriation shall be in-*  
23 *creased by more than 3 percent by any such transfers: Pro-*  
24 *vided, That the Appropriations Committees of both Houses*  
25 *of Congress are notified at least fifteen days in advance of*  
26 *any transfers.*



1        *This title may be cited as the “Department of Labor*  
2 *Appropriations Act, 1996”.*

3            *TITLE II—DEPARTMENT OF HEALTH AND*  
4                            *HUMAN SERVICES*

5        *HEALTH RESOURCES AND SERVICES ADMINISTRATION*  
6                            *HEALTH RESOURCES AND SERVICES*

7        *For carrying out titles II, III, VII, VIII, X, XVI, XIX,*  
8 *and XXVI of the Public Health Service Act, section 427(a)*  
9 *of the Federal Coal Mine Health and Safety Act, title V*  
10 *of the Social Security Act, the Health Care Quality Im-*  
11 *provement Act of 1986, as amended, Public Law 101–527,*  
12 *and the Native Hawaiian Health Care Act of 1988, as*  
13 *amended, \$2,954,864,000, of which \$411,000 shall remain*  
14 *available until expended for interest subsidies on loan guar-*  
15 *antees made prior to fiscal year 1981 under part B of title*  
16 *VII of the Public Health Service Act: Provided, That the*  
17 *Division of Federal Occupational Health may utilize per-*  
18 *sonal services contracting to employ professional manage-*  
19 *ment/administrative, and occupational health professionals:*  
20 *Provided further, That of the funds made available under*  
21 *this heading, \$858,000 shall be available until expended for*  
22 *facilities renovations at the Gillis W. Long Hansen’s Dis-*  
23 *ease Center: Provided further, That in addition to fees au-*  
24 *thorized by section 427(b) of the Health Care Quality Im-*  
25 *provement Act of 1986, fees shall be collected for the full*

1 *disclosure of information under the Act sufficient to recover*  
2 *the full costs of operating the National Practitioner Data*  
3 *Bank, and shall remain available until expended to carry*  
4 *out that Act: Provided further, That no more than*  
5 *\$5,000,000 is available for carrying out the provisions of*  
6 *Public Law 102–501 as amended: Provided further, That*  
7 *of the funds made available under this heading,*  
8 *\$193,349,000 shall be for the program under title X of the*  
9 *Public Health Service Act to provide for voluntary family*  
10 *planning projects: Provided further, That amounts provided*  
11 *to said projects under such title shall not be expended for*  
12 *abortions, that all pregnancy counseling shall be*  
13 *nondirective, and that such amounts shall not be expended*  
14 *for any activity (including the publication or distribution*  
15 *of literature) that in any way tends to promote public sup-*  
16 *port or opposition to any legislative proposal or candidate*  
17 *for public office: Provided further, That notwithstanding*  
18 *any other provision of law, funds made available under this*  
19 *heading may be used to continue operating the Council on*  
20 *Graduate Medical Education established by section 301 of*  
21 *Public Law 102–408: Provided further, That the Secretary*  
22 *shall use amounts available for section 2603(b) of the Public*  
23 *Health Service Act as necessary to ensure that fiscal year*  
24 *1996 grant awards made under section 2603(a) of such Act*  
25 *to eligible areas that received such grants in fiscal year*

1 1995 are not less than the fiscal year 1995 level: Provided  
2 further, That of the amounts available for Area Health Edu-  
3 cation Centers, \$24,125,000 shall be for section 746(i)(1)(A)  
4 of the Health Professions Education Extension Amendments  
5 of 1992, notwithstanding section 746(i)(1)(C).

6 *MEDICAL FACILITIES GUARANTEE AND LOAN FUND*

7 *FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES*

8 *For carrying out subsections (d) and (e) of section*  
9 *1602 of the Public Health Service Act, \$8,000,000, together*  
10 *with any amounts received by the Secretary in connection*  
11 *with loans and loan guarantees under title VI of the Public*  
12 *Health Service Act, to be available without fiscal year limi-*  
13 *tation for the payment of interest subsidies. During the fis-*  
14 *cal year, no commitments for direct loans or loan guaran-*  
15 *tees shall be made.*

16 *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM*

17 *For the cost of guaranteed loans, such sums as may*  
18 *be necessary to carry out the purpose of the program, as*  
19 *authorized by title VII of the Public Health Service Act,*  
20 *as amended: Provided, That such costs, including the cost*  
21 *of modifying such loans, shall be as defined in section 502*  
22 *of the Congressional Budget Act of 1974: Provided further,*  
23 *That these funds are available to subsidize gross obligations*  
24 *for the total loan principal any part of which is to be guar-*  
25 *anteed at not to exceed \$210,000,000. In addition, for ad-*

1 *ministrative expenses to carry out the guaranteed loan pro-*  
2 *gram, \$2,688,000.*

3 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

4 *For payments from the Vaccine Injury Compensation*  
5 *Program Trust Fund, such sums as may be necessary for*  
6 *claims associated with vaccine-related injury or death with*  
7 *respect to vaccines administered after September 30, 1988,*  
8 *pursuant to subtitle 2 of title XXI of the Public Health*  
9 *Service Act, to remain available until expended: Provided,*  
10 *That for necessary administrative expenses, not to exceed*  
11 *\$3,000,000 shall be available from the Trust Fund to the*  
12 *Secretary of Health and Human Services.*

13 *VACCINE INJURY COMPENSATION*

14 *For payment of claims resolved by the United States*  
15 *Court of Federal Claims related to the administration of*  
16 *vaccines before October 1, 1988, \$110,000,000, to remain*  
17 *available until expended.*

18 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

19 *ADMINISTRATION*

20 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

21 *For carrying out titles V and XIX of the Public Health*  
22 *Service Act with respect to substance abuse and mental*  
23 *health services, the Protection and Advocacy for Mentally*  
24 *Ill Individuals Act of 1986, and section 301 of the Public*

1 *Health Service Act with respect to program management,*  
2 *\$1,800,469,000.*

3 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*  
4 *COMMISSIONED OFFICERS*

5 *For retirement pay and medical benefits of Public*  
6 *Health Service Commissioned Officers as authorized by law,*  
7 *and for payments under the Retired Serviceman's Family*  
8 *Protection Plan and Survivor Benefit Plan and for medical*  
9 *care of dependents and retired personnel under the Depend-*  
10 *ents' Medical Care Act (10 U.S.C. ch. 55), and for payments*  
11 *pursuant to section 229(b) of the Social Security Act (42*  
12 *U.S.C. 429(b)), such amounts as may be required during*  
13 *the current fiscal year.*

14 *AGENCY FOR HEALTH CARE POLICY AND RESEARCH*  
15 *HEALTH CARE POLICY AND RESEARCH*

16 *For carrying out titles III and IX of the Public Health*  
17 *Service Act, and part A of title XI of the Social Security*  
18 *Act, \$65,390,000; in addition, amounts received from Free-*  
19 *dom of Information Act fees, reimbursable and interagency*  
20 *agreements, and the sale of data tapes shall be credited to*  
21 *this appropriation and shall remain available until ex-*  
22 *pended: Provided, That the amount made available pursu-*  
23 *ant to section 926(b) of the Public Health Service Act shall*  
24 *not exceed \$63,080,000.*

1            *HEALTH CARE FINANCING ADMINISTRATION*

2                            *GRANTS TO STATES FOR MEDICAID*

3            *For carrying out, except as otherwise provided, titles*  
4 *XI and XIX of the Social Security Act, \$55,094,355,000,*  
5 *to remain available until expended.*

6            *For making, after May 31, 1996, payments to States*  
7 *under title XIX of the Social Security Act for the last quar-*  
8 *ter of fiscal year 1996 for unanticipated costs, incurred for*  
9 *the current fiscal year, such sums as may be necessary.*

10           *For making payments to States under title XIX of the*  
11 *Social Security Act for the first quarter of fiscal year 1997,*  
12 *\$26,155,350,000, to remain available until expended.*

13           *Payment under title XIX may be made for any quarter*  
14 *with respect to a State plan or plan amendment in effect*  
15 *during such quarter, if submitted in or prior to such quar-*  
16 *ter and approved in that or any subsequent quarter.*

17                            *PAYMENTS TO HEALTH CARE TRUST FUNDS*

18           *For payment to the Federal Hospital Insurance and*  
19 *the Federal Supplementary Medical Insurance Trust*  
20 *Funds, as provided under sections 217(g) and 1844 of the*  
21 *Social Security Act, sections 103(c) and 111(d) of the So-*  
22 *cial Security Amendments of 1965, section 278(d) of Public*  
23 *Law 97–248, and for administrative expenses incurred pur-*  
24 *suant to section 201(g) of the Social Security Act,*  
25 *\$63,313,000,000.*

## PROGRAM MANAGEMENT

1  
2       *For carrying out, except as otherwise provided, titles*  
3 *XI, XVIII, and XIX of the Social Security Act, and title*  
4 *XIII of the Public Health Service Act, the Clinical Labora-*  
5 *tory Improvement Amendments of 1988, and section*  
6 *4005(e) of Public Law 100–203, not to exceed*  
7 *\$2,111,406,000, together with all funds collected in accord-*  
8 *ance with section 353 of the Public Health Service Act, the*  
9 *latter funds to remain available until expended, together*  
10 *with such sums as may be collected from authorized user*  
11 *fees and the sale of data, which shall remain available until*  
12 *expended, the \$2,111,406,000, to be transferred to this ap-*  
13 *propriation as authorized by section 201(g) of the Social*  
14 *Security Act, from the Federal Hospital Insurance and the*  
15 *Federal Supplementary Medical Insurance Trust Funds:*  
16 *Provided, That all funds derived in accordance with 31*  
17 *U.S.C. 9701 from organizations established under title XIII*  
18 *of the Public Health Service Act are to be credited to this*  
19 *appropriation.*

## HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN

## GUARANTEE FUND

20  
21  
22       *For carrying out subsections (d) and (e) of section*  
23 *1308 of the Public Health Service Act, any amounts re-*  
24 *ceived by the Secretary in connection with loans and loan*  
25 *guarantees under title XIII of the Public Health Service*

1 *Act, to be available without fiscal year limitation for the*  
2 *payment of outstanding obligations. During fiscal year*  
3 *1996, no commitments for direct loans or loan guarantees*  
4 *shall be made.*

5 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

6 *FAMILY SUPPORT PAYMENTS TO STATES*

7 *For making payments to States or other non-Federal*  
8 *entities, except as otherwise provided, under titles I, IV–*  
9 *A (other than section 402(g)(6)) and D, X, XI, XIV, and*  
10 *XVI of the Social Security Act, and the Act of July 5, 1960*  
11 *(24 U.S.C. ch. 9), \$13,614,307,000, to remain available*  
12 *until expended.*

13 *For making, after May 31 of the current fiscal year,*  
14 *payments to States or other non-Federal entities under ti-*  
15 *ties I, IV–A and D, X, XI, XIV, and XVI of the Social Secu-*  
16 *rity Act, for the last three months of the current year for*  
17 *unanticipated costs, incurred for the current fiscal year,*  
18 *such sums as may be necessary.*

19 *For making payments to States or other non-Federal*  
20 *entities under titles I, IV–A (other than section 402(g)(6))*  
21 *and D, X, XI, XIV, and XVI of the Social Security Act*  
22 *and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first*  
23 *quarter of fiscal year 1997, \$4,800,000,000, to remain*  
24 *available until expended.*



1                    *JOB OPPORTUNITIES AND BASIC SKILLS*

2            *For carrying out aid to families with dependent chil-*  
3 *dren work programs, as authorized by part F of title IV*  
4 *of the Social Security Act, \$1,000,000,000.*

5                    *LOW INCOME HOME ENERGY ASSISTANCE*

6                                    *(INCLUDING RESCISSION)*

7            *Of the funds made available beginning on October 1,*  
8 *1995 under this heading in Public Law 103-333,*  
9 *\$100,000,000 are hereby rescinded.*

10           *For making payments under title XXVI of the Omni-*  
11 *bus Budget Reconciliation Act of 1981, \$1,000,000,000, to*  
12 *be available for obligation in the period October 1, 1996*  
13 *through September 30, 1997.*

14           *For making payments under title XXVI of the Omni-*  
15 *bus Budget Reconciliation Act of 1981, an additional*  
16 *\$300,000,000 to remain available until expended: Provided,*  
17 *That all of the funds available under this paragraph are*  
18 *hereby designated by Congress to be emergency requirements*  
19 *pursuant to section 251(b)(2)(D) of the Balanced Budget*  
20 *and Emergency Deficit Control Act of 1985: Provided fur-*  
21 *ther, That these funds shall be made available only after*  
22 *submission to Congress of a formal budget request by the*  
23 *President that includes designation of the entire amount of*  
24 *the request as an emergency requirement as defined in the*

1 *Balanced Budget and Emergency Deficit Control Act of*  
2 *1985.*

3 *REFUGEE AND ENTRANT ASSISTANCE*

4 *For making payments for refugee and entrant assist-*  
5 *ance activities authorized by title IV of the Immigration*  
6 *and Nationality Act and section 501 of the Refugee Edu-*  
7 *cation Assistance Act of 1980 (Public Law 96-422),*  
8 *\$397,872,000: Provided, That funds appropriated pursuant*  
9 *to section 414(a) of the Immigration and Nationality Act*  
10 *under Public Law 103-112 for fiscal year 1994 shall be*  
11 *available for the costs of assistance provided and other ac-*  
12 *tivities conducted in such year and in fiscal years 1995*  
13 *and 1996.*

14 *CHILD CARE AND DEVELOPMENT BLOCK GRANT*

15 *For carrying out sections 658A through 658R of the*  
16 *Omnibus Budget Reconciliation Act of 1981 (The Child*  
17 *Care and Development Block Grant Act of 1990),*  
18 *\$934,642,000, which shall be available for obligation under*  
19 *the same statutory terms and conditions applicable in the*  
20 *prior fiscal year.*

21 *SOCIAL SERVICES BLOCK GRANT*

22 *For making grants to States pursuant to section 2002*  
23 *of the Social Security Act, \$2,380,000,000: Provided, That*  
24 *notwithstanding section 2003(c) of such Act, the amount*

1 *specified for allocation under such section for fiscal year*  
2 *1996 shall be \$2,380,000,000.*

3 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

4 *For carrying out, except as otherwise provided, the*  
5 *Runaway and Homeless Youth Act, the Developmental Dis-*  
6 *abilities Assistance and Bill of Rights Act, the Head Start*  
7 *Act, the Child Abuse Prevention and Treatment Act, the*  
8 *Family Violence Prevention and Services Act, the Native*  
9 *American Programs Act of 1974, title II of Public Law 95-*  
10 *266 (adoption opportunities), the Temporary Child Care*  
11 *for Children with Disabilities and Crisis Nurseries Act of*  
12 *1986, the Abandoned Infants Assistance Act of 1988, and*  
13 *part B(1) of title IV of the Social Security Act; for making*  
14 *payments under the Community Services Block Grant Act;*  
15 *and for necessary administrative expenses to carry out said*  
16 *Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social*  
17 *Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9),*  
18 *the Omnibus Budget Reconciliation Act of 1981, title IV*  
19 *of the Immigration and Nationality Act, section 501 of the*  
20 *Refugee Education Assistance Act of 1980, and section 126*  
21 *and titles IV and V of Public Law 100-485, \$4,585,546,000;*  
22 *of which \$435,463,000 shall be for making payments under*  
23 *the Community Services Block Grant Act: Provided, That*  
24 *to the extent Community Services Block Grant funds are*  
25 *distributed as grant funds by a State to an eligible entity*

1 *as provided under the Act, and have not been expended by*  
2 *such entity, they shall remain with such entity for carry-*  
3 *over into the next fiscal year for expenditure by such entity*  
4 *consistent with program purposes.*

5 *In addition, \$21,358,000, to be derived from the Vio-*  
6 *lent Crime Reduction Trust Fund, for carrying out sections*  
7 *40155, 40211, 40241, and 40251 of Public Law 103-322.*

8 *FAMILY PRESERVATION AND SUPPORT*

9 *For carrying out section 430 of the Social Security*  
10 *Act, \$225,000,000.*

11 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

12 *ASSISTANCE*

13 *For making payments to States or other non-Federal*  
14 *entities, under title IV-E of the Social Security Act,*  
15 *\$4,322,238,000.*

16 *ADMINISTRATION ON AGING*

17 *AGING SERVICES PROGRAMS*

18 *For carrying out, to the extent not otherwise provided,*  
19 *the Older Americans Act of 1965, as amended,*  
20 *\$831,027,000: Provided, That notwithstanding section*  
21 *308(b)(1) of such Act, the amounts available to each State*  
22 *for administration of the State plan under title III of such*  
23 *Act shall be reduced not more than 5 percent below the*  
24 *amount that was available to such State for such purpose*  
25 *for fiscal year 1995.*

1                                    *OFFICE OF THE SECRETARY*  
2                                    *GENERAL DEPARTMENTAL MANAGEMENT*

3            *For necessary expenses, not otherwise provided, for*  
4 *general departmental management, including hire of six*  
5 *medium sedans, and for carrying out titles III, XVII, XX,*  
6 *and XXI of the Public Health Service Act, \$130,499,000,*  
7 *together with \$6,628,000, to be transferred and expended*  
8 *as authorized by section 201(g)(1) of the Social Security*  
9 *Act from the Hospital Insurance Trust Fund and the Sup-*  
10 *plemental Medical Insurance Trust Fund.*

11                                    *OFFICE OF INSPECTOR GENERAL*

12            *For expenses necessary for the Office of Inspector Gen-*  
13 *eral in carrying out the provisions of the Inspector General*  
14 *Act of 1978, as amended, \$58,492,000, together with not to*  
15 *exceed \$20,670,000, to be transferred and expended as au-*  
16 *thorized by section 201(g)(1) of the Social Security Act from*  
17 *the Hospital Insurance Trust Fund and the Supplemental*  
18 *Medical Insurance Trust Fund, together with any funds,*  
19 *to remain available until expended, that represent the equi-*  
20 *table share from the forfeiture of property in investigations*  
21 *in which the Office of Inspector General participated, and*  
22 *which are transferred to the Office of the Inspector General*  
23 *by the Department of Justice, the Department of the Treas-*  
24 *ury, or the United States Postal Service.*

## OFFICE FOR CIVIL RIGHTS

1  
2       *For expenses necessary for the Office for Civil Rights,*  
3 *\$16,153,000, together with not to exceed \$3,314,000, to be*  
4 *transferred and expended as authorized by section 201(g)(1)*  
5 *of the Social Security Act from the Hospital Insurance*  
6 *Trust Fund and the Supplemental Medical Insurance Trust*  
7 *Fund.*

## POLICY RESEARCH

8  
9       *For carrying out, to the extent not otherwise provided,*  
10 *research studies under section 1110 of the Social Security*  
11 *Act, \$9,000,000.*

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

12  
13       *For expenses necessary to prepare to respond to the*  
14 *health and medical consequences of nuclear, chemical, or*  
15 *biologic attack in the United States, \$7,000,000, to remain*  
16 *available until expended and, in addition, for clinical*  
17 *trials, applying imaging technology used for missile guid-*  
18 *ance and target recognition to new uses improving the early*  
19 *detection of breast cancer, \$2,000,000, to remain available*  
20 *until expended.*

## GENERAL PROVISIONS

21  
22       *SEC. 201. Funds appropriated in this title shall be*  
23 *available for not to exceed \$37,000 for official reception and*  
24 *representation expenses when specifically approved by the*  
25 *Secretary.*

1        *SEC. 202. The Secretary shall make available through*  
2 *assignment not more than 60 employees of the Public*  
3 *Health Service to assist in child survival activities and to*  
4 *work in AIDS programs through and with funds provided*  
5 *by the Agency for International Development, the United*  
6 *Nations International Children's Emergency Fund or the*  
7 *World Health Organization.*

8        *SEC. 203. None of the funds appropriated under this*  
9 *Act may be used to implement section 399L(b) of the Public*  
10 *Health Service Act.*

11        *SEC. 204. None of the funds made available by this*  
12 *Act may be used to withhold payment to any State under*  
13 *the Child Abuse Prevention and Treatment Act by reason*  
14 *of a determination that the State is not in compliance with*  
15 *section 1340.2(d)(2)(ii) of title 45 of the Code of Federal*  
16 *Regulations. This provision expires upon the date of enact-*  
17 *ment of the reauthorization of the Child Abuse Prevention*  
18 *and Treatment Act or upon September 30, 1996, whichever*  
19 *occurs first.*

20        *SEC. 205. None of the funds appropriated in this or*  
21 *any other Act for the National Institutes of Health and the*  
22 *Substance Abuse and Mental Health Services Administra-*  
23 *tion shall be used to pay the salary of an individual,*  
24 *through a grant or other extramural mechanism, at a rate*  
25 *in excess of \$125,000 per year.*

1       *Sec. 206. None of the funds appropriated in this Act*  
2 *may be expended pursuant to section 241 of the Public*  
3 *Health Service Act, except for funds specifically provided*  
4 *for in this Act, prior to the Secretary's preparation and*  
5 *submission of a report to the Committee on Appropriations*  
6 *of the Senate and of the House detailing the planned uses*  
7 *of such funds.*

8    *(TRANSFER OF FUNDS)*

9       *SEC. 207. Of the funds appropriated or otherwise made*  
10 *available for the Department of Health and Human Serv-*  
11 *ices, General Departmental Management, for fiscal year*  
12 *1996, the Secretary of Health and Human Services shall*  
13 *transfer to the Office of the Inspector General such sums*  
14 *as may be necessary for any expenses with respect to the*  
15 *provision of security protection for the Secretary of Health*  
16 *and Human Services.*

17       *SEC. 208. Notwithstanding section 106 of Public Law*  
18 *104-91, appropriations for the National Institutes of*  
19 *Health and the Centers for Disease Control and Prevention*  
20 *shall be available for fiscal year 1996 as specified in section*  
21 *101 of Public Law 104-91.*

22    *(RESCISSION)*

23       *SEC. 209. Of the amounts made available under the*  
24 *account heading "Disease Control, Research, and Training"*  
25 *under the Centers for Disease Control and Prevention, De-*  
26 *partment of Health and Human Services in Public Law*



1 103–333, Public Law 103–112, and Public Law 102–394  
2 for immunization activities, \$53,000,000 are hereby re-  
3 scinded.

4 *SEC. 210. Of the funds provided for the account head-*  
5 *ing “Disease Control, Research, and Training” in Public*  
6 *Law 104–91, \$31,642,000, to be derived from the Violent*  
7 *Crime Reduction Trust Fund, is hereby available for carry-*  
8 *ing out sections 40151, 40261, and 40293 of Public Law*  
9 *103–322 notwithstanding any provision of Public Law*  
10 *104–91.*

11 *SEC. 211. The Director of the Centers for Disease Con-*  
12 *trol and Prevention may redirect the total amount made*  
13 *available under the authority of Public Law 101–502, sec-*  
14 *tion 3, dated November 3, 1990, to activities the Director*  
15 *may so designate: Provided, That the Congress is to be noti-*  
16 *fied promptly of any such transfer.*

17 (TRANSFER OF FUNDS)

18 *SEC. 212. Notwithstanding any other provision of this*  
19 *Act or of Public Law 104–91, the Director of the Office of*  
20 *AIDS Research, National Institutes of Health, in consulta-*  
21 *tion with the Director, National Institutes of Health, may*  
22 *transfer up to 3 percent among Institutes from the total*  
23 *amounts identified in each Institute for AIDS research:*  
24 *Provided, That such transfers shall be within 30 days of*  
25 *enactment of this Act and be based on the scientific prior-*  
26 *ities established in the plan developed by the Director in*

1 *accordance with section 2353 of Public Law 103-43: Pro-*  
2 *vided further, That the Congress is promptly notified of the*  
3 *transfer.*

4       *SEC. 213. If the Secretary fails to approve the applica-*  
5 *tion for waivers related to the Achieving Change for Texans,*  
6 *a comprehensive reform of the Texas Aid To Families With*  
7 *Dependent Children program designed to encourage work*  
8 *instead of welfare, a request under section 1115(a) of the*  
9 *Social Security Act submitted by the Texas Department of*  
10 *Human Services on September 30, 1995, by the date of en-*  
11 *actment of this Act, notwithstanding the Secretary's author-*  
12 *ity to approve the applications under such section, the ap-*  
13 *plication shall be deemed approved.*

14       *SEC. 214. (a) REIMBURSEMENT OF CERTAIN CLAIMS*  
15 *UNDER THE MEDICAID PROGRAM.—Notwithstanding any*  
16 *other provision of law, and subject to subsection (b), in the*  
17 *case where payment has been made by a State under title*  
18 *XIX of the Social Security Act between December 31, 1993,*  
19 *and December 31, 1995, to a State-operated psychiatric hos-*  
20 *pital for services provided directly by the hospital or by*  
21 *providers under contract or agreement with the hospital,*  
22 *and the Secretary of Health and Human Services has noti-*  
23 *fied the State that the Secretary intends to defer the deter-*  
24 *mination of claims for reimbursement related to such pay-*  
25 *ment but for which a deferral of such claims has not been*

1 *taken as of March 1, 1996, (or, if such claims have been*  
2 *deferred as of such date, such claims have not been dis-*  
3 *allowed by such date), the Secretary shall—*

4           (1) *if, as of the date of the enactment of this*  
5 *title, such claims have been formally deferred or dis-*  
6 *allowed, discontinue any such action, and if a dis-*  
7 *allowance of such claims has been taken as of such*  
8 *date, rescind any payment reductions effected;*

9           (2) *not initiate any deferral or disallowance pro-*  
10 *ceeding related to such claims; and*

11           (3) *allow reimbursement of such claims.*

12           (b) *LIMITATION ON RESCISSION OR REIMBURSEMENT*  
13 *OF CLAIMS.—The total amount of payment reductions re-*  
14 *scinded or reimbursement of claims allowed under sub-*  
15 *section (a) shall not exceed \$54,000,000.*

16           (c) *OFFSET OF FUNDS.—Notwithstanding any other*  
17 *provision of this Act, the amounts on lines 5 and 8 of page*  
18 *570 (relating to the Social Services Block Grant) shall each*  
19 *be reduced by \$70,000,000.*

20           *This title may be cited as the “Department of Health*  
21 *and Human Services Appropriations Act, 1996”.*

22           **TITLE III—DEPARTMENT OF EDUCATION**

23                           **EDUCATION REFORM**

24           *For carrying out activities authorized by titles III and*  
25 *IV of the Goals 2000: Educate America Act and the School-*

1 *to-Work Opportunities Act, \$385,000,000, of which*  
2 *\$290,000,000 for the Goals 2000: Educate America Act and*  
3 *\$95,000,000 for the School-to-Work Opportunities Act*  
4 *which shall become available on July 1, 1996, and remain*  
5 *available through September 30, 1997: Provided, That not-*  
6 *withstanding section 311(e) of Public Law 103-227, the*  
7 *Secretary is authorized to grant up to six additional State*  
8 *education agencies authority to waive Federal statutory or*  
9 *regulatory requirements for fiscal year 1996 and succeeding*  
10 *fiscal years.*

11 *EDUCATION FOR THE DISADVANTAGED*

12 *For carrying out title I of the Elementary and Second-*  
13 *ary Education Act of 1965, and section 418A of the Higher*  
14 *Education Act, \$6,513,511,000, of which \$6,497,172,000*  
15 *shall become available on July 1, 1996 and shall remain*  
16 *available through September 30, 1997: Provided, That*  
17 *\$5,266,863,000 shall be available for basic grants under sec-*  
18 *tion 1124: Provided further, That up to \$3,500,000 of these*  
19 *funds shall be available to the Secretary on October 1, 1995,*  
20 *to obtain updated local-educational-agency-level census pov-*  
21 *erty data from the Bureau of the Census: Provided further,*  
22 *That \$692,341,000 shall be available for concentration*  
23 *grants under section 1124(A) and \$3,370,000 shall be avail-*  
24 *able for evaluations under section 1501.*

*IMPACT AID*

1  
2       *For carrying out programs of financial assistance to*  
3 *federally affected schools authorized by title VIII of the Ele-*  
4 *mentary and Secondary Education Act of 1965,*  
5 *\$691,159,000, of which \$581,170,000 shall be for basic sup-*  
6 *port payments under section 8003(b), \$40,000,000 shall be*  
7 *for payments for children with disabilities under section*  
8 *8003(d), \$50,000,000, to remain available until expended,*  
9 *shall be for payments under section 8003(f), \$5,000,000*  
10 *shall be for construction under section 8007, and*  
11 *\$14,989,000 shall be for Federal property payments under*  
12 *section 8002.*

*SCHOOL IMPROVEMENT PROGRAMS*

13  
14       *For carrying out school improvement activities author-*  
15 *ized by titles II, IV-A-1, V-A, VI, VII-B, and titles IX,*  
16 *X and XIII of the Elementary and Secondary Education*  
17 *Act of 1965; the Stewart B. McKinney Homeless Assistance*  
18 *Act; and the Civil Rights Act of 1964; \$948,987,000 of*  
19 *which \$775,760,000 shall become available on July 1, 1996,*  
20 *and remain available through September 30, 1997: Pro-*  
21 *vided, That of the amount appropriated, \$275,000,000 shall*  
22 *be for Eisenhower professional development State grants*  
23 *under title II-B and \$275,000,000 shall be for innovative*  
24 *education program strategies State grants under title VI-*

1 *A: Provided further, That not less than \$3,000,000 shall be*  
2 *for innovative programs under section 5111.*

3 *BILINGUAL AND IMMIGRANT EDUCATION*

4 *For carrying out, to the extent not otherwise provided,*  
5 *bilingual and immigrant education activities authorized by*  
6 *title VII of the Elementary and Secondary Education Act,*  
7 *without regard to section 7103(b), \$150,000,000 of which*  
8 *\$50,000,000 shall be for immigrant education programs au-*  
9 *thorized by part C: Provided, That State educational agen-*  
10 *cies may use all, or any part of, their part C allocation*  
11 *for competitive grants to local educational agencies.*

12 *SPECIAL EDUCATION*

13 *For carrying out parts B, C, D, E, F, G, and H and*  
14 *section 610(j)(2)(C) of the Individuals with Disabilities*  
15 *Education Act, \$3,245,447,000, of which \$3,000,000,000*  
16 *shall become available for obligation on July 1, 1996, and*  
17 *shall remain available through September 30, 1997: Pro-*  
18 *vided, That the Republic of the Marshall Islands and the*  
19 *Federated States of Micronesia shall be considered jurisdic-*  
20 *tions for the purposes of section 611(e)(1), of the Individuals*  
21 *with Disabilities Education Act: Provided further, That*  
22 *notwithstanding section 621(e), funds made available for*  
23 *section 621 shall be distributed among each of the regional*  
24 *centers and the Federal center in proportion to the amount*  
25 *that each such center received in fiscal year 1995.*

1     *REHABILITATION SERVICES AND DISABILITY RESEARCH*

2           *For carrying out, to the extent not otherwise provided,*  
3 *the Rehabilitation Act of 1973, the Technology-Related As-*  
4 *sistance for Individuals with Disabilities Act, and the*  
5 *Helen Keller National Center Act, as amended,*  
6 *\$2,452,620,000.*

7     *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*8           *AMERICAN PRINTING HOUSE FOR THE BLIND*

9           *For carrying out the Act of March 3, 1879, as amended*  
10 *(20 U.S.C. 101 et seq.), \$6,680,000.*

11           *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

12           *For the National Technical Institute for the Deaf*  
13 *under titles I and II of the Education of the Deaf Act of*  
14 *1986 (20 U.S.C. 4301 et seq.), \$42,180,000: Provided, That*  
15 *from the amount available, the Institute may at its discre-*  
16 *tion use funds for the endowment program as authorized*  
17 *under section 207.*

18           *GALLAUDET UNIVERSITY*

19           *For the Kendall Demonstration Elementary School,*  
20 *the Model Secondary School for the Deaf, and the partial*  
21 *support of Gallaudet University under titles I and II of*  
22 *the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et*  
23 *seq.), \$77,629,000: Provided, That from the amount avail-*  
24 *able, the University may at its discretion use funds for the*  
25 *endowment program as authorized under section 207.*

## 1                   VOCATIONAL AND ADULT EDUCATION

2           *For carrying out, to the extent not otherwise provided,*  
3 *the Carl D. Perkins Vocational and Applied Technology*  
4 *Education Act, the Adult Education Act, and the National*  
5 *Literacy Act of 1991, \$1,257,888,000, of which \$4,869,000*  
6 *shall be for the National Institute for Literacy, and of which*  
7 *\$5,100,000 shall be available to carry out title VI of the*  
8 *National Literacy Act of 1991; and of which \$1,254,969,000*  
9 *shall become available on July 1, 1996 and shall remain*  
10 *available through September 30, 1997: Provided, That of*  
11 *the amounts made available under the Carl D. Perkins Vo-*  
12 *catinal and Applied Technology Education Act,*  
13 *\$5,000,000 shall be for national programs under title IV*  
14 *without regard to section 451 and \$350,000 shall be for*  
15 *evaluations under section 346(b) of the Act and no funds*  
16 *shall be available for State councils under section 112.*

## 17                   STUDENT FINANCIAL ASSISTANCE

18           *For carrying out subparts 1, 3, and 4 of part A, part*  
19 *C, and part E of title IV of the Higher Education Act of*  
20 *1965, as amended, \$6,165,290,000, which shall remain*  
21 *available through September 30, 1997: Provided, That not-*  
22 *withstanding section 401(a)(1) of the Act, there shall be not*  
23 *to exceed 3,634,000 Pell Grant recipients in award year*  
24 *1995–1996.*



1       *The maximum Pell Grant for which a student shall*  
 2 *be eligible during award year 1996–1997 shall be \$2,440:*  
 3 *Provided, That notwithstanding section 401(g) of the Act,*  
 4 *as amended, if the Secretary determines, prior to publica-*  
 5 *tion of the payment schedule for award year 1996–1997,*  
 6 *that the \$4,814,000,000 included within this appropriation*  
 7 *for Pell Grant awards for award year 1996–1997, and any*  
 8 *funds available from the fiscal year 1995 appropriation for*  
 9 *Pell Grant awards, are insufficient to satisfy fully all such*  
 10 *awards for which students are eligible, as calculated under*  
 11 *section 401(b) of the Act, the amount paid for each such*  
 12 *award shall be reduced by either a fixed or variable percent-*  
 13 *age, or by a fixed dollar amount, as determined in accord-*  
 14 *ance with a schedule of reductions established by the Sec-*  
 15 *retary for this purpose.*

16       *FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT*

17       *For Federal administrative expenses to carry out*  
 18 *guaranteed student loans authorized by title IV, part B, of*  
 19 *the Higher Education Act, as amended, \$30,066,000.*

20                               *HIGHER EDUCATION*

21       *For carrying out, to the extent not otherwise provided,*  
 22 *parts A and B of title III, without regard to section*  
 23 *360(a)(1)(B)(ii), chapters I and II of subpart 2 and sub-*  
 24 *part 6 of part A of title IV, subpart 2 of part E of title*  
 25 *V, parts A, B and C of title VI, title VII, parts C, D, and*

1 *G of title IX, part A and subpart 1 of part B of title X,*  
2 *and part A of title XI of the Higher Education Act of 1965,*  
3 *as amended, Public Law 102-423, and the Mutual Edu-*  
4 *cational and Cultural Exchange Act of 1961; \$836,964,000,*  
5 *of which \$16,712,000 for interest subsidies under title VII*  
6 *of the Higher Education Act, as amended, shall remain*  
7 *available until expended: Provided, That notwithstanding*  
8 *sections 419D, 419E, and 419H of the Higher Education*  
9 *Act, as amended, scholarships made under title IV, part A,*  
10 *subpart 6 shall be prorated to maintain the same number*  
11 *of new scholarships in fiscal year 1996 as in fiscal year*  
12 *1995.*

13 *HOWARD UNIVERSITY*

14 *For partial support of Howard University (20 U.S.C.*  
15 *121 et seq.), \$174,671,000: Provided, That from the amount*  
16 *available, the University may at its discretion use funds*  
17 *for the endowment program as authorized under the How-*  
18 *ard University Endowment Act (Public Law 98-480).*

19 *HIGHER EDUCATION FACILITIES LOANS*

20 *The Secretary is hereby authorized to make such ex-*  
21 *penditures, within the limits of funds available under this*  
22 *heading and in accord with law, and to make such contracts*  
23 *and commitments without regard to fiscal year limitation,*  
24 *as provided by section 104 of the Government Corporation*

1 *Control Act (31 U.S.C. 9104), as may be necessary in car-*  
2 *rying out the program for the current fiscal year.*

3 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

4 *PROGRAM*

5 *For administrative expenses to carry out the existing*  
6 *direct loan program of college housing and academic facili-*  
7 *ties loans entered into pursuant to title VII, part C, of the*  
8 *Higher Education Act, as amended, \$700,000.*

9 *COLLEGE HOUSING LOANS*

10 *Pursuant to title VII, part C of the Higher Education*  
11 *Act, as amended, for necessary expenses of the college hous-*  
12 *ing loans program, previously carried out under title IV*  
13 *of the Housing Act of 1950, the Secretary shall make ex-*  
14 *penditures and enter into contracts without regard to fiscal*  
15 *year limitation using loan repayments and other resources*  
16 *available to this account. Any unobligated balances becom-*  
17 *ing available from fixed fees paid into this account pursu-*  
18 *ant to 12 U.S.C. 1749d, relating to payment of costs for*  
19 *inspections and site visits, shall be available for the operat-*  
20 *ing expenses of this account.*

21 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*

22 *FINANCING, PROGRAM ACCOUNT*

23 *The total amount of bonds insured pursuant to section*  
24 *724 of title VII, part B of the Higher Education Act shall*  
25 *not exceed \$357,000,000, and the cost, as defined in section*

1 502 of the Congressional Budget Act of 1974, of such bonds  
2 shall not exceed zero.

3       For administrative expenses to carry out the Histori-  
4 cally Black College and University Capital Financing Pro-  
5 gram entered into pursuant to title VII, part B of the High-  
6 er Education Act, as amended, \$166,000.

7       EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

8       For carrying out activities authorized by the Edu-  
9 cational Research, Development, Dissemination, and Im-  
10 provement Act; the National Education Statistics Act; sec-  
11 tions 2102, 3134, and 3136, parts B, C, and D of title III,  
12 parts A, B, I, and K, and section 10601 of title X, part  
13 C of title XIII of the Elementary and Secondary Education  
14 Act of 1965, as amended, and title VI of the Goals 2000:  
15 Educate America Act, \$328,268,000: Provided, That  
16 \$4,000,000 shall be for section 10601 of the Elementary and  
17 Secondary Education Act: Provided further, That  
18 \$25,000,000 shall be for sections 3136 and 3141 of the Ele-  
19 mentary and Secondary Education Act: Provided further,  
20 That \$51,000,000 shall be for regional laboratories,  
21 \$5,000,000 shall be for International Education Exchange,  
22 and \$3,000,000 shall be for the elementary mathematics and  
23 science equipment projects under the fund for the improve-  
24 ment of education: Provided further That funds shall be

1 *used to extend star schools partnership projects that received*  
2 *continuation grants in fiscal year 1995.*

3 *LIBRARIES*

4 *For carrying out, to the extent not otherwise provided,*  
5 *titles I, II, and III of the Library Services and Construction*  
6 *Act, and title II-B of the Higher Education Act,*  
7 *\$131,505,000, of which \$16,369,000 shall be used to carry*  
8 *out the provisions of title II of the Library Services and*  
9 *Construction Act and shall remain available until ex-*  
10 *pended; and \$2,500,000 shall be for section 222 and*  
11 *\$2,000,000 shall be for section 223 of the Higher Education*  
12 *Act: Provided, That \$1,000,000 shall be awarded to a non-*  
13 *profit foundation using multi-media technology to docu-*  
14 *ment and archive not less than 40,000 holocaust survivors'*  
15 *testimony: Provided further, That \$1,000,000 shall be for*  
16 *the continued funding of an existing demonstration project*  
17 *making information available for public use by connecting*  
18 *Internet to a multistate consortium.*

19 *DEPARTMENTAL MANAGEMENT*

20 *PROGRAM ADMINISTRATION*

21 *For carrying out, to the extent not otherwise provided,*  
22 *the Department of Education Organization Act, including*  
23 *rental of conference rooms in the District of Columbia and*  
24 *hire of two passenger motor vehicles, \$327,319,000.*

1                                    *OFFICE FOR CIVIL RIGHTS*

2            *For expenses necessary for the Office for Civil Rights,*  
3 *as authorized by section 203 of the Department of Edu-*  
4 *cation Organization Act, \$55,451,000.*

5                                    *OFFICE OF THE INSPECTOR GENERAL*

6            *For expenses necessary for the Office of the Inspector*  
7 *General, as authorized by section 212 of the Department*  
8 *of Education Organization Act, \$28,654,000.*

9                                    *HEADQUARTERS RENOVATION*

10          *For necessary expenses for the renovation of the De-*  
11 *partment of Education headquarters building, \$7,000,000,*  
12 *to remain available until September 30, 1998.*

13                                    *GENERAL PROVISIONS*

14          *SEC. 301. No funds appropriated in this Act may be*  
15 *used for the transportation of students or teachers (or for*  
16 *the purchase of equipment for such transportation) in order*  
17 *to overcome racial imbalance in any school or school system,*  
18 *or for the transportation of students or teachers (or for the*  
19 *purchase of equipment for such transportation) in order to*  
20 *carry out a plan of racial desegregation of any school or*  
21 *school system.*

22          *SEC. 302. None of the funds contained in this Act shall*  
23 *be used to require, directly or indirectly, the transportation*  
24 *of any student to a school other than the school which is*  
25 *nearest the student's home, except for a student requiring*  
26 *special education, to the school offering such special edu-*

1 cation, in order to comply with title VI of the Civil Rights  
2 Act of 1964. For the purpose of this section an indirect re-  
3 quirement of transportation of students includes the trans-  
4 portation of students to carry out a plan involving the reor-  
5 ganization of the grade structure of schools, the pairing of  
6 schools, or the clustering of schools, or any combination of  
7 grade restructuring, pairing or clustering. The prohibition  
8 described in this section does not include the establishment  
9 of magnet schools.

10       *SEC. 303. No funds appropriated under this Act may*  
11 *be used to prevent the implementation of programs of vol-*  
12 *untary prayer and meditation in the public schools.*

13       *SEC. 304. Notwithstanding any other provision of law,*  
14 *funds available under section 458 of the Higher Education*  
15 *Act shall not exceed \$460,000,000 for fiscal year 1996. The*  
16 *Department of Education shall pay (i) administrative cost*  
17 *allowances owed to guaranty agencies for fiscal year 1995*  
18 *estimated at \$95,000,000. The Department of Education*  
19 *shall pay administrative cost allowances to guaranty agen-*  
20 *cies, payable quarterly, calculated on the basis of 0.85 per-*  
21 *cent of the total principal amount of loans upon which in-*  
22 *surance was issued on or after October 1, 1995 by such*  
23 *guaranty agency. Receipt of such funds and uses of such*  
24 *funds shall be in accordance with section 428(f).*

1        *Notwithstanding section 458 of the Higher Education*  
2 *Act, the Secretary may not use funds available under that*  
3 *section or any other section for subsequent fiscal years for*  
4 *administrative expenses of the William D. Ford Direct*  
5 *Loan Program during fiscal year 1996, nor may the Sec-*  
6 *retary require the return of guaranty agency reserve funds*  
7 *during fiscal year 1996, except after consultation with ap-*  
8 *propriate committees of Congress.*

9        *No funds available to the Secretary may be used for*  
10 *payment of administrative fees relating to the William D.*  
11 *Ford Direct Loan Program to institutions of higher edu-*  
12 *cation.*

13        *SEC. 305. (a)(1) From any unobligated funds that are*  
14 *available to the Secretary of Education to carry out section*  
15 *5 or 14 of the Act of September 23, 1950 (Public Law 815,*  
16 *81st Congress) (as such Act was in effect on September 30,*  
17 *1994) not less than \$11,500,000 shall be available to the*  
18 *Secretary of Education to carry out subsection (b).*

19        *(2) Any unobligated funds described in paragraph (1)*  
20 *that remain unobligated after the Secretary of Education*  
21 *carries out such paragraph shall be available to the Sec-*  
22 *retary of Education to carry out section 8007 of the Ele-*  
23 *mentary and Secondary Education Act of 1965 (20 U.S.C.*  
24 *7707).*



1       (b)(1) *The Secretary of Education shall award the*  
2 *funds described in subsection (a)(1) to local educational*  
3 *agencies, under such terms and conditions as the Secretary*  
4 *of Education determines appropriate, for the construction*  
5 *of public elementary or secondary schools on Indian res-*  
6 *ervations or in school districts that—*

7           (A) *the Secretary of Education determines are in*  
8 *dire need of construction funding;*

9           (B) *contain a public elementary or secondary*  
10 *school that serves a student population which is 90*  
11 *percent Indian students; and*

12           (C) *serve students who are taught in inadequate*  
13 *or unsafe structures, or in a public elementary or sec-*  
14 *ondary school that has been condemned.*

15       (2) *A local educational agency that receives construc-*  
16 *tion funding under this subsection for fiscal year 1996 shall*  
17 *not be eligible to receive any funds under section 8007 of*  
18 *the Elementary and Secondary Education Act of 1965 (20*  
19 *U.S.C. 7707) for school construction for fiscal years 1996*  
20 *and 1997.*

21       (3) *As used in this subsection, the term “construction”*  
22 *has the meaning given that term in section 8013(3) of the*  
23 *Elementary and Secondary Education Act of 1965 (20*  
24 *U.S.C. 7713(3)).*

1       (4) *No request for construction funding under this sub-*  
2 *section shall be approved unless the request is received by*  
3 *the Secretary of Education not later than 30 days after the*  
4 *date of enactment of this Act.*

5       SEC. 306. (a) *Section 428(n) of the Higher Education*  
6 *Act of 1965 (20 U.S.C. 1078(n)) is amended by adding at*  
7 *the end the following new paragraph:*

8               “(5) *APPLICABILITY TO PART D LOANS.—The*  
9 *provisions of this subsection shall apply to institu-*  
10 *tions of higher education participating in direct lend-*  
11 *ing under part D with respect to loans made under*  
12 *such part, and for the purposes of this paragraph,*  
13 *paragraph (4) shall be applied by inserting ‘or part*  
14 *D’ after ‘this part.’”.*

15       (b) *The amendment made by subsection (a) shall take*  
16 *effect on July 1, 1996.*

17       *This title may be cited as the “Department of Edu-*  
18 *cation Appropriations Act, 1996”.*

#### 19               TITLE IV—RELATED AGENCIES

#### 20               ARMED FORCES RETIREMENT HOME

21       *For expenses necessary for the Armed Forces Retire-*  
22 *ment Home to operate and maintain the United States Sol-*  
23 *diers’ and Airmen’s Home and the United States Naval*  
24 *Home, to be paid from funds available in the Armed Forces*  
25 *Retirement Home Trust Fund, \$55,971,000, of which*

1 \$1,954,000 shall remain available until expended for con-  
2 struction and renovation of the physical plants at the Unit-  
3 ed States Soldiers' and Airmen's Home and the United  
4 States Naval Home: Provided, That this appropriation  
5 shall not be available for the payment of hospitalization of  
6 members of the Soldiers' and Airmen's Home in United  
7 States Army hospitals at rates in excess of those prescribed  
8 by the Secretary of the Army upon recommendation of the  
9 Board of Commissioners and the Surgeon General of the  
10 Army.

11 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
12 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
13 EXPENSES

14 For expenses necessary for the Corporation for Na-  
15 tional and Community Service to carry out the provisions  
16 of the Domestic Volunteer Service Act of 1973, as amended,  
17 \$201,294,000, of which \$5,024,000 shall be available to  
18 carry out section 109 of the Domestic Volunteer Service Act  
19 of 1973.

20 CORPORATION FOR PUBLIC BROADCASTING

21 For payment to the Corporation for Public Broadcast-  
22 ing, as authorized by the Communications Act of 1934, an  
23 amount which shall be available within limitations speci-  
24 fied by that Act, for the fiscal year 1998, \$250,000,000: Pro-  
25 vided, That no funds made available to the Corporation for

1 *Public Broadcasting by this Act shall be used to pay for*  
2 *receptions, parties, or similar forms of entertainment for*  
3 *Government officials or employees: Provided further, That*  
4 *none of the funds contained in this paragraph shall be*  
5 *available or used to aid or support any program or activity*  
6 *from which any person is excluded, or is denied benefits,*  
7 *or is discriminated against, on the basis of race, color, na-*  
8 *tional origin, religion, or sex.*

9 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

10 *SALARIES AND EXPENSES*

11 *For expenses necessary for the Federal Mediation and*  
12 *Conciliation Service to carry out the functions vested in*  
13 *it by the Labor Management Relations Act, 1947 (29 U.S.C.*  
14 *171–180, 182–183), including hire of passenger motor vehi-*  
15 *cles; and for expenses necessary for the Labor-Management*  
16 *Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses*  
17 *necessary for the Service to carry out the functions vested*  
18 *in it by the Civil Service Reform Act, Public Law 95–454*  
19 *(5 U.S.C. chapter 71), \$32,396,000 including \$1,500,000,*  
20 *to remain available through September 30, 1997, for activi-*  
21 *ties authorized by the Labor Management Cooperation Act*  
22 *of 1978 (29 U.S.C. 175a): Provided, That notwithstanding*  
23 *31 U.S.C. 3302, fees charged for special training activities*  
24 *up to full-cost recovery shall be credited to and merged with*  
25 *this account, and shall remain available until expended:*

1 *Provided further, That the Director of the Service is author-*  
2 *ized to accept on behalf of the United States gifts of services*  
3 *and real, personal, or other property in the aid of any*  
4 *projects or functions within the Director's jurisdiction.*

5 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

6 *COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For expenses necessary for the Federal Mine Safety*  
9 *and Health Review Commission (30 U.S.C. 801 et seq.),*  
10 *\$6,200,000.*

11 *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*

12 *SCIENCE*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses for the National Commission*  
15 *on Libraries and Information Science, established by the*  
16 *Act of July 20, 1970 (Public Law 91-345, as amended by*  
17 *Public Law 102-95), \$829,000.*

18 *NATIONAL COUNCIL ON DISABILITY*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the National Council on*  
21 *Disability as authorized by title IV of the Rehabilitation*  
22 *Act of 1973, as amended, \$1,793,000.*

1                    *NATIONAL EDUCATION GOALS PANEL*

2            *For expenses necessary for the National Education*  
3 *Goals Panel, as authorized by title II, part A of the Goals*  
4 *2000: Educate America Act, \$1,000,000.*

5                    *NATIONAL LABOR RELATIONS BOARD*6                    *SALARIES AND EXPENSES*

7            *For expenses necessary for the National Labor Rela-*  
8 *tions Board to carry out the functions vested in it by the*  
9 *Labor-Management Relations Act, 1947, as amended (29*  
10 *U.S.C. 141–167), and other laws, \$167,245,000: Provided,*  
11 *That no part of this appropriation shall be available to or-*  
12 *ganize or assist in organizing agricultural laborers or used*  
13 *in connection with investigations, hearings, directives, or*  
14 *orders concerning bargaining units composed of agricul-*  
15 *tural laborers as referred to in section 2(3) of the Act of*  
16 *July 5, 1935 (29 U.S.C. 152), and as amended by the*  
17 *Labor-Management Relations Act, 1947, as amended, and*  
18 *as defined in section 3(f) of the Act of June 25, 1938 (29*  
19 *U.S.C. 203), and including in said definition employees en-*  
20 *gaged in the maintenance and operation of ditches, canals,*  
21 *reservoirs, and waterways when maintained or operated on*  
22 *a mutual, nonprofit basis and at least 95 per centum of*  
23 *the water stored or supplied thereby is used for farming*  
24 *purposes.*

1                    *NATIONAL MEDIATION BOARD*2                    *SALARIES AND EXPENSES*

3            *For expenses necessary to carry out the provisions of*  
4 *the Railway Labor Act, as amended (45 U.S.C. 151–188),*  
5 *including emergency boards appointed by the President,*  
6 *\$7,837,000.*

7                    *OCCUPATIONAL SAFETY AND HEALTH REVIEW*8                    *COMMISSION*9                    *SALARIES AND EXPENSES*

10          *For expenses necessary for the Occupational Safety*  
11 *and Health Review Commission (29 U.S.C. 661),*  
12 *\$8,100,000.*

13                    *PHYSICIAN PAYMENT REVIEW COMMISSION*14                    *SALARIES AND EXPENSES*

15          *For expenses necessary to carry out section 1845(a) of*  
16 *the Social Security Act, \$2,923,000, to be transferred to this*  
17 *appropriation from the Federal Supplementary Medical In-*  
18 *surance Trust Fund.*

19                    *PROSPECTIVE PAYMENT ASSESSMENT COMMISSION*20                    *SALARIES AND EXPENSES*

21          *For expenses necessary to carry out section 1886(e) of*  
22 *the Social Security Act, \$3,267,000, to be transferred to this*  
23 *appropriation from the Federal Hospital Insurance and the*  
24 *Federal Supplementary Medical Insurance Trust Funds.*

1                    *SOCIAL SECURITY ADMINISTRATION*2                    *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

3                    *For payment to the Federal Old-Age and Survivors In-*  
4 *surance and the Federal Disability Insurance trust funds,*  
5 *as provided under sections 201(m), 228(g), and 1131(b)(2)*  
6 *of the Social Security Act, \$22,641,000.*

7                    *In addition, to reimburse these trust funds for admin-*  
8 *istrative expenses to carry out sections 9704 and 9706 of*  
9 *the Internal Revenue Code of 1986, \$10,000,000, to remain*  
10 *available until expended.*

11                    *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

12                    *For carrying out title IV of the Federal Mine Safety*  
13 *and Health Act of 1977, \$485,396,000, to remain available*  
14 *until expended.*

15                    *For making, after July 31 of the current fiscal year,*  
16 *benefit payments to individuals under title IV of the Fed-*  
17 *eral Mine Safety and Health Act of 1977, for costs incurred*  
18 *in the current fiscal year, such amounts as may be nec-*  
19 *essary.*

20                    *For making benefit payments under title IV of the Fed-*  
21 *eral Mine Safety and Health Act of 1977 for the first quar-*  
22 *ter of fiscal year 1997, \$170,000,000, to remain available*  
23 *until expended.*



1            *SUPPLEMENTAL SECURITY INCOME PROGRAM*

2            *For carrying out titles XI and XVI of the Social Secu-*  
3 *rity Act, section 401 of Public Law 92-603, section 212*  
4 *of Public Law 93-66, as amended, and section 405 of Public*  
5 *Law 95-216, including payment to the Social Security*  
6 *trust funds for administrative expenses incurred pursuant*  
7 *to section 201(g)(1) of the Social Security Act,*  
8 *\$18,595,012,000, to remain available until expended, of*  
9 *which \$1,500,000 shall be for a demonstration program to*  
10 *foster economic independence among people with disabil-*  
11 *ities through disability sport, in connection with the Tenth*  
12 *Paralympic Games: Provided, That any portion of the*  
13 *funds provided to a State in the current fiscal year and*  
14 *not obligated by the State during that year shall be returned*  
15 *to the Treasury.*

16            *For making, after June 15 of the current fiscal year,*  
17 *benefit payments to individuals under title XVI of the So-*  
18 *cial Security Act, for unanticipated costs incurred for the*  
19 *current fiscal year, such sums as may be necessary.*

20            *For carrying out title XVI of the Social Security Act*  
21 *for the first quarter of fiscal year 1997, \$9,260,000,000, to*  
22 *remain available until expended.*

23            *LIMITATION ON ADMINISTRATIVE EXPENSES*

24            *For necessary expenses, including the hire of two me-*  
25 *dium size passenger motor vehicles, and not to exceed*

1 \$10,000 for official reception and representation expenses,  
2 not more than \$5,271,183,000 may be expended, as author-  
3 ized by section 201(g)(1) of the Social Security Act or as  
4 necessary to carry out sections 9704 and 9706 of the Inter-  
5 nal Revenue Code of 1986 from any one or all of the trust  
6 funds referred to therein: Provided, That reimbursement to  
7 the trust funds under this heading for administrative ex-  
8 penses to carry out sections 9704 and 9706 of the Internal  
9 Revenue Code of 1986 shall be made, with interest, not later  
10 than September 30, 1997: Provided further, That unobli-  
11 gated balances at the end of fiscal year 1996 shall remain  
12 available until expended for a state-of-the-art computing  
13 network, including related equipment and administrative  
14 expenses associated solely with this network.

15       In addition to funding already available under this  
16 heading, and subject to the same terms and conditions,  
17 \$407,000,000, for disability caseload processing.

18       In addition to funding already available under this  
19 heading, and subject to the same terms and conditions,  
20 \$167,000,000, which shall remain available until expended,  
21 to invest in a state-of-the-art computing network, including  
22 related equipment and administrative expenses associated  
23 solely with this network, for the Social Security Adminis-  
24 tration and the State Disability Determination Services,

1 *may be expended from any or all of the trust funds as au-*  
2 *thorized by section 201(g)(1) of the Social Security Act.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For expenses necessary for the Office of Inspector Gen-*  
5 *eral in carrying out the provisions of the Inspector General*  
6 *Act of 1978, as amended, \$4,816,000, together with not to*  
7 *exceed \$21,076,000, to be transferred and expended as au-*  
8 *thorized by section 201(g)(1) of the Social Security Act from*  
9 *the Federal Old-Age and Survivors Insurance Trust Fund*  
10 *and the Federal Disability Insurance Trust Fund.*

11 *RAILROAD RETIREMENT BOARD*

12 *DUAL BENEFITS PAYMENTS ACCOUNT*

13 *For payment to the Dual Benefits Payments Account,*  
14 *authorized under section 15(d) of the Railroad Retirement*  
15 *Act of 1974, \$239,000,000, which shall include amounts be-*  
16 *coming available in fiscal year 1996 pursuant to section*  
17 *224(c)(1)(B) of Public Law 98-76; and in addition, an*  
18 *amount, not to exceed 2 percent of the amount provided*  
19 *herein, shall be available proportional to the amount by*  
20 *which the product of recipients and the average benefit re-*  
21 *ceived exceeds \$239,000,000: Provided, That the total*  
22 *amount provided herein shall be credited in 12 approxi-*  
23 *mately equal amounts on the first day of each month in*  
24 *the fiscal year.*

1        *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*2                                *ACCOUNTS*

3            *For payment to the accounts established in the Treas-*  
4 *ury for the payment of benefits under the Railroad Retire-*  
5 *ment Act for interest earned on unnegotiated checks,*  
6 *\$300,000, to remain available through September 30, 1997,*  
7 *which shall be the maximum amount available for payment*  
8 *pursuant to section 417 of Public Law 98–76.*

9                                *LIMITATION ON ADMINISTRATION*

10          *For necessary expenses for the Railroad Retirement*  
11 *Board in administering the Railroad Retirement Act and*  
12 *the Railroad Unemployment Insurance Act, \$89,094,000, to*  
13 *be derived as authorized by section 15(h) of the Railroad*  
14 *Retirement Act and section 10(a) of the Railroad Unem-*  
15 *ployment Insurance Act, from the accounts referred to in*  
16 *those sections.*

17                                *SPECIAL MANAGEMENT IMPROVEMENT FUND*

18          *To effect management improvements, including the re-*  
19 *duction of backlogs, accuracy of taxation accounting, and*  
20 *debt collection, \$659,000, to be derived from the railroad*  
21 *retirement accounts and railroad unemployment insurance*  
22 *account: Provided, That these funds shall supplement, not*  
23 *supplant, existing resources devoted to such operations and*  
24 *improvements.*

1        *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

2            *For expenses necessary for the Office of Inspector Gen-*  
3 *eral for audit, investigatory and review activities, as au-*  
4 *thorized by the Inspector General Act of 1978, as amended,*  
5 *not more than \$5,673,000, to be derived from the railroad*  
6 *retirement accounts and railroad unemployment insurance*  
7 *account.*

8                    *UNITED STATES INSTITUTE OF PEACE*9                                *OPERATING EXPENSES*

10          *For necessary expenses of the United States Institute*  
11 *of Peace as authorized in the United States Institute of*  
12 *Peace Act, \$11,500,000.*

13                    *TITLE V—GENERAL PROVISIONS*

14          *SEC. 501. The Secretaries of Labor, Health and*  
15 *Human Services, and Education are authorized to transfer*  
16 *unexpended balances of prior appropriations to accounts*  
17 *corresponding to current appropriations provided in this*  
18 *Act: Provided, That such transferred balances are used for*  
19 *the same purpose, and for the same periods of time, for*  
20 *which they were originally appropriated.*

21          *SEC. 502. No part of any appropriation contained in*  
22 *this Act shall remain available for obligation beyond the*  
23 *current fiscal year unless expressly so provided herein.*

24          *SEC. 503. (a) No part of any appropriation contained*  
25 *in this Act shall be used, other than for normal and recog-*

1 nized executive-legislative relationships, for publicity or  
2 propaganda purposes, for the preparation, distribution, or  
3 use of any kit, pamphlet, booklet, publication, radio, tele-  
4 vision, or film presentation designed to support or defeat  
5 legislation pending before the Congress, except in presen-  
6 tation to the Congress itself.

7 (b) No part of any appropriation contained in this  
8 Act shall be used to pay the salary or expenses of any grant  
9 or contract recipient, or agent acting for such recipient, re-  
10 lated to any activity designed to influence legislation or ap-  
11 propriations pending before the Congress.

12 SEC. 504. The Secretaries of Labor and Education are  
13 each authorized to make available not to exceed \$15,000  
14 from funds available for salaries and expenses under titles  
15 I and III, respectively, for official reception and representa-  
16 tion expenses; the Director of the Federal Mediation and  
17 Conciliation Service is authorized to make available for of-  
18 ficial reception and representation expenses not to exceed  
19 \$2,500 from the funds available for "Salaries and expenses,  
20 Federal Mediation and Conciliation Service"; and the  
21 Chairman of the National Mediation Board is authorized  
22 to make available for official reception and representation  
23 expenses not to exceed \$2,500 from funds available for "Sal-  
24 aries and expenses, National Mediation Board".

1        *SEC. 505. Notwithstanding any other provision of this*  
2 *Act, no funds appropriated under this Act shall be used to*  
3 *carry out any program of distributing sterile needles for*  
4 *the hypodermic injection of any illegal drug unless the Sec-*  
5 *retary of Health and Human Services determines that such*  
6 *programs are effective in preventing the spread of HIV and*  
7 *do not encourage the use of illegal drugs.*

8        *SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIP-*  
9 *MENT AND PRODUCTS.—It is the sense of the Congress that,*  
10 *to the greatest extent practicable, all equipment and prod-*  
11 *ucts purchased with funds made available in this Act should*  
12 *be American-made.*

13        *(b) NOTICE REQUIREMENT.—In providing financial*  
14 *assistance to, or entering into any contract with, any entity*  
15 *using funds made available in this Act, the head of each*  
16 *Federal agency, to the greatest extent practicable, shall pro-*  
17 *vide to such entity a notice describing the statement made*  
18 *in subsection (a) by the Congress.*

19        *SEC. 507. When issuing statements, press releases, re-*  
20 *quests for proposals, bid solicitations and other documents*  
21 *describing projects or programs funded in whole or in part*  
22 *with Federal money, all grantees receiving Federal funds,*  
23 *including but not limited to State and local governments*  
24 *and recipients of Federal research grants, shall clearly state*  
25 *(1) the percentage of the total costs of the program or project*

1 *which will be financed with Federal money, (2) the dollar*  
2 *amount of Federal funds for the project or program, and*  
3 *(3) percentage and dollar amount of the total costs of the*  
4 *project or program that will be financed by nongovern-*  
5 *mental sources.*

6 *SEC. 508. None of the funds appropriated under this*  
7 *Act shall be expended for any abortion except when it is*  
8 *made known to the Federal entity or official to which funds*  
9 *are appropriated under this Act that such procedure is nec-*  
10 *essary to save the life of the mother or that the pregnancy*  
11 *is the result of an act of rape or incest.*

12 *SEC. 509. Notwithstanding any other provision of*  
13 *law—*

14 *(1) no amount may be transferred from an ap-*  
15 *propriation account for the Departments of Labor,*  
16 *Health and Human Services, and Education except*  
17 *as authorized in this or any subsequent appropriation*  
18 *act, or in the Act establishing the program or activity*  
19 *for which funds are contained in this Act;*

20 *(2) no department, agency, or other entity, other*  
21 *than the one responsible for administering the pro-*  
22 *gram or activity for which an appropriation is made*  
23 *in this Act, may exercise authority for the timing of*  
24 *the obligation and expenditure of such appropriation,*  
25 *or for the purposes for which it is obligated and ex-*



1        *pended, except to the extent and in the manner other-*  
2        *wise provided in sections 1512 and 1513 of title 31,*  
3        *United States Code; and*

4            *(3) no funds provided under this Act shall be*  
5        *available for the salary (or any part thereof) of an*  
6        *employee who is reassigned on a temporary detail*  
7        *basis to another position in the employing agency or*  
8        *department or in any other agency or department,*  
9        *unless the detail is independently approved by the*  
10       *head of the employing department or agency.*

11        *SEC. 510. LIMITATION ON USE OF FUNDS.—None of*  
12       *the funds made available in this Act may be used for the*  
13       *expenses of an electronic benefit transfer (EBT) task force.*

14        *SEC. 511. None of the funds made available in this*  
15       *Act may be used to enforce the requirements of section*  
16       *428(b)(1)(U)(iii) of the Higher Education Act of 1965 with*  
17       *respect to any lender when it is made known to the Federal*  
18       *official having authority to obligate or expend such funds*  
19       *that the lender has a loan portfolio under part B of title*  
20       *IV of such Act that is equal to or less than \$5,000,000.*

21        *SEC. 512. None of the funds made available in this*  
22       *Act may be used for Pell Grants under subpart 1 of part*  
23       *A of title IV of the Higher Education Act of 1965 to stu-*  
24       *dents attending an institution of higher education that is*  
25       *ineligible to participate in a loan program under such title*

1 as a result of a default determination under section  
2 435(a)(2) of such Act, unless such institution has a partici-  
3 pation rate index (as defined at 34 CFR 668.17) that is  
4 less than or equal to 0.0375.

5       *SEC. 513. No more than 1 percent of salaries appro-*  
6 *priated for each Agency in this Act may be expended by*  
7 *that Agency on cash performance awards: Provided, That*  
8 *of the budgetary resources available to Agencies in this Act*  
9 *for salaries and expenses during fiscal year 1996,*  
10 *\$30,500,000, to be allocated by the Office of Management*  
11 *and Budget, are permanently canceled: Provided further,*  
12 *That the foregoing proviso shall not apply to the Food and*  
13 *Drug Administration and the Indian Health Service.*

14       *SEC. 514. (a) HIGH COST TRAINING EXCEPTION.—*  
15 *Section 428H(d)(2) of the Higher Education Act of 1965*  
16 *(20 U.S.C. 1078–8(d)(2)) is amended by striking out the*  
17 *period at the end thereof and inserting in lieu thereof a*  
18 *semicolon and the following:*

19 *“except in cases where the Secretary determines, that a*  
20 *higher amount is warranted in order to carry out the pur-*  
21 *pose of this part with respect to students engaged in special-*  
22 *ized training requiring exceptionally high costs of edu-*  
23 *cation, but the annual insurable limit per student shall not*  
24 *be deemed to be exceeded by a line of credit under which*

1 *actual payments by the lender to the borrower will not be*  
2 *made in any years in excess of the annual limit.”.*

3 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
4 *section (a) shall be effective for loans made to cover the cost*  
5 *of instruction for periods of enrollment beginning on or*  
6 *after July 1, 1996.*

7 *This Act may be cited as the “Departments of Labor,*  
8 *Health and Human Services, and Education, and Related*  
9 *Agencies Appropriations Act, 1996”.*

10 (e) *Such amounts as may be necessary for programs,*  
11 *projects or activities provided for in the Departments of Vet-*  
12 *erans Affairs and Housing and Urban Development, and*  
13 *Independent Agencies Appropriations Act, 1996 at a rate*  
14 *of operations and to the extent and in the manner provided*  
15 *as follows, to be effective as if it had been enacted into law*  
16 *as the regular appropriations Act:*

17 *AN ACT*

18 *Making appropriations for the Departments of Veter-*  
19 *ans Affairs and Housing and Urban Development, and for*  
20 *sundry independent agencies, boards, commissions, corpora-*  
21 *tions, and offices for the fiscal year ending September 30,*  
22 *1996, and for other purposes.*

1 *TITLE I*  
2 *DEPARTMENT OF VETERANS AFFAIRS*  
3 *VETERANS BENEFITS ADMINISTRATION*  
4 *COMPENSATION AND PENSIONS*  
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the payment of compensation benefits to or on be-*  
7 *half of veterans as authorized by law (38 U.S.C. 107, chap-*  
8 *ters 11, 13, 51, 53, 55, and 61); pension benefits to or on*  
9 *behalf of veterans as authorized by law (38 U.S.C. chapters*  
10 *15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits,*  
11 *emergency and other officers' retirement pay, adjusted-serv-*  
12 *ice credits and certificates, payment of premiums due on*  
13 *commercial life insurance policies guaranteed under the*  
14 *provisions of Article IV of the Soldiers' and Sailors' Civil*  
15 *Relief Act of 1940, as amended, and for other benefits as*  
16 *authorized by law (38 U.S.C. 107, 1312, 1977, and 2106,*  
17 *chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548;*  
18 *43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198);*  
19 *\$18,331,561,000, to remain available until expended: Pro-*  
20 *vided, That not to exceed \$25,180,000 of the amount appro-*  
21 *priated shall be reimbursed to “General operating expenses”*  
22 *and “Medical care” for necessary expenses in implementing*  
23 *those provisions authorized in the Omnibus Budget Rec-*  
24 *onciliation Act of 1990, and in the Veterans' Benefits Act*  
25 *of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding*  
26 *source for which is specifically provided as the “Compensa-*

1 *tion and pensions” appropriation: Provided further, That*  
2 *such sums as may be earned on an actual qualifying pa-*  
3 *tient basis, shall be reimbursed to “Medical facilities revolv-*  
4 *ing fund” to augment the funding of individual medical*  
5 *facilities for nursing home care provided to pensioners as*  
6 *authorized by the Veterans’ Benefits Act of 1992 (38 U.S.C.*  
7 *chapter 55): Provided further, That \$12,000,000 previously*  
8 *transferred from “Compensation and pensions” to “Medical*  
9 *facilities revolving fund” shall be transferred to this head-*  
10 *ing.*

11 *READJUSTMENT BENEFITS*

12 *For the payment of readjustment and rehabilitation*  
13 *benefits to or on behalf of veterans as authorized by law*  
14 *(38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55,*  
15 *and 61), \$1,345,300,000, to remain available until ex-*  
16 *pended: Provided, That funds shall be available to pay any*  
17 *court order, court award or any compromise settlement*  
18 *arising from litigation involving the vocational training*  
19 *program authorized by section 18 of Public Law 98–77, as*  
20 *amended.*

21 *VETERANS INSURANCE AND INDEMNITIES*

22 *For military and naval insurance, national service life*  
23 *insurance, servicemen’s indemnities, service-disabled veter-*  
24 *ans insurance, and veterans mortgage life insurance as au-*  
25 *thorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72*

1 *Stat. 487), \$24,890,000, to remain available until ex-*  
2 *pended.*

3 *GUARANTY AND INDEMNITY PROGRAM ACCOUNT*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the cost of direct and guaranteed loans, such sums*  
6 *as may be necessary to carry out the purpose of the pro-*  
7 *gram, as authorized by 38 U.S.C. chapter 37, as amended:*  
8 *Provided, That such costs, including the cost of modifying*  
9 *such loans, shall be as defined in section 502 of the Congres-*  
10 *sional Budget Act of 1974, as amended.*

11 *In addition, for administrative expenses to carry out*  
12 *the direct and guaranteed loan programs, \$65,226,000,*  
13 *which may be transferred to and merged with the appro-*  
14 *priation for "General operating expenses".*

15 *LOAN GUARANTY PROGRAM ACCOUNT*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For the cost of direct and guaranteed loans, such sums*  
18 *as may be necessary to carry out the purpose of the pro-*  
19 *gram, as authorized by 38 U.S.C. chapter 37, as amended:*  
20 *Provided, That such costs, including the cost of modifying*  
21 *such loans, shall be as defined in section 502 of the Congres-*  
22 *sional Budget Act of 1974, as amended.*

23 *In addition, for administrative expenses to carry out*  
24 *the direct and guaranteed loan programs, \$52,138,000,*  
25 *which may be transferred to and merged with the appro-*  
26 *priation for "General operating expenses".*

1                    *DIRECT LOAN PROGRAM ACCOUNT*  
2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For the cost of direct loans, such sums as may be nec-*  
4 *essary to carry out the purpose of the program, as author-*  
5 *ized by 38 U.S.C. chapter 37, as amended: Provided, That*  
6 *such costs, including the cost of modifying such loans, shall*  
7 *be as defined in section 502 of the Congressional Budget*  
8 *Act of 1974, as amended: Provided further, That during*  
9 *1996, within the resources available, not to exceed \$300,000*  
10 *in gross obligations for direct loans are authorized for spe-*  
11 *cially adapted housing loans (38 U.S.C. chapter 37).*

12            *In addition, for administrative expenses to carry out*  
13 *the direct loan program, \$459,000, which may be trans-*  
14 *ferred to and merged with the appropriation for “General*  
15 *operating expenses”.*

16                    *EDUCATION LOAN FUND PROGRAM ACCOUNT*  
17                    *(INCLUDING TRANSFER OF FUNDS)*

18            *For the cost of direct loans, \$1,000, as authorized by*  
19 *38 U.S.C. 3698, as amended: Provided, That such costs, in-*  
20 *cluding the cost of modifying such loans, shall be as defined*  
21 *in section 502 of the Congressional Budget Act of 1974, as*  
22 *amended: Provided further, That these funds are available*  
23 *to subsidize gross obligations for the principal amount of*  
24 *direct loans not to exceed \$4,000.*

25            *In addition, for administrative expenses necessary to*  
26 *carry out the direct loan program, \$195,000, which may*

1 *be transferred to and merged with the appropriation for*  
2 *“General operating expenses”.*

3 *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the cost of direct loans, \$54,000, as authorized by*  
6 *38 U.S.C. chapter 31, as amended: Provided, That such*  
7 *costs, including the cost of modifying such loans, shall be*  
8 *as defined in section 502 of the Congressional Budget Act*  
9 *of 1974, as amended: Provided further, That these funds are*  
10 *available to subsidize gross obligations for the principal*  
11 *amount of direct loans not to exceed \$1,964,000.*

12 *In addition, for administrative expenses necessary to*  
13 *carry out the direct loan program, \$377,000, which may*  
14 *be transferred to and merged with the appropriation for*  
15 *“General operating expenses”.*

16 *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*

17 *ACCOUNT*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For administrative expenses to carry out the direct*  
20 *loan program authorized by 38 U.S.C. chapter 37, sub-*  
21 *chapter V, as amended, \$205,000, which may be transferred*  
22 *to and merged with the appropriation for “General operat-*  
23 *ing expenses”.*



1                    *VETERANS HEALTH ADMINISTRATION*2                    *MEDICAL CARE*

3            *For necessary expenses for the maintenance and oper-*  
4 *ation of hospitals, nursing homes, and domiciliary facili-*  
5 *ties; for furnishing, as authorized by law, inpatient and*  
6 *outpatient care and treatment to beneficiaries of the De-*  
7 *partment of Veterans Affairs, including care and treatment*  
8 *in facilities not under the jurisdiction of the Department*  
9 *of Veterans Affairs, and furnishing recreational facilities,*  
10 *supplies, and equipment; funeral, burial, and other expenses*  
11 *incidental thereto for beneficiaries receiving care in Depart-*  
12 *ment of Veterans Affairs facilities; administrative expenses*  
13 *in support of planning, design, project management, real*  
14 *property acquisition and disposition, construction and ren-*  
15 *ovation of any facility under the jurisdiction or for the use*  
16 *of the Department of Veterans Affairs; oversight, engineer-*  
17 *ing and architectural activities not charged to project cost;*  
18 *repairing, altering, improving or providing facilities in the*  
19 *several hospitals and homes under the jurisdiction of the*  
20 *Department of Veterans Affairs, not otherwise provided for,*  
21 *either by contract or by the hire of temporary employees*  
22 *and purchase of materials; uniforms or allowances therefor,*  
23 *as authorized by law (5 U.S.C. 5901–5902); aid to State*  
24 *homes as authorized by law (38 U.S.C. 1741); and not to*  
25 *exceed \$8,000,000 to fund cost comparison studies as re-*

1 *ferred to in 38 U.S.C. 8110(a)(5); \$16,564,000,000, plus re-*  
2 *imbursements: Provided, That of the funds made available*  
3 *under this heading, \$789,000,000 is for the equipment and*  
4 *land and structures object classifications only, which*  
5 *amount shall not become available for obligation until Au-*  
6 *gust 1, 1996, and shall remain available for obligation until*  
7 *September 30, 1997.*

8 *MEDICAL AND PROSTHETIC RESEARCH*

9 *For necessary expenses in carrying out programs of*  
10 *medical and prosthetic research and development as author-*  
11 *ized by law (38 U.S.C. chapter 73), to remain available*  
12 *until September 30, 1997, \$257,000,000, plus reimburse-*  
13 *ments.*

14 *MEDICAL ADMINISTRATION AND MISCELLANEOUS*

15 *OPERATING EXPENSES*

16 *For necessary expenses in the administration of the*  
17 *medical, hospital, nursing home, domiciliary, construction,*  
18 *supply, and research activities, as authorized by law; ad-*  
19 *ministrative expenses in support of planning, design,*  
20 *project management, architectural, engineering, real prop-*  
21 *erty acquisition and disposition, construction and renova-*  
22 *tion of any facility under the jurisdiction or for the use*  
23 *of the Department of Veterans Affairs, including site acqui-*  
24 *sition; engineering and architectural activities not charged*  
25 *to project cost; and research and development in building*  
26 *construction technology; \$63,602,000, plus reimbursements.*

1                    *TRANSITIONAL HOUSING LOAN PROGRAM*  
2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For the cost of direct loans, \$7,000, as authorized by*  
4 *Public Law 102-54, section 8, which shall be transferred*  
5 *from the “General post fund”: Provided, That such costs,*  
6 *including the cost of modifying such loans, shall be as de-*  
7 *fin ed in section 502 of the Congressional Budget Act of*  
8 *1974, as amended: Provided further, That these funds are*  
9 *available to subsidize gross obligations for the principal*  
10 *amount of direct loans not to exceed \$70,000. In addition,*  
11 *for administrative expenses to carry out the direct loan pro-*  
12 *gram, \$54,000, which shall be transferred from the “General*  
13 *post fund”, as authorized by Public Law 102-54, section*  
14 *8.*

15                    *DEPARTMENTAL ADMINISTRATION*  
16                    *GENERAL OPERATING EXPENSES*

17            *For necessary operating expenses of the Department of*  
18 *Veterans Affairs, not otherwise provided for, including uni-*  
19 *forms or allowances therefor, as authorized by law; not to*  
20 *exceed \$25,000 for official reception and representation ex-*  
21 *penses; hire of passenger motor vehicles; and reimbursement*  
22 *of the General Services Administration for security guard*  
23 *services, and the Department of Defense for the cost of over-*  
24 *seas employee mail; \$848,143,000: Provided, That of the*  
25 *amount appropriated and any other funds made available*  
26 *from any other source for activities funded under this head-*

1 *ing, except reimbursements, not to exceed \$214,109,000*  
2 *shall be available for General Administration; including not*  
3 *to exceed (1) \$50,000 for travel in the Office of the Sec-*  
4 *retary, (2) \$75,000 for travel in the Office of the Assistant*  
5 *Secretary for Policy and Planning, (3) \$33,000 for travel*  
6 *in the Office of the Assistant Secretary for Congressional*  
7 *Affairs, and (4) \$100,000 for travel in the Office of Assist-*  
8 *ant Secretary for Public and Intergovernmental Affairs:*  
9 *Provided further, That during fiscal year 1996, notwith-*  
10 *standing any other provision of law, the number of individ-*  
11 *uals employed by the Department of Veterans Affairs (1)*  
12 *in other than "career appointee" positions in the Senior*  
13 *Executive Service shall not exceed 6, and (2) in schedule*  
14 *C positions shall not exceed 11: Provided further, That not*  
15 *to exceed \$6,000,000 of the amount appropriated shall be*  
16 *available for administrative expenses to carry out the direct*  
17 *and guaranteed loan programs under the Loan Guaranty*  
18 *Program Account: Provided further, That funds under this*  
19 *heading shall be available to administer the Service Mem-*  
20 *bers Occupational Conversion and Training Act: Provided*  
21 *further, That none of the funds under this heading may be*  
22 *obligated or expended for the acquisition of automated data*  
23 *processing equipment and services for Department of Veter-*  
24 *ans Affairs regional offices to support Stage III of the auto-*

1 *mated data equipment modernization program of the Veter-*  
2 *ans Benefits Administration.*

3 *NATIONAL CEMETERY SYSTEM*

4 *For necessary expenses for the maintenance and oper-*  
5 *ation of the National Cemetery System not otherwise pro-*  
6 *vided for, including uniforms or allowances therefor, as au-*  
7 *thorized by law; cemeterial expenses as authorized by law;*  
8 *purchase of three passenger motor vehicles, for use in*  
9 *cemeterial operations; and hire of passenger motor vehicles,*  
10 *\$72,604,000.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For necessary expenses of the Office of Inspector Gen-*  
13 *eral in carrying out the provisions of the Inspector General*  
14 *Act of 1978, as amended, \$30,900,000.*

15 *CONSTRUCTION, MAJOR PROJECTS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For constructing, altering, extending and improving*  
18 *any of the facilities under the jurisdiction or for the use*  
19 *of the Department of Veterans Affairs, or for any of the*  
20 *purposes set forth in sections 316, 2404, 2406, 8102, 8103,*  
21 *8106, 8108, 8109, 8110, and 8122 of title 38, United States*  
22 *Code, including planning, architectural and engineering*  
23 *services, maintenance or guarantee period services costs as-*  
24 *sociated with equipment guarantees provided under the*  
25 *project, services of claims analysts, offsite utility and storm*  
26 *drainage system construction costs, and site acquisition,*

1 *where the estimated cost of a project is \$3,000,000 or more*  
2 *or where funds for a project were made available in a pre-*  
3 *vious major project appropriation, \$136,155,000, to remain*  
4 *available until expended: Provided, That except for advance*  
5 *planning of projects funded through the advance planning*  
6 *fund and the design of projects funded through the design*  
7 *fund, none of these funds shall be used for any project which*  
8 *has not been considered and approved by the Congress in*  
9 *the budgetary process: Provided further, That funds pro-*  
10 *vided in this appropriation for fiscal year 1996, for each*  
11 *approved project shall be obligated (1) by the awarding of*  
12 *a construction documents contract by September 30, 1996,*  
13 *and (2) by the awarding of a construction contract by Sep-*  
14 *tember 30, 1997: Provided further, That the Secretary shall*  
15 *promptly report in writing to the Comptroller General and*  
16 *to the Committees on Appropriations any approved major*  
17 *construction project in which obligations are not incurred*  
18 *within the time limitations established above; and the*  
19 *Comptroller General shall review the report in accordance*  
20 *with the procedures established by section 1015 of the Im-*  
21 *poundment Control Act of 1974 (title X of Public Law 93-*  
22 *344): Provided further, That no funds from any other ac-*  
23 *count except the "Parking revolving fund", may be obli-*  
24 *gated for constructing, altering, extending, or improving a*  
25 *project which was approved in the budget process and fund-*

1 *ed in this account until one year after substantial comple-*  
2 *tion and beneficial occupancy by the Department of Veter-*  
3 *ans Affairs of the project or any part thereof with respect*  
4 *to that part only: Provided further, That of the funds made*  
5 *available under this heading in Public Law 103–327,*  
6 *\$7,000,000 shall be transferred to the “Parking revolving*  
7 *fund”.*

8 *CONSTRUCTION, MINOR PROJECTS*

9 *For constructing, altering, extending, and improving*  
10 *any of the facilities under the jurisdiction or for the use*  
11 *of the Department of Veterans Affairs, including planning,*  
12 *architectural and engineering services, maintenance or*  
13 *guarantee period services costs associated with equipment*  
14 *guarantees provided under the project, services of claims an-*  
15 *alysts, offsite utility and storm drainage system construc-*  
16 *tion costs, and site acquisition, or for any of the purposes*  
17 *set forth in sections 316, 2404, 2406, 8102, 8103, 8106,*  
18 *8108, 8109, 8110, and 8122 of title 38, United States Code,*  
19 *where the estimated cost of a project is less than \$3,000,000,*  
20 *\$190,000,000, to remain available until expended, along*  
21 *with unobligated balances of previous “Construction, minor*  
22 *projects” appropriations which are hereby made available*  
23 *for any project where the estimated cost is less than*  
24 *\$3,000,000: Provided, That funds in this account shall be*  
25 *available for (1) repairs to any of the nonmedical facilities*  
26 *under the jurisdiction or for the use of the Department of*

1 *Veterans Affairs which are necessary because of loss or dam-*  
2 *age caused by any natural disaster or catastrophe, and (2)*  
3 *temporary measures necessary to prevent or to minimize*  
4 *further loss by such causes.*

5 *PARKING REVOLVING FUND*

6 *For the parking revolving fund as authorized by law*  
7 *(38 U.S.C. 8109), income from fees collected, to remain*  
8 *available until expended. Resources of this fund shall be*  
9 *available for all expenses authorized by 38 U.S.C. 8109 ex-*  
10 *cept operations and maintenance costs which will be funded*  
11 *from “Medical care”.*

12 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*

13 *FACILITIES*

14 *For grants to assist the several States to acquire or*  
15 *construct State nursing home and domiciliary facilities and*  
16 *to remodel, modify or alter existing hospital, nursing home*  
17 *and domiciliary facilities in State homes, for furnishing*  
18 *care to veterans as authorized by law (38 U.S.C. 8131–*  
19 *8137), \$47,397,000, to remain available until expended.*

20 *GRANTS FOR THE CONSTRUCTION OF STATE VETERANS*

21 *CEMETERIES*

22 *For grants to aid States in establishing, expanding,*  
23 *or improving State veteran cemeteries as authorized by law*  
24 *(38 U.S.C. 2408), \$1,000,000, to remain available until*  
25 *September 30, 1998.*



## ADMINISTRATIVE PROVISIONS

## (INCLUDING TRANSFER OF FUNDS)

1  
2  
3       *SEC. 101. Any appropriation for 1996 for “Compensa-*  
4 *tion and pensions”, “Readjustment benefits”, and “Veter-*  
5 *ans insurance and indemnities” may be transferred to any*  
6 *other of the mentioned appropriations.*

7       *SEC. 102. Appropriations available to the Department*  
8 *of Veterans Affairs for 1996 for salaries and expenses shall*  
9 *be available for services as authorized by 5 U.S.C. 3109.*

10       *SEC. 103. No part of the appropriations in this Act*  
11 *for the Department of Veterans Affairs (except the appro-*  
12 *priations for “Construction, major projects”, “Construc-*  
13 *tion, minor projects”, and the “Parking revolving fund”)*  
14 *shall be available for the purchase of any site for or toward*  
15 *the construction of any new hospital or home.*

16       *SEC. 104. No part of the foregoing appropriations shall*  
17 *be available for hospitalization or examination of any per-*  
18 *sons except beneficiaries entitled under the laws bestowing*  
19 *such benefits to veterans, unless reimbursement of cost is*  
20 *made to the appropriation at such rates as may be fixed*  
21 *by the Secretary of Veterans Affairs.*

22       *SEC. 105. Appropriations available to the Department*  
23 *of Veterans Affairs for fiscal year 1996 for “Compensation*  
24 *and pensions”, “Readjustment benefits”, and “Veterans in-*  
25 *surance and indemnities” shall be available for payment*  
26 *of prior year accrued obligations required to be recorded*

1 *by law against the corresponding prior year accounts with-*  
2 *in the last quarter of fiscal year 1995.*

3       *SEC. 106. Appropriations accounts available to the De-*  
4 *partment of Veterans Affairs for fiscal year 1996 shall be*  
5 *available to pay prior year obligations of corresponding*  
6 *prior year appropriations accounts resulting from title X*  
7 *of the Competitive Equality Banking Act, Public Law 100-*  
8 *86, except that if such obligations are from trust fund ac-*  
9 *counts they shall be payable from "Compensation and pen-*  
10 *sions".*

11       *SEC. 108. Notwithstanding any other provision of law,*  
12 *the Secretary of Veterans Affairs is authorized to transfer,*  
13 *without compensation or reimbursement, the jurisdiction*  
14 *and control of a parcel of land consisting of approximately*  
15 *6.3 acres, located on the south edge of the Department of*  
16 *Veterans Affairs Medical and Regional Office Center, Wich-*  
17 *ita, Kansas, including buildings Nos. 8 and 30 and other*  
18 *improvements thereon, to the Secretary of Transportation*  
19 *for the purpose of expanding and modernizing United*  
20 *States Highway 54: Provided, That if necessary, the exact*  
21 *acreage and legal description of the real property trans-*  
22 *ferred shall be determined by a survey satisfactory to the*  
23 *Secretary of Veterans Affairs and the Secretary of Trans-*  
24 *portation shall bear the cost of such survey: Provided fur-*  
25 *ther, That the Secretary of Transportation shall be respon-*

1 sible for all costs associated with the transferred land and  
2 improvements thereon, and compliance with all existing  
3 statutes and regulations: Provided further, That the Sec-  
4 retary of Veterans Affairs and the Secretary of Transpor-  
5 tation may require such additional terms and conditions  
6 as each Secretary considers appropriate to effectuate this  
7 transfer of land.

8 *TITLE II*

9 *DEPARTMENT OF HOUSING AND URBAN*

10 *DEVELOPMENT*

11 *HOUSING PROGRAMS*

12 *ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING*

13 *For assistance under the United States Housing Act*  
14 *of 1937, as amended (“the Act” herein) (42 U.S.C. 1437),*  
15 *not otherwise provided for, \$10,103,795,000, to remain*  
16 *available until expended: Provided, That of the total*  
17 *amount provided under this head, \$160,000,000 shall be for*  
18 *the development or acquisition cost of public housing for*  
19 *Indian families, including amounts for housing under the*  
20 *mutual help homeownership opportunity program under*  
21 *section 202 of the Act (42 U.S.C. 1437bb): Provided further,*  
22 *That of the total amount provided under this head,*  
23 *\$2,500,000,000 shall be for modernization of existing public*  
24 *housing projects pursuant to section 14 of the Act (42*  
25 *U.S.C. 1437l), including up to \$20,000,000 for the inspec-*

1 *tion of public housing units, contract expertise, and train-*  
2 *ing and technical assistance, directly or indirectly, under*  
3 *grants, contracts, or cooperative agreements, to assist in the*  
4 *oversight and management of public and Indian housing*  
5 *(whether or not the housing is being modernized with assist-*  
6 *ance under this proviso) or tenant-based assistance, includ-*  
7 *ing, but not limited to, an annual resident survey, data*  
8 *collection and analysis, training and technical assistance*  
9 *by or to officials and employees of the Department and of*  
10 *public housing agencies and to residents in connection with*  
11 *the public and Indian housing program, or for carrying*  
12 *out activities under section 6(j) of the Act: Provided further,*  
13 *That of the total amount provided under this head,*  
14 *\$400,000,000 shall be for rental subsidy contracts under the*  
15 *section 8 existing housing certificate program and the hous-*  
16 *ing voucher program under section 8 of the Act, except that*  
17 *such amounts shall be used only for units necessary to pro-*  
18 *vide housing assistance for residents to be relocated from*  
19 *existing federally subsidized or assisted housing, for replace-*  
20 *ment housing for units demolished or disposed of (including*  
21 *units to be disposed of pursuant to a homeownership pro-*  
22 *gram under section 5(h) or title III of the United States*  
23 *Housing Act of 1937) from the public housing inventory,*  
24 *for funds related to litigation settlements, for the conversion*  
25 *of section 23 projects to assistance under section 8, for pub-*

1 *lic housing agencies to implement allocation plans ap-*  
2 *proved by the Secretary for designated housing, for funds*  
3 *to carry out the family unification program, and for the*  
4 *relocation of witnesses in connection with efforts to combat*  
5 *crime in public and assisted housing pursuant to a request*  
6 *from a law enforcement or prosecution agency: Provided*  
7 *further, That of the total amount provided under this head,*  
8 *\$4,350,862,000 shall be for assistance under the United*  
9 *States Housing Act of 1937 (42 U.S.C. 1437) for use in*  
10 *connection with expiring or terminating section 8 subsidy*  
11 *contracts, such amounts shall be merged with all remaining*  
12 *obligated and unobligated balances heretofore appropriated*  
13 *under the heading "Renewal of expiring section 8 subsidy*  
14 *contracts": Provided further, That notwithstanding any*  
15 *other provision of law, assistance reserved under the two*  
16 *preceding provisos may be used in connection with any pro-*  
17 *vision of Federal law enacted in this Act or after the enact-*  
18 *ment of this Act that authorizes the use of rental assistance*  
19 *amounts in connection with such terminated or expired*  
20 *contracts: Provided further, That the Secretary may deter-*  
21 *mine not to apply section 8(o)(6)(B) of the Act to housing*  
22 *vouchers during fiscal year 1996: Provided further, That*  
23 *of the total amount provided under this head, \$610,575,000*  
24 *shall be for amendments to section 8 contracts other than*  
25 *contracts for projects developed under section 202 of the*

1 *Housing Act of 1959, as amended; and \$209,000,000 shall*  
2 *be for section 8 assistance and rehabilitation grants for*  
3 *property disposition: Provided further, That 50 per centum*  
4 *of the amounts of budget authority, or in lieu thereof 50*  
5 *per centum of the cash amounts associated with such budget*  
6 *authority, that are recaptured from projects described in*  
7 *section 1012(a) of the Stewart B. McKinney Homeless As-*  
8 *sistance Amendments Act of 1988 (Public Law 100-628,*  
9 *102 Stat. 3224, 3268) shall be rescinded, or in the case of*  
10 *cash, shall be remitted to the Treasury, and such amounts*  
11 *of budget authority or cash recaptured and not rescinded*  
12 *or remitted to the Treasury shall be used by State housing*  
13 *finance agencies or local governments or local housing agen-*  
14 *cies with projects approved by the Secretary of Housing and*  
15 *Urban Development for which settlement occurred after*  
16 *January 1, 1992, in accordance with such section: Provided*  
17 *further, That of the total amount provided under this head,*  
18 *\$171,000,000 shall be for housing opportunities for persons*  
19 *with AIDS under title VIII, subtitle D of the Cranston-Gon-*  
20 *zalez National Affordable Housing Act; and \$65,000,000*  
21 *shall be for the lead-based paint hazard reduction program*  
22 *as authorized under sections 1011 and 1053 of the Residen-*  
23 *tial Lead-Based Hazard Reduction Act of 1992: Provided*  
24 *further, That the Secretary may make up to \$5,000,000 of*

1 any amount recaptured in this account available for the  
2 development of performance and financial systems.

3       Of the total amount provided under this head,  
4 \$624,000,000, plus amounts recaptured from interest reduc-  
5 tion payment contracts for section 236 projects whose own-  
6 ers prepay their mortgages during fiscal year 1996 (which  
7 amounts shall be transferred and merged with this account),  
8 shall be for use in conjunction with properties that are eligi-  
9 ble for assistance under the Low Income Housing Preserva-  
10 tion and Resident Homeownership Act of 1990  
11 (LIHPRHA) or the Emergency Low-Income Housing Pres-  
12 ervation Act of 1987 (ELIHPA): Provided, That prior to  
13 August 15, 1996, funding to carry out plans of action shall  
14 be limited to sales of projects to non-profit organizations,  
15 tenant-sponsored organizations, and other priority pur-  
16 chasers: Provided further, That of the amount made avail-  
17 able by this paragraph, up to \$10,000,000 shall be available  
18 for preservation technical assistance grants pursuant to sec-  
19 tion 253 of the Housing and Community Development Act  
20 of 1987, as amended: Provided further, That with respect  
21 to amounts made available by this paragraph, after August  
22 15, 1996, if the Secretary determines that the demand for  
23 funding may exceed amounts available for such funding,  
24 the Secretary (1) may determine priorities for distributing  
25 available funds, including giving priority funding to ten-

1 ants displaced due to mortgage prepayment and to projects  
2 that have not yet been funded but which have approved  
3 plans of action; and (2) may impose a temporary morato-  
4 rium on applications by potential recipients of such fund-  
5 ing: Provided further, That an owner of eligible low-income  
6 housing may prepay the mortgage or request voluntary ter-  
7 mination of a mortgage insurance contract, so long as said  
8 owner agrees not to raise rents for sixty days after such  
9 prepayment: Provided further, That an owner of eligible  
10 low-income housing who has not timely filed a second notice  
11 under section 216(d) prior to the effective date of this Act  
12 may file such notice by April 15, 1996: Provided further,  
13 That such developments have been determined to have pres-  
14 ervation equity at least equal to the lesser of \$5,000 per  
15 unit or \$500,000 per project or the equivalent of eight times  
16 the most recently published fair market rent for the area  
17 in which the project is located as the appropriate unit size  
18 for all of the units in the eligible project: Provided further,  
19 That the Secretary may modify the regulatory agreement  
20 to permit owners and priority purchasers to retain rental  
21 income in excess of the basic rental charge in projects as-  
22 sisted under section 236 of the National Housing Act, for  
23 the purpose of preserving the low and moderate income  
24 character of the housing: Provided further, That the Sec-  
25 retary may give priority to funding and processing the fol-



1 *lowing projects provided that the funding is obligated not*  
2 *later than September 15, 1996: (1) projects with approved*  
3 *plans of action to retain the housing that file a modified*  
4 *plan of action no later than August 15, 1996 to transfer*  
5 *the housing; (2) projects with approved plans of action that*  
6 *are subject to a repayment or settlement agreement that was*  
7 *executed between the owner and the Secretary prior to Sep-*  
8 *tember 1, 1995; (3) projects for which submissions were de-*  
9 *layed as a result of their location in areas that were des-*  
10 *ignated as a Federal disaster area in a Presidential Disas-*  
11 *ter Declaration; and (4) projects whose processing was, in*  
12 *fact or in practical effect, suspended, deferred, or inter-*  
13 *rupted for a period of twelve months or more because of*  
14 *differing interpretations, by the Secretary and an owner*  
15 *or by the Secretary and a State or local rent regulatory*  
16 *agency, concerning the timing of filing eligibility or the ef-*  
17 *fect of a presumptively applicable State or local rent control*  
18 *law or regulation on the determination of preservation*  
19 *value under section 213 of LIHPRHA, as amended, if the*  
20 *owner of such project filed notice of intent to extend the*  
21 *low-income affordability restrictions of the housing, or*  
22 *transfer to a qualified purchaser who would extend such*  
23 *restrictions, on or before November 1, 1993: Provided fur-*  
24 *ther, That eligible low-income housing shall include prop-*  
25 *erties meeting the requirements of this paragraph with*

1 mortgages that are held by a State agency as a result of  
2 a sale by the Secretary without insurance, which imme-  
3 diately before the sale would have been eligible low-income  
4 housing under LIHPRHA: Provided further, That notwith-  
5 standing any other provision of law, subject to the avail-  
6 ability of appropriated funds, each unassisted low-income  
7 family residing in the housing on the date of prepayment  
8 or voluntary termination, and whose rent, as a result of  
9 a rent increase occurring no later than one year after the  
10 date of the prepayment, exceeds 30 percent of adjusted in-  
11 come, shall be offered tenant-based assistance in accordance  
12 with section 8 or any successor program, under which the  
13 family shall pay no less for rent than it paid on such date:  
14 Provided further, That any family receiving tenant-based  
15 assistance under the preceding proviso may elect (1) to re-  
16 main in the unit of the housing and if the rent exceeds the  
17 fair market rent or payment standard, as applicable, the  
18 rent shall be deemed to be the applicable standard, so long  
19 as the administering public housing agency finds that the  
20 rent is reasonable in comparison with rents charged for  
21 comparable unassisted housing units in the market or (2)  
22 to move from the housing and the rent will be subject to  
23 the fair market rent of the payment standard, as applicable,  
24 under existing program rules and procedures: Provided fur-  
25 ther, That rents and rent increases for tenants of projects

1 *for which plans of action are funded under section*  
2 *220(d)(3)(B) of LIHPRHA shall be governed in accordance*  
3 *with the requirements of the program under which the first*  
4 *mortgage is insured or made (sections 236 or 221(d)(3)*  
5 *BMIR, as appropriate): Provided further, That the imme-*  
6 *diately foregoing proviso shall apply hereafter to projects*  
7 *for which plans of action are to be funded under such sec-*  
8 *tion 220(d)(3)(B), and shall apply to any project that has*  
9 *been funded under such section starting one year after the*  
10 *date that such project was funded: Provided further, That*  
11 *up to \$10,000,000 of the amount made available by this*  
12 *paragraph may be used at the discretion of the Secretary*  
13 *to reimburse owners of eligible properties for which plans*  
14 *of action were submitted prior to the effective date of this*  
15 *Act, but were not executed for lack of available funds, with*  
16 *such reimbursement available only for documented costs di-*  
17 *rectly applicable to the preparation of the plan of action*  
18 *as determined by the Secretary, and shall be made available*  
19 *on terms and conditions to be established by the Secretary:*  
20 *Provided further, That, notwithstanding any other provi-*  
21 *sion of law, effective October 1, 1996, the Secretary shall*  
22 *suspend further processing of preservation applications*  
23 *which do not have approved plans of action.*

24 *Of the total amount provided under this head,*  
25 *\$780,190,000 shall be for capital advances, including*

1 amendments to capital advance contracts, for housing for  
2 the elderly, as authorized by section 202 of the Housing Act  
3 of 1959, as amended, and for project rental assistance, and  
4 amendments to contracts for project rental assistance, for  
5 supportive housing for the elderly under section 202(c)(2)  
6 of the Housing Act of 1959; and \$233,168,000 shall be for  
7 capital advances, including amendments to capital advance  
8 contracts, for supportive housing for persons with disabili-  
9 ties, as authorized by section 811 of the Cranston-Gonzalez  
10 National Affordable Housing Act; and for project rental as-  
11 sistance, and amendments to contracts for project rental as-  
12 sistance, for supportive housing for persons with disabilities  
13 as authorized by section 811 of the Cranston-Gonzalez Na-  
14 tional Affordable Housing Act: Provided, That the Sec-  
15 retary may designate up to 25 percent of the amounts ear-  
16 marked under this paragraph for section 811 of the Cran-  
17 ston-Gonzalez National Affordable Housing Act for tenant-  
18 based assistance, as authorized under that section, which  
19 assistance is five-years in duration: Provided further, That  
20 the Secretary may waive any provision of section 202 of  
21 the Housing Act of 1959 and section 811 of the National  
22 Affordable Housing Act (including the provisions governing  
23 the terms and conditions of project rental assistance) that  
24 the Secretary determines is not necessary to achieve the ob-  
25 jectives of these programs, or that otherwise impedes the

1 *ability to develop, operate or administer projects assisted*  
2 *under these programs, and may make provision for alter-*  
3 *native conditions or terms where appropriate.*

4 *PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND*  
5 *REPLACEMENT HOUSING GRANTS*

6 *For grants to public housing agencies for the purposes*  
7 *of enabling the demolition of obsolete public housing projects*  
8 *or portions thereof, the revitalization (where appropriate)*  
9 *of sites (including remaining public housing units) on*  
10 *which such projects are located, replacement housing which*  
11 *will avoid or lessen concentrations of very low-income fami-*  
12 *lies, and tenant-based assistance in accordance with section*  
13 *8 of the United States Housing Act of 1937 for the purpose*  
14 *of providing replacement housing and assisting tenants to*  
15 *be displaced by the demolition, \$380,000,000, to remain*  
16 *available until expended: Provided, That the Secretary of*  
17 *Housing and Urban Development shall award such funds*  
18 *to public housing agencies based upon, among other relevant*  
19 *criteria, the local and national impact of the proposed dem-*  
20 *olition and revitalization activities and the extent to which*  
21 *the public housing agency could undertake such activities*  
22 *without the additional assistance to be provided hereunder:*  
23 *Provided further, That eligible expenditures hereunder shall*  
24 *be those expenditures eligible under section 8 and section*  
25 *14 of the United States Housing Act of 1937 (42 U.S.C.*  
26 *1437f and l): Provided further, That the Secretary may im-*

1 *pose such conditions and requirements as the Secretary*  
2 *deems appropriate to effectuate the purposes of this para-*  
3 *graph: Provided further, That the Secretary may require*  
4 *an agency selected to receive funding to make arrangements*  
5 *satisfactory to the Secretary for use of an entity other than*  
6 *the agency to carry out this program where the Secretary*  
7 *determines that such action will help to effectuate the pur-*  
8 *pose of this paragraph: Provided further, That in the event*  
9 *an agency selected to receive funding does not proceed expe-*  
10 *ditiously as determined by the Secretary, the Secretary*  
11 *shall withdraw any funding made available pursuant to*  
12 *this paragraph that has not been obligated by the agency*  
13 *and distribute such funds to one or more other eligible agen-*  
14 *cies, or to other entities capable of proceeding expeditiously*  
15 *in the same locality with the original program: Provided*  
16 *further, That of the foregoing \$380,000,000, the Secretary*  
17 *may use up to .67 per centum for technical assistance, to*  
18 *be provided directly or indirectly by grants, contracts or*  
19 *cooperative agreements, including training and cost of nec-*  
20 *essary travel for participants in such training, by or to*  
21 *officials and employees of the Department and of public*  
22 *housing agencies and to residents: Provided further, That*  
23 *any replacement housing provided with assistance under*  
24 *this head shall be subject to section 18(f) of the United*

1 *States Housing Act of 1937, as amended by section*  
2 *201(b)(2) of this Act.*

3 *FLEXIBLE SUBSIDY FUND*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *From the fund established by section 236(g) of the Na-*  
6 *tional Housing Act, as amended, all uncommitted balances*  
7 *of excess rental charges as of September 30, 1995, and any*  
8 *collections during fiscal year 1996 shall be transferred, as*  
9 *authorized under such section, to the fund authorized under*  
10 *section 201(j) of the Housing and Community Development*  
11 *Amendments of 1978, as amended.*

12 *RENTAL HOUSING ASSISTANCE*

13 *(RESCISSION)*

14 *The limitation otherwise applicable to the maximum*  
15 *payments that may be required in any fiscal year by all*  
16 *contracts entered into under section 236 of the National*  
17 *Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year*  
18 *1996 by not more than \$2,000,000 in uncommitted balances*  
19 *of authorizations provided for this purpose in appropria-*  
20 *tions Acts: Provided, That up to \$163,000,000 of recaptured*  
21 *section 236 budget authority resulting from the prepayment*  
22 *of mortgages subsidized under section 236 of the National*  
23 *Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fis-*  
24 *cal year 1996.*

1       *PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING*

2                               *PROJECTS*

3       *For payments to public housing agencies and Indian*  
4 *housing authorities for operating subsidies for low-income*  
5 *housing projects as authorized by section 9 of the United*  
6 *States Housing Act of 1937, as amended (42 U.S.C. 1437g),*  
7 *\$2,800,000,000.*

8       *DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING*

9       *For grants to public and Indian housing agencies for*  
10 *use in eliminating crime in public housing projects author-*  
11 *ized by 42 U.S.C. 11901–11908, for grants for federally as-*  
12 *sisted low-income housing authorized by 42 U.S.C. 11909,*  
13 *and for drug information clearinghouse services authorized*  
14 *by 42 U.S.C. 11921–11925, \$290,000,000, to remain avail-*  
15 *able until expended, of which \$10,000,000 shall be for*  
16 *grants, technical assistance, contracts and other assistance*  
17 *training, program assessment, and execution for or on be-*  
18 *half of public housing agencies and resident organizations*  
19 *(including the cost of necessary travel for participants in*  
20 *such training) and of which \$2,500,000 shall be used in*  
21 *connection with efforts to combat violent crime in public*  
22 *and assisted housing under the Operation Safe Home pro-*  
23 *gram administered by the Inspector General of the Depart-*  
24 *ment of Housing and Urban Development: Provided, That*  
25 *the term “drug-related crime”, as defined in 42 U.S.C.*  
26 *11905(2), shall also include other types of crime as deter-*



1 *mined by the Secretary: Provided further, That notwith-*  
2 *standing section 5130(c) of the Anti-Drug Abuse Act of 1988*  
3 *(42 U.S.C. 11909(c)), the Secretary may determine not to*  
4 *use any such funds to provide public housing youth sports*  
5 *grants: Provided further, That an additional \$30,000,000,*  
6 *to be derived by transfer from unobligated balances from*  
7 *the Homeownership and Opportunity for People Every-*  
8 *where Grants (HOPE Grants) account, shall be available*  
9 *for use for grants for federally-assisted low-income housing,*  
10 *in addition to any other amount made available for this*  
11 *purpose under this heading, without regard to any percent-*  
12 *age limitation otherwise applicable.*

13 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

14 *For the HOME investment partnerships program, as*  
15 *authorized under title II of the Cranston-Gonzalez National*  
16 *Affordable Housing Act (Public Law 101-625), as amended,*  
17 *\$1,400,000,000, to remain available until expended.*

18 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

19 *ACCOUNT*

20 *For the cost of guaranteed loans, \$3,000,000, as au-*  
21 *thorized by section 184 of the Housing and Community De-*  
22 *velopment Act of 1992 (106 Stat. 3739): Provided, That*  
23 *such costs, including the costs of modifying such loans, shall*  
24 *be as defined in section 502 of the Congressional Budget*  
25 *Act of 1974, as amended: Provided further, That these funds*

1 *are available to subsidize total loan principal, any part of*  
2 *which is to be guaranteed, not to exceed \$36,900,000.*

3 *HOMELESS ASSISTANCE*

4 *HOMELESS ASSISTANCE GRANTS*

5 *For the emergency shelter grants program (as author-*  
6 *ized under subtitle B of title IV of the Stewart B. McKinney*  
7 *Homeless Assistance Act (Public Law 100–77), as amend-*  
8 *ed); the supportive housing program (as authorized under*  
9 *subtitle C of title IV of such Act); the section 8 moderate*  
10 *rehabilitation single room occupancy program (as author-*  
11 *ized under the United States Housing Act of 1937, as*  
12 *amended) to assist homeless individuals pursuant to section*  
13 *441 of the Stewart B. McKinney Homeless Assistance Act;*  
14 *and the shelter plus care program (as authorized under sub-*  
15 *title F of title IV of such Act), \$823,000,000, to remain*  
16 *available until expended.*

17 *COMMUNITY PLANNING AND DEVELOPMENT*

18 *COMMUNITY DEVELOPMENT GRANTS*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For grants to States and units of general local govern-*  
21 *ment and for related expenses, not otherwise provided for,*  
22 *necessary for carrying out a community development grants*  
23 *program as authorized by title I of the Housing and Com-*  
24 *munity Development Act of 1974, as amended (42 U.S.C.*  
25 *5301), \$4,600,000,000, to remain available until September*  
26 *30, 1998: Provided, That \$50,000,000 shall be available for*

1 grants to Indian tribes pursuant to section 106(a)(1) of the  
2 Housing and Community Development Act of 1974, as  
3 amended (42 U.S.C. 5301), \$2,000,000 shall be available  
4 as a grant to the Housing Assistance Council, \$1,000,000  
5 shall be available as a grant to the National American In-  
6 dian Housing Council, and \$27,000,000 shall be available  
7 for “special purpose grants” pursuant to section 107 of such  
8 Act: Provided further, That not to exceed 20 per centum  
9 of any grant made with funds appropriated herein (other  
10 than a grant made available under the preceding proviso  
11 to the Housing Assistance Council or the National Amer-  
12 ican Indian Housing Council, or a grant using funds under  
13 section 107(b)(3) of the Housing and Community Develop-  
14 ment Act of 1974) shall be expended for “Planning and  
15 Management Development” and “Administration” as de-  
16 fined in regulations promulgated by the Department of  
17 Housing and Urban Development: Provided further, That  
18 section 105(a)(25) of such Act, as added by section  
19 907(b)(1) of the Cranston-Gonzalez National Affordable  
20 Housing Act, shall continue to be effective after September  
21 30, 1995, notwithstanding section 907(b)(2) of such Act:  
22 Provided further, That section 916 of the Cranston-Gonzalez  
23 National Affordable Housing Act shall apply with respect  
24 to fiscal year 1996, notwithstanding section 916(f) of that  
25 Act.

1        *Of the amount provided under this heading, the Sec-*  
2 *retary of Housing and Urban Development may use up to*  
3 *\$53,000,000 for grants to public housing agencies (includ-*  
4 *ing Indian housing authorities), nonprofit corporations,*  
5 *and other appropriate entities for a supportive services pro-*  
6 *gram to assist residents of public and assisted housing,*  
7 *former residents of such housing receiving tenant-based as-*  
8 *sistance under section 8 of such Act (42 U.S.C. 1437f), and*  
9 *other low-income families and individuals to become self-*  
10 *sufficient: Provided, That the program shall provide sup-*  
11 *portive services, principally for the benefit of public housing*  
12 *residents, to the elderly and the disabled, and to families*  
13 *with children where the head of the household would benefit*  
14 *from the receipt of supportive services and is working, seek-*  
15 *ing work, or is preparing for work by participating in job*  
16 *training or educational programs: Provided further, That*  
17 *the supportive services shall include congregate services for*  
18 *the elderly and disabled, service coordinators, and coordi-*  
19 *nated educational, training, and other supportive services,*  
20 *including academic skills training, job search assistance,*  
21 *assistance related to retaining employment, vocational and*  
22 *entrepreneurship development and support programs,*  
23 *transportation, and child care: Provided further, That the*  
24 *Secretary shall require applicants to demonstrate firm com-*  
25 *mitments of funding or services from other sources: Pro-*

1 *vided further, That the Secretary shall select public and In-*  
2 *dian housing agencies to receive assistance under this head*  
3 *on a competitive basis, taking into account the quality of*  
4 *the proposed program (including any innovative ap-*  
5 *proaches), the extent of the proposed coordination of sup-*  
6 *portive services, the extent of commitments of funding or*  
7 *services from other sources, the extent to which the proposed*  
8 *program includes reasonably achievable, quantifiable goals*  
9 *for measuring performance under the program over a three-*  
10 *year period, the extent of success an agency has had in car-*  
11 *rying out other comparable initiatives, and other appro-*  
12 *priate criteria established by the Secretary.*

13 *Of the amount made available under this heading, not-*  
14 *withstanding any other provision of law, \$12,000,000 shall*  
15 *be available for contracts, grants, and other assistance,*  
16 *other than loans, not otherwise provided for, for providing*  
17 *counseling and advice to tenants and homeowners both cur-*  
18 *rent and prospective, with respect to property maintenance,*  
19 *financial management, and such other matters as may be*  
20 *appropriate to assist them in improving their housing con-*  
21 *ditions and meeting the responsibilities of tenancy or home-*  
22 *ownership, including provisions for training and for sup-*  
23 *port of voluntary agencies and services as authorized by sec-*  
24 *tion 106 of the Housing and Urban Development Act of*

1 1968, as amended, notwithstanding section 106(c)(9) and  
2 section 106(d)(13) of such Act.

3       Of the amount made available under this heading, not-  
4 withstanding any other provision of law, \$15,000,000 shall  
5 be available for the tenant opportunity program.

6       Of the amount made available under this heading, not-  
7 withstanding any other provision of law, \$20,000,000 shall  
8 be available for youthbuild program activities authorized  
9 by subtitle D of title IV of the Cranston-Gonzalez National  
10 Affordable Housing Act, as amended, and such activities  
11 shall be an eligible activity with respect to any funds made  
12 available under this heading.

13       Of the amount otherwise made available under this  
14 heading in this Act, notwithstanding any other provision  
15 of law, \$80,000,000 shall be available for Economic Devel-  
16 opment Initiative grants as authorized by section 232 of  
17 the Multifamily Housing Property Disposition Reform Act  
18 of 1994, Public Law 103–233, on a competitive basis as  
19 required by section 102 of the HUD Reform Act.

20       Of the amount made available under this heading, not-  
21 withstanding any other provision of law, \$13,000,000 shall  
22 be for a grant to Watertown, South Dakota for the construc-  
23 tion of wastewater treatment facilities.

24       For the cost of guaranteed loans, \$31,750,000, as au-  
25 thorized by section 108 of the Housing and Community De-

1 *velopment Act of 1974: Provided, That such costs, including*  
2 *the cost of modifying such loans, shall be as defined in sec-*  
3 *tion 502 of the Congressional Budget Act of 1974, as*  
4 *amended: Provided further, That these funds are available*  
5 *to subsidize total loan principal, any part of which is to*  
6 *be guaranteed, not to exceed \$1,500,000,000: Provided fur-*  
7 *ther, That the Secretary of Housing and Urban Develop-*  
8 *ment may make guarantees not to exceed the immediately*  
9 *foregoing amount notwithstanding the aggregate limitation*  
10 *on guarantees set forth in section 108(k) of the Housing*  
11 *and Community Development Act of 1974. In addition, for*  
12 *administrative expenses to carry out the guaranteed loan*  
13 *program, \$675,000 which shall be transferred to and merged*  
14 *with the appropriation for departmental salaries and ex-*  
15 *penses.*

16 *The amount made available for fiscal year 1995 for*  
17 *a special purpose grant for the renovation of the central*  
18 *terminal in Buffalo, New York, shall be made available for*  
19 *the central terminal and for other public facilities in Buf-*  
20 *falo, New York.*

21 *POLICY DEVELOPMENT AND RESEARCH*

22 *RESEARCH AND TECHNOLOGY*

23 *For contracts, grants, and necessary expenses of pro-*  
24 *grams of research and studies relating to housing and*  
25 *urban problems, not otherwise provided for, as authorized*

1 *by title V of the Housing and Urban Development Act of*  
2 *1970, as amended (12 U.S.C. 1701z-1 et seq.), including*  
3 *carrying out the functions of the Secretary under section*  
4 *1(a)(1)(i) of Reorganization Plan No. 2 of 1968,*  
5 *\$34,000,000, to remain available until September 30, 1997.*

6 *FAIR HOUSING AND EQUAL OPPORTUNITY*

7 *FAIR HOUSING ACTIVITIES*

8 *For contracts, grants, and other assistance, not other-*  
9 *wise provided for, as authorized by title VIII of the Civil*  
10 *Rights Act of 1968, as amended by the Fair Housing*  
11 *Amendments Act of 1988, and for contracts with qualified*  
12 *fair housing enforcement organizations, as authorized by*  
13 *section 561 of the Housing and Community Development*  
14 *Act of 1987, as amended by the Housing and Community*  
15 *Development Act of 1992, \$30,000,000, to remain available*  
16 *until September 30, 1997.*

17 *MANAGEMENT AND ADMINISTRATION*

18 *SALARIES AND EXPENSES*

19 *(INCLUDING TRANSFERS OF FUNDS)*

20 *For necessary administrative and nonadministrative*  
21 *expenses of the Department of Housing and Urban Develop-*  
22 *ment, not otherwise provided for, including not to exceed*  
23 *\$7,000 for official reception and representation expenses,*  
24 *\$962,558,000, of which \$532,782,000 shall be provided from*  
25 *the various funds of the Federal Housing Administration,*  
26 *and \$9,101,000 shall be provided from funds of the Govern-*



1 *ment National Mortgage Association, and \$675,000 shall be*  
2 *provided from the Community Development Grants Pro-*  
3 *gram account.*

4 *OFFICE OF INSPECTOR GENERAL*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses of the Office of Inspector Gen-*  
7 *eral in carrying out the provisions of the Inspector General*  
8 *Act of 1978, as amended, \$47,850,000, of which \$11,283,000*  
9 *shall be transferred from the various funds of the Federal*  
10 *Housing Administration.*

11 *OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT*

12 *SALARIES AND EXPENSES*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For carrying out the Federal Housing Enterprise Fi-*  
15 *nancial Safety and Soundness Act of 1992, \$14,895,000, to*  
16 *remain available until expended, from the Federal Housing*  
17 *Enterprise Oversight Fund: Provided, That such amounts*  
18 *shall be collected by the Director as authorized by section*  
19 *1316 (a) and (b) of such Act, and deposited in the Fund*  
20 *under section 1316(f) of such Act.*

21 *FEDERAL HOUSING ADMINISTRATION*

22 *FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *During fiscal year 1996, commitments to guarantee*  
25 *loans to carry out the purposes of section 203(b) of the Na-*  
26 *tional Housing Act, as amended, shall not exceed a loan*

1 *principal of \$110,000,000,000: Provided, That during fiscal*  
2 *year 1996, the Secretary shall sell assigned mortgage notes*  
3 *having an unpaid principal balance of up to*  
4 *\$4,000,000,000, which notes were originally insured under*  
5 *section 203(b) of the National Housing Act: Provided fur-*  
6 *ther, That the Secretary may use any negative subsidy*  
7 *amounts from the sale of such assigned mortgage notes dur-*  
8 *ing fiscal year 1996 for the disposition of properties or notes*  
9 *under this heading.*

10 *During fiscal year 1996, obligations to make direct*  
11 *loans to carry out the purposes of section 204(g) of the Na-*  
12 *tional Housing Act, as amended, shall not exceed*  
13 *\$200,000,000: Provided, That the foregoing amount shall be*  
14 *for loans to nonprofit and governmental entities in connec-*  
15 *tion with sales of single family real properties owned by*  
16 *the Secretary and formerly insured under section 203 of*  
17 *such Act.*

18 *For administrative expenses necessary to carry out the*  
19 *guaranteed and direct loan program, \$341,595,000, to be*  
20 *derived from the FHA-mutual mortgage insurance guaran-*  
21 *teed loans receipt account, of which not to exceed*  
22 *\$334,483,000 shall be transferred to the appropriation for*  
23 *departmental salaries and expenses; and of which not to*  
24 *exceed \$7,112,000 shall be transferred to the appropriation*  
25 *for the Office of Inspector General.*

1     *FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

2                     *(INCLUDING TRANSFERS OF FUNDS)*

3             *For the cost of guaranteed loans, as authorized by sec-*  
4 *tions 238 and 519 of the National Housing Act (12 U.S.C.*  
5 *1715z-3 and 1735c), including the cost of modifying such*  
6 *loans, \$85,000,000, to remain available until expended:*  
7 *Provided, That such costs shall be as defined in section 502*  
8 *of the Congressional Budget Act of 1974, as amended: Pro-*  
9 *vided further, That these funds are available to subsidize*  
10 *total loan principal any part of which is to be guaranteed*  
11 *of not to exceed \$17,400,000,000: Provided further, That*  
12 *during fiscal year 1996, the Secretary shall sell assigned*  
13 *notes having an unpaid principal balance of up to*  
14 *\$4,000,000,000, which notes were originally obligations of*  
15 *the funds established under sections 238 and 519 of the Na-*  
16 *tional Housing Act: Provided further, That the Secretary*  
17 *may use any negative subsidy amounts from the sale of such*  
18 *assigned mortgage notes during fiscal year 1996, in addi-*  
19 *tion to amounts otherwise provided, for the disposition of*  
20 *properties or notes under this heading (including the credit*  
21 *subsidy for the guarantee of loans or the reduction of posi-*  
22 *tive credit subsidy amounts that would otherwise be re-*  
23 *quired for the sale of such properties or notes), and for any*  
24 *other purpose under this heading: Provided further, That*  
25 *any amounts made available in any prior appropriation*

1 *Act for the cost (as such term is defined in section 502 of*  
2 *the Congressional Budget Act of 1974) of guaranteed loans*  
3 *that are obligations of the funds established under section*  
4 *238 or 519 of the National Housing Act that have not been*  
5 *obligated or that are deobligated shall be available to the*  
6 *Secretary of Housing and Urban Development in connec-*  
7 *tion with the making of such guarantees and shall remain*  
8 *available until expended, notwithstanding the expiration of*  
9 *any period of availability otherwise applicable to such*  
10 *amounts.*

11 *Gross obligations for the principal amount of direct*  
12 *loans, as authorized by sections 204(g), 207(l), 238(a), and*  
13 *519(a) of the National Housing Act, shall not exceed*  
14 *\$120,000,000; of which not to exceed \$100,000,000 shall be*  
15 *for bridge financing in connection with the sale of multi-*  
16 *family real properties owned by the Secretary and formerly*  
17 *insured under such Act; and of which not to exceed*  
18 *\$20,000,000 shall be for loans to nonprofit and govern-*  
19 *mental entities in connection with the sale of single-family*  
20 *real properties owned by the Secretary and formerly in-*  
21 *sured under such Act.*

22 *In addition, for administrative expenses necessary to*  
23 *carry out the guaranteed and direct loan programs,*  
24 *\$202,470,000, of which \$198,299,000 shall be transferred to*  
25 *the appropriation for departmental salaries and expenses;*

1 *and of which \$4,171,000 shall be transferred to the appro-*  
 2 *priation for the Office of Inspector General.*

3       *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*  
 4       *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*  
 5               *GUARANTEE PROGRAM ACCOUNT*  
 6               *(INCLUDES TRANSFER OF FUNDS)*

7       *During fiscal year 1996, new commitments to issue*  
 8 *guarantees to carry out the purposes of section 306 of the*  
 9 *National Housing Act, as amended (12 U.S.C. 1721(g)),*  
 10 *shall not exceed \$110,000,000,000.*

11       *For administrative expenses necessary to carry out the*  
 12 *guaranteed mortgage-backed securities program,*  
 13 *\$9,101,000, to be derived from the GNMA—guarantees of*  
 14 *mortgage-backed securities guaranteed loan receipt account,*  
 15 *of which not to exceed \$9,101,000 shall be transferred to*  
 16 *the appropriation for departmental salaries and expenses.*

17               *ADMINISTRATIVE PROVISIONS*  
 18               *(INCLUDING TRANSFER OF FUNDS)*

19       *EXTEND ADMINISTRATIVE PROVISIONS FROM THE*  
 20               *RESCISSION ACT*

21       *SEC. 201. (a) PUBLIC AND INDIAN HOUSING MOD-*  
 22 *ERNIZATION.—*

23               *(1) EXPANSION OF USE OF MODERNIZATION*  
 24 *FUNDING.—Subsection 14(q) of the United States*  
 25 *Housing Act of 1937 is amended to read as follows:*

1           “(q)(1) *In addition to the purposes enumerated in sub-*  
2 *sections (a) and (b), a public housing agency may use mod-*  
3 *ernization assistance provided under section 14, and devel-*  
4 *opment assistance provided under section 5(a) that was not*  
5 *allocated, as determined by the Secretary, for priority re-*  
6 *placement housing, for any eligible activity authorized by*  
7 *this section, by section 5, or by applicable Appropriations*  
8 *Acts for a public housing agency, including the demolition,*  
9 *rehabilitation, revitalization, and replacement of existing*  
10 *units and projects and, for up to 10 percent of its allocation*  
11 *of such funds in any fiscal year, for any operating subsidy*  
12 *purpose authorized in section 9. Except for assistance used*  
13 *for operating subsidy purposes under the preceding sen-*  
14 *tence, assistance provided to a public housing agency under*  
15 *this section shall principally be used for the physical im-*  
16 *provement, replacement of public housing, other capital*  
17 *purposes, and for associated management improvements,*  
18 *and such other extraordinary purposes as may be approved*  
19 *by the Secretary. Low-income and very low-income units*  
20 *assisted under this paragraph shall be eligible for operating*  
21 *subsidies, unless the Secretary determines that such units*  
22 *or projects do not meet other requirements of this Act.*

23           “(2) *A public housing agency may provide assistance*  
24 *to developments that include units for other than units as-*  
25 *sisted under this Act (except for units assisted under section*

1 8 hereof) (*‘mixed income developments’*), in the form of a  
2 grant, loan, operating assistance, or other form of invest-  
3 ment which may be made to—

4 “(A) a partnership, a limited liability company,  
5 or other legal entity in which the public housing  
6 agency or its affiliate is a general partner, managing  
7 member, or otherwise participates in the activities of  
8 such entity; or

9 “(B) any entity which grants to the public hous-  
10 ing agency the option to purchase the development  
11 within 20 years after initial occupancy in accordance  
12 with section 42(i)(7) of the Internal Revenue Code of  
13 1986, as amended.

14 “Units shall be made available in such develop-  
15 ments for periods of not less than 30 years, by master  
16 contract or by individual lease, for occupancy by low-  
17 income and very low-income families referred from  
18 time to time by the public housing agency from its  
19 central or site-based waiting list. The number of such  
20 units shall be:

21 “(i) in the same proportion to the total  
22 number of units in such development that the  
23 total financial commitment provided by the pub-  
24 lic housing agency bears to the value of the total  
25 financial commitment in the development, or

1           “(ii) not be less than the number of units  
2           that could have been developed under the conven-  
3           tional public housing program with the assist-  
4           ance involved, or

5           “(iii) as may otherwise be approved by the  
6           Secretary.

7           “(3) A mixed income development may elect to have  
8           all units subject only to the applicable local real estate  
9           taxes, notwithstanding that the low-income units assisted  
10          by public housing funds would otherwise be subject to sec-  
11          tion 6(d) of the Housing Act of 1937.

12          “(4) If an entity that owns or operates a mixed-income  
13          project under this subsection enters into a contract with a  
14          public housing agency, the terms of which obligate the entity  
15          to operate and maintain a specified number of units in the  
16          project as public housing units in accordance with the re-  
17          quirements of this Act for the period required by law, such  
18          contractual terms may provide that, if, as a result of a re-  
19          duction in appropriations under section 9, or any other  
20          change in applicable law, the public housing agency is un-  
21          able to fulfill its contractual obligations with respect to  
22          those public housing units, that entity may deviate, under  
23          procedures and requirements developed through regulations  
24          by the Secretary, from otherwise applicable restrictions  
25          under this Act regarding rents, income eligibility, and other



1 *areas of public housing management with respect to a por-*  
2 *tion or all of those public housing units, to the extent nec-*  
3 *essary to preserve the viability of those units while main-*  
4 *taining the low-income character of the units, to the maxi-*  
5 *mum extent practicable.”.*

6 (2) *APPLICABILITY.*—Section 14(q) of the United  
7 States Housing Act of 1937, as amended by subsection  
8 (a) of this section, shall be effective only with respect  
9 to assistance provided from funds made available for  
10 fiscal year 1996 or any preceding fiscal year.

11 (3) *APPLICABILITY TO IHAS.*—In accordance  
12 with section 201(b)(2) of the United States Housing  
13 Act of 1937, the amendment made by this subsection  
14 shall apply to public housing developed or operated  
15 pursuant to a contract between the Secretary of Hous-  
16 ing and Urban Development and an Indian housing  
17 authority.

18 (b) *ONE-FOR-ONE REPLACEMENT OF PUBLIC AND IN-*  
19 *DIAN HOUSING.*—

20 (1) *EXTENDED AUTHORITY.*—Section 1002(d) of  
21 Public Law 104–19 is amended to read as follows:

22 “(d) Subsections (a), (b), and (c) shall be effective for  
23 applications for the demolition, disposition, or conversion  
24 to homeownership of public housing approved by the Sec-  
25 retary, and other consolidation and relocation activities of

1 *public housing agencies undertaken, on, before, or after Sep-*  
2 *tember 30, 1995 and before September 30, 1996.”.*

3 (2) *Section 18(f) of the United States Housing*  
4 *Act of 1937 is amended by adding at the end the fol-*  
5 *lowing new sentence:*

6 *“No one may rely on the preceding sentence as the basis*  
7 *for reconsidering a final order of a court issued, or a settle-*  
8 *ment approved by, a court.”.*

9 (3) *APPLICABILITY.—In accordance with section*  
10 *201(b)(2) of the United States Housing Act of 1937,*  
11 *the amendments made by this subsection and by sec-*  
12 *tions 1002 (a), (b), and (c) of Public Law 104–19*  
13 *shall apply to public housing developed or operated*  
14 *pursuant to a contract between the Secretary of Hous-*  
15 *ing and Urban Development and an Indian housing*  
16 *authority.*

17 *CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS*

18 *SEC. 203. (a) IDENTIFICATION OF UNITS.—Each pub-*  
19 *lic housing agency shall identify any public housing devel-*  
20 *opments—*

21 (1) *that are on the same or contiguous sites;*

22 (2) *that total more than—*

23 (A) *300 dwelling units; or*

24 (B) *in the case of high-rise family buildings*  
25 *or substantially vacant buildings; 300 dwelling*  
26 *units;*

1           (3) that have a vacancy rate of at least 10 per-  
2           cent for dwelling units not in funded, on schedule  
3           modernization programs;

4           (4) identified as distressed housing that the pub-  
5           lic housing agency cannot assure the long-term viabil-  
6           ity as public housing through reasonable revitaliza-  
7           tion, density reduction, or achievement of a broader  
8           range of household income; and

9           (5) for which the estimated cost of continued op-  
10          eration and modernization of the developments as  
11          public housing exceeds the cost of providing tenant-  
12          based assistance under section 8 of the United States  
13          Housing Act of 1937 for all families in occupancy,  
14          based on appropriate indicators of cost (such as the  
15          percentage of total development cost required for mod-  
16          ernization).

17          (b) *IMPLEMENTATION AND ENFORCEMENT.*—

18                 (1) *STANDARDS FOR IMPLEMENTATION.*—The  
19                 Secretary shall establish standards to permit imple-  
20                 mentation of this section in fiscal year 1996.

21                 (2) *CONSULTATION.*—Each public housing agen-  
22                 cy shall consult with the applicable public housing  
23                 tenants and the unit of general local government in  
24                 identifying any public housing developments under  
25                 subsection (a).

1           (3) *FAILURE OF PHAS TO COMPLY WITH SUB-*  
2           *SECTION (a).—Where the Secretary determines that—*

3                   (A) *a public housing agency has failed*  
4                   *under subsection (a) to identify public housing*  
5                   *developments for removal from the inventory of*  
6                   *the agency in a timely manner;*

7                   (B) *a public housing agency has failed to*  
8                   *identify one or more public housing develop-*  
9                   *ments which the Secretary determines should*  
10                  *have been identified under subsection (a); or*

11                  (C) *one or more of the developments identi-*  
12                  *fied by the public housing agency pursuant to*  
13                  *subsection (a) should not, in the determination of*  
14                  *the Secretary, have been identified under that*  
15                  *subsection;*

16           *the Secretary may designate the developments to be*  
17           *removed from the inventory of the public housing*  
18           *agency pursuant to this section.*

19           (c) *REMOVAL OF UNITS FROM THE INVENTORIES OF*  
20           *PUBLIC HOUSING AGENCIES.—*

21                   (1) *Each public housing agency shall develop*  
22                   *and carry out a plan in conjunction with the Sec-*  
23                   *retary for the removal of public housing units identi-*  
24                   *fied under subsection (a) or subsection (b)(3), over a*  
25                   *period of up to five years, from the inventory of the*

1        *public housing agency and the annual contributions*  
2        *contract. The plan shall be approved by the relevant*  
3        *local official as not inconsistent with the Comprehen-*  
4        *sive Housing Affordability Strategy under title I of*  
5        *the Housing and Community Development Act of*  
6        *1992, including a description of any disposition and*  
7        *demolition plan for the public housing units.*

8            (2) *The Secretary may extend the deadline in*  
9        *paragraph (1) for up to an additional five years*  
10       *where the Secretary makes a determination that the*  
11       *deadline is impracticable.*

12           (3) *The Secretary shall take appropriate actions*  
13       *to ensure removal of developments identified under*  
14       *subsection (a) or subsection (b)(3) from the inventory*  
15       *of a public housing agency, if the public housing*  
16       *agency fails to adequately develop a plan under para-*  
17       *graph (1), or fails to adequately implement such plan*  
18       *in accordance with the terms of the plan.*

19           (4) *To the extent approved in appropriations*  
20       *Acts, the Secretary may establish requirements and*  
21       *provide funding under the Urban Revitalization*  
22       *Demonstration program for demolition and disposi-*  
23       *tion of public housing under this section.*

24           (5) *Notwithstanding any other provision of law,*  
25       *if a development is removed from the inventory of a*

1        *public housing agency and the annual contributions*  
2        *contract pursuant to paragraph (1), the Secretary*  
3        *may authorize or direct the transfer of—*

4                *(A) in the case of an agency receiving as-*  
5                *sistance under the comprehensive improvement*  
6                *assistance program, any amounts obligated by*  
7                *the Secretary for the modernization of such de-*  
8                *velopment pursuant to section 14 of the United*  
9                *States Housing Act of 1937;*

10               *(B) in the case of an agency receiving pub-*  
11               *lic and Indian housing modernization assistance*  
12               *by formula pursuant to section 14 of the United*  
13               *States Housing Act of 1937, any amounts pro-*  
14               *vided to the agency which are attributable pur-*  
15               *suant to the formula for allocating such assist-*  
16               *ance to the development removed from the inven-*  
17               *tory of that agency; and*

18               *(C) in the case of an agency receiving as-*  
19               *sistance for the major reconstruction of obsolete*  
20               *projects, any amounts obligated by the Secretary*  
21               *for the major reconstruction of the development*  
22               *pursuant to section 5 of such Act,*  
23        *to the tenant-based assistance program or appropriate*  
24        *site revitalization of such agency.*

1           (6) *CESSATION OF UNNECESSARY SPENDING.—*  
2           *Notwithstanding any other provision of law, if, in the*  
3           *determination of the Secretary, a development meets*  
4           *or is likely to meet the criteria set forth in subsection*  
5           *(a), the Secretary may direct the public housing agen-*  
6           *cy to cease additional spending in connection with*  
7           *the development, except to the extent that additional*  
8           *spending is necessary to ensure decent, safe, and sani-*  
9           *tary housing until the Secretary determines or ap-*  
10          *proves an appropriate course of action with respect to*  
11          *such development under this section.*

12          (d) *CONVERSION TO TENANT-BASED ASSISTANCE.—*

13                 (1) *The Secretary shall make authority available*  
14                 *to a public housing agency to provide tenant-based*  
15                 *assistance pursuant to section 8 to families residing*  
16                 *in any development that is removed from the inven-*  
17                 *tory of the public housing agency and the annual con-*  
18                 *tributions contract pursuant to subsection (b).*

19                 (2) *Each conversion plan under subsection (c)*  
20                 *shall—*

21                         (A) *require the agency to notify families re-*  
22                         *siding in the development, consistent with any*  
23                         *guidelines issued by the Secretary governing such*  
24                         *notifications, that the development shall be re-*  
25                         *moved from the inventory of the public housing*

1           *agency and the families shall receive tenant-*  
2           *based or project-based assistance, and to provide*  
3           *any necessary counseling for families; and*

4           *(B) ensure that all tenants affected by a de-*  
5           *termination under this section that a develop-*  
6           *ment shall be removed from the inventory of a*  
7           *public housing agency shall be offered tenant-*  
8           *based or project-based assistance and shall be re-*  
9           *located, as necessary, to other decent, safe, sani-*  
10          *tary, and affordable housing which is, to the*  
11          *maximum extent practicable, housing of their*  
12          *choice.*

13          *(e) IN GENERAL.—*

14           *(1) The Secretary may require a public housing*  
15           *agency to provide such information as the Secretary*  
16           *considers necessary for the administration of this sec-*  
17           *tion.*

18           *(2) As used in this section, the term “develop-*  
19           *ment” shall refer to a project or projects, or to por-*  
20           *tions of a project or projects, as appropriate.*

21           *(3) Section 18 of the United States Housing Act*  
22           *of 1937 shall not apply to the demolition of develop-*  
23           *ments removed from the inventory of the public hous-*  
24           *ing agency under this section.*



1     *STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE*

2           *SEC. 204. (a) "TAKE-ONE, TAKE-ALL".—Section 8(t)*  
 3 *of the United States Housing Act of 1937 is hereby repealed.*

4           *(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR*  
 5 *THE CERTIFICATE AND VOUCHER PROGRAMS.—Section*  
 6 *8(c) of such Act is amended—*

7                   *(1) in paragraph (8), by inserting after "sec-*  
 8 *tion" the following: "(other than a contract for assist-*  
 9 *ance under the certificate or voucher program)"; and*

10                   *(2) in the first sentence of paragraph (9), by*  
 11 *striking "(but not less than 90 days in the case of*  
 12 *housing certificates or vouchers under subsection (b)*  
 13 *or (o))" and inserting ", other than a contract under*  
 14 *the certificate or voucher program".*

15           *(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act*  
 16 *is amended—*

17                   *(1) in clause (ii), by inserting "during the term*  
 18 *of the lease," after "(ii)"; and*

19                   *(2) in clause (iii), by striking "provide that"*  
 20 *and inserting "during the term of the lease,".*

21           *(d) APPLICABILITY.—The provisions of this section*  
 22 *shall be effective for fiscal year 1996 only.*

23           *PUBLIC HOUSING/SECTION 8 MOVING TO WORK*24                                   *DEMONSTRATION*

25           *SEC. 206. (a) PURPOSE.—The purpose of this dem-*  
 26 *onstration is to give public housing agencies and the Sec-*

1 *retary of Housing and Urban Development the flexibility*  
2 *to design and test various approaches for providing and*  
3 *administering housing assistance that: reduce cost and*  
4 *achieve greater cost effectiveness in Federal expenditures;*  
5 *give incentives to families with children where the head of*  
6 *household is working, seeking work, or is preparing for work*  
7 *by participating in job training, educational programs, or*  
8 *programs that assist people to obtain employment and be-*  
9 *come economically self-sufficient; and increase housing*  
10 *choices for low-income families.*

11 *(b) PROGRAM AUTHORITY.—The Secretary of Housing*  
12 *and Urban Development shall conduct a demonstration pro-*  
13 *gram under this section beginning in fiscal year 1996 under*  
14 *which up to 30 public housing agencies (including Indian*  
15 *housing authorities) administering the public or Indian*  
16 *housing program and the section 8 housing assistance pay-*  
17 *ments program may be selected by the Secretary to partici-*  
18 *pate. The Secretary shall provide training and technical as-*  
19 *sistance during the demonstration and conduct detailed*  
20 *evaluations of up to 15 such agencies in an effort to identify*  
21 *replicable program models promoting the purpose of the*  
22 *demonstration. Under the demonstration, notwithstanding*  
23 *any provision of the United States Housing Act of 1937*  
24 *except as provided in subsection (e), an agency may com-*  
25 *bine operating assistance provided under section 9 of the*

1 *United States Housing Act of 1937, modernization assist-*  
2 *ance provided under section 14 of such Act, and assistance*  
3 *provided under section 8 of such Act for the certificate and*  
4 *voucher programs, to provide housing assistance for low-*  
5 *income families, as defined in section 3(b)(2) of the United*  
6 *States Housing Act of 1937, and services to facilitate the*  
7 *transition to work on such terms and conditions as the*  
8 *agency may propose and the Secretary may approve.*

9 (c) *APPLICATION.—An application to participate in*  
10 *the demonstration—*

11 (1) *shall request authority to combine assistance*  
12 *under sections 8, 9, and 14 of the United States*  
13 *Housing Act of 1937;*

14 (2) *shall be submitted only after the public hous-*  
15 *ing agency provides for citizen participation through*  
16 *a public hearing and, if appropriate, other means;*

17 (3) *shall include a plan developed by the agency*  
18 *that takes into account comments from the public*  
19 *hearing and any other public comments on the pro-*  
20 *posed program, and comments from current and pro-*  
21 *spective residents who would be affected, and that in-*  
22 *cludes criteria for—*

23 (A) *families to be assisted, which shall re-*  
24 *quire that at least 75 percent of the families as-*  
25 *sisted by participating demonstration public*

1           *housing authorities shall be very low-income*  
2           *families, as defined in section 3(b)(2) of the*  
3           *United States Housing Act of 1937;*

4           *(B) establishing a reasonable rent policy,*  
5           *which shall be designed to encourage employment*  
6           *and self-sufficiency by participating families,*  
7           *consistent with the purpose of this demonstra-*  
8           *tion, such as by excluding some or all of a fami-*  
9           *ly's earned income for purposes of determining*  
10          *rent;*

11          *(C) continuing to assist substantially the*  
12          *same total number of eligible low-income families*  
13          *as would have been served had the amounts not*  
14          *been combined;*

15          *(D) maintaining a comparable mix of fami-*  
16          *lies (by family size) as would have been provided*  
17          *had the amounts not been used under the dem-*  
18          *onstration; and*

19          *(E) assuring that housing assisted under*  
20          *the demonstration program meets housing qual-*  
21          *ity standards established or approved by the Sec-*  
22          *retary; and*

23          *(4) may request assistance for training and tech-*  
24          *nical assistance to assist with design of the dem-*

1        *onstration and to participate in a detailed evalua-*  
2        *tion.*

3        *(d) SELECTION.—In selecting among applications, the*  
4        *Secretary shall take into account the potential of each agen-*  
5        *cy to plan and carry out a program under the demonstra-*  
6        *tion, the relative performance by an agency under the pub-*  
7        *lic housing management assessment program under section*  
8        *6(j) of the United States Housing Act of 1937, and other*  
9        *appropriate factors as determined by the Secretary.*

10       *(e) APPLICABILITY OF 1937 ACT PROVISIONS.—*

11            *(1) Section 18 of the United States Housing Act*  
12        *of 1937 shall continue to apply to public housing not-*  
13        *withstanding any use of the housing under this dem-*  
14        *onstration.*

15            *(2) Section 12 of such Act shall apply to housing*  
16        *assisted under the demonstration, other than housing*  
17        *assisted solely due to occupancy by families receiving*  
18        *tenant-based assistance.*

19        *(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES,*  
20        *AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—*  
21        *The amount of assistance received under section 8, section*  
22        *9, or pursuant to section 14 by a public housing agency*  
23        *participating in the demonstration under this part shall*  
24        *not be diminished by its participation.*

25        *(g) RECORDS, REPORTS, AND AUDITS.—*

1           (1) *KEEPING OF RECORDS.*—*Each agency shall*  
2 *keep such records as the Secretary may prescribe as*  
3 *reasonably necessary to disclose the amounts and the*  
4 *disposition of amounts under this demonstration, to*  
5 *ensure compliance with the requirements of this sec-*  
6 *tion, and to measure performance.*

7           (2) *REPORTS.*—*Each agency shall submit to the*  
8 *Secretary a report, or series of reports, in a form and*  
9 *at a time specified by the Secretary. Each report*  
10 *shall—*

11                   (A) *document the use of funds made avail-*  
12 *able under this section;*

13                   (B) *provide such data as the Secretary may*  
14 *request to assist the Secretary in assessing the*  
15 *demonstration; and*

16                   (C) *describe and analyze the effect of as-*  
17 *sisted activities in addressing the objectives of*  
18 *this part.*

19           (3) *ACCESS TO DOCUMENTS BY THE SEC-*  
20 *RETARY.*—*The Secretary shall have access for the pur-*  
21 *pose of audit and examination to any books, docu-*  
22 *ments, papers, and records that are pertinent to as-*  
23 *sistance in connection with, and the requirements of,*  
24 *this section.*

1           (4) *ACCESS TO DOCUMENTS BY THE COMPTROL-*  
2           *LER GENERAL.*—*The Comptroller General of the Unit-*  
3           *ed States, or any of the duly authorized representa-*  
4           *tives of the Comptroller General, shall have access for*  
5           *the purpose of audit and examination to any books,*  
6           *documents, papers, and records that are pertinent to*  
7           *assistance in connection with, and the requirements*  
8           *of, this section.*

9           (i) *EVALUATION AND REPORT.*—

10           (1) *CONSULTATION WITH PHA AND FAMILY REP-*  
11           *RESENTATIVES.*—*In making assessments throughout*  
12           *the demonstration, the Secretary shall consult with*  
13           *representatives of public housing agencies and resi-*  
14           *dents.*

15           (2) *REPORT TO CONGRESS.*—*Not later than 180*  
16           *days after the end of the third year of the demonstra-*  
17           *tion, the Secretary shall submit to the Congress a re-*  
18           *port evaluating the programs carried out under the*  
19           *demonstration. The report shall also include findings*  
20           *and recommendations for any appropriate legislative*  
21           *action.*

22           (i) *FUNDING FOR TECHNICAL ASSISTANCE AND EVAL-*  
23           *UATION.*—*From amounts appropriated for assistance under*  
24           *section 14 of the United States Housing Act of 1937 for*

1 *fiscal years 1996, 1997, and 1998, the Secretary may use*  
2 *up to a total of \$5,000,000—*

3 *(1) to provide, directly or by contract, training*  
4 *and technical assistance—*

5 *(A) to public housing agencies that express*  
6 *an interest to apply for training and technical*  
7 *assistance pursuant to subsection (c)(4), to assist*  
8 *them in designing programs to be proposed for*  
9 *the demonstration; and*

10 *(B) to up to 10 agencies selected to receive*  
11 *training and technical assistance pursuant to*  
12 *subsection (c)(4), to assist them in implementing*  
13 *the approved program; and*

14 *(2) to conduct detailed evaluations of the activi-*  
15 *ties of the public housing agencies under paragraph*  
16 *(1)(B), directly or by contract.*

17 *EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM*

18 *SEC. 208. (a) The first sentence of section 542(b)(5)*  
19 *of the Housing and Community Development Act of 1992*  
20 *(12 U.S.C. 1707 note) is amended by striking “on not more*  
21 *than 15,000 units over fiscal years 1993 and 1994” and*  
22 *inserting “on not more than 7,500 units during fiscal year*  
23 *1996”.*

24 *(b) The first sentence of section 542(c)(4) of the Hous-*  
25 *ing and Community Development Act of 1992 (12 U.S.C.*  
26 *1707 note) is amended by striking “on not to exceed 30,000*



1 *units over fiscal years 1993, 1994, and 1995” and inserting*  
 2 *“on not more than 10,000 units during fiscal year 1996”.*

3 *FORECLOSURE OF HUD-HELD MORTGAGES THROUGH*  
 4 *THIRD PARTIES*

5 *SEC. 209. During fiscal year 1996, the Secretary of*  
 6 *Housing and Urban Development may delegate to one or*  
 7 *more entities the authority to carry out some or all of the*  
 8 *functions and responsibilities of the Secretary in connection*  
 9 *with the foreclosure of mortgages held by the Secretary*  
 10 *under the National Housing Act.*

11 *RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE*  
 12 *PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES*

13 *SEC. 210. During fiscal year 1996, the Secretary of*  
 14 *Housing and Urban Development may sell or otherwise*  
 15 *transfer multifamily mortgages held by the Secretary under*  
 16 *the National Housing Act to a State housing finance agency*  
 17 *in connection with a program authorized under section 542*  
 18 *(b) or (c) of the Housing and Community Development Act*  
 19 *of 1992 without regard to the unit limitations in section*  
 20 *542(b)(5) or 542(c)(4) of such Act.*

21 *TRANSFER OF SECTION 8 AUTHORITY*

22 *SEC. 211. Section 8 of the United States Housing Act*  
 23 *of 1937 is amended by adding the following new subsection*  
 24 *at the end:*

25 *“(bb) TRANSFER OF BUDGET AUTHORITY.—If an as-*  
 26 *sistance contract under this section, other than a contract*

1 *for tenant-based assistance, is terminated or is not renewed,*  
2 *or if the contract expires, the Secretary shall, in order to*  
3 *provide continued assistance to eligible families, including*  
4 *eligible families receiving the benefit of the project-based as-*  
5 *sistance at the time of the termination, transfer any budget*  
6 *authority remaining in the contract to another contract.*  
7 *The transfer shall be under such terms as the Secretary may*  
8 *prescribe.”.*

9 *DOCUMENTATION OF MULTIFAMILY REFINANCINGS*

10 *SEC. 212. Notwithstanding the 16th paragraph under*  
11 *the item relating to “administrative provisions” in title II*  
12 *of the Departments of Veterans Affairs and Housing and*  
13 *Urban Development, and Independent Agencies Appropria-*  
14 *tions Act, 1995 (Public Law 103–327; 108 Stat. 2316), the*  
15 *amendments to section 223(a)(7) of the National Housing*  
16 *Act made by the 15th paragraph of such Act shall be effec-*  
17 *tive during fiscal year 1996 and thereafter.*

18 *FHA MULTIFAMILY DEMONSTRATION AUTHORITY*

19 *SEC. 213. (a) On and after October 1, 1995, and before*  
20 *October 1, 1997, the Secretary of Housing and Urban De-*  
21 *velopment shall initiate a demonstration program with re-*  
22 *spect to multifamily projects whose owners agree to partici-*  
23 *pate and whose mortgages are insured under the National*  
24 *Housing Act and that are assisted under section 8 of the*  
25 *United States Housing Act of 1937 and whose present sec-*  
26 *tion 8 rents are, in the aggregate, in excess of the fair mar-*

1 *ket rent of the locality in which the project is located. These*  
2 *programs shall be designed to test the feasibility and desir-*  
3 *ability of the goal of ensuring, to the maximum extent prac-*  
4 *ticable, that the debt service and operating expenses, includ-*  
5 *ing adequate reserves, attributable to such multifamily*  
6 *projects can be supported with or without mortgage insur-*  
7 *ance under the National Housing Act and with or without*  
8 *above-market rents and utilizing project-based assistance*  
9 *or, with the consent of the property owner, tenant-based as-*  
10 *sistance, while taking into account the need for assistance*  
11 *of low- and very low-income families in such projects. In*  
12 *carrying out this demonstration, the Secretary may use ar-*  
13 *rangements with third parties, under which the Secretary*  
14 *may provide for the assumption by the third parties (by*  
15 *delegation, contract, or otherwise) of some or all of the func-*  
16 *tions, obligations, and benefits of the Secretary.*

17           (1) *GOALS.—The Secretary of Housing and*  
18           *Urban Development shall carry out the demonstration*  
19           *programs under this section in a manner that—*

20                   (A) *will protect the financial interests of the*  
21                   *Federal Government;*

22                   (B) *will result in significant discretionary*  
23                   *cost savings through debt restructuring and sub-*  
24                   *sidy reduction; and*

1           (C) will, in the least costly fashion, address  
2           the goals of—

3                   (i) maintaining existing housing stock  
4                   in a decent, safe, and sanitary condition;

5                   (ii) minimizing the involuntary dis-  
6                   placement of tenants;

7                   (iii) restructuring the mortgages of  
8                   such projects in a manner that is consistent  
9                   with local housing market conditions;

10                  (iv) supporting fair housing strategies;

11                  (v) minimizing any adverse income  
12                  tax impact on property owners; and

13                  (vi) minimizing any adverse impact  
14                  on residential neighborhoods.

15           In determining the manner in which a mortgage is  
16           to be restructured or the subsidy reduced, the Sec-  
17           retary may balance competing goals relating to indi-  
18           vidual projects in a manner that will further the pur-  
19           poses of this section.

20                   (2) *DEMONSTRATION APPROACHES.*—In carrying  
21                   out the demonstration programs, subject to the appro-  
22                   priation in subsection (f), the Secretary may use one  
23                   or more of the following approaches:

24                           (A) Joint venture arrangements with third  
25                           parties, under which the Secretary may provide

1           *for the assumption by the third parties (by dele-*  
2           *gation, contract, or otherwise) of some or all of*  
3           *the functions, obligations, and benefits of the Sec-*  
4           *retary.*

5           *(B) Subsidization of the debt service of the*  
6           *project to a level that can be paid by an owner*  
7           *receiving an unsubsidized market rent.*

8           *(C) Renewal of existing project-based assist-*  
9           *ance contracts where the Secretary shall approve*  
10          *proposed initial rent levels that do not exceed the*  
11          *greater of 120 percent of fair market rents or*  
12          *comparable market rents for the relevant metro-*  
13          *politan market area or at rent levels under a*  
14          *budget-based approach.*

15          *(D) Nonrenewal of expiring existing project-*  
16          *based assistance contracts and providing tenant-*  
17          *based assistance to previously assisted house-*  
18          *holds.*

19          *(b) For purposes of carrying out demonstration pro-*  
20          *grams under subsection (a)—*

21                 *(1) the Secretary may manage and dispose of*  
22                 *multifamily properties owned by the Secretary as of*  
23                 *October 1, 1995 and multifamily mortgages held by*  
24                 *the Secretary as of October 1, 1995 for properties as-*  
25                 *sisted under section 8 with rents above 110 percent of*

1       *fair market rents without regard to any other provi-*  
2       *sion of law; and*

3               (2) *the Secretary may delegate to one or more*  
4       *entities the authority to carry out some or all of the*  
5       *functions and responsibilities of the Secretary in con-*  
6       *nection with the foreclosure of mortgages held by the*  
7       *Secretary under the National Housing Act.*

8       (c) *For purposes of carrying out demonstration pro-*  
9       *grams under subsection (a), subject to such third party con-*  
10       *sents (if any) as are necessary including but not limited*  
11       *to (i) consent by the Government National Mortgage Asso-*  
12       *ciation where it owns a mortgage insured by the Secretary;*  
13       *(ii) consent by an issuer under the mortgage-backed securi-*  
14       *ties program of the Association, subject to the responsibil-*  
15       *ities of the issuer to its security holders and the Association*  
16       *under such program; and (iii) parties to any contractual*  
17       *agreement which the Secretary proposes to modify or dis-*  
18       *continue, and subject to the appropriation in subsection (c),*  
19       *the Secretary or one or more third parties designated by*  
20       *the Secretary may take the following actions:*

21               (1) *Notwithstanding any other provision of law,*  
22       *and subject to the agreement of the project owner, the*  
23       *Secretary or third party may remove, relinquish, ex-*  
24       *tinguish, modify, or agree to the removal of any mort-*  
25       *gage, regulatory agreement, project-based assistance*

1        *contract, use agreement, or restriction that had been*  
2        *imposed or required by the Secretary, including re-*  
3        *strictions on distributions of income which the Sec-*  
4        *retary or third party determines would interfere with*  
5        *the ability of the project to operate without above*  
6        *market rents. The Secretary or third party may re-*  
7        *quire an owner of a property assisted under the sec-*  
8        *tion 8 new construction/substantial rehabilitation*  
9        *program to apply any accumulated residual receipts*  
10       *toward effecting the purposes of this section.*

11            *(2) Notwithstanding any other provision of law,*  
12        *the Secretary of Housing and Urban Development*  
13        *may enter into contracts to purchase reinsurance, or*  
14        *enter into participations or otherwise transfer eco-*  
15        *nomical interest in contracts of insurance or in the pre-*  
16        *miums paid, or due to be paid, on such insurance to*  
17        *third parties, on such terms and conditions as the*  
18        *Secretary may determine.*

19            *(3) The Secretary may offer project-based assist-*  
20        *ance with rents at or below fair market rents for the*  
21        *locality in which the project is located and may nego-*  
22        *tiate such other terms as are acceptable to the Sec-*  
23        *retary and the project owner.*

24            *(4) The Secretary may offer to pay all or a por-*  
25        *tion of the project's debt service, including payments*

1        *monthly from the appropriate Insurance Fund, for*  
2        *the full remaining term of the insured mortgage.*

3            *(5) Notwithstanding any other provision of law,*  
4        *the Secretary may forgive and cancel any FHA-in-*  
5        *sured mortgage debt that a demonstration program*  
6        *property cannot carry at market rents while bearing*  
7        *full operating costs.*

8            *(6) For demonstration program properties that*  
9        *cannot carry full operating costs (excluding debt serv-*  
10       *ice) at market rents, the Secretary may approve*  
11       *project-based rents sufficient to carry such full operat-*  
12       *ing costs and may offer to pay the full debt service*  
13       *in the manner provided in paragraph (4).*

14        *(d) COMMUNITY AND TENANT INPUT.—In carrying out*  
15       *this section, the Secretary shall develop procedures to pro-*  
16       *vide appropriate and timely notice to officials of the unit*  
17       *of general local government affected, the community in*  
18       *which the project is situated, and the tenants of the project.*

19        *(e) LIMITATION ON DEMONSTRATION AUTHORITY.—*  
20       *The Secretary may carry out demonstration programs*  
21       *under this section with respect to mortgages not to exceed*  
22       *15,000 units. The demonstration authorized under this sec-*  
23       *tion shall not be expanded until the reports required under*  
24       *subsection (g) are submitted to the Congress.*



1           (f) *APPROPRIATION.*—*For the cost of modifying loans*  
2 *held or guaranteed by the Federal Housing Administration,*  
3 *as authorized by this subsection (a)(2) and subsection (c),*  
4 *\$15,000,000, to remain available until September 30, 1997:*  
5 *Provided, That such costs shall be as defined in section 502*  
6 *of the Congressional Budget Act of 1974, as amended.*

7           (g) *REPORT TO CONGRESS.*—*The Secretary shall sub-*  
8 *mit to the Congress every six months after the date of enact-*  
9 *ment of this Act a report describing and assessing the pro-*  
10 *grams carried out under the demonstrations. The Secretary*  
11 *shall also submit a final report to the Congress not later*  
12 *than six months after the end of the demonstrations. The*  
13 *reports shall include findings and recommendations for any*  
14 *legislative action appropriate. The reports shall also include*  
15 *a description of the status of each multifamily housing*  
16 *project selected for the demonstrations under this section.*  
17 *The final report may include—*

18                   (1) *the size of the projects;*

19                   (2) *the geographic locations of the projects, by*  
20 *State and region;*

21                   (3) *the physical and financial condition of the*  
22 *projects;*

23                   (4) *the occupancy profile of the projects, includ-*  
24 *ing the income, family size, race, and ethnic origin*

1       of current tenants, and the rents paid by such ten-  
2       ants;

3               (5) a description of actions undertaken pursuant  
4       to this section, including a description of the effective-  
5       ness of such actions and any impediments to the  
6       transfer or sale of multifamily housing projects;

7               (6) a description of the extent to which the dem-  
8       onstrations under this section have displaced tenants  
9       of multifamily housing projects;

10              (7) a description of any of the functions per-  
11       formed in connection with this section that are trans-  
12       ferred or contracted out to public or private entities  
13       or to States;

14              (8) a description of the impact to which the dem-  
15       onstrations under this section have affected the local-  
16       ities and communities where the selected multifamily  
17       housing projects are located; and

18              (9) a description of the extent to which the dem-  
19       onstrations under this section have affected the owners  
20       of multifamily housing projects.

21       ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL  
22                                       HOUSING ENTERPRISE OVERSIGHT

23       SEC. 216. Section 1316(b) of the Housing and Commu-  
24       nity Development Act of 1992 (12 U.S.C. 4516(b)) is  
25       amended by striking paragraph (2) and inserting the fol-  
26       lowing new paragraph:

1       “(2) *TIMING OF PAYMENT.*—*The annual assessment*  
2 *shall be payable semiannually for each fiscal year, on Octo-*  
3 *ber 1 and April 1.*”.

4 *MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL*  
5 *OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND AN-*  
6 *NUAL CONTRIBUTIONS FOR ASSISTED HOUSING*

7       *SEC. 217. All remaining obligated and unobligated*  
8 *balances in the Renewal of Expiring Section 8 Subsidy*  
9 *Contracts account on September 30, 1995, shall imme-*  
10 *diately thereafter be transferred to and merged with the ob-*  
11 *ligated and unobligated balances, respectively, of the An-*  
12 *nual Contributions for Assisted Housing account.*

13                             *DEBT FORGIVENESS*

14       *SEC. 218. (a) The Secretary of Housing and Urban*  
15 *Development shall cancel the indebtedness of the Hubbard*  
16 *Hospital Authority of Hubbard, Texas, relating to the pub-*  
17 *lic facilities loan for Project Number PFL-TEX-215, issued*  
18 *under title II of the Housing Amendments of 1955. Such*  
19 *hospital authority is relieved of all liability to the Govern-*  
20 *ment for the outstanding principal balance on such loan,*  
21 *for the amount of accrued interest on such loan, and for*  
22 *any fees and charges payable in connection with such loan.*

23       *(b) The Secretary of Housing and Urban Development*  
24 *shall cancel the indebtedness of the Groveton Texas Hospital*  
25 *Authority relating to the public facilities loan for Project*  
26 *Number TEX-41-PFL0162, issued under title II of the*

1 *Housing Amendments of 1955. Such hospital authority is*  
2 *relieved of all liability to the Government for the outstand-*  
3 *ing principal balance on such loan, for the amount of ac-*  
4 *crued interest on such loan, and for any fees and charges*  
5 *payable in connection with such loan.*

6 *(c) The Secretary of Housing and Urban Development*  
7 *shall cancel the indebtedness of the Hepzibah Public Service*  
8 *District of Hepzibah, West Virginia, relating to the public*  
9 *facilities loan for Project Number WV-46-PFL0031, issued*  
10 *under title II of the Housing Amendments of 1955. Such*  
11 *public service district is relieved of all liability to the Gov-*  
12 *ernment for the outstanding principal balance on such loan,*  
13 *for the amount of accrued interest on such loan, and for*  
14 *any fees and charges payable in connection with such loan.*

15 *CLARIFICATIONS*

16 *SEC. 219. For purposes of Federal law, the Paul Mira-*  
17 *ble Center in San Diego, California, including areas with-*  
18 *in such Center that are devoted to the delivery of supportive*  
19 *services, has been determined to satisfy the “continuum of*  
20 *care” requirements of the Department of Housing and*  
21 *Urban Development, and shall be treated as—*

22 *(a) consisting solely of residential units that (i)*  
23 *contain sleeping accommodations and kitchen and*  
24 *bathroom facilities, (ii) are located in a building that*  
25 *is used exclusively to facilitate the transition of home-*  
26 *less individuals (within the meaning of section 103 of*

1        *the Stewart B. McKinney Homeless Assistance Act*  
2        *(42 U.S.C. 11302), as in effect on December 19, 1989)*  
3        *to independent living within 24 months, (iii) are*  
4        *suitable for occupancy, with each cubicle constituting*  
5        *a separate bedroom and residential unit, (iv) are used*  
6        *on other than a transient basis, and (v) shall be origi-*  
7        *nally placed in service on November 1, 1995; and*

8                *(b) property that is entirely residential rental*  
9        *property, namely, a project for residential rental*  
10       *property.*

11                                *EMPLOYMENT LIMITATIONS*

12        *SEC. 220. (a) By the end of fiscal year 1996 the De-*  
13        *partment of Housing and Urban Development shall employ*  
14        *no more than eight Assistant Secretaries, notwithstanding*  
15        *section 4(a) of the Department of Housing and Urban De-*  
16        *velopment Act.*

17        *(b) By the end of fiscal year 1996 the Department of*  
18        *Housing and Urban Development shall employ no more*  
19        *than 85 schedule C and 20 non-career senior executive serv-*  
20        *ice employees.*

21                                *USE OF FUNDS*

22        *SEC. 221. (a) Of the \$93,400,000 earmarked in Public*  
23        *Law 101-144 (103 Stat. 850), as amended by Public Law*  
24        *101-302 (104 Stat. 237), for special projects and purposes,*  
25        *any amounts remaining of the \$500,000 made available to*  
26        *Bethlehem House in Highland, California, for site planning*

1 *and loan acquisition shall instead be made available to the*  
2 *County of San Bernardino in California to assist with the*  
3 *expansion of the Los Padrinos Gang Intervention Program*  
4 *and the Unity Home Domestic Violence Shelter.*

5 *(b) The amount made available for fiscal year 1995*  
6 *for the removal of asbestos from an abandoned public school*  
7 *building in Toledo, Ohio shall be made available for the*  
8 *renovation and rehabilitation of an industrial building at*  
9 *the University of Toledo in Toledo, Ohio.*

10 *LEAD-BASED PAINT ABATEMENT*

11 *SEC. 222. (a) Section 1011 of Title X—Residential*  
12 *Lead-Based Paint Hazard Reduction Act of 1992 is amend-*  
13 *ed as follows: Strike “priority housing” wherever it appears*  
14 *in said section and insert “housing”.*

15 *(b) Section 1011(a) shall be amended as follows: At*  
16 *the end of the subsection after the period, insert: “Grants*  
17 *shall only be made under this section to provide assistance*  
18 *for housing which meets the following criteria—*

19 *“(1) for grants made to assist rental housing, at*  
20 *least 50 percent of the units must be occupied by or*  
21 *made available to families with incomes at or below*  
22 *50 percent of the area median income level and the*  
23 *remaining units shall be occupied or made available*  
24 *to families with incomes at or below 80 percent of the*  
25 *area median income level, and in all cases the land-*  
26 *lord shall give priority in renting units assisted*

1        *under this section, for not less than 3 years following*  
2        *the completion of lead abatement activities, to fami-*  
3        *lies with a child under the age of six years, except*  
4        *that buildings with five or more units may have 20*  
5        *percent of the units occupied by families with incomes*  
6        *above 80 percent of area median income level;*

7                *“(2) for grants made to assist housing owned by*  
8        *owner-occupants, all units assisted with grants under*  
9        *this section shall be the principal residence of families*  
10        *with income at or below 80 percent of the area me-*  
11        *dian income level, and not less than 90 percent of the*  
12        *units assisted with grants under this section shall be*  
13        *occupied by a child under the age of six years or shall*  
14        *be units where a child under the age of six years*  
15        *spends a significant amount of time visiting; and*

16                *“(3) notwithstanding paragraphs (1) and (2),*  
17        *Round II grantees who receive assistance under this*  
18        *section may use such assistance for priority hous-*  
19        *ing.”.*

20        *EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS*

21                                *WITH PHAS*

22        *SEC. 223. Section 9(a)(3)(B)(i) of the United States*  
23        *Housing Act of 1937 is amended by striking “for a period*  
24        *not to exceed 6 years”.*

1 *MORTGAGE NOTE SALES*

2 *SEC. 223A. The first sentence of section*  
3 *221(g)(4)(C)(viii) of the National Housing Act is amended*  
4 *by striking “September 30, 1995” and inserting in lieu*  
5 *thereof “September 30, 1996”.*

6 *REPEAL OF FROST-LELAND*

7 *SEC. 223B. Section 415 of the Department of Housing*  
8 *and Urban Development—Independent Agencies Appro-*  
9 *priations Act, 1988 (Public Law 100–202; 101 Stat. 1329–*  
10 *213) is repealed effective the date of enactment of Public*  
11 *Law 104–19. The Secretary is authorized to demolish the*  
12 *structures identified in such section. The Secretary is also*  
13 *authorized to compensate those local governments which,*  
14 *due to this provision, expended local revenues demolishing*  
15 *the developments identified in such provision.*

16 *FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM*

17 *SEC. 223C. (a) CORRECTION TO FORECLOSURE AVOID-*  
18 *ANCE PROVISION.— The penultimate proviso of section*  
19 *204(a) of the National Housing Act (12 U.S.C. 1710(a)).*  
20 *As added by section 407(a) of the Balanced Budget Down-*  
21 *payment Act, I, is amended by striking “special fore-*  
22 *closure” and inserting in lieu thereof “special*  
23 *forebearance”.*

24 *(b) CORRECTION TO SAVINGS PROVISION.—Section*  
25 *230(d) of the National Housing Act, as amended by section*



1 407(b) of the *Balanced Budget Downpayment Act, I*, is  
2 amended to read as follows:

3 “(d) *SAVINGS PROVISION.*—Any mortgage for which  
4 the mortgagor has applied to the Secretary, before March  
5 15, 1996, for assignment pursuant to subsection (b) of this  
6 section as in effect before enactment of the *Balanced Budget*  
7 *Downpayment Act, I*, shall continue to be governed by the  
8 provisions of this section as in effect immediately before en-  
9 actment of the *Balanced Budget Downpayment Act, I*.”

10 (c) *CORRECTION TO DATE FOR REGULATIONS.*—Sec-  
11 tion 407(d) of the *Balanced Budget Downpayment Act, I*,  
12 is amended to read as follows:

13 “(d) *REGULATIONS.*—Not later than April 15, 1996,  
14 the Secretary of Housing and Urban Development shall  
15 issue interim regulations to implement this section and the  
16 amendments made by this section.”

17 *SPENDING LIMITATIONS*

18 *SEC. 223D.* (a) None of the funds in this Act may be  
19 used by the Secretary to impose any sanction, or penalty  
20 because of the enactment of any State or local law or regula-  
21 tion declaring English as the official language.

22 (b) No part of any appropriation contained in this  
23 Act shall be used for lobbying activities as prohibited by  
24 law.

1         *TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF*  
2                     *JUSTICE*

3         *SEC. 223E. All functions, activities and responsibil-*  
4 *ities of the Secretary of Housing and Urban Development*  
5 *relating to title VIII of the Civil Rights Act of 1968, as*  
6 *amended by the Fair Housing Amendments Act of 1988,*  
7 *and the Fair Housing Act, including any rights guaranteed*  
8 *under the Fair Housing Act (including any functions relat-*  
9 *ing to the Fair Housing Initiatives program under section*  
10 *561 of the Housing and Community Development Act of*  
11 *1987), are hereby transferred to the Attorney General of the*  
12 *United States effective April 1, 1997: Provided, That none*  
13 *of the aforementioned authority or responsibility for en-*  
14 *forcement of the Fair Housing Act shall be transferred to*  
15 *the Attorney General until adequate personnel and re-*  
16 *sources allocated to such activity at the Department of*  
17 *Housing and Urban Development are transferred to the De-*  
18 *partment of Justice.*

19         *SEC. 224. None of the funds provided in this Act may*  
20 *be used during fiscal year 1996 to investigate or prosecute*  
21 *under the Fair Housing Act (42 U.S.C. 3601, et seq.) any*  
22 *otherwise lawful activity engaged in by one or more per-*  
23 *sons, including the filing or maintaining of non-frivolous*  
24 *legal action, that is engaged in solely for the purposes of*

1 *achieving or preventing action by a Government official,*  
2 *entity, or court of competent jurisdiction.*

3       *SEC. 225. None of the funds provided in this Act many*  
4 *be used to take any enforcement action with respect to a*  
5 *complaint of discrimination under the Fair Housing Act*  
6 *(42 U.S.C. 3601, et seq.) on the basis of familial status and*  
7 *which involves an occupancy standard established by the*  
8 *housing provider except to the extent that it is found that*  
9 *there has been discrimination in contravention of the stand-*  
10 *ards provided in the March 20, 1991 Memorandum from*  
11 *the General Counsel of the Department of Housing and*  
12 *Urban Development to all Regional Counsel or until such*  
13 *time that HUD issues a final rule in accordance with sec-*  
14 *tion 553 of title 5, United States Code.*

15                                   *CDBG ELIGIBLE ACTIVITIES*

16       *SEC. 226. Section 105(a) of the Housing and Commu-*  
17 *nity Development Act of 1974 (42 U.S.C. 5305(a)) is*  
18 *amended—*

19                   (1) *in paragraph (4)—*

20                                   (A) *by inserting “reconstruction,” after “re-*  
21 *moval,”; and*

22                                   (B) *by striking “acquisition for rehabilita-*  
23 *tion, and rehabilitation” and inserting “acquisi-*  
24 *tion for reconstruction or rehabilitation, and re-*  
25 *construction or rehabilitation”;*

1           (2) in paragraph (13), by striking “and” at the  
2       end;

3           (3) by striking paragraph (19);

4           (4) in paragraph (24), by striking “and” at the  
5       end;

6           (5) in paragraph (25), by striking the period at  
7       the end and inserting “; and”;

8           (6) by redesignating paragraphs (20) through  
9       (25) as paragraphs (19) through (24), respectively;  
10      and

11          (7) by redesignating paragraph (21) (as added  
12       by section 1012(f)(3) of the *Housing and Community*  
13       *Development Act of 1992*) as paragraph (25).

14      SEC. 227. (a) The second sentence of section 236(f)(1)  
15      of the *National Housing Act*, as amended by section  
16      405(d)(1) of *The Balanced Budget Downpayment Act, I*,  
17      is amended—

18          (1) by striking “or (ii)” and inserting “(i)”;  
19      and

20          (2) by striking “located,” and inserting: “lo-  
21       cated, or (iii) the actual rent (as determined by the  
22       Secretary) paid for a comparable unit in comparable  
23       unassisted housing in the market area in which the  
24       housing assisted under this section is located,”.

1       ***(b) The first sentence of section 236(g) of the National***  
2       ***Housing Act is amended by inserting the phrase “on a unit-***  
3       ***by-unit basis” after “collected”.***

### 4                               **TITLE III**

## 5                                       **INDEPENDENT AGENCIES**

### 6                               **AMERICAN BATTLE MONUMENTS COMMISSION**

#### 7                               **SALARIES AND EXPENSES**

8       ***For necessary expenses, not otherwise provided for, of***  
9       ***the American Battle Monuments Commission, including the***  
10       ***acquisition of land or interest in land in foreign countries;***  
11       ***purchases and repair of uniforms for caretakers of national***  
12       ***cemeteries and monuments outside of the United States and***  
13       ***its territories and possessions; rent of office and garage***  
14       ***space in foreign countries; purchase (one for replacement***  
15       ***only) and hire of passenger motor vehicles; and insurance***  
16       ***of official motor vehicles in foreign countries, when required***  
17       ***by law of such countries; \$20,265,000, to remain available***  
18       ***until expended: Provided, That where station allowance has***  
19       ***been authorized by the Department of the Army for officers***  
20       ***of the Army serving the Army at certain foreign stations,***  
21       ***the same allowance shall be authorized for officers of the***  
22       ***Armed Forces assigned to the Commission while serving at***  
23       ***the same foreign stations, and this appropriation is hereby***  
24       ***made available for the payment of such allowance: Provided***  
25       ***further, That when traveling on business of the Commission,***

1 *officers of the Armed Forces serving as members or as Sec-*  
2 *retary of the Commission may be reimbursed for expenses*  
3 *as provided for civilian members of the Commission: Pro-*  
4 *vided further, That the Commission shall reimburse other*  
5 *Government agencies, including the Armed Forces, for sal-*  
6 *ary, pay, and allowances of personnel assigned to it.*

7 *DEPARTMENT OF THE TREASURY*

8 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND*

9 *PROGRAM ACCOUNT*

10 *For grants, loans, and technical assistance to qualify-*  
11 *ing community development financial institutions, and ad-*  
12 *ministrative expenses of the Fund, \$50,000,000, to remain*  
13 *available until September 30, 1997: Provided, That of the*  
14 *funds made available under this heading not to exceed*  
15 *\$4,000,000 may be used for the cost of direct loans, and*  
16 *not to exceed \$400,000 may be used for administrative ex-*  
17 *penses to carry out the direct loan program: Provided fur-*  
18 *ther, That the cost of direct loans, including the cost of*  
19 *modifying such loans, shall be defined as in section 502 of*  
20 *the Congressional Budget Act of 1974: Provided further,*  
21 *That such funds are available to subsidize gross obligations*  
22 *for the principal amount of direct loans not to exceed*  
23 *\$31,600,000: Provided further, That none of these funds*  
24 *shall be used to supplement existing resources provided to*  
25 *the Department for activities such as external affairs, gen-*  
26 *eral counsel, administration, finance, or office of inspector*

1 *general: Provided further, That none of these funds shall*  
2 *be available for expenses of an Administrator as defined in*  
3 *section 104 of the Community Development Banking and*  
4 *Financial Institutions Act of 1994 (CDBFI Act): Provided*  
5 *further, That notwithstanding any other provision of law,*  
6 *for purposes of administering the Community Development*  
7 *Financial Institutions Fund, the Secretary of the Treasury*  
8 *shall have all powers and rights of the Administrator of*  
9 *the CDBFI Act and the Fund shall be within the Depart-*  
10 *ment of the Treasury.*

11 *CONSUMER PRODUCT SAFETY COMMISSION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Consumer Product Safety*  
14 *Commission, including hire of passenger motor vehicles,*  
15 *services as authorized by 5 U.S.C. 3109, but at rates for*  
16 *individuals not to exceed the per diem rate equivalent to*  
17 *the rate for GS-18, purchase of nominal awards to recog-*  
18 *nize non-Federal officials' contributions to Commission ac-*  
19 *tivities, and not to exceed \$500 for official reception and*  
20 *representation expenses, \$40,000,000.*

21 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

22 *NATIONAL AND COMMUNITY SERVICE PROGRAMS*

23 *OPERATING EXPENSES*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For necessary expenses for the Corporation for Na-*  
26 *tional and Community Service (referred to in the matter*

1 *under this heading as the “Corporation”) in carrying out*  
2 *programs, activities, and initiatives under the National*  
3 *and Community Service Act of 1990 (referred to in the mat-*  
4 *ter under this heading as the “Act”) (42 U.S.C. 12501 et*  
5 *seq.), \$383,500,000, of which \$234,000,000 shall be avail-*  
6 *able for obligation from September 1, 1996, through August*  
7 *21, 1997: Provided, That not more than \$25,000,000 shall*  
8 *be available for administrative expenses authorized under*  
9 *section 501(a)(4) of the Act (42 U.S.C. 12681(a)(4)): Pro-*  
10 *vided further, That not more than \$2,500 shall be for offi-*  
11 *cial reception and representation expenses: Provided fur-*  
12 *ther, That not more than \$59,000,000, to remain available*  
13 *without fiscal year limitation, shall be transferred to the*  
14 *National Service Trust account for educational awards au-*  
15 *thorized under subtitle D of title I of the Act (42 U.S.C.*  
16 *12601 et seq.): Provided further, That not more than*  
17 *\$175,000,000 of the amount provided under this heading*  
18 *shall be available for grants under the National Service*  
19 *Trust program authorized under subtitle C of title I of the*  
20 *Act (42 U.S.C. 12571 et seq.) (relating to activities includ-*  
21 *ing the Americorps program): Provided further, That not*  
22 *more than \$3,500,000 of the funds made available under*  
23 *this heading shall be made available for the Points of Light*  
24 *Foundation for activities authorized under title III of the*  
25 *Act (42 U.S.C. 12661 et seq.): Provided further, That not*



1 more than \$40,000,000 of the funds made available under  
2 this heading may be used to administer, reimburse, or sup-  
3 port any national service program authorized under section  
4 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)), and none  
5 of such funds shall be available for national service pro-  
6 grams run by Federal agencies authorized under section  
7 121(b) of such Act (42 U.S.C. 12581(b)): Provided further,  
8 That, to the maximum extent feasible, funds appropriated  
9 in the preceding proviso shall be provided in a manner that  
10 is consistent with the recommendations of peer review pan-  
11 els in order to ensure that priority is given to programs  
12 that demonstrate quality, innovation, replicability, and  
13 sustainability: Provided further, That not more than  
14 \$18,000,000 of the funds made available under this heading  
15 shall be available for the Civilian Community Corps au-  
16 thorized under subtitle E of title I of the Act (42 U.S.C.  
17 12611 et seq.): Provided further, That not more than  
18 \$43,000,000 shall be available for school-based and commu-  
19 nity-based service-learning programs authorized under sub-  
20 title B of title I of the Act (42 U.S.C. 12521 et seq.): Pro-  
21 vided further, That not more than \$15,000,000 shall be  
22 available for quality and innovation activities authorized  
23 under subtitle H of title I of the Act (42 U.S.C. 12653 et  
24 seq.): Provided further, That not more than \$5,000,000 shall  
25 be available for audits and other evaluations authorized

1 *under section 179 of the Act (42 U.S.C. 12639), of which*  
2 *up to \$500,000 shall be available for a study by the Na-*  
3 *tional Academy of Public Administration on the structure,*  
4 *organization, and management of the Corporation and ac-*  
5 *tivities supported by the Corporation, including an assess-*  
6 *ment of the quality, innovation, replicability, and sustain-*  
7 *ability without Federal funds of such activities, and the*  
8 *Federal and non-federal cost of supporting participants in*  
9 *community service activities: Provided further, That no*  
10 *funds from any other appropriation, or from funds other-*  
11 *wise made available to the Corporation, shall be used to*  
12 *pay for personnel compensation and benefits, travel, or any*  
13 *other administrative expense for the Board of Directors, the*  
14 *Office of the Chief Executive Officer, the Office of the Man-*  
15 *aging Director, the Office of the Chief Financial Officer,*  
16 *the Office of National and Community Service Programs,*  
17 *the Civilian Community Corps, or any field office or staff*  
18 *of the Corporation working on the National and Commu-*  
19 *nity Service or Civilian Community Corps programs: Pro-*  
20 *vided further, That to the maximum extent practicable, the*  
21 *Corporation shall increase significantly the level of match-*  
22 *ing funds and in-kind contributions provided by the private*  
23 *sector, shall expand significantly the number of educational*  
24 *awards provided under subtitle D of title 1, and shall re-*  
25 *duce the total Federal cost per participant in all programs.*

1                    *OFFICE OF INSPECTOR GENERAL*

2            *For necessary expenses of the Office of Inspector Gen-*  
3 *eral in carrying out the provisions of the Inspector General*  
4 *Act of 1978, \$2,000,000.*

5                    *COURT OF VETERANS APPEALS*6                    *SALARIES AND EXPENSES*

7            *For necessary expenses for the operation of the United*  
8 *States Court of Veterans Appeals as authorized by 38*  
9 *U.S.C. sections 7251–7292, \$9,000,000, of which not to ex-*  
10 *ceed \$678,000, to remain available until September 30,*  
11 *1997, shall be available for the purpose of providing finan-*  
12 *cial assistance as described, and in accordance with the*  
13 *process and reporting procedures set forth, under this head*  
14 *in Public Law 102–229.*

15                    *DEPARTMENT OF DEFENSE—CIVIL*16                    *CEMETERIAL EXPENSES, ARMY*17                    *SALARIES AND EXPENSES*

18            *For necessary expenses, as authorized by law, for*  
19 *maintenance, operation, and improvement of Arlington Na-*  
20 *tional Cemetery and Soldiers’ and Airmen’s Home Na-*  
21 *tional Cemetery, and not to exceed \$1,000 for official recep-*  
22 *tion and representation expenses; \$11,946,000, to remain*  
23 *available until expended.*

1                    *ENVIRONMENTAL PROTECTION AGENCY*  
2                    *SCIENCE AND TECHNOLOGY*

3            *For science and technology, including research and de-*  
4 *velopment activities, which shall include research and devel-*  
5 *opment activities under the Comprehensive Environmental*  
6 *Response, Compensation and Liability Act of 1980*  
7 *(CERCLA), as amended; necessary expenses for personnel*  
8 *and related costs and travel expenses, including uniforms,*  
9 *or allowances therefore, as authorized by 5 U.S.C. 5901–*  
10 *5902; services as authorized by 5 U.S.C. 3109, but at rates*  
11 *for individuals not to exceed the per diem rate equivalent*  
12 *to the rate for GS–18; procurement of laboratory equipment*  
13 *and supplies; other operating expenses in support of re-*  
14 *search and development; construction, alteration, repair, re-*  
15 *habilitation and renovation of facilities, not to exceed*  
16 *\$75,000 per project; \$525,000,000, which shall remain*  
17 *available until September 30, 1997.*

18                    *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

19            *For environmental programs and management, in-*  
20 *cluding necessary expenses, not otherwise provided for, for*  
21 *personnel and related costs and travel expenses, including*  
22 *uniforms, or allowances therefore, as authorized by 5 U.S.C.*  
23 *5901–5902; services as authorized by 5 U.S.C. 3109, but*  
24 *at rates for individuals not to exceed the per diem rate*  
25 *equivalent to the rate for GS–18; hire of passenger motor*  
26 *vehicles; hire, maintenance, and operation of aircraft; pur-*

1 *chase of reprints; library memberships in societies or asso-*  
2 *ciations which issue publications to members only or at a*  
3 *price to members lower than to subscribers who are not*  
4 *members; construction, alteration, repair, rehabilitation,*  
5 *and renovation of facilities, not to exceed \$75,000 per*  
6 *project; and not to exceed \$6,000 for official reception and*  
7 *representation expenses; \$1,590,300,000, which shall re-*  
8 *main available until September 30, 1997: Provided, That,*  
9 *notwithstanding any other provision of law, for this fiscal*  
10 *year and hereafter, an industrial discharger that is a phar-*  
11 *maceutical manufacturing facility and discharged to the*  
12 *Kalamazoo Water Reclamation Plant (an advanced*  
13 *wastewater treatment plant with activated carbon) prior to*  
14 *the date of enactment of this Act may be exempted from*  
15 *categorical pretreatment standards under section 307(b) of*  
16 *the Federal Water Pollution Control Act, as amended, if*  
17 *the following conditions are met:*

18           (1) *the owner or operator of the Kalamazoo*  
19 *Water Reclamation Plant applies to the State of*  
20 *Michigan for an exemption for such industrial dis-*  
21 *charger,*

22           (2) *the State or Administrator, as applicable,*  
23 *approves such exemption request based upon a deter-*  
24 *mination that the Kalamazoo Water Reclamation*  
25 *Plant will provide treatment and pollution removal*

1        *equivalent to or better than that which would be re-*  
2        *quired through a combination of pretreatment by such*  
3        *industrial discharger and treatment by the Kalamazoo*  
4        *Water Reclamation Plant in the absence of the*  
5        *exemption, and*

6                *(3) compliance with paragraph (2) is addressed*  
7        *by the provisions and conditions of a permit issued*  
8        *to the Kalamazoo Water Reclamation Plant under*  
9        *section 402 of such Act, and there exists an operative*  
10       *financial contract between the City of Kalamazoo and*  
11       *the industrial user and an approved local*  
12       *pretreatment program, including a joint monitoring*  
13       *program and local controls to prevent against inter-*  
14       *ference and pass through.*

15                                *OFFICE OF INSPECTOR GENERAL*

16        *For necessary expenses of the Office of Inspector Gen-*  
17        *eral in carrying out the provisions of the Inspector General*  
18        *Act of 1978, as amended, and for construction, alteration,*  
19        *repair, rehabilitation, and renovation of facilities, not to*  
20        *exceed \$75,000 per project, \$28,500,000.*

21                                *BUILDINGS AND FACILITIES*

22        *For construction, repair, improvement, extension, al-*  
23        *teration, and purchase of fixed equipment or facilities of,*  
24        *or use by, the Environmental Protection Agency,*  
25        *\$60,000,000, to remain available until expended.*

## HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

1           *For necessary expenses to carry out the Comprehensive*  
2           *Environmental Response, Compensation and Liability Act*  
3           *of 1980 (CERCLA), as amended, including sections 111*  
4           *(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for*  
5           *construction, alteration, repair, rehabilitation, and renova-*  
6           *tion of facilities, not to exceed \$75,000 per project; not to*  
7           *exceed \$1,263,400,000, to remain available until expended,*  
8           *consisting of \$1,013,400,000 as authorized by section 517(a)*  
9           *of the Superfund Amendments and Reauthorization Act of*  
10           *1986 (SARA), as amended by Public Law 101-508 (of*  
11           *which, \$100,000,000 shall not become available until Sep-*  
12           *tember 1, 1996), and \$250,000,000 as a payment from gen-*  
13           *eral revenues to the Hazardous Substance Superfund as au-*  
14           *thorized by section 517(b) of SARA, as amended by Public*  
15           *Law 101-508: Provided, That funds appropriated under*  
16           *this heading may be allocated to other Federal agencies in*  
17           *accordance with section 111(a) of CERCLA: Provided fur-*  
18           *ther, That \$11,000,000 of the funds appropriated under this*  
19           *heading shall be transferred to the Office of Inspector Gen-*  
20           *eral appropriation to remain available until September 30,*  
21           *1996: Provided further, That notwithstanding section*  
22           *111(m) of CERCLA or any other provision of law, not to*  
23           *exceed \$59,000,000 of the funds appropriated under this*  
24           *heading shall be available to the Agency for Toxic Sub-*  
25           *stance Administration.*  
26

1 *stances and Disease Registry to carry out activities de-*  
2 *scribed in sections 104(i), 111(c)(4), and 111(c)(14) of*  
3 *CERCLA and section 118(f) of the Superfund Amendments*  
4 *and Reauthorization Act of 1986: Provided further, That*  
5 *none of the funds appropriated under this heading shall be*  
6 *available for the Agency for Toxic Substances and Disease*  
7 *Registry to issue in excess of 40 toxicological profiles pursu-*  
8 *ant to section 104(i) of CERCLA during fiscal year 1996:*  
9 *Provided further, That none of the funds made available*  
10 *under this heading may be used by the Environmental Pro-*  
11 *tection Agency to propose for listing or to list any addi-*  
12 *tional facilities on the National Priorities List established*  
13 *by section 105 of the Comprehensive Environmental Re-*  
14 *sponse, Compensation and Liability Act (CERCLA), as*  
15 *amended (42 U.S.C. 9605), unless the Administrator re-*  
16 *ceives a written request to propose for listing or to list a*  
17 *facility from the Governor of the State in which the facility*  
18 *is located, or unless legislation to reauthorize CERCLA is*  
19 *enacted.*

20 *LEAKING UNDERGROUND STORAGE TANK TRUST FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses to carry out leaking under-*  
23 *ground storage tank cleanup activities authorized by section*  
24 *205 of the Superfund Amendments and Reauthorization Act*  
25 *of 1986, and for construction, alteration, repair, rehabilita-*  
26 *tion, and renovation of facilities, not to exceed \$75,000 per*



1 *project, \$45,827,000, to remain available until expended:*  
2 *Provided, That no more than \$7,000,000 shall be available*  
3 *for administrative expenses: Provided further, That*  
4 *\$500,000 shall be transferred to the Office of Inspector Gen-*  
5 *eral appropriation to remain available until September 30,*  
6 *1996.*

7 *OIL SPILL RESPONSE*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For expenses necessary to carry out the Environmental*  
10 *Protection Agency's responsibilities under the Oil Pollution*  
11 *Act of 1990, \$15,000,000, to be derived from the Oil Spill*  
12 *Liability trust fund, and to remain available until ex-*  
13 *pended: Provided, That not more than \$8,000,000 of these*  
14 *funds shall be available for administrative expenses.*

15 *STATE AND TRIBAL ASSISTANCE GRANTS*

16 *For environmental programs and infrastructure as-*  
17 *sistance, including capitalization grants for State revolving*  
18 *funds and performance partnership grants, \$2,423,000,000,*  
19 *to remain available until expended, of which*  
20 *\$1,500,000,000 shall be for making capitalization grants for*  
21 *State revolving funds to support water infrastructure fi-*  
22 *nancing; \$100,000,000 for architectural, engineering, de-*  
23 *sign, construction and related activities in connection with*  
24 *the construction of high priority water and wastewater fa-*  
25 *cilities in the area of the United States-Mexico Border, after*  
26 *consultation with the appropriate border commission;*

1 \$50,000,000 for grants to the State of Texas, which shall  
2 be matched by an equal amount of State funds from State  
3 resources, for the purpose of improving wastewater treat-  
4 ment for colonias; \$15,000,000 for grants to the State of  
5 Alaska, subject to an appropriate cost share as determined  
6 by the Administrator, to address wastewater infrastructure  
7 needs of rural and Alaska Native villages; and \$100,000,000  
8 for making grants for the construction of wastewater treat-  
9 ment facilities and the development of groundwater in ac-  
10 cordance with the terms and conditions specified for such  
11 grants in the Conference Report accompanying this Act  
12 (H.R. 2099): Provided, That beginning in fiscal year 1996  
13 and each fiscal year thereafter, and notwithstanding any  
14 other provision of law, the Administrator is authorized to  
15 make grants annually from funds appropriated under this  
16 heading, subject to such terms and conditions as the Admin-  
17 istrator shall establish, to any State or federally recognized  
18 Indian tribe for multimedia or single media pollution pre-  
19 vention, control and abatement and related environmental  
20 activities at the request of the Governor or other appro-  
21 priate State official or the tribe: Provided further, That  
22 from funds appropriated under this heading, the Adminis-  
23 trator may make grants to federally recognized Indian gov-  
24 ernments for the development of multimedia environmental  
25 programs: Provided further, That of the \$1,500,000,000 for

1 capitalization grants for State revolving funds to support  
2 water infrastructure financing, \$325,000,000 shall be for  
3 drinking water State revolving funds, but if no drinking  
4 water State revolving fund legislation is enacted by June  
5 1, 1996, these funds shall immediately be available for mak-  
6 ing capitalization grants under title VI of the Federal  
7 Water Pollution Control Act, as amended: Provided further,  
8 That of the funds made available in Public Law 103-327  
9 and in Public Law 103-124 for capitalization grants for  
10 State revolving funds to support water infrastructure fi-  
11 nancing, \$225,000,000 shall be made available for capital-  
12 ization grants for State revolving funds under title VI of  
13 the Federal Water Pollution Control Act, as amended, if  
14 no drinking water State revolving fund legislation is en-  
15 acted by June 1, 1996: Provided further, That of the funds  
16 made available under this heading for capitalization grants  
17 for State Revolving Funds under title VI of the Federal  
18 Water Pollution Control Act, as amended, \$50,000,000 shall  
19 be for wastewater treatment in impoverished communities  
20 pursuant to section 102(d) of H.R. 961 as approved by the  
21 United States House of Representatives on May 16, 1995:  
22 Provided further, That of the funds appropriated in the  
23 Construction Grants and Water Infrastructure/State Re-  
24 volving Funds accounts since the appropriation for the fis-  
25 cal year ending September 30, 1992, and hereafter, for mak-

1 *ing grants for wastewater treatment works construction*  
2 *projects, portions may be provided by the recipients to*  
3 *States for managing construction grant activities, on condi-*  
4 *tion that the States agree to reimburse the recipients from*  
5 *State funding sources: Provided further, That the funds*  
6 *made available in Public Law 103-327 for a grant to the*  
7 *City of Mt. Arlington, New Jersey, in accordance with*  
8 *House Report 103-715, shall be available for a grant to*  
9 *that city for water and sewer improvements.*

10 *ADMINISTRATIVE PROVISIONS*

11 *SEC. 301. None of the funds provided in this Act may*  
12 *be used within the Environmental Protection Agency for*  
13 *any final action by the Administrator or her delegate for*  
14 *signing and publishing for promulgation of a rule concern-*  
15 *ing any new standard for radon in drinking water.*

16 *SEC. 302. None of the funds provided in this Act may*  
17 *be used during fiscal year 1996 to sign, promulgate, imple-*  
18 *ment or enforce the requirement proposed as "Regulation*  
19 *of Fuels and Fuel Additives: Individual Foreign Refinery*  
20 *Baseline Requirements for Reformulated Gasoline" at vol-*  
21 *ume 59 of the Federal Register at pages 22800 through*  
22 *22814.*

23 *SEC. 303. None of the funds appropriated to the Envi-*  
24 *ronmental Protection Agency for fiscal year 1996 may be*  
25 *used to implement section 404(c) of the Federal Water Pol-*  
26 *lution Control Act, as amended. No pending action by the*

1 *Environmental Protection Agency to implement section*  
2 *404(c) with respect to an individual permit shall remain*  
3 *in effect after the date of enactment of this Act.*

4       *SEC. 304. None of the funds appropriated under this*  
5 *Act may be used to implement the requirements of section*  
6 *186(b)(2), section 187(b) or section 211(m) of the Clean Air*  
7 *Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with re-*  
8 *spect to any moderate nonattainment area in which the av-*  
9 *erage daily winter temperature is below 0 degrees Fahr-*  
10 *enheit. The preceding sentence shall not be interpreted to*  
11 *preclude assistance from the Environmental Protection*  
12 *Agency to the State of Alaska to make progress toward meet-*  
13 *ing the carbon monoxide standard in such areas and to re-*  
14 *solve remaining issues regarding the use of oxygenated fuels*  
15 *in such areas.*

16       *SEC. 305. Notwithstanding any other provision of law,*  
17 *the Environmental Protection Agency shall: (1) transfer all*  
18 *real property acquired in Bay City, Michigan, for the cre-*  
19 *ation of the Center for Ecology, Research and Training*  
20 *(CERT) to the City of Bay City or other local public or*  
21 *municipal entity; and (2) make a grant in fiscal year 1996*  
22 *to the recipient of the property of not less than \$3,000,000*  
23 *from funds previously appropriated for the CERT project*  
24 *for the purpose of environmental remediation and rehabili-*  
25 *tation of real property included in the boundaries of the*

1 *CERT project. The disposition of property shall be by dona-*  
2 *tion or no-cost transfer and shall be made to the City of*  
3 *Bay City, Michigan or other local public or municipal en-*  
4 *tity.*

5 *Further, notwithstanding any other provision of law,*  
6 *the agency shall have the authority to demolish or dispose*  
7 *of any improvements on such real property, or to donate,*  
8 *sell, or transfer any personal property or improvements on*  
9 *such real property to members of the general public, by auc-*  
10 *tion or public sale, and to apply any funds received to costs*  
11 *related to the transfer of the real property authorized here-*  
12 *under.*

13 *EXECUTIVE OFFICE OF THE PRESIDENT*

14 *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

15 *For necessary expenses of the Office of Science and*  
16 *Technology Policy, in carrying out the purposes of the Na-*  
17 *tional Science and Technology Policy, Organization, and*  
18 *Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of*  
19 *passenger motor vehicles, services as authorized by 5 U.S.C.*  
20 *3109, not to exceed \$2,500 for official reception and rep-*  
21 *resentation expenses, and rental of conference rooms in the*  
22 *District of Columbia, \$4,981,000: Provided, That the Office*  
23 *of Science and Technology Policy shall reimburse other*  
24 *agencies for not less than one-half of the personnel com-*  
25 *pensation costs of individuals detailed to it.*

1 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF  
2 ENVIRONMENTAL QUALITY

3 *For necessary expenses to continue functions assigned*  
4 *to the Council on Environmental Quality and Office of En-*  
5 *vironmental Quality pursuant to the National Environ-*  
6 *mental Policy Act of 1969, the Environmental Improvement*  
7 *Act of 1970 and Reorganization Plan No. 1 of 1977,*  
8 *\$2,180,000.*

9 FEDERAL EMERGENCY MANAGEMENT AGENCY  
10 DISASTER RELIEF

11 *For necessary expenses in carrying out the functions*  
12 *of the Robert T. Stafford Disaster Relief and Emergency*  
13 *Assistance Act (42 U.S.C. 5121 et seq.), \$222,000,000, to*  
14 *remain available until expended.*

15 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

16 *For the cost of direct loans, \$2,155,000, as authorized*  
17 *by section 319 of the Robert T. Stafford Disaster Relief and*  
18 *Emergency Assistance Act (42 U.S.C. 5121 et seq.): Pro-*  
19 *vided, That such costs, including the cost of modifying such*  
20 *loans, shall be as defined in section 502 of the Congressional*  
21 *Budget Act of 1974, as amended: Provided further, That*  
22 *these funds are available to subsidize gross obligations for*  
23 *the principal amount of direct loans not to exceed*  
24 *\$25,000,000.*

25 *In addition, for administrative expenses to carry out*  
26 *the direct loan program, \$95,000.*

## SALARIES AND EXPENSES

1  
2       *For necessary expenses, not otherwise provided for, in-*  
3 *cluding hire and purchase of motor vehicles (31 U.S.C.*  
4 *1343); uniforms, or allowances therefor, as authorized by*  
5 *5 U.S.C. 5901–5902; services as authorized by 5 U.S.C.*  
6 *3109, but at rates for individuals not to exceed the per diem*  
7 *rate equivalent to the rate for GS–18; expenses of attend-*  
8 *ance of cooperating officials and individuals at meetings*  
9 *concerned with the work of emergency preparedness; trans-*  
10 *portation in connection with the continuity of Government*  
11 *programs to the same extent and in the same manner as*  
12 *permitted the Secretary of a Military Department under*  
13 *10 U.S.C. 2632; and not to exceed \$2,500 for official recep-*  
14 *tion and representation expenses; \$168,900,000.*

## OFFICE OF THE INSPECTOR GENERAL

15  
16       *For necessary expenses of the Office of the Inspector*  
17 *General in carrying out the provisions of the Inspector Gen-*  
18 *eral Act of 1978, as amended, \$4,673,000.*

## EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

19  
20       *For necessary expenses, not otherwise provided for, to*  
21 *carry out activities under the National Flood Insurance Act*  
22 *of 1968, as amended, and the Flood Disaster Protection Act*  
23 *of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert*  
24 *T. Stafford Disaster Relief and Emergency Assistance Act*  
25 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*  
26 *tion Act of 1977, as amended (42 U.S.C. 7701 et seq.), the*



1 *Federal Fire Prevention and Control Act of 1974, as*  
2 *amended (15 U.S.C. 2201 et seq.), the Defense Production*  
3 *Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sec-*  
4 *tions 107 and 303 of the National Security Act of 1947,*  
5 *as amended (50 U.S.C. 404–405), and Reorganization Plan*  
6 *No. 3 of 1978, \$203,044,000.*

7 *EMERGENCY FOOD AND SHELTER PROGRAM*

8 *There is hereby appropriated \$100,000,000 to the Fed-*  
9 *eral Emergency Management Agency to carry out an emer-*  
10 *gency food and shelter program pursuant to title III of Pub-*  
11 *lic Law 100–77, as amended: Provided, That total adminis-*  
12 *trative costs shall not exceed three and one-half per centum*  
13 *of the total appropriation.*

14 *NATIONAL FLOOD INSURANCE FUND*

15 *For activities under the National Flood Insurance Act*  
16 *of 1968, the Flood Disaster Protection Act of 1973, and the*  
17 *National Flood Insurance Reform Act of 1994, not to exceed*  
18 *\$20,562,000 for salaries and expenses associated with flood*  
19 *mitigation and flood insurance operations, and not to ex-*  
20 *ceed \$70,464,000 for flood mitigation, including up to*  
21 *\$12,000,000 for expenses under section 1366 of the National*  
22 *Flood Insurance Act of 1968, as amended, which amount*  
23 *shall be available until September 30, 1997. In fiscal year*  
24 *1996, no funds in excess of (1) \$47,000,000 for operating*  
25 *expenses, (2) \$292,526,000 for agents' commissions and*  
26 *taxes, and (3) \$3,500,000 for interest on Treasury borrow-*

1 *ings shall be available from the National Flood Insurance*  
2 *Fund without prior notice to the Committees on Appropria-*  
3 *tions.*

4 *ADMINISTRATIVE PROVISION*

5 *The Director of the Federal Emergency Management*  
6 *Agency shall promulgate through rulemaking a methodology*  
7 *for assessment and collection of fees to be assessed and col-*  
8 *lected beginning in fiscal year 1996 applicable to persons*  
9 *subject to the Federal Emergency Management Agency's ra-*  
10 *diological emergency preparedness regulations. The aggre-*  
11 *gate charges assessed pursuant to this section during fiscal*  
12 *year 1996 shall approximate, but not be less than, 100 per*  
13 *centum of the amounts anticipated by the Federal Emer-*  
14 *gency Management Agency to be obligated for its radiologi-*  
15 *cal emergency preparedness program for such fiscal year.*  
16 *The methodology for assessment and collection of fees shall*  
17 *be fair and equitable, and shall reflect the full amount of*  
18 *costs of providing radiological emergency planning, pre-*  
19 *paredness, response and associated services. Such fees will*  
20 *be assessed in a manner that reflects the use of agency re-*  
21 *sources for classes of regulated persons and the administra-*  
22 *tive costs of collecting such fees. Fees received pursuant to*  
23 *this section shall be deposited in the general fund of the*  
24 *Treasury as offsetting receipts. Assessment and collection of*  
25 *such fees are only authorized during fiscal year 1996.*

1                    *GENERAL SERVICES ADMINISTRATION*2                    *CONSUMER INFORMATION CENTER*

3            *For necessary expenses of the Consumer Information*  
4 *Center, including services authorized by 5 U.S.C. 3109,*  
5 *\$2,061,000, to be deposited into the Consumer Information*  
6 *Center Fund: Provided, That the appropriations, revenues*  
7 *and collections deposited into the fund shall be available*  
8 *for necessary expenses of Consumer Information Center ac-*  
9 *tivities in the aggregate amount of \$7,500,000. Administra-*  
10 *tive expenses of the Consumer Information Center in fiscal*  
11 *year 1996 shall not exceed \$2,602,000. Appropriations, rev-*  
12 *enues, and collections accruing to this fund during fiscal*  
13 *year 1996 in excess of \$7,500,000 shall remain in the fund*  
14 *and shall not be available for expenditure except as author-*  
15 *ized in appropriations Acts.*

16            *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*17                    *HUMAN SPACE FLIGHT*

18            *For necessary expenses, not otherwise provided for, in*  
19 *the conduct and support of human space flight research and*  
20 *development activities, including research; development; op-*  
21 *erations; services; maintenance; construction of facilities in-*  
22 *cluding repair, rehabilitation, and modification of real and*  
23 *personal property, and acquisition or condemnation of real*  
24 *property, as authorized by law; space flight, spacecraft con-*  
25 *trol and communications activities including operations,*

1 *production, and services; and purchase, lease, charter,*  
2 *maintenance, and operation of mission and administrative*  
3 *aircraft; \$5,456,600,000, to remain available until Septem-*  
4 *ber 30, 1997.*

5 *SCIENCE, AERONAUTICS AND TECHNOLOGY*

6 *For necessary expenses, not otherwise provided for, for*  
7 *the conduct and support of science, aeronautics, and tech-*  
8 *nology research and development activities, including re-*  
9 *search; development; operations; services; maintenance; con-*  
10 *struction of facilities including repair, rehabilitation and*  
11 *modification of real and personal property, and acquisition*  
12 *or condemnation of real property, as authorized by law;*  
13 *space flight, spacecraft control and communications activi-*  
14 *ties including operations, production, and services; and*  
15 *purchase, lease, charter, maintenance, and operation of*  
16 *mission and administrative aircraft; \$5,845,900,000, to re-*  
17 *main available until September 30, 1997.*

18 *MISSION SUPPORT*

19 *For necessary expenses, not otherwise provided for, in*  
20 *carrying out mission support for human space flight pro-*  
21 *grams and science, aeronautical, and technology programs,*  
22 *including research operations and support; space commu-*  
23 *nications activities including operations, production, and*  
24 *services; maintenance; construction of facilities including*  
25 *repair, rehabilitation, and modification of facilities, minor*  
26 *construction of new facilities and additions to existing fa-*

1 *cilities, facility planning and design, environmental com-*  
2 *pliance and restoration, and acquisition or condemnation*  
3 *of real property, as authorized by law; program manage-*  
4 *ment; personnel and related costs, including uniforms or*  
5 *allowances therefor, as authorized by law (5 U.S.C. 5901–*  
6 *5902); travel expenses; purchase, lease, charter, mainte-*  
7 *nance, and operation of mission and administrative air-*  
8 *craft; not to exceed \$35,000 for official reception and rep-*  
9 *resentation expenses; and purchase (not to exceed thirty-*  
10 *three for replacement only) and hire of passenger motor ve-*  
11 *hicles; \$2,502,200,000, to remain available until September*  
12 *30, 1997.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For necessary expenses of the Office of the Inspector*  
15 *General in carrying out the provisions of the Inspector Gen-*  
16 *eral Act of 1978, as amended, \$16,000,000.*

17 *ADMINISTRATIVE PROVISIONS*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *Notwithstanding the limitation on the availability of*  
20 *funds appropriated for “Human space flight”, “Science,*  
21 *aeronautics and technology”, or “Mission support” by this*  
22 *appropriations Act, when any activity has been initiated*  
23 *by the incurrence of obligations for construction of facilities*  
24 *as authorized by law, the amount available for such activity*  
25 *shall remain available until expended. This provision does*  
26 *not apply to the amounts appropriated in “Mission sup-*

1 port” pursuant to the authorization for repair, rehabilita-  
2 tion and modification of facilities, minor construction of  
3 new facilities and additions to existing facilities, and facil-  
4 ity planning and design.

5       Notwithstanding the limitation on the availability of  
6 funds appropriated for “Human space flight”, “Science,  
7 aeronautics and technology”, or “Mission support” by this  
8 appropriations Act, the amounts appropriated for construc-  
9 tion of facilities shall remain available until September 30,  
10 1998.

11       Notwithstanding the limitation on the availability of  
12 funds appropriated for “Mission support” and “Office of  
13 Inspector General”, amounts made available by this Act for  
14 personnel and related costs and travel expenses of the Na-  
15 tional Aeronautics and Space Administration shall remain  
16 available until September 30, 1996 and may be used to  
17 enter into contracts for training, investigations, cost associ-  
18 ated with personnel relocation, and for other services, to be  
19 provided during the next fiscal year.

20       The unexpired balances of prior appropriations to  
21 NASA for activities for which funds are provided under this  
22 Act may be transferred to the new account established for  
23 the appropriation that provides funds for such activity  
24 under this Act. Balances so transferred may be merged with  
25 funds in the newly established account and thereafter may

1 *be accounted for as one fund to be available for the same*  
2 *purposes and under the same terms and conditions.*

3 *Upon the determination by the Administrator that*  
4 *such action is necessary, the Administrator may, with the*  
5 *approval of the Office of Management and Budget, transfer*  
6 *not to exceed \$50,000,000 of funds made available in this*  
7 *Act to the National Aeronautics and Space Administration*  
8 *between such appropriations or any subdivision thereof, to*  
9 *be merged with and to be available for the same purposes,*  
10 *and for the same time period, as the appropriation to which*  
11 *transferred: Provided, That such authority to transfer may*  
12 *not be used unless for higher priority items, based on un-*  
13 *foreseen requirements, than those for which originally ap-*  
14 *propriated: Provided further, That the Administrator of the*  
15 *National Aeronautics and Space Administration shall no-*  
16 *tify the Congress promptly of all transfers made pursuant*  
17 *to this authority.*

18 *NATIONAL CREDIT UNION ADMINISTRATION*

19 *CENTRAL LIQUIDITY FACILITY*

20 *During fiscal year 1996, gross obligations of the*  
21 *Central Liquidity Facility for the principal amount of new*  
22 *direct loans to member credit unions as authorized by the*  
23 *National Credit Union Central Liquidity Facility Act (12*  
24 *U.S.C. 1795) shall not exceed \$600,000,000: Provided, That*

1 *administrative expenses of the Central Liquidity Facility*  
2 *in fiscal year 1996 shall not exceed \$560,000.*

3 *NATIONAL SCIENCE FOUNDATION*

4 *RESEARCH AND RELATED ACTIVITIES*

5 *For necessary expenses in carrying out the purposes*  
6 *of the National Science Foundation Act of 1950, as amend-*  
7 *ed (42 U.S.C. 1861–1875), and the Act to establish a Na-*  
8 *tional Medal of Science (42 U.S.C. 1880–1881); services as*  
9 *authorized by 5 U.S.C. 3109; maintenance and operation*  
10 *of aircraft and purchase of flight services for research sup-*  
11 *port; acquisition of aircraft; \$2,274,000,000, of which not*  
12 *to exceed \$235,000,000 shall remain available until ex-*  
13 *pended for Polar research and operations support, and for*  
14 *reimbursement to other Federal agencies for operational*  
15 *and science support and logistical and other related activi-*  
16 *ties for the United States Antarctic program; the balance*  
17 *to remain available until September 30, 1997: Provided,*  
18 *That receipts for scientific support services and materials*  
19 *furnished by the National Research Centers and other Na-*  
20 *tional Science Foundation supported research facilities*  
21 *may be credited to this appropriation: Provided further,*  
22 *That to the extent that the amount appropriated is less than*  
23 *the total amount authorized to be appropriated for included*  
24 *program activities, all amounts, including floors and ceil-*  
25 *ings, specified in the authorizing Act for those program ac-*



1 *tivities or their subactivities shall be reduced proportion-*  
2 *ally.*

3 *MAJOR RESEARCH EQUIPMENT*

4 *For necessary expenses in carrying out major con-*  
5 *struction projects, and related expenses, pursuant to the*  
6 *purposes of the National Science Foundation Act of 1950,*  
7 *as amended (42 U.S.C. 1861–1875), \$70,000,000, to remain*  
8 *available until expended.*

9 *ACADEMIC RESEARCH INFRASTRUCTURE*

10 *For necessary expenses in carrying out an academic*  
11 *research infrastructure program pursuant to the purposes*  
12 *of the National Science Foundation Act of 1950, as amend-*  
13 *ed (42 U.S.C. 1861–1875), including services as authorized*  
14 *by 5 U.S.C. 3109 and rental of conference rooms in the Dis-*  
15 *trict of Columbia, \$100,000,000, to remain available until*  
16 *September 30, 1997.*

17 *EDUCATION AND HUMAN RESOURCES*

18 *For necessary expenses in carrying out science and en-*  
19 *gineering education and human resources programs and ac-*  
20 *tivities pursuant to the purposes of the National Science*  
21 *Foundation Act of 1950, as amended (42 U.S.C. 1861–*  
22 *1875), including services as authorized by 5 U.S.C. 3109*  
23 *and rental of conference rooms in the District of Columbia,*  
24 *\$599,000,000, to remain available until September 30,*  
25 *1997: Provided, That to the extent that the amount of this*  
26 *appropriation is less than the total amount authorized to*

1 *be appropriated for included program activities, all*  
2 *amounts, including floors and ceilings, specified in the au-*  
3 *thorizing Act for those program activities or their*  
4 *subactivities shall be reduced proportionally.*

5 *SALARIES AND EXPENSES*

6 *For necessary salaries and expenses in carrying out*  
7 *the purposes of the National Science Foundation Act of*  
8 *1950, as amended (42 U.S.C. 1861–1875); services author-*  
9 *ized by 5 U.S.C. 3109; hire of passenger motor vehicles; not*  
10 *to exceed \$9,000 for official reception and representation*  
11 *expenses; uniforms or allowances therefor, as authorized by*  
12 *law (5 U.S.C. 5901–5902); rental of conference rooms in*  
13 *the District of Columbia; reimbursement of the General*  
14 *Services Administration for security guard services;*  
15 *\$127,310,000: Provided, That contracts may be entered into*  
16 *under salaries and expenses in fiscal year 1996 for mainte-*  
17 *nance and operation of facilities, and for other services, to*  
18 *be provided during the next fiscal year.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *For necessary expenses of the Office of Inspector Gen-*  
21 *eral in carrying out the provisions of the Inspector General*  
22 *Act of 1978, as amended, \$4,490,000, to remain available*  
23 *until September 30, 1997.*

1        *NATIONAL SCIENCE FOUNDATION HEADQUARTERS*2                                *RELOCATION*

3        *For necessary support of the relocation of the National*  
4 *Science Foundation, \$5,200,000: Provided, That these funds*  
5 *shall be used to reimburse the General Services Administra-*  
6 *tion for services and related acquisitions in support of relo-*  
7 *cating the National Science Foundation.*

8                                *NEIGHBORHOOD REINVESTMENT CORPORATION*9        *PAYMENT TO THE NEIGHBORHOOD REINVESTMENT*10                               *CORPORATION*

11       *For payment to the Neighborhood Reinvestment Cor-*  
12 *poration for use in neighborhood reinvestment activities, as*  
13 *authorized by the Neighborhood Reinvestment Corporation*  
14 *Act (42 U.S.C. 8101–8107), \$38,667,000.*

15                               *SELECTIVE SERVICE SYSTEM*16                               *SALARIES AND EXPENSES*

17       *For necessary expenses of the Selective Service System,*  
18 *including expenses of attendance at meetings and of train-*  
19 *ing for uniformed personnel assigned to the Selective Serv-*  
20 *ice System, as authorized by law (5 U.S.C. 4101–4118) for*  
21 *civilian employees; and not to exceed \$1,000 for official re-*  
22 *ception and representation expenses; \$22,930,000: Provided,*  
23 *That during the current fiscal year, the President may ex-*  
24 *empt this appropriation from the provisions of 31 U.S.C.*  
25 *1341, whenever he deems such action to be necessary in the*

1 *interest of national defense: Provided further, That none of*  
2 *the funds appropriated by the Act may be expended for or*  
3 *in connection with the induction of any person into the*  
4 *Armed Forces of the United States.*

5 *TITLE IV*  
6 *CORPORATIONS*

7 *Corporations and agencies of the Department of Hous-*  
8 *ing and Urban Development which are subject to the Gov-*  
9 *ernment Corporation Control Act, as amended, are hereby*  
10 *authorized to make such expenditures, within the limits of*  
11 *funds and borrowing authority available to each such cor-*  
12 *poration or agency and in accord with law, and to make*  
13 *such contracts and commitments without regard to fiscal*  
14 *year limitations as provided by section 104 of the Act as*  
15 *may be necessary in carrying out the programs set forth*  
16 *in the budget for 1996 for such corporation or agency except*  
17 *as hereinafter provided: Provided, That collections of these*  
18 *corporations and agencies may be used for new loan or*  
19 *mortgage purchase commitments only to the extent ex-*  
20 *pressly provided for in this Act (unless such loans are in*  
21 *support of other forms of assistance provided for in this or*  
22 *prior appropriations Acts), except that this proviso shall*  
23 *not apply to the mortgage insurance or guaranty operations*  
24 *of these corporations, or where loans or mortgage purchases*

1 *are necessary to protect the financial interest of the United*  
2 *States Government.*

3 *RESOLUTION TRUST CORPORATION*

4 *OFFICE OF INSPECTOR GENERAL*

5 *For necessary expenses of the Office of Inspector Gen-*  
6 *eral in carrying out the provisions of the Inspector General*  
7 *Act of 1978, as amended, \$11,400,000.*

8 *TITLE V*

9 *GENERAL PROVISIONS*

10 *SEC. 501. Where appropriations in titles I, II, and*  
11 *III of this Act are expendable for travel expenses and no*  
12 *specific limitation has been placed thereon, the expenditures*  
13 *for such travel expenses may not exceed the amounts set*  
14 *forth therefor in the budget estimates submitted for the ap-*  
15 *propriations: Provided, That this section shall not apply*  
16 *to travel performed by uncompensated officials of local*  
17 *boards and appeal boards of the Selective Service System;*  
18 *to travel performed directly in connection with care and*  
19 *treatment of medical beneficiaries of the Department of Vet-*  
20 *erans Affairs; to travel performed in connection with major*  
21 *disasters or emergencies declared or determined by the*  
22 *President under the provisions of the Robert T. Stafford*  
23 *Disaster Relief and Emergency Assistance Act; to travel*  
24 *performed by the Offices of Inspector General in connection*  
25 *with audits and investigations; or to payments to inter-*

1 agency motor pools where separately set forth in the budget  
2 schedules: Provided further, That if appropriations in titles  
3 I, II, and III exceed the amounts set forth in budget esti-  
4 mates initially submitted for such appropriations, the ex-  
5 penditures for travel may correspondingly exceed the  
6 amounts therefor set forth in the estimates in the same pro-  
7 portion.

8       *SEC. 502. Appropriations and funds available for the*  
9 *administrative expenses of the Department of Housing and*  
10 *Urban Development and the Selective Service System shall*  
11 *be available in the current fiscal year for purchase of uni-*  
12 *forms, or allowances therefor, as authorized by law (5*  
13 *U.S.C. 5901–5902); hire of passenger motor vehicles; and*  
14 *services as authorized by 5 U.S.C. 3109.*

15       *SEC. 503. Funds of the Department of Housing and*  
16 *Urban Development subject to the Government Corporation*  
17 *Control Act or section 402 of the Housing Act of 1950 shall*  
18 *be available, without regard to the limitations on adminis-*  
19 *trative expenses, for legal services on a contract or fee basis,*  
20 *and for utilizing and making payment for services and fa-*  
21 *cilities of Federal National Mortgage Association, Govern-*  
22 *ment National Mortgage Association, Federal Home Loan*  
23 *Mortgage Corporation, Federal Financing Bank, Resolution*  
24 *Trust Corporation, Federal Reserve banks or any member*  
25 *thereof, Federal Home Loan banks, and any insured bank*

1 *within the meaning of the Federal Deposit Insurance Cor-*  
2 *poration Act, as amended (12 U.S.C. 1811–1831).*

3 *SEC. 504. No part of any appropriation contained in*  
4 *this Act shall remain available for obligation beyond the*  
5 *current fiscal year unless expressly so provided herein.*

6 *SEC. 505. No funds appropriated by this Act may be*  
7 *expended—*

8 *(1) pursuant to a certification of an officer or*  
9 *employee of the United States unless—*

10 *(A) such certification is accompanied by, or*  
11 *is part of, a voucher or abstract which describes*  
12 *the payee or payees and the items or services for*  
13 *which such expenditure is being made, or*

14 *(B) the expenditure of funds pursuant to*  
15 *such certification, and without such a voucher or*  
16 *abstract, is specifically authorized by law; and*

17 *(2) unless such expenditure is subject to audit by*  
18 *the General Accounting Office or is specifically ex-*  
19 *empt by law from such audit.*

20 *SEC. 506. None of the funds provided in this Act to*  
21 *any department or agency may be expended for the trans-*  
22 *portation of any officer or employee of such department or*  
23 *agency between his domicile and his place of employment,*  
24 *with the exception of any officer or employee authorized*

1 *such transportation under title 31, United States Code, sec-*  
2 *tion 1344.*

3 *SEC. 507. None of the funds provided in this Act may*  
4 *be used for payment, through grants or contracts, to recipi-*  
5 *ents that do not share in the cost of conducting research*  
6 *resulting from proposals not specifically solicited by the*  
7 *Government: Provided, That the extent of cost sharing by*  
8 *the recipient shall reflect the mutuality of interest of the*  
9 *grantee or contractor and the Government in the research.*

10 *SEC. 508. None of the funds provided in this Act may*  
11 *be used, directly or through grants, to pay or to provide*  
12 *reimbursement for payment of the salary of a consultant*  
13 *(whether retained by the Federal Government or a grantee)*  
14 *at more than the daily equivalent of the rate paid for Level*  
15 *IV of the Executive Schedule, unless specifically authorized*  
16 *by law.*

17 *SEC. 509. None of the funds in this Act shall be used*  
18 *to pay the expenses of, or otherwise compensate, non-Fed-*  
19 *eral parties intervening in regulatory or adjudicatory pro-*  
20 *ceedings. Nothing herein affects the authority of the*  
21 *Consumer Product Safety Commission pursuant to section*  
22 *7 of the Consumer Product Safety Act (15 U.S.C. 2056 et*  
23 *seq.).*

24 *SEC. 510. Except as otherwise provided under existing*  
25 *law or under an existing Executive order issued pursuant*



1 to an existing law, the obligation or expenditure of any ap-  
2 propriation under this Act for contracts for any consulting  
3 service shall be limited to contracts which are (1) a matter  
4 of public record and available for public inspection, and  
5 (2) thereafter included in a publicly available list of all con-  
6 tracts entered into within twenty-four months prior to the  
7 date on which the list is made available to the public and  
8 of all contracts on which performance has not been com-  
9 pleted by such date. The list required by the preceding sen-  
10 tence shall be updated quarterly and shall include a nar-  
11 rative description of the work to be performed under each  
12 such contract.

13       *SEC. 511. Except as otherwise provided by law, no*  
14 *part of any appropriation contained in this Act shall be*  
15 *obligated or expended by any executive agency, as referred*  
16 *to in the Office of Federal Procurement Policy Act (41*  
17 *U.S.C. 401 et seq.) for a contract for services unless such*  
18 *executive agency (1) has awarded and entered into such*  
19 *contract in full compliance with such Act and the regula-*  
20 *tions promulgated thereunder, and (2) requires any report*  
21 *prepared pursuant to such contract, including plans, eval-*  
22 *uations, studies, analyses and manuals, and any report*  
23 *prepared by the agency which is substantially derived from*  
24 *or substantially includes any report prepared pursuant to*  
25 *such contract, to contain information concerning (A) the*

1 contract pursuant to which the report was prepared, and  
2 (B) the contractor who prepared the report pursuant to such  
3 contract.

4 *SEC. 512. Except as otherwise provided in section 506,*  
5 *none of the funds provided in this Act to any department*  
6 *or agency shall be obligated or expended to provide a per-*  
7 *sonal cook, chauffeur, or other personal servants to any offi-*  
8 *cer or employee of such department or agency.*

9 *SEC. 513. None of the funds provided in this Act to*  
10 *any department or agency shall be obligated or expended*  
11 *to procure passenger automobiles as defined in 15 U.S.C.*  
12 *2001 with an EPA estimated miles per gallon average of*  
13 *less than 22 miles per gallon.*

14 *SEC. 514. Such sums as may be necessary for fiscal*  
15 *year 1996 pay raises for programs funded by this Act shall*  
16 *be absorbed within the levels appropriated in this Act.*

17 *SEC. 515. None of the funds appropriated in title I*  
18 *of this Act shall be used to enter into any new lease of real*  
19 *property if the estimated annual rental is more than*  
20 *\$300,000 unless the Secretary submits, in writing, a report*  
21 *to the Committees on Appropriations of the Congress and*  
22 *a period of 30 days has expired following the date on which*  
23 *the report is received by the Committees on Appropriations.*

24 *SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIP-*  
25 *MENT AND PRODUCTS.—It is the sense of the Congress that,*

1 *to the greatest extent practicable, all equipment and prod-*  
2 *ucts purchased with funds made available in this Act should*  
3 *be American-made.*

4 (b) *NOTICE REQUIREMENT.*—*In providing financial*  
5 *assistance to, or entering into any contract with, any entity*  
6 *using funds made available in this Act, the head of each*  
7 *Federal agency, to the greatest extent practicable, shall pro-*  
8 *vide to such entity a notice describing the statement made*  
9 *in subsection (a) by the Congress.*

10 *SEC. 517. None of the funds appropriated in this Act*  
11 *may be used to implement any cap on reimbursements to*  
12 *grantees for indirect costs, except as published in Office of*  
13 *Management and Budget Circular A–21.*

14 *SEC. 518. None of the funds made available in this*  
15 *Act may be used for any program, project, or activity, when*  
16 *it is made known to the Federal entity or official to which*  
17 *the funds are made available that the program, project, or*  
18 *activity is not in compliance with any Federal law relating*  
19 *to risk assessment, the protection of private property rights,*  
20 *or unfunded mandates.*

21 *SEC. 519. In fiscal year 1996, the Director of the Fed-*  
22 *eral Emergency Management Agency shall sell the disaster*  
23 *housing inventory of mobile homes and trailers, and the*  
24 *proceeds thereof shall be deposited in the Treasury.*

1       *SEC. 520. Such funds as may be necessary to carry*  
2 *out the orderly termination of the Office of Consumer Af-*  
3 *fairs shall be made available from funds appropriated to*  
4 *the Department of Health and Human Services for fiscal*  
5 *year 1996.*

6       *This Act may be cited as the “Departments of Veterans*  
7 *Affairs and Housing and Urban Development, and Inde-*  
8 *pendent Agencies Appropriations Act, 1996”.*

9       ***TITLE II—EMERGENCY SUPPLEMENTAL***  
10       ***APPROPRIATIONS FOR THE FISCAL***  
11       ***YEAR ENDING SEPTEMBER 30, 1996***

12                       *CHAPTER 1*

13                       *DEPARTMENT OF AGRICULTURE*

14                       *NATURAL RESOURCES CONSERVATION SERVICE*

15                       *WATERSHED AND FLOOD PREVENTION OPERATIONS*

16       *For an additional amount for “Watershed and Flood*  
17 *Prevention Operations” to repair damages to waterways*  
18 *and watersheds resulting from flooding in the Pacific*  
19 *Northwest, the Northeast blizzards and floods, and other*  
20 *natural disasters, \$107,514,000, to remain available until*  
21 *expended: Provided, That if the Secretary determines that*  
22 *the cost of land and farm structures restoration exceeds the*  
23 *fair market value of an affected cropland, the Secretary*  
24 *may use sufficient amounts from funds provided under this*  
25 *heading to accept bids from willing sellers to provide con-*

1 *ervation easements for such cropland inundated by floods*  
2 *as provided for by the Wetlands Reserve Program, author-*  
3 *ized by subchapter C of chapter 1 of subtitle D of title XII*  
4 *of the Food Security Act of 1985 (16 U.S.C. 3837): Provided*  
5 *further, That the entire amount shall be available only to*  
6 *the extent that an official budget request for a specific dollar*  
7 *amount, that includes designation of the entire amount of*  
8 *the request as an emergency requirement as defined in the*  
9 *Balanced Budget and Emergency Deficit Control Act of*  
10 *1985, as amended, is transmitted by the President to Con-*  
11 *gress: Provided further, That the entire amount is des-*  
12 *ignated by Congress as an emergency requirement pursuant*  
13 *to section 251(b)(2)(D)(i) of the Balanced Budget and*  
14 *Emergency Deficit Control Act of 1985, as amended.*

15 *CONSOLIDATED FARM SERVICE AGENCY*

16 *EMERGENCY CONSERVATION PROGRAM*

17 *For necessary expenses to carry into effect the program*  
18 *authorized in sections 401, 402, and 404 of title IV of the*  
19 *Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for*  
20 *expenses resulting from floods in the Pacific Northwest and*  
21 *other natural disasters, \$30,000,000, to remain available*  
22 *until expended, as authorized by 16 U.S.C. 2204: Provided,*  
23 *That the entire amount shall be available only to the extent*  
24 *that an official budget request for a specific dollar amount,*  
25 *that includes designation of the entire amount of the request*

1 *as an emergency requirement as defined in the Balanced*  
2 *Budget and Emergency Deficit Control Act of 1985, as*  
3 *amended, is transmitted by the President to Congress: Pro-*  
4 *vided further, That the entire amount is designated by Con-*  
5 *gress as an emergency requirement pursuant to section*  
6 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
7 *Deficit Control Act of 1985, as amended.*

8 *RURAL HOUSING AND COMMUNITY DEVELOPMENT*  
9 *SERVICE*

10 *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*

11 *For an additional amount for the “Rural Housing In-*  
12 *surance Fund Program Account” for the cost of direct loans*  
13 *to assist in the recovery from floods in the Pacific Northwest*  
14 *and other natural disasters, to remain available until ex-*  
15 *pended, \$5,000,000 for the cost of section 502 direct loans;*  
16 *and \$1,500,000 for the cost of section 504 housing repair*  
17 *loans: Provided, That the entire amount shall be available*  
18 *only to the extent that an official budget request for a spe-*  
19 *cific dollar amount, that includes designation of the entire*  
20 *amount of the request as an emergency requirement as de-*  
21 *finied in the Balanced Budget and Emergency Deficit Con-*  
22 *trol Act of 1985, as amended, is transmitted by the Presi-*  
23 *dent to Congress: Provided further, That the entire amount*  
24 *is designated by Congress as an emergency requirement*

1 *pursuant to section 251(b)(2)(D)(i) of the Balanced Budget*  
2 *and Emergency Deficit Control Act of 1985, as amended.*

3 *VERY LOW-INCOME HOUSING REPAIR GRANTS*

4 *For an additional amount for “Very Low-Income*  
5 *Housing Repair Grants” to make housing repairs needed*  
6 *as a result of floods and other natural disasters, pursuant*  
7 *to Section 504 of the Housing Act of 1949, as amended,*  
8 *\$1,100,000, to remain available until expended: Provided,*  
9 *That the entire amount shall be available only to the extent*  
10 *that an official budget request for a specific dollar amount,*  
11 *that includes designation of the entire amount of the request*  
12 *as an emergency requirement as defined in the Balanced*  
13 *Budget and Emergency Deficit Control Act of 1985, as*  
14 *amended, is transmitted by the President to Congress: Pro-*  
15 *vided further, That the entire amount is designated by Con-*  
16 *gress as an emergency requirement pursuant to section*  
17 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
18 *Deficit Control Act of 1985, as amended.*

19 *RURAL UTILITIES SERVICE*

20 *RURAL UTILITIES ASSISTANCE PROGRAM*

21 *For an additional amount for the “Rural Utilities As-*  
22 *sistance Program” for the cost of direct loans and grants*  
23 *to assist in the recovery from floods in the Pacific Northwest*  
24 *and other natural disasters, \$11,000,000, to remain avail-*  
25 *able until expended: Provided, That such funds may be*  
26 *available for emergency community water assistance grants*

1 *as authorized by 7 U.S.C. 1926b: Provided further, That*  
2 *the entire amount shall be available only to the extent that*  
3 *an official budget request for a specific dollar amount, that*  
4 *includes designation of the entire amount of the request as*  
5 *an emergency requirement as defined in the Balanced*  
6 *Budget and Emergency Deficit Control Act of 1985, as*  
7 *amended, is transmitted by the President to Congress: Pro-*  
8 *vided further, That the entire amount is designated by Con-*  
9 *gress as an emergency requirement pursuant to section*  
10 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
11 *Deficit Control Act of 1985, as amended.*

12 *ADMINISTRATIVE PROVISION*

13 *With the prior approval of the House and Senate Com-*  
14 *mittees on Appropriations, funds appropriated to the De-*  
15 *partment of Agriculture under this chapter may be trans-*  
16 *ferred by the Secretary of Agriculture between accounts of*  
17 *the Department of Agriculture included in this Act to sat-*  
18 *isfy emergency disaster funding requirements.*



1    *CHAPTER 2*  
2 *DEPARTMENTS OF COMMERCE, JUSTICE, AND*  
3 *STATE, THE JUDICIARY, AND RELATED*  
4 *AGENCIES*

5    *DEPARTMENT OF COMMERCE*  
6    *ECONOMIC DEVELOPMENT ADMINISTRATION*  
7    *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

8        *For an additional amount for emergency expenses re-*  
9 *sulting from flooding in the Pacific Northwest, and in the*  
10 *Devils Lake Basin in North Dakota \$25,000,000, to remain*  
11 *available until expended for grants and related expenses*  
12 *pursuant to the Public Works and Economic Development*  
13 *Act of 1965, as amended; and in addition, \$2,500,000 for*  
14 *administrative expenses to remain available until expended,*  
15 *which may be transferred to and merged with the appro-*  
16 *priations for "Salaries and expenses": Provided, That the*  
17 *entire amount is hereby designated by Congress as an emer-*  
18 *gency requirement pursuant to section 251(b)(2)(D)(i) of*  
19 *the Balanced Budget and Emergency Deficit Control Act*  
20 *of 1985, as amended: Provided further, That the entire*  
21 *amount shall be available only to the extent an official*  
22 *budget request, for a specific dollar amount, that includes*  
23 *designation of the entire amount of the request as an emer-*  
24 *gency requirement as defined in the Balanced Budget and*

1 *Emergency Deficit Control Act of 1985, as amended, is*  
2 *transmitted to Congress.*

3 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*  
4 *CONSTRUCTION*

5 *For an additional amount for “Construction” for*  
6 *emergency expenses resulting from flooding in the Pacific*  
7 *Northwest and other natural disasters, \$10,000,000, to re-*  
8 *main available until expended: Provided, That the entire*  
9 *amount is hereby designated by Congress as an emergency*  
10 *requirement pursuant to section 251(b)(2)(D)(i) of the Bal-*  
11 *anced Budget and Emergency Deficit Control Act of 1985,*  
12 *as amended.*

13 *RELATED AGENCY*

14 *SMALL BUSINESS ADMINISTRATION*

15 *DISASTER LOANS PROGRAM ACCOUNT*

16 *For an additional amount for “Disaster Loans Pro-*  
17 *gram Account”, \$69,700,000 for the cost of direct loans, to*  
18 *remain available until expended: Provided, That such costs,*  
19 *including the cost of modifying such loans, shall be as de-*  
20 *finied in section 502 of the Congressional Budget Act of*  
21 *1974; and for administrative expenses to carry out the di-*  
22 *rect loan program, \$30,300,000, to remain available until*  
23 *expended: Provided, That both amounts are hereby des-*  
24 *ignated by Congress as emergency requirements pursuant*

1 *to section 251(b)(2)(D)(i) of the Balanced Budget and*  
 2 *Emergency Deficit Control Act of 1985, as amended.*

3 *CHAPTER 3*

4 *ENERGY AND WATER DEVELOPMENT*

5 *DEPARTMENT OF DEFENSE—CIVIL*

6 *DEPARTMENT OF THE ARMY*

7 *CORPS OF ENGINEERS—CIVIL*

8 *OPERATION AND MAINTENANCE, GENERAL*

9 *For an additional amount for “Operation and Mainte-*  
 10 *nance, General”, \$30,000,000, to remain available until ex-*  
 11 *pended: Provided, That the entire amount shall be available*  
 12 *only to the extent that an official budget request for a spe-*  
 13 *cific dollar amount, that includes designation of the entire*  
 14 *amount of the request as an emergency requirement as de-*  
 15 *finied in the Balanced Budget and Emergency Deficit Con-*  
 16 *trol Act of 1985, as amended, is transmitted by the Presi-*  
 17 *dent to Congress: Provided further, That the entire amount*  
 18 *is designated by Congress as an emergency requirement*  
 19 *pursuant to section 251(b)(2)(D)(i) of the Balanced Budget*  
 20 *and Emergency Deficit Control Act of 1985, as amended.*

21 *FLOOD CONTROL AND COASTAL EMERGENCIES*

22 *For an additional amount for “Flood Control and*  
 23 *Coastal Emergencies”, \$135,000,000, to remain available*  
 24 *until expended: Provided, That the entire amount shall be*  
 25 *available only to the extent that an official budget request*  
 26 *for a specific dollar amount, that includes designation of*

1 *the entire amount of the request as an emergency require-*  
2 *ment as defined in the Balanced Budget and Emergency*  
3 *Deficit Control Act of 1985, as amended, is transmitted by*  
4 *the President to Congress: Provided further, That the entire*  
5 *amount is designated by Congress as an emergency require-*  
6 *ment pursuant to section 251(b)(2)(D)(i) of the Balanced*  
7 *Budget and Emergency Deficit Control Act of 1985, as*  
8 *amended.*

9 *DEPARTMENT OF THE INTERIOR*

10 *BUREAU OF RECLAMATION*

11 *CONSTRUCTION PROGRAM*

12 *For an additional amount for the “Construction Pro-*  
13 *gram”, \$18,000,000, to remain available until expended:*  
14 *Provided, That the entire amount shall be available only*  
15 *to the extent that an official budget request for a specific*  
16 *dollar amount, that includes designation of the entire*  
17 *amount of the request as an emergency requirement as de-*  
18 *finied in the Balanced Budget and Emergency Deficit Con-*  
19 *trol Act of 1985, as amended, is transmitted by the Presi-*  
20 *dent to Congress: Provided further, That the entire amount*  
21 *is designated by Congress as an emergency requirement*  
22 *pursuant to section 251(b)(2)(D)(i) of the Balanced Budget*  
23 *and Emergency Deficit Control Act of 1985, as amended.*

1                                    **CHAPTER 4**  
2    **DEPARTMENT OF THE INTERIOR AND RELATED**  
3                                    **AGENCIES**  
4                                    **DEPARTMENT OF THE INTERIOR**  
5                                    **BUREAU OF LAND MANAGEMENT**  
6                                    **CONSTRUCTION AND ACCESS**

7        *For an additional amount for “Construction and Ac-*  
8 *cess”, \$5,000,000, to remain available until expended, to*  
9 *repair roads, culverts, bridges, facilities, fish and wildlife*  
10 *protective structures, and recreation sites, damaged due to*  
11 *the Pacific Northwest flooding: Provided, That the entire*  
12 *amount shall be available only to the extent that an official*  
13 *budget request for a specific dollar amount, that includes*  
14 *designation of the entire amount of the request as an emer-*  
15 *gency requirement as defined in the Balanced Budget and*  
16 *Emergency Deficit Control Act of 1985, as amended, is*  
17 *transmitted by the President to Congress: Provided further,*  
18 *That the entire amount is designated by Congress as an*  
19 *emergency requirement pursuant to section 251(b)(2)(D)(i)*  
20 *of the Balanced Budget and Emergency Deficit Control Act*  
21 *of 1985, as amended.*

22                                    **OREGON AND CALIFORNIA GRANT LANDS**

23        *For an additional amount for “Oregon and California*  
24 *Grant Lands”, \$35,000,000, to remain available until ex-*  
25 *pended, to repair roads, culverts, bridges, facilities, fish and*  
26 *wildlife protective structures, and recreation sites, damaged*

1 *due to the Pacific Northwest flooding: Provided, That the*  
2 *entire amount shall be available only to the extent that an*  
3 *official budget request for a specific dollar amount, that in-*  
4 *cludes designation of the entire amount of the request as*  
5 *an emergency requirement as defined in the Balanced*  
6 *Budget and Emergency Deficit Control Act of 1985, as*  
7 *amended, is transmitted by the President to Congress: Pro-*  
8 *vided further, That the entire amount is designated by Con-*  
9 *gress as an emergency requirement pursuant to section*  
10 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
11 *Deficit Control Act of 1985, as amended.*

12 *UNITED STATES FISH AND WILDLIFE SERVICE*

13 *RESOURCE MANAGEMENT*

14 *For an additional amount for Resource Management,*  
15 *\$1,600,000, to remain available until expended, to provide*  
16 *technical assistance to the Natural Resource Conservation*  
17 *Service, the Federal Emergency Management Agency, the*  
18 *United States Army Corps of Engineers and other agencies*  
19 *on fish and wildlife habitat issues related to damage caused*  
20 *by floods, storms and other acts of nature: Provided, That*  
21 *the entire amount shall be available only to the extent that*  
22 *an official budget request for a specific dollar amount, that*  
23 *includes designation of the entire amount of the request as*  
24 *an emergency requirement as defined in the Balanced*  
25 *Budget and Emergency Deficit Control Act of 1985, as*

1 *amended, is transmitted by the President to Congress: Pro-*  
2 *vided further, That the entire amount is designated by Con-*  
3 *gress as an emergency requirement pursuant to section*  
4 *251(b)(D)(i) of the Balanced Budget and Emergency Deficit*  
5 *Control Act of 1985, as amended.*

6 *CONSTRUCTION*

7 *For an additional amount for “Construction”,*  
8 *\$37,300,000, to remain available until expended, to repair*  
9 *damage caused by hurricanes, floods and other acts of na-*  
10 *ture, and to protect natural resources in the Devils Lake*  
11 *Basin in North Dakota: Provided, That the entire amount*  
12 *shall be available only to the extent that an official budget*  
13 *request for a specific dollar amount, that includes designa-*  
14 *tion of the entire amount of the request as an emergency*  
15 *requirement as defined in the Balanced Budget and Emer-*  
16 *gency Deficit Control Act of 1985, as amended, is transmit-*  
17 *ted by the President to Congress: Provided further, That the*  
18 *entire amount is designated by Congress as an emergency*  
19 *requirement pursuant to section 251(b)(2)(D)(i) of the Bal-*  
20 *anced Budget and Emergency Deficit Control Act of 1985,*  
21 *as amended.*

22 *NATIONAL PARK SERVICE*

23 *CONSTRUCTION*

24 *For an additional amount for “Construction”,*  
25 *\$47,000,000, to remain available until expended, to repair*  
26 *damage caused by hurricanes, floods and other acts of na-*

1 *ture: Provided, That the entire amount shall be available*  
2 *only to the extent that an official budget request for a spe-*  
3 *cific dollar amount, that includes designation of the entire*  
4 *amount of the request as an emergency requirement as de-*  
5 *finied in the Balanced Budget and Emergency Deficit Con-*  
6 *trol Act of 1985, as amended, is transmitted by the Presi-*  
7 *dent to Congress: Provided further, That the entire amount*  
8 *is designated by Congress as an emergency requirement*  
9 *pursuant to section 251(b)(2)(D)(i) of the Balanced Budget*  
10 *and Emergency Deficit Control Act of 1985, as amended.*

11 *UNITED STATES GEOLOGICAL SURVEY*

12 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

13 *For an additional amount for “Surveys, investiga-*  
14 *tions, and research”, \$2,000,000, to remain available until*  
15 *September 30, 1997, for the costs related to hurricanes,*  
16 *floods and other acts of nature: Provided, That the entire*  
17 *amount shall be available only to the extent that an official*  
18 *budget request for a specific dollar amount, that includes*  
19 *designation of the entire amount of the request as an emer-*  
20 *gency requirement as defined in the Balanced Budget and*  
21 *Emergency Deficit Control Act of 1985, as amended, is*  
22 *transmitted by the President to Congress: Provided further,*  
23 *That the entire amount is designated by Congress as an*  
24 *emergency requirement pursuant to section 251(b)(2)(D)(i)*



1 *of the Balanced Budget and Emergency Deficit Control Act*  
2 *of 1985, as amended.*

3 *BUREAU OF INDIAN AFFAIRS*

4 *OPERATION OF INDIAN PROGRAMS*

5 *For an additional amount for “Operation of Indian*  
6 *Programs”, \$500,000, to remain available until September*  
7 *30, 1998, for emergency operations and repairs related to*  
8 *winter floods: Provided, That the entire amount shall be*  
9 *available only to the extent that an official budget request*  
10 *for a specific dollar amount, that includes designation of*  
11 *the entire amount of the request as an emergency require-*  
12 *ment as defined in the Balanced Budget and Emergency*  
13 *Deficit Control Act of 1985, as amended, is transmitted by*  
14 *the President to Congress: Provided further, That the entire*  
15 *amount is designated by Congress as an emergency require-*  
16 *ment pursuant to section 251(b)(2)(D)(i) of the Balanced*  
17 *Budget and Emergency Deficit Control Act of 1985, as*  
18 *amended.*

19 *CONSTRUCTION*

20 *For an additional amount for “Construction”,*  
21 *\$16,500,000, to remain available until expended, for emer-*  
22 *gency repairs related to winter floods: Provided, That the*  
23 *entire amount shall be available only to the extent that an*  
24 *official budget request for a specific dollar amount, that in-*  
25 *cludes designation of the entire amount of the request as*  
26 *an emergency requirement as defined in the Balanced*

1 *Budget and Emergency Deficit Control Act of 1985, as*  
2 *amended, is transmitted by the President to Congress: Pro-*  
3 *vided further, That the entire amount is designated by Con-*  
4 *gress as an emergency requirement pursuant to section*  
5 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
6 *Deficit Control Act of 1985, as amended.*

7 *TERRITORIAL AND INTERNATIONAL AFFAIRS*

8 *ASSISTANCE TO TERRITORIES*

9 *For an additional amount for “Assistance to Terri-*  
10 *tories”, \$13,000,000, to remain available until expended,*  
11 *for recovery efforts from Hurricane Marilyn: Provided,*  
12 *That the entire amount shall be available only to the extent*  
13 *that an official budget request for a specific dollar amount,*  
14 *that includes designation of the entire amount of the request*  
15 *as an emergency requirement as defined in the Balanced*  
16 *Budget and Emergency Deficit Control Act of 1985, as*  
17 *amended, is transmitted by the President to Congress: Pro-*  
18 *vided further, That the entire amount is designated by Con-*  
19 *gress as an emergency requirement pursuant to section*  
20 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
21 *Deficit Control Act of 1985, as amended.*

22 *DEPARTMENT OF AGRICULTURE*

23 *NATIONAL FOREST SYSTEM*

24 *For an additional amount for “National Forest Sys-*  
25 *tem”, \$26,600,000, to remain available until expended, to*

1 *repair damage caused by hurricanes, floods and other acts*  
2 *of nature, including \$300,000 for the costs associated with*  
3 *response and rehabilitation, including access repairs, at the*  
4 *Amalgamated Mill site in the Willamette National Forest*  
5 *containing sulphur-rich and other mining tailings in order*  
6 *to prevent contamination of Battle Ax Creek, and the Little*  
7 *North Fork of the Santiam River, from which the City of*  
8 *Salem, Oregon, obtains its municipal water supply: Pro-*  
9 *vided, That the entire amount shall be available only to*  
10 *the extent that an official budget request for a specific dollar*  
11 *amount, that includes designation of the entire amount of*  
12 *the request as an emergency requirement as defined in the*  
13 *Balanced Budget and Emergency Deficit Control Act of*  
14 *1985, as amended, is transmitted by the President to Con-*  
15 *gress: Provided further, That the entire amount is des-*  
16 *ignated by Congress as an emergency requirement pursuant*  
17 *to section 251(b)(2)(D)(i) of the Balanced Budget and*  
18 *Emergency Deficit Control Act of 1985, as amended.*

19 *CONSTRUCTION*

20 *For an additional amount for “Construction”,*  
21 *\$60,800,000, to remain available until expended: Provided,*  
22 *That the entire amount shall be available only to the extent*  
23 *that an official budget request for a specific dollar amount,*  
24 *that includes designation of the entire amount of the request*  
25 *as an emergency requirement as defined in the Balanced*  
26 *Budget and Emergency Deficit Control Act of 1985, as*

1 *amended, is transmitted by the President to Congress: Pro-*  
 2 *vided further, That the entire amount is designated by Con-*  
 3 *gress as an emergency requirement pursuant to section*  
 4 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
 5 *Deficit Control Act of 1985, as amended.*

6

## CHAPTER 5

7

## DEPARTMENT OF TRANSPORTATION

8

## OFFICE OF THE SECRETARY

9

## PAYMENTS TO AIR CARRIERS

10 *The first proviso under the head “Payments to Air*  
 11 *Carriers” in Title I of the Department of Transportation*  
 12 *and Related Agencies Appropriations Act, 1996 (Public*  
 13 *Law 104–50), is amended to read as follows: “Provided,*  
 14 *That none of the funds in this Act shall be available for*  
 15 *the implementation or execution of programs in excess of*  
 16 *\$22,600,000 from the Airport and Airway Trust Fund for*  
 17 *the Payments to Air Carriers program in fiscal year*  
 18 *1996:”.*

19

## FEDERAL HIGHWAY ADMINISTRATION

20

## FEDERAL-AID HIGHWAYS

21

## (HIGHWAY TRUST FUND)

22 *For the Emergency Fund authorized by 23 U.S.C. 125*  
 23 *to cover expenses arising from the January 1996 flooding*  
 24 *in the Mid-Atlantic, Northeast, and Northwest States and*  
 25 *other disasters, \$300,000,000, to be derived from the High-*  
 26 *way Trust Fund and to remain available until expended:*

1 *Provided, That the entire amount shall be available only*  
2 *to the extent that an official budget request for a specific*  
3 *dollar amount, that includes designation of the entire*  
4 *amount of the request as an emergency requirement as de-*  
5 *fin ed in the Balanced Budget and Emergency Deficit Con-*  
6 *trol Act of 1985, as amended, is transmitted by the Presi-*  
7 *dent to Congress: Provided further, That such amount is*  
8 *designated by Congress as an emergency requirement pursu-*  
9 *ant to section 251(b)(2)(D)(i) of the Balanced Budget and*  
10 *Emergency Deficit Control Act of 1985, as amended: Pro-*  
11 *vided further, That the provisions of 23 U.S.C. 125(b)(1)*  
12 *shall not apply to projects relating to the January 1996*  
13 *flooding in the Mid-Atlantic, Northeast, and Northwest*  
14 *States.*

15 *FEDERAL RAILROAD ADMINISTRATION*

16 *LOCAL RAIL FREIGHT ASSISTANCE*

17 *For expenses pursuant to subtitle 5 of the Department*  
18 *of Transportation Act (49 U.S.C.), to repair and rebuild*  
19 *rail lines of other than class I railroads as defined by the*  
20 *Surface Transportation Board or railroads owned or con-*  
21 *trolled by a class I railroad, having carried 5 million gross*  
22 *ton miles or less per mile during the prior year, and dam-*  
23 *aged as a result of the floods of 1996, \$10,000,000: Provided,*  
24 *That for the purposes of administering this emergency re-*  
25 *lief, the Secretary of Transportation shall have authority*

1 to make funds available notwithstanding section 22101,  
2 (a)(1) and (3) and (d), sections 22102 to 22104, section  
3 22105(a) and section 22108, (a) and (b) of 49 U.S.C. as  
4 the Secretary deems appropriate and shall consider the ex-  
5 tent to which the State has available unexpended local rail  
6 freight assistance funds or available repaid loan funds: Pro-  
7 vided further, That, notwithstanding 49 U.S.C. chapter  
8 221, the Secretary may prescribe the form and time for ap-  
9 plications for assistance made available herein: Provided  
10 further, That the entire amount shall be available only to  
11 the extent that an official budget request for a specific dollar  
12 amount, that includes designation of the entire amount of  
13 the request as an emergency requirement as defined in the  
14 Balanced Budget and Emergency Deficit Control Act of  
15 1985, as amended, is transmitted by the President to Con-  
16 gress: Provided further, That the entire amount is des-  
17 ignated by Congress as an emergency requirement pursuant  
18 to section 251(b)(2)(D)(i) of the Balanced Budget and  
19 Emergency Deficit Control Act of 1985, as amended: Pro-  
20 vided further, That all funds made available under this  
21 head are to remain available until September 30, 1997.

1 *FEDERAL TRANSIT ADMINISTRATION*2 *MASS TRANSIT CAPITAL FUND*3 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*4 *(HIGHWAY TRUST FUND)*

5 *For an additional amount for payment of obligations*  
6 *incurred in carrying out 49 U.S.C. 5338(b) administered*  
7 *by the Federal Transit Administration, \$375,000,000, to be*  
8 *derived from the Highway Trust Fund and to remain avail-*  
9 *able until expended.*

10 *CHAPTER 6*11 *DEPARTMENTS OF VETERANS AFFAIRS AND*12 *HOUSING AND URBAN DEVELOPMENT AND*13 *INDEPENDENT AGENCIES*14 *DEPARTMENT OF HOUSING AND URBAN*15 *DEVELOPMENT*16 *COMMUNITY PLANNING AND DEVELOPMENT*17 *COMMUNITY DEVELOPMENT GRANTS*

18 *For an additional amount for “Community develop-*  
19 *ment grants”, \$100,000,000, to remain available until Sep-*  
20 *tember 30, 1998, for emergency expenses and repairs related*  
21 *to recent Presidentially declared disaster areas, including*  
22 *up to \$10,000,000 which may be made for rental subsidy*  
23 *contracts under the section 8 existing housing certificate*  
24 *program and the housing voucher program under section*  
25 *8 of the United States Housing Act of 1937, as amended,*  
26 *except that such amount shall be available only for tem-*

1 *porary housing assistance, not in excess of one year in du-*  
2 *ration, and shall not be subject to renewal: Provided, That*  
3 *the entire amount shall be available only to the extent that*  
4 *an official budget request for a specific dollar amount, that*  
5 *includes designation of the entire amount of the request as*  
6 *an emergency requirement as defined in the Balanced*  
7 *Budget and Emergency Deficit Control Act of 1985, as*  
8 *amended, is transmitted by the President to Congress: Pro-*  
9 *vided further, That the entire amount is designated by Con-*  
10 *gress as an emergency requirement pursuant to section*  
11 *251(b)(2)(D)(i) of the Balanced Budget and Emergency*  
12 *Deficit Control Act of 1985, as amended.*

13 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

14 *DISASTER RELIEF*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For an additional amount for “Disaster Relief”,*  
17 *\$150,000,000, to remain available until expended, which,*  
18 *in whole or in part, may be transferred to the Disaster As-*  
19 *sistance Direct Loan Program Account for the cost of direct*  
20 *loans as authorized under section 417 of the Robert T. Staf-*  
21 *ford Disaster Relief and Emergency Assistance Act (42*  
22 *U.S.C. 5121 et seq.): Provided, That such transfer may be*  
23 *made to subsidize gross obligations for the principal*  
24 *amount of direct loans not to exceed \$170,000,000 under*  
25 *section 417 of the Stafford Act: Provided further, That any*  
26 *such transfer of funds shall be made only upon certification*



1 *by the Director of the Federal Emergency Management*  
2 *Agency that all requirements of section 417 of the Stafford*  
3 *Act will be complied with: Provided further, That the entire*  
4 *amount of this appropriation shall be available only to the*  
5 *extent that an official budget request for a specific dollar*  
6 *amount, that includes designation of the entire amount of*  
7 *the request as an emergency requirement as defined in the*  
8 *Balanced Budget and Emergency Deficit Control Act of*  
9 *1985, as amended, is transmitted by the President to Con-*  
10 *gress: Provided further, That the entire amount is des-*  
11 *ignated by Congress as an emergency requirement pursuant*  
12 *to section 251(b)(2)(D)(i) of the Balanced Budget and*  
13 *Emergency Deficit Control Act of 1985, as amended.*

14 *CHAPTER 7*

15 *FOREIGN OPERATIONS, EXPORT FINANCING, AND*

16 *RELATED AGENCIES*

17 *FUNDS APPROPRIATED TO THE PRESIDENT*

18 *UNANTICIPATED NEEDS*

19 *UNANTICIPATED NEEDS FOR DEFENSE*

20 *OF ISRAEL AGAINST TERRORISM*

21 *For emergency expenses necessary to meet unantici-*  
22 *pated needs for the acquisition and provision of goods, serv-*  
23 *ices, and/or grants for Israel necessary to support the eradi-*  
24 *cation of terrorism in and around Israel, \$50,000,000: Pro-*  
25 *vided, That none of the funds appropriated in this para-*  
26 *graph shall be available for obligation except through the*

1 *regular notification procedures of the Committees on Appro-*  
2 *priations: Provided further, That the entire amount is des-*  
3 *ignated by Congress as an emergency requirement pursuant*  
4 *to section 251(b)(2)(D)(i) of the Balanced Budget and*  
5 *Emergency Deficit Control Act of 1985, as amended.*

6 *AGENCY FOR INTERNATIONAL DEVELOPMENT*  
7 *ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC*  
8 *STATES*

9 *For an additional amount for “Assistance for Eastern*  
10 *Europe and the Baltic States” for Bosnia and Herzegovina,*  
11 *including demining assistance, \$200,000,000, of which*  
12 *amount \$5,000,000 shall be used for the administrative ex-*  
13 *penses of the U.S. Agency for International Development:*  
14 *Provided, That not to exceed \$5,000,000 of such funds and*  
15 *any other funds appropriated under the same heading for*  
16 *fiscal year 1996 is available for the cost of modifying direct*  
17 *loans and loan guarantees, as defined in section 502 of the*  
18 *Congressional Budget Act of 1974: Provided further, That*  
19 *contracts to carry out programs using such funds shall, to*  
20 *the maximum extent practicable, be entered into with com-*  
21 *panies organized under the laws of a State of the United*  
22 *States and organizations (including community chests,*  
23 *funds, foundations, non-incorporated businesses, and other*  
24 *institutions) organized in the United States: Provided fur-*  
25 *ther, That none of the funds appropriated or otherwise*

1 *made available under this heading shall be obligated except*  
2 *through the regular notification procedures of the Commit-*  
3 *tees on Appropriations: Provided further, That the entire*  
4 *amount appropriated is designated by Congress as an emer-*  
5 *gency requirement pursuant to section 251(b)(2)(D)(i) of*  
6 *the Balanced Budget and Emergency Deficit Control Act*  
7 *of 1985, as amended: Provided further, That funds appro-*  
8 *priated by this Act for economic reconstruction may only*  
9 *be made available for projects, activities, or programs with-*  
10 *in the sector assigned to American forces of the NATO Mili-*  
11 *tary Implementation Force (IFOR) and Sarajevo: Provided*  
12 *further, That priority consideration shall be given to*  
13 *projects and activities designated in the IFOR “Task Force*  
14 *Eagle civil military project list”:* *Provided further, That*  
15 *no funds made available under this Act, or any other Act,*  
16 *may be obligated for the purposes of rebuilding or repairing*  
17 *housing in areas where refugees or displaced persons are*  
18 *refused the right of return by Federation or local authorities*  
19 *due to ethnicity or political party affiliation: Provided fur-*  
20 *ther, That no funds may be made available under this head-*  
21 *ing in this Act, or any other Act, to any banking or finan-*  
22 *cial institution in Bosnia and Herzegovina unless such in-*  
23 *stitutions agree in advance, and in writing, to allow the*  
24 *United States General Accounting Office access for the pur-*  
25 *poses of audit of the use of United States assistance: Pro-*

1 *vided further, That effective ninety days after the date of*  
2 *enactment of this Act, none of the funds appropriated under*  
3 *this heading may be made available for the purposes of eco-*  
4 *nomie reconstruction in Bosnia and Herzegovina unless the*  
5 *President determines and certifies in writing to the Com-*  
6 *mittee on Appropriations that the aggregate bilateral con-*  
7 *tributions pledged by non-United States donors for eco-*  
8 *nomie reconstruction are at least equivalent to the United*  
9 *States bilateral contributions made under this Act and in*  
10 *the fiscal year 1995 and fiscal year 1996 Foreign Oper-*  
11 *ations, Export Financing and Related Programs Appro-*  
12 *priations bills.*

13 *Except for funds made available for demining activi-*  
14 *ties, no funds may be provided under this heading in this*  
15 *Act until the President certifies to the Committees on Ap-*  
16 *propriations that:*

17 *(1) The Federation of Bosnia and Herzegovina is*  
18 *in compliance with Article III, Annex 1A of the Day-*  
19 *ton Agreement; and*

20 *(2) Intelligence cooperation on training, inves-*  
21 *tigations, or related activities between Iranian offi-*  
22 *cial and Bosnian officials has been terminated.*

1 *MILITARY ASSISTANCE*2 *FOREIGN MILITARY FINANCING PROGRAM*

3 *For an additional amount for “Foreign Military Fi-*  
4 *nancing Program” for grants for Jordan pursuant to sec-*  
5 *tion 23 of the Arms Export Control Act, \$70,000,000: Pro-*  
6 *vided, That such funds may be used for Jordan to finance*  
7 *transfers by lease of defense articles under chapter 6 of such*  
8 *Act.*

9 *CHAPTER 8*10 *DEPARTMENT OF DEFENSE*11 *MILITARY PERSONNEL*12 *MILITARY PERSONNEL, ARMY*

13 *For an additional amount for “Military Personnel,*  
14 *Army”, \$244,400,000.*

15 *MILITARY PERSONNEL, NAVY*

16 *For an additional amount for “Military Personnel,*  
17 *Navy”, \$11,700,000.*

18 *MILITARY PERSONNEL, MARINE CORPS*

19 *For an additional amount for “Military Personnel,*  
20 *Marine Corps”, \$2,600,000.*

21 *MILITARY PERSONNEL, AIR FORCE*

22 *For an additional amount for “Military Personnel,*  
23 *Air Force”, \$27,300,000.*

1            *OPERATION AND MAINTENANCE*2            *OPERATION AND MAINTENANCE, ARMY*

3            *For an additional amount for “Operation and Maintenance, Army”, \$195,000,000.*

5            *OPERATION AND MAINTENANCE, MARINE CORPS*

6            *For an additional amount for “Operation and Maintenance, Marine Corps”, \$900,000.*

8            *OPERATION AND MAINTENANCE, AIR FORCE*

9            *For an additional amount for “Operation and Maintenance, Air Force”, \$190,000,000.*

11           *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

12           *For an additional amount for “Operation and Maintenance, Defense-Wide”, \$79,800,000.*

14                            *PROCUREMENT*15                            *OTHER PROCUREMENT, AIR FORCE*

16           *For an additional amount for “Other Procurement, Air Force”, \$26,000,000.*

18                            *GENERAL PROVISION*19                            *(TRANSFER OF FUNDS)*

20           *SEC. 801. Section 8005 of the Department of Defense*  
21 *Appropriations Act, 1996 (Public Law 104–61), is amended*  
22 *by striking out “\$2,400,000,000” and inserting in lieu*  
23 *thereof “\$2,700,000,000”.*

24           *SEC. 802. Notwithstanding any other provision of law,*  
25 *funds appropriated in the Department of Defense Appro-*

1 *priations Act, 1996 (Public Law 104–61) under the heading*  
2 *“Aircraft Procurement, Air Force” may be obligated for ad-*  
3 *vance procurement and procurement of F–15E aircraft.*

4       *SEC. 803. Funds appropriated under the heading,*  
5 *“Aircraft Procurement, Air Force,” in Public Laws 104–*  
6 *61, 103–335, and 103–139 that are or remain available for*  
7 *C–17 airframes, C–17 aircraft engines, and complementary*  
8 *widebody aircraft/NDAA may be used for multiyear pro-*  
9 *curement contracts for C–17 aircraft: Provided, That the*  
10 *duration of multiyear contracts awarded under the author-*  
11 *ity of this section may be for a period not to exceed seven*  
12 *program years, notwithstanding section 2306b(1) of title*  
13 *10, United States Code: Provided further, That the author-*  
14 *ity under this section may not be used to enter into a*  
15 *multiyear procurement contract until the earlier of (1) May*  
16 *24, 1996, or (2) the day after the date of the enactment*  
17 *of an Act that contains a provision authorizing the Depart-*  
18 *ment of Defense to enter into a multiyear contract for the*  
19 *C–17 aircraft program.*

20       *SEC. 804. (a) In addition to the amounts made avail-*  
21 *able in Public Law 104–61 under the heading “Research,*  
22 *Development, Test and Evaluation, Defense-Wide”,*  
23 *\$50,000,000 is hereby made available to continue the activi-*  
24 *ties of the semiconductor manufacturing consortium known*  
25 *as Sematech.*

1       (b) Of the funds made available in Public Law 104–  
2 61 under the heading “Research, Development, Test and  
3 Evaluation, Army”, \$7,000,000 are rescinded.

4       (c) Of the funds made available in Public Law 104–  
5 61 under the heading “Research, Development, Test and  
6 Evaluation, Navy”, \$12,500,000 are rescinded.

7       (d) Of the funds made available in Public Law 104–  
8 61 under the heading “Research, Development, Test and  
9 Evaluation, Air Force”, \$16,000,000 are rescinded.

10       (e) Of the funds made available in Public Law 104–  
11 61 under the heading “Research, Development, Test and  
12 Evaluation, Defense-Wide”, \$14,500,000 are rescinded.

13       (f) Of the funds rescinded under subsection (e) of this  
14 provision, none of the reduction shall be applied to the Bal-  
15 listic Missile Defense Organization.

16       SEC. 805. Of the funds appropriated in title II of Pub-  
17 lic Law 104–61, under the heading “Overseas Humaniti-  
18 tarian, Disaster, and Civic Aid”, for training and activities  
19 related to the clearing of landmines for humanitarian pur-  
20 poses, up to \$15,000,000 may be transferred to “Operations  
21 and Maintenance, Defense Wide”, to be available for the  
22 payment of travel, transportation and subsistence expenses  
23 of Department of Defense personnel incurred in carrying  
24 out humanitarian assistance activities related to the detec-  
25 tion and clearance of landmines.



1       *SEC. 806. Notwithstanding any other provision of law,*  
2 *\$15,000,000 made available for “Operations and Mainte-*  
3 *nance, Army” in P.L. 104–61 shall be obligated for the re-*  
4 *mediation of environmental contamination at the National*  
5 *Presto Industries, Inc. site in Eau Claire, Wisconsin. These*  
6 *funds shall be obligated only for the implementation and*  
7 *execution of the 1988 agreement between the Department*  
8 *of the Army and National Presto Industries, Inc.*

9       *SEC. 807. (a) Subsection (b) of section 802 of the*  
10 *David L. Boren National Security Education Act of 1991*  
11 *(50 U.S.C. 1902) is amended by adding after paragraph*  
12 *(3), flush to the subsection margin, the following:*

13 *“Notwithstanding any other provision of law, including the*  
14 *matter under the heading ‘NATIONAL SECURITY EDUCATION*  
15 *TRUST FUND’ in title VII of Public Law 104–61, the work*  
16 *of an individual accepting a scholarship or fellowship under*  
17 *the program shall be the work specified in paragraph (2),*  
18 *or such other work as the individual and the Secretary*  
19 *agree upon under an agreement having modified service re-*  
20 *quirements pursuant to subsection (f).”*

21       *(b) Such section is further amended by adding at the*  
22 *end the following:*

23       *“(f) AUTHORITY TO MODIFY SERVICE AGREEMENT*  
24 *REQUIREMENTS.—The Secretary shall have sole authority*

1 to modify, amend, or revise the requirements under sub-  
2 section (b) that apply to service agreements.”.

3 (c) Subsection (a) of such section is amended by add-  
4 ing at the end the following:

5 “(5) *EMPLOYMENT OPPORTUNITY OUTREACH.*—  
6 The Secretary shall take appropriate actions to make  
7 available to recipients of scholarships or fellowships  
8 under the program information on employment op-  
9 portunities in the departments and agencies of the  
10 Federal Government having responsibility for na-  
11 tional security matters.”.

12 *SEC. 808. (a)(1) Section 1177 of title 10, United States*  
13 *Code, relating to mandatory discharge or retirement of*  
14 *members of the Armed Forces infected with HIV-1 virus,*  
15 *is repealed.*

16 (2) *The table of sections at the beginning of chapter*  
17 *59 of such title is amended by striking out the item relating*  
18 *to section 1177.*

19 (b) *Subsection (b) of section 567 of the National De-*  
20 *fense Authorization Act for Fiscal Year 1996 is repealed.*

21 (TRANSFER OF FUNDS)

22 *SEC. 809. Of the funds appropriated or otherwise made*  
23 *available in title IV of the Department of Defense Appro-*  
24 *priations Act, 1996 (Public Law 104-61) under the para-*  
25 *graph “RESEARCH, DEVELOPMENT, TEST, AND EVALUA-*  
26 *TION, AIR FORCE”, \$44,900,000 are transferred to and*

1 merged with funds appropriated or otherwise made avail-  
2 able under title II of that Act under the paragraph “OPER-  
3 ATION AND MAINTENANCE, AIR FORCE” and shall be avail-  
4 able for obligation and expenditure for the operation and  
5 maintenance of 94 B-52H bomber aircraft in active status  
6 or in attrition reserve.

7       SEC. 810. Of the funds made available in Public Law  
8 104-61 under the heading “RESEARCH, DEVELOPMENT,  
9 TEST AND EVALUATION, DEFENSE-WIDE”, \$500,000 of the  
10 funds provided for the Advanced Research Projects Agency  
11 may be available to purchase photographic technology to  
12 support research in detonation physics: Provided, That the  
13 Director of Defense Research and Engineering shall provide  
14 the congressional defense committees on appropriations  
15 with a plan for the acquisition and use of this instrument  
16 no later than April 29, 1996.

17       SEC. 811. Of the funds made available in Public Law  
18 104-61 under the heading “RESEARCH, DEVELOPMENT,  
19 TEST AND EVALUATION, DEFENSE-WIDE”, up to \$2,000,000  
20 of the funds provided for the Joint DoD-DoE Munitions  
21 Technology Development program element shall be used to  
22 develop and test an open-architecture machine tool control-  
23 ler.

1                                    *CHAPTER 9*  
2                                    *DEPARTMENT OF DEFENSE*  
3                                    *MILITARY CONSTRUCTION*  
4                                    *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*  
5                                    *INVESTMENT PROGRAM*

6                    *For an additional amount for “North Atlantic Treaty*  
7 *Organization Security Investment Program”, \$37,500,000,*  
8 *to remain available until expended: Provided, That the Sec-*  
9 *retary of Defense may make additional contributions for*  
10 *the North Atlantic Treaty Organization as provided in sec-*  
11 *tion 2806 of title 10, United States Code: Provided further,*  
12 *That the entire amount is designated by Congress as an*  
13 *emergency requirement pursuant to section 251(b)(2)(D)(i)*  
14 *of the Balanced Budget and Emergency Deficit Control Act*  
15 *of 1985, as amended.*

16                                    *GENERAL PROVISIONS*

17 ***SEC. 901. LAND CONVEYANCE, ARMY RESERVE CENTER,***  
18 ***GREENSBORO, ALABAMA.***

19                    *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*  
20 *Army may convey, without consideration, to Hale County,*  
21 *Alabama, all right, title, and interest of the United States*  
22 *in and to a parcel of real property consisting of approxi-*  
23 *mately 5.17 acres and located at the Army Reserve Center,*  
24 *Greensboro, Alabama, that was conveyed by Hale County,*

1 *Alabama, to the United States by warranty deed dated Sep-*  
 2 *tember 12, 1988.*

3 *(b) DESCRIPTION OF PROPERTY.—The exact acreage*  
 4 *and legal description of the property conveyed under sub-*  
 5 *section (a) shall be as described in the deed referred to in*  
 6 *that subsection.*

7 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
 8 *retary may require such additional terms and conditions*  
 9 *in connection with the conveyance under this section as the*  
 10 *Secretary considers appropriate to protect the interests of*  
 11 *the United States.*

12 *CHAPTER 10*

13 *RESCINDING CERTAIN BUDGET AUTHORITY*

14 *FOREIGN OPERATIONS, EXPORT FINANCING, AND*

15 *RELATED PROGRAMS*

16 *EXPORT AND INVESTMENT ASSISTANCE*

17 *EXPORT-IMPORT BANK OF THE UNITED STATES*

18 *SUBSIDY APPROPRIATION*

19 *(RESCISSION)*

20 *Of the funds made available under this heading in*  
 21 *Public Law 104–107, \$25,000,000 are rescinded.*

1            *DEPARTMENT OF DEFENSE—MILITARY*  
2                            *PROCUREMENT*

3                            *MISSILE PROCUREMENT, AIR FORCE*  
4    *(RESCISSION)*

5            *Of the funds made available under this heading in*  
6 *Public Law 103–335, \$310,000,000 are rescinded.*

7                            *OTHER PROCUREMENT, AIR FORCE*  
8    *(RESCISSION)*

9            *Of the funds made available under this heading in*  
10 *Public Law 103–335, \$265,000,000 are rescinded.*

11                            *RESEARCH, DEVELOPMENT, TEST AND*  
12    *EVALUATION*

13 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*  
14    *FORCE*

15    *(RESCISSION)*

16            *Of the funds made available under this heading in*  
17 *Public Law 103–335, \$245,000,000 are rescinded.*

1                                    *CHAPTER 11*  
2                                    *TREASURY, POSTAL SERVICE AND*  
3                                    *GENERAL GOVERNMENT*  
4                                    *EXECUTIVE OFFICE OF THE PRESIDENT AND*  
5                                    *FUNDS APPROPRIATED TO THE PRESIDENT*  
6                                    *OFFICE OF NATIONAL DRUG CONTROL POLICY*  
7                                    *SALARIES AND EXPENSES*  
8                                    *(INCLUDING TRANSFER OF FUNDS)*  
9                                    *For an additional amount for “Salaries and Ex-*  
10 *penses,” \$3,900,000.*

11                                    *INDEPENDENT AGENCIES*  
12                                    *GENERAL SERVICES ADMINISTRATION*  
13                                    *FEDERAL BUILDINGS FUND*  
14                                    *LIMITATIONS ON AVAILABILITY OF REVENUE*  
15                                    *(RESCISSION)*  
16                                    *Of the funds made available for installment acquisi-*  
17 *tion payments under this heading in Public Law 104–52,*  
18 *\$3,500,000 are rescinded: Provided, That of the funds made*  
19 *available for advance design under this heading in Public*  
20 *Law 104–52, \$200,000 are rescinded: Provided further,*  
21 *That the aggregate amount made available to the Fund*  
22 *shall be \$5,062,449,000.*

1 *UNITED STATES TAX COURT*2 *SALARIES AND EXPENSES*3 *(RESCISSION)*

4 *Of the funds made available under this heading in*  
5 *public law 104–52, \$200,000 are rescinded.*

6 *CHAPTER 12*7 *GENERAL PROVISIONS*

8 *SEC. 1201. In administering funds provided herein for*  
9 *domestic assistance, the Secretary of any involved depart-*  
10 *ment may waive or specify alternative requirements for any*  
11 *provision of any statute or regulation that the Secretary*  
12 *administers in connection with the obligation by the Sec-*  
13 *retary or any use of the recipient of these funds, except for*  
14 *the requirement related to civil rights, fair housing and*  
15 *nondiscrimination, the environment, and labor standards,*  
16 *upon finding that such waiver is required to facilitate the*  
17 *obligation and use of such funds would not be inconsistent*  
18 *with the overall purpose of the statute or regulation.*

19 *SEC. 1202. No part of any appropriation contained*  
20 *in this title shall remain available for obligation beyond*  
21 *the current fiscal year unless expressly so provided herein.*

22 ***SEC. 1203. ALLOCATION OF FUNDS.***

23 *Notwithstanding any other provision of this title,*  
24 *funds made available under this title for emergency or dis-*  
25 *aster assistance programs of the Department of Agriculture,*



1 *Department of Housing and Urban Development, Economic*  
2 *Development Administration, National Park Service, Small*  
3 *Business Administration, and United States Fish and*  
4 *Wildlife Service shall be allocated in accordance with the*  
5 *established prioritization process of the respective Depart-*  
6 *ment, Administration, or Service.*

7 *DEPARTMENT OF JUSTICE*

8 *FEDERAL BUREAU OF INVESTIGATION*

9 *SALARIES AND EXPENSES*

10 *For an additional amount for emergency expenses nec-*  
11 *essary to enhance the Federal Bureau of Investigation's ef-*  
12 *forts in the United States to combat Middle Eastern terror-*  
13 *ism, \$7,000,000, to remain available until expended: Pro-*  
14 *vided, That such activities shall include efforts to enforce*  
15 *Executive Order 12947 ("Prohibiting Transactions with*  
16 *Terrorists Who Threaten to Disrupt the Middle East Peace*  
17 *Process") to prevent fundraising in the United States on*  
18 *the behalf of organizations that support terror to undermine*  
19 *the peace process: Provided further, That the entire amount*  
20 *is hereby designated by Congress as an emergency require-*  
21 *ment pursuant to section 251(b)(2)(D)(i) of the Balanced*  
22 *Budget and Emergency Deficit Control Act of 1985, as*  
23 *amended: Provided further, That the entire amount shall*  
24 *be available only to the extent an official budget request,*  
25 *for a specific dollar amount, that includes designation of*

1 *the entire amount of the request as an emergency require-*  
2 *ment as defined in the Balanced Budget and Emergency*  
3 *Deficit Control Act of 1985, as amended, is transmitted to*  
4 *Congress.*

5 *DEPARTMENT OF THE TREASURY*

6 *DEPARTMENTAL OFFICES*

7 *SALARIES AND EXPENSES*

8 *For an additional amount for emergency expenses nec-*  
9 *essary to enhance the Office of Foreign Assets Control's ef-*  
10 *forts in the United States to combat Middle Eastern terror-*  
11 *ism, \$3,000,000, to remain available until expended: Pro-*  
12 *vided, That such activities shall include efforts to enforce*  
13 *Executive Order 12947 ("Prohibiting Transactions with*  
14 *Terrorists Who Threaten to Disrupt the Middle East Peace*  
15 *Process") to prevent fundraising in the United States on*  
16 *the behalf of organizations that support terror to undermine*  
17 *the peace process: Provided further, That the entire amount*  
18 *is hereby designated by Congress as an emergency require-*  
19 *ment pursuant to section 251(b)(2)(D)(i) of the Balanced*  
20 *Budget and Emergency Deficit Control Act of 1985, as*  
21 *amended: Provided further, That the entire amount, shall*  
22 *be available only to the extent an official budget request,*  
23 *for a specific dollar amount, that includes designation of*  
24 *the entire amount of the request as an emergency require-*  
25 *ment as defined in the Balanced Budget and Emergency*

1 *Deficit Control Act of 1985, as amended, is transmitted to*  
2 *Congress.*

3 *This title may be cited as the “Emergency Supple-*  
4 *mental Appropriations Act of 1996”.*

5 ***TITLE III—MISCELLANEOUS PROVISIONS***

6 *SEC. 3001. The President may make available funds*  
7 *for population planning activities or other population as-*  
8 *sistance pursuant to programs under title II and title IV*  
9 *of the Foreign Operations, Export Financing, and Related*  
10 *Programs Appropriations Act, 1996, Public Law 104–107,*  
11 *notwithstanding the provisions of section 518A of such Act,*  
12 *if he determines and reports to the Congress that the effects*  
13 *of those restrictions would be that the demand for family*  
14 *planning services would be less likely to be met and that*  
15 *there would be a significant increase in abortions than*  
16 *would otherwise be the case in the absence of such restric-*  
17 *tions.*

18 *SEC. 3002. Section 308(d) of the Interjurisdictional*  
19 *Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended—*

20 *(1) in the heading, by striking “GRANTS” and*  
21 *inserting “ASSISTANCE”;*

22 *(2) in paragraph (1), by striking “award grants*  
23 *to persons engaged in commercial fisheries, for unin-*  
24 *sured losses determined by the Secretary to have been*  
25 *suffered” and inserting “assist persons engaged in*

1 *commercial fisheries by providing direct assistance to*  
2 *those persons or by providing indirect assistance to*  
3 *those persons through assistance to agencies of States*  
4 *and political subdivisions thereof and to nonprofit or-*  
5 *ganizations, for projects or other measures designed to*  
6 *alleviate harm that the Secretary determines was in-*  
7 *curred”;*

8 *(3) in paragraph (3), by striking “a grant” and*  
9 *inserting “direct assistance to a person”;*

10 *(4) by striking “gross revenues annually,” in*  
11 *paragraph (3) and inserting “net annual revenue*  
12 *from commercial fisheries,”;*

13 *(5) by striking paragraph (4) and inserting the*  
14 *following:*

15 *“(4) Assistance may not be provided under this*  
16 *subsection as part of a fishing capacity reduction*  
17 *program in a fishery unless the Secretary determines*  
18 *that—*

19 *“(A) adequate conservation and manage-*  
20 *ment measures are in place in that fishery; and*

21 *“(B) adequate measures are in place to pre-*  
22 *vent the replacement of fishing capacity elimi-*  
23 *nated by the program in that fishery.”; and*

24 *(6) in paragraph (5), by striking “for awarding*  
25 *grants” and all that follows through the end of the*

1 paragraph and inserting “for providing assistance  
2 under this subsection.”.

3 **SEC. 3003. BONNEVILLE POWER ADMINISTRATION REFI-**  
4 **NANCING.**

5 (a) *DEFINITIONS.*—

6 *For the purposes of this section—*

7 (1) “Administrator” means the Adminis-  
8 trator of the Bonneville Power Administration;

9 (2) “capital investment” means a capital-  
10 ized cost funded by Federal appropriations  
11 that—

12 (A) is for a project, facility, or sepa-  
13 rable unit or feature of a project or facility;

14 (B) is a cost for which the Adminis-  
15 trator is required by law to establish rates  
16 to repay to the United States Treasury  
17 through the sale of electric power, trans-  
18 mission, or other services;

19 (C) excludes a Federal irrigation in-  
20 vestment; and

21 (D) excludes an investment financed by  
22 the current revenues of the Administrator or  
23 by bonds issued and sold, or authorized to  
24 be issued and sold, by the Administrator  
25 under section 13 of the Federal Columbia

1           *River Transmission System Act (16 U.S.C.*  
2           *838k);*

3           (3) “*new capital investment*” means a cap-  
4           *ital investment for a project, facility, or sepa-*  
5           *rable unit or feature of a project or facility,*  
6           *placed in service after September 30, 1996;*

7           (4) “*old capital investment*” means a cap-  
8           *ital investment the capitalized cost of which—*

9                   (A) *was incurred, but not repaid, be-*  
10                  *fore October 1, 1996, and*

11                   (B) *was for a project, facility, or sepa-*  
12                  *rable unit or feature of a project or facility,*  
13                  *placed in service before October 1, 1996;*

14           (5) “*repayment date*” means *the end of the*  
15           *period within which the Administrator’s rates*  
16           *are to assure the repayment of the principal*  
17           *amount of a capital investment; and*

18           (6) “*Treasury rate*” means—

19                   (A) *for an old capital investment, a*  
20                  *rate determined by the Secretary of the*  
21                  *Treasury, taking into consideration prevail-*  
22                  *ing market yields, during the month preced-*  
23                  *ing October 1, 1996, on outstanding inter-*  
24                  *est-bearing obligations of the United States*  
25                  *with periods to maturity comparable to the*

1            *period between October 1, 1996, and the re-*  
2            *payment date for the old capital invest-*  
3            *ment; and*

4            *(B) for a new capital investment, a*  
5            *rate determined by the Secretary of the*  
6            *Treasury, taking into consideration prevail-*  
7            *ing market yields, during the month preced-*  
8            *ing the beginning of the fiscal year in which*  
9            *the related project, facility, or separable*  
10           *unit or feature is placed in service, on out-*  
11           *standing interest-bearing obligations of the*  
12           *United States with periods to maturity*  
13           *comparable to the period between the begin-*  
14           *ning of the fiscal year and the repayment*  
15           *date for the new capital investment.*

16           *(b) NEW PRINCIPAL AMOUNTS.—*

17           *(1) PRINCIPAL AMOUNT.—Effective October 1,*  
18           *1996, an old capital investment has a new principal*  
19           *amount that is the sum of—*

20           *(A) the present value of the old payment*  
21           *amounts for the old capital investment, cal-*  
22           *culated using a discount rate equal to the Treas-*  
23           *ury rate for the old capital investment; and*

24           *(B) an amount equal to \$100,000,000 mul-*  
25           *tiplied by a fraction whose numerator is the*

1           *principal amount of the old payment amounts*  
2           *for the old capital investment and whose denomi-*  
3           *nator is the sum of the principal amounts of the*  
4           *old payment amounts for all old capital invest-*  
5           *ments.*

6           (2) *DETERMINATION.*—*With the approval of the*  
7           *Secretary of the Treasury based solely on consistency*  
8           *with this section, the Administrator shall determine*  
9           *the new principal amounts under subsection (b) and*  
10          *the assignment of interest rates to the new principal*  
11          *amounts under subsection (c).*

12          (3) *OLD PAYMENT AMOUNTS.*—*For the purposes*  
13          *of this subsection, “old payment amounts” means, for*  
14          *an old capital investment, the annual interest and*  
15          *principal that the Administrator would have paid to*  
16          *the United States Treasury from October 1, 1996, if*  
17          *this section had not been enacted, assuming that—*

18                (A) *the principal were repaid—*

19                    (i) *on the repayment date the Adminis-*  
20                    *trator assigned before October 1, 1994, to*  
21                    *the old capital investment, or*

22                    (ii) *with respect to an old capital in-*  
23                    *vestment for which the Administrator has*  
24                    *not assigned a repayment date before Octo-*  
25                    *ber 1, 1994, on a repayment date the Ad-*



1            *administrator shall assign to the old capital*  
2            *investment in accordance with paragraph*  
3            *10(d)(1) of the version of Department of*  
4            *Energy Order RA 6120.2 in effect on Octo-*  
5            *ber 1, 1994; and*

6            *(B) interest were paid—*

7                    *(i) at the interest rate the Adminis-*  
8                    *trator assigned before October 1, 1994, to*  
9                    *the old capital investment, or*

10                   *(ii) with respect to an old capital in-*  
11                   *vestment for which the Administrator has*  
12                   *not assigned an interest rate before October*  
13                   *1, 1994, at a rate determined by the Sec-*  
14                   *retary of the Treasury, taking into consider-*  
15                   *ation prevailing market yields, during the*  
16                   *month preceding the beginning of the fiscal*  
17                   *year in which the related project, facility,*  
18                   *or separable unit or feature is placed in*  
19                   *service, on outstanding interest-bearing obli-*  
20                   *gations of the United States with periods to*  
21                   *maturity comparable to the period between*  
22                   *the beginning of the fiscal year and the re-*  
23                   *payment date for the old capital invest-*  
24                   *ment.*

25            *(c) INTEREST RATE FOR NEW PRINCIPAL AMOUNTS.—*

1           *As of October 1, 1996, the unpaid balance on the*  
2           *new principal amount established for an old capital*  
3           *investment under subsection (b) bears interest annu-*  
4           *ally at the Treasury rate for the old capital invest-*  
5           *ment until the earlier of the date that the new prin-*  
6           *cipal amount is repaid or the repayment date for the*  
7           *new principal amount.*

8           *(d) REPAYMENT DATES.—*

9           *As of October 1, 1996, the repayment date for the*  
10           *new principal amount established for an old capital*  
11           *investment under subsection (b) is no earlier than the*  
12           *repayment date for the old capital investment as-*  
13           *sumed in subsection (b)(3)(A).*

14           *(e) PREPAYMENT LIMITATIONS.—*

15           *During the period October 1, 1996, through Sep-*  
16           *tember 30, 2001, the total new principal amounts of*  
17           *old capital investments, as established under sub-*  
18           *section (b), that the Administrator may pay before*  
19           *their respective repayment dates shall not exceed*  
20           *\$100,000,000.*

21           *(f) INTEREST RATES FOR NEW CAPITAL INVESTMENTS*

22           *DURING CONSTRUCTION.—*

23           *(1) NEW CAPITAL INVESTMENT.—The principal*  
24           *amount of a new capital investment includes interest*  
25           *in each fiscal year of construction of the related*

1 *project, facility, or separable unit or feature at a rate*  
2 *equal to the one-year rate for the fiscal year on the*  
3 *sum of—*

4 *(A) construction expenditures that were*  
5 *made from the date construction commenced*  
6 *through the end of the fiscal year, and*

7 *(B) accrued interest during construction.*

8 *(2) PAYMENT.—The Administrator is not re-*  
9 *quired to pay, during construction of the project, fa-*  
10 *ility, or separable unit or feature, the interest cal-*  
11 *culated, accrued, and capitalized under subsection*  
12 *(f)(1).*

13 *(3) ONE-YEAR RATE.—For the purposes of this*  
14 *section, “one-year rate” for a fiscal year means a rate*  
15 *determined by the Secretary of the Treasury, taking*  
16 *into consideration prevailing market yields, during*  
17 *the month preceding the beginning of the fiscal year,*  
18 *on outstanding interest-bearing obligations of the*  
19 *United States with periods to maturity of approxi-*  
20 *mately one year.*

21 *(g) INTEREST RATES FOR NEW CAPITAL INVEST-*

22 *MENTS.—*

23 *The unpaid balance on the principal amount of*  
24 *a new capital investment bears interest at the Treas-*  
25 *ury rate for the new capital investment from the date*

1        *the related project, facility, or separable unit or fea-*  
2        *ture is placed in service until the earlier of the date*  
3        *the new capital investment is repaid or the repay-*  
4        *ment date for the new capital investment.*

5        *(h) CREDITS TO ADMINISTRATOR'S REPAYMENT TO*  
6        *THE UNITED STATES TREASURY.—*

7                *The Confederated Tribe of the Colville Reserva-*  
8        *tion Grand Coulee Dam Settlement Act (Public Law*  
9        *No. 103-436; 108 Stat. 4577) is amended by striking*  
10        *section 6 and inserting the following:*

11        ***“SEC. 6. CREDITS TO ADMINISTRATOR'S REPAYMENT TO***  
12                ***THE UNITED STATES TREASURY***

13        *So long as the Administrator makes annual payments*  
14        *to the tribes under the settlement agreement, the Adminis-*  
15        *trator shall apply against amounts otherwise payable by*  
16        *the Administrator to the United States Treasury a credit*  
17        *that reduces the Administrator's payment, in the amount*  
18        *and for each fiscal year as follows: \$15,860,000 in fiscal*  
19        *year 1997; \$16,490,000 in fiscal year 1998; \$17,150,000 in*  
20        *fiscal year 1999; \$17,840,000 in fiscal year 2000;*  
21        *\$18,550,000 in fiscal year 2001; and \$4,600,000 in each*  
22        *succeeding fiscal year.”.*

23        *(i) CONTRACT PROVISIONS.—*

24                *In each contract of the Administrator that pro-*  
25        *vides for the Administrator to sell electric power,*

1        *transmission, or related services, and that is in effect*  
2        *after September 30, 1996, the Administrator shall*  
3        *offer to include, or as the case may be, shall offer to*  
4        *amend to include, provisions specifying that after*  
5        *September 30, 1996—*

6                *(1) the Administrator shall establish rates*  
7                *and charges on the basis that—*

8                        *(A) the principal amount of an old*  
9                        *capital investment shall be no greater than*  
10                        *the new principal amount established under*  
11                        *subsection (b);*

12                        *(B) the interest rate applicable to the*  
13                        *unpaid balance of the new principal*  
14                        *amount of an old capital investment shall*  
15                        *be no greater than the interest rate estab-*  
16                        *lished under subsection (c);*

17                        *(C) any payment of principal of an*  
18                        *old capital investment shall reduce the out-*  
19                        *standing principal balance of the old cap-*  
20                        *ital investment in the amount of the pay-*  
21                        *ment at the time the payment is tendered;*  
22                        *and*

23                        *(D) any payment of interest on the un-*  
24                        *paid balance of the new principal amount*  
25                        *of an old capital investment shall be a cred-*

1            *it against the appropriate interest account*  
2            *in the amount of the payment at the time*  
3            *the payment is tendered;*

4            (2) *apart from charges necessary to repay*  
5            *the new principal amount of an old capital in-*  
6            *vestment as established under subsection (b) and*  
7            *to pay the interest on the principal amount*  
8            *under subsection (c), no amount may be charged*  
9            *for return to the United States Treasury as re-*  
10           *payment for or return on an old capital invest-*  
11           *ment, whether by way of rate, rent, lease pay-*  
12           *ment, assessment, user charge, or any other fee;*

13           (3) *amounts provided under section 1304 of*  
14           *title 31, United States Code, shall be available to*  
15           *pay, and shall be the sole source for payment of,*  
16           *a judgment against or settlement by the Admin-*  
17           *istrator or the United States on a claim for a*  
18           *breach of the contract provisions required by this*  
19           *Part; and*

20           (4) *the contract provisions specified in this*  
21           *Part do not—*

22           (A) *preclude the Administrator from*  
23           *recovering, through rates or other means,*  
24           *any tax that is generally imposed on elec-*  
25           *tric utilities in the United States, or*

1                   (B) affect the Administrator’s author-  
2                   ity under applicable law, including section  
3                   7(g) of the Pacific Northwest Electric Power  
4                   Planning and Conservation Act (16 U.S.C.  
5                   839e(g)), to—

6                   (i) allocate costs and benefits, in-  
7                   cluding but not limited to fish and  
8                   wildlife costs, to rates or resources, or

9                   (ii) design rates.

10           (j) SAVINGS PROVISIONS.—

11                   (1) REPAYMENT.—This subchapter does not af-  
12                   fect the obligation of the Administrator to repay the  
13                   principal associated with each capital investment,  
14                   and to pay interest on the principal, only from the  
15                   “Administrator’s net proceeds,” as defined in section  
16                   13 of the Federal Columbia River Transmission Sys-  
17                   tem Act (16 U.S.C. 838k(b)).

18                   (2) PAYMENT OF CAPITAL INVESTMENT.—Except  
19                   as provided in subsection (e), this section does not af-  
20                   fect the authority of the Administrator to pay all or  
21                   a portion of the principal amount associated with a  
22                   capital investment before the repayment date for the  
23                   principal amount.

24           SEC. 3004. Notwithstanding any other provision of  
25 law, of the amounts made available under the Federal

1 *Transit Administration's Discretionary Grants program*  
2 *for Kauai, Hawaii in Public Law 103-122 and Public Law*  
3 *103-311, \$3,250,000 shall be transferred to and adminis-*  
4 *tered in accordance with 49 U.S.C. 5307 and made avail-*  
5 *able for operating expenses to Kauai, Hawaii.*

6       *SEC. 3005. The Secretary shall advance emergency re-*  
7 *lief funds to the State of Missouri for the replacement in*  
8 *kind of the Hannibal Bridge on the Mississippi River dam-*  
9 *aged by the 1993 floods notwithstanding the provisions of*  
10 *section 125 of title 23, United States Code: Provided, That*  
11 *this provision shall be subject to the Federal Share provi-*  
12 *sions of section 120, title 123, United States Code.*

13       *SEC. 3006. (a) SURFACE TRANSPORTATION PRO-*  
14 *GRAM.—Notwithstanding section 133 of title 23, United*  
15 *States Code, for fiscal year 1996 and each subsequent fiscal*  
16 *year, the State of Vermont may obligate funds apportioned*  
17 *to the State for the surface transportation program estab-*  
18 *lished under section 133 of the title for—*

19           (1) *construction, reconstruction, rehabilitation,*  
20 *resurfacing, restoration, and operational improve-*  
21 *ments for railroads, including any such construction*  
22 *or reconstruction necessary to accommodate other*  
23 *transportation modes;*

24           (2) *all eligible activities under section 5311 of*  
25 *title 49, United States Code, and publicly owned rail*



1 *passenger terminals and facilities, including termi-*  
2 *nals and facilities owned by the National Railroad*  
3 *Passenger Corporation;*

4 *(3) capital costs for passenger rail services; and*  
5 *(4) beginning in fiscal year 1997, operating costs*  
6 *for passenger rail services.*

7 *(b) CONGESTION MITIGATION AND AIR QUALITY IM-*  
8 *PROVEMENT PROGRAM.—Notwithstanding section 149 of*  
9 *title 23, United States Code, for fiscal year 1996 and each*  
10 *subsequent fiscal year, the State of Vermont may obligate*  
11 *funds apportioned to the State for the congestion mitigation*  
12 *and air quality improvement program established under the*  
13 *section for a transportation project or program that—*

14 *(1) is for an area in the State described in the*  
15 *matter preceding paragraph (1) of section 149(b) of*  
16 *the title; and*

17 *(2) will have air quality benefits through con-*  
18 *struction of, and operational improvements for, inter-*  
19 *city passenger rail facilities, operation of intercity*  
20 *passenger rail trains, and acquisition of rolling stock*  
21 *for intercity passenger rail service, except that not*  
22 *more than 50 percent of the amount received by the*  
23 *State for a fiscal year under this subsection may be*  
24 *obligated for operating support.*

1       *SEC. 3007. Any funds heretofore appropriated and*  
2 *made available in Public Law 102–104 and Public Law*  
3 *102–377 to carry out the provisions for the project for navi-*  
4 *gation, St. Louis Harbor, Missouri and Illinois; may be*  
5 *utilized by the Secretary of the Army in carrying out the*  
6 *Upper Mississippi and Illinois Waterway System Naviga-*  
7 *tion Study, Iowa, Illinois, Missouri, Wisconsin, Minnesota,*  
8 *in fiscal year 1996 or until expended.*

9       *SEC. 3008. The Secretary of Health and Human Serv-*  
10 *ices shall grant a waiver of the requirements set forth in*  
11 *section 1903(m)(2)(A)(ii) of the Social Security Act to D.C.*  
12 *Chartered Health Plan, Inc. of the District of Columbia:*  
13 *Provided, That such waiver shall be deemed to have been*  
14 *in place for all contract periods from October 1, 1991*  
15 *through the current contract period or October 1, 1999,*  
16 *whichever shall be later.*

17       *SEC. 3009. Of the funds appropriated by Public Law*  
18 *104–37 or otherwise made available to the Food Safety and*  
19 *Inspection Service for fiscal year 1996, not less than*  
20 *\$363,000,000 shall be available for salaries and benefits of*  
21 *in-plant personnel: Provided, That this limitation shall not*  
22 *apply if the Secretary of Agriculture certifies to the House*  
23 *and Senate Committees on Appropriations that a lesser*  
24 *amount will be adequate to fully meet in-plant inspection*  
25 *requirements for the fiscal year.*

1        *SEC. 3010. The appropriation for the Arms Control*  
2 *and Disarmament Agency in Public Law 103–317 (108*  
3 *Stat. 1768) is amended by deleting after “until expended”*  
4 *the following: “only for activities related to the implementa-*  
5 *tion of the Chemical Weapons Convention”: Provided, That*  
6 *amounts made available shall not be used to undertake new*  
7 *programs or to increase employment above levels on board*  
8 *at the time of enactment of this Act.*

9        *SEC. 3011. Section 347(b)(3) of the Department of*  
10 *Transportation and Related Agencies Appropriations Act,*  
11 *1996 (P.L. 104–50), is amended to read as follows:*

12            *“(3) chapter 71, relating to labor-management*  
13 *relations.”.*

14        *SEC. 3012. Within its Mission to Planet Earth pro-*  
15 *gram, NASA is urged to fund Phase A studies for a radar*  
16 *satellite initiative.*

17 ***SEC. 3013. ESTABLISHMENT OF PROHIBITION AGAINST***  
18 ***ABORTION-RELATED DISCRIMINATION IN***  
19 ***TRAINING AND LICENSING OF PHYSICIANS.***

20        *Part B of title II of the Public Health Service Act (42*  
21 *U.S.C. 238 et seq.) is amended by adding at the end the*  
22 *following section:*

1 “*ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL*  
2 *ACTIVITIES REGARDING TRAINING AND LICENSING OF*  
3 *PHYSICIANS*

4 “*SEC. 245. (a) IN GENERAL.—The Federal Govern-*  
5 *ment, and any State or local government that receives Fed-*  
6 *eral financial assistance, may not subject any health care*  
7 *entity to discrimination on the basis that—*

8 “*(1) the entity refuses to undergo training in the*  
9 *performance of induced abortions, to require or pro-*  
10 *vide such training, to perform such abortions, or to*  
11 *provide referrals for such training or such abortions;*

12 “*(2) the entity refuses to make arrangements for*  
13 *any of the activities specified in paragraph (1); or*

14 “*(3) the entity attends (or attended) a post-*  
15 *graduate physician training program, or any other*  
16 *program of training in the health professions, that*  
17 *does not (or did not) perform induced abortions or re-*  
18 *quire, provide or refer for training in the performance*  
19 *of induced abortions, or make arrangements for the*  
20 *provision of such training.*

21 “*(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN*  
22 *TRAINING PROGRAMS.—*

23 “*(1) IN GENERAL.—In determining whether to*  
24 *grant a legal status to a health care entity (including*  
25 *a license or certificate), or to provide such entity with*

1       *financial assistance, services or other benefits, the*  
2       *Federal Government, or any State or local govern-*  
3       *ment that receives Federal financial assistance, shall*  
4       *deem accredited any postgraduate physician training*  
5       *program that would be accredited but for the accredit-*  
6       *ing agency's reliance upon an accreditation standards*  
7       *that requires an entity to perform an induced abor-*  
8       *tion or require, provide, or refer for training in the*  
9       *performance of induced abortions, or make arrange-*  
10      *ments for such training, regardless of whether such*  
11      *standard provides exceptions or exemptions. The gov-*  
12      *ernment involved shall formulate such regulations or*  
13      *other mechanisms, or enter into such agreements with*  
14      *accrediting agencies, as are necessary to comply with*  
15      *this subsection.*

16               “(2) *RULES OF CONSTRUCTION.*—

17                       “(A) *IN GENERAL.*—*With respect to*  
18                       *subclauses (I) and (II) of section 705(a)(2)(B)(i)*  
19                       *(relating to a program of insured loans for*  
20                       *training in the health professions), the require-*  
21                       *ments in such subclauses regarding accredited*  
22                       *internship or residency programs are subject to*  
23                       *paragraph (1) of this subsection.*

24                       “(B) *EXCEPTIONS.*—*This section shall*  
25                       *not—*

1           “(i) prevent any health care entity  
2           from voluntarily electing to be trained, to  
3           train, or to arrange for training in the per-  
4           formance of, to perform, or to make referrals  
5           for induced abortions; or

6           “(ii) prevent an accrediting agency or  
7           a Federal, State or local government from  
8           establishing standards of medical com-  
9           petency applicable only to those individuals  
10          who have voluntarily elected to perform  
11          abortions.

12          “(c) *DEFINITIONS.*—For purposes of this section:

13                 “(1) The term ‘financial assistance’, with respect  
14                 to a government program, includes governmental pay-  
15                 ments provided as reimbursement for carrying out  
16                 health-related activities.

17                 “(2) The term ‘health care entity’ includes an in-  
18                 dividual physician, a postgraduate physician train-  
19                 ing program, and a participant in a program of  
20                 training in the health professions.

21                 “(3) The term ‘postgraduate physician training  
22                 program’ includes a residency training program.”.

23          *SEC. 3014. (a) The Senate finds that:*

24                 (1) Record low temperatures across the country  
25                 this winter, coupled with record snowfalls in many

1        *areas, have generated substantial and sustained de-*  
2        *mand among eligible low-income Americans for home*  
3        *heating assistance, and put many who face heating-*  
4        *related crises at risk.*

5            *(2) Home heating assistance for working and*  
6        *low-income families with children, the elderly on fixed*  
7        *incomes, the disabled, and others who need such help*  
8        *is a critical part of the social safety net in cold-*  
9        *weather areas.*

10           *(3) The President has released approximately*  
11        *\$900,000,000 in regular Low Income Home Energy*  
12        *Assistance Program (LIHEAP) funding for this year,*  
13        *compared to a funding level of \$1,319,000,000 last*  
14        *year, and a large LIHEAP funding shortfall remains*  
15        *which has adversely affected eligible recipients in*  
16        *many cold-weather States.*

17           *(4) LIHEAP is a highly targeted, cost-effective*  
18        *way to help approximately 6 million low-income*  
19        *Americans to pay their energy bills. More than two-*  
20        *thirds of LIHEAP-eligible households have annual in-*  
21        *comes of less than \$8,000; more than one-half have*  
22        *annual incomes below \$6,000.*

23           *(5) LIHEAP program funding has been substan-*  
24        *tially reduced in recent years, and cannot sustain*  
25        *any further spending cuts if the program is to remain*

1        *a viable means of meeting the home heating and other*  
2        *energy-related needs of low-income people in cold-*  
3        *weather States.*

4                (6) *Traditionally, LIHEAP has received advance*  
5        *appropriations for the next fiscal year. This allows*  
6        *States to properly plan for the upcoming winter and*  
7        *best serve the energy needs of low-income families.*

8                (7) *Congress was not able to pass an appropria-*  
9        *tions bill for the Departments of Labor, Health and*  
10       *Human Services, and Education by the beginning of*  
11       *this fiscal year and it was only because LIHEAP re-*  
12       *ceived advance appropriations last fiscal year that*  
13       *the President was able to release the \$578,000,000 he*  
14       *did in December—the bulk of the funds made avail-*  
15       *able to the States this winter.*

16               (8) *There is currently available to the President*  
17       *up to \$300,000,000 in emergency LIHEAP funding,*  
18       *which could be made available immediately, on a tar-*  
19       *geted basis, to meet the urgent home heating needs of*  
20       *eligible persons who otherwise could be faced with*  
21       *heating-related emergencies, including shut-offs, in the*  
22       *coming weeks.*

23        (b) *Therefore, it is the sense of the Senate that—*

24               (1) *the President should release immediately a*  
25       *substantial portion of available emergency funding*



1       *for the Low Income Home Energy Assistance Pro-*  
2       *gram for fiscal year 1996, to help meet continuing ur-*  
3       *gent needs for home heating assistance during this*  
4       *unusually cold winter; and*

5               *(2) not less than the \$1,000,000,000 in regular*  
6       *advance-appropriated LIHEAP funding for next win-*  
7       *ter provided for in this bill should be retained in a*  
8       *House-Senate conference on this measure.*

9       **SEC. 3015. LAND EXCHANGE**

10       *(a) SHORT TITLE.—This section may be cited as the*  
11       *“Greens Creek Land Exchange Act of 1996”.*

12       *(b) FINDINGS.—The Congress makes the following*  
13       *findings:*

14               *(1) The Alaska National Interest Lands Con-*  
15       *servations Act established the Admiralty Island Na-*  
16       *tional Monument and sections 503 and 504 of that*  
17       *Act provided special provisions under which the*  
18       *Greens Creek Claims would be developed. The provi-*  
19       *sions supplemented the general mining laws under*  
20       *which these claims were staked.*

21               *(2) The Kennecott Greens Creek Mining Com-*  
22       *pany, Inc., currently holds title to the Greens Creek*  
23       *Claims, and the area surrounding these claims has*  
24       *further mineral potential which is yet unexplored.*

1           (3) *Negotiations between the United States For-*  
2           *est Service and the Kennecott Greens Creek Mining*  
3           *Company, Inc., have resulted in an agreement by*  
4           *which the area surrounding the Greens Creek Claims*  
5           *could be explored and developed under terms and con-*  
6           *ditions consistent with the protection of the values of*  
7           *the Admiralty Island National Monument.*

8           (4) *The full effectuation of the Agreement, by its*  
9           *terms, requires the approval and ratification by Con-*  
10          *gress.*

11          (c) *DEFINITIONS.—As used in this section—*

12           (1) *the term “Agreement” means the document*  
13           *entitled the “Greens Creek Land Exchange Agree-*  
14           *ment” executed on December 14, 1994, by the Under*  
15           *Secretary of Agriculture for Natural Resources and*  
16           *Environment on behalf of the United States and the*  
17           *Kennecott Greens Creek Mining Company and*  
18           *Kennecott Corporation;*

19           (2) *the term “ANILCA” means the Alaska Na-*  
20           *tional Interest Lands Conservation Act, Public Law*  
21           *96–487 (94 Stat. 2371);*

22           (3) *the term “conservation system unit” has the*  
23           *same meaning as defined in section 102(4) of*  
24           *ANILCA;*

1           (4) *the term “Greens Creek Claims” means those*  
2           *patented mining claims of Kennecott Greens Creek*  
3           *Mining Company within the Monument recognized*  
4           *pursuant to section 504 of ANILCA;*

5           (5) *the term “KGCMC” means the Kennecott*  
6           *Greens Creek Mining Company, Inc., a Delaware cor-*  
7           *poration;*

8           (6) *the term “Monument” means the Admiralty*  
9           *Island National Monument in the State of Alaska es-*  
10          *tablished by section 503 of ANILCA;*

11          (7) *the term “Royalty” means Net Island Re-*  
12          *ceipts Royalty as that latter term is defined in Ex-*  
13          *hibit C to the Agreement; and*

14          (8) *the term “Secretary” means the Secretary of*  
15          *Agriculture.*

16          (d) *RATIFICATION OF THE AGREEMENT.—The Agree-*  
17          *ment is hereby ratified and confirmed as to the duties and*  
18          *obligations of the United States and its agencies, and*  
19          *KGCMC and Kennecott Corporation, as a matter of Federal*  
20          *law. The agreement may be modified or amended, without*  
21          *further action by the Congress, upon written agreement of*  
22          *all parties thereto and with notification in writing being*  
23          *made to the appropriate committees of the Congress.*

24          (e) *IMPLEMENTATION OF THE AGREEMENT.—*

1           (1) *LAND ACQUISITION.*—Without diminishment  
2 of any other land acquisition authority of the Sec-  
3 retary in Alaska and in furtherance of the purposes  
4 of the Agreement, the Secretary is authorized to ac-  
5 quire lands and interests in land within conservation  
6 system units in the Tongass National Forest, and any  
7 land or interest in land so acquired shall be adminis-  
8 tered by the Secretary as part of the National Forest  
9 System and any conservation system unit in which it  
10 is located. Priority shall be given to acquisition of  
11 non-Federal lands within the Monument.

12           (2) *ACQUISITION FUNDING.*—There is hereby es-  
13 tablished in the Treasury of the United States an ac-  
14 count entitled the ‘Greens Creek Land Exchange Ac-  
15 count’ into which shall be deposited the first  
16 \$5,000,000 in royalties received by the United States  
17 under part 6 of the Agreement after the distribution  
18 of the amounts pursuant to paragraph (3) of this sub-  
19 section. Such moneys in the special account in the  
20 Treasury may, to the extent provided in appropria-  
21 tions Acts, be used for land acquisition pursuant to  
22 paragraph (1) of this subsection.

23           (3) *TWENTY-FIVE PERCENT FUND.*—All royalties  
24 paid to the United States under the Agreement shall  
25 be subject to the 25 percent distribution provisions of

1       *the Act of May 23, 1908, as amended (16 U.S.C. 500)*  
2       *relating to payments for roads and schools.*

3           (4) *MINERAL DEVELOPMENT.*—*Notwithstanding*  
4       *any provision of ANILCA to the contrary, the lands*  
5       *and interests in lands being conveyed to KGCMC*  
6       *pursuant to the Agreement shall be available for min-*  
7       *ing and related activities subject to and in accordance*  
8       *with the terms of the Agreement and conveyances*  
9       *made thereunder.*

10          (5) *ADMINISTRATION.*—*The Secretary of Agri-*  
11       *culture is authorized to implement and administer*  
12       *the rights and obligations of the Federal Government*  
13       *under the Agreement, including monitoring the Gov-*  
14       *ernment's interests relating to extralateral rights, col-*  
15       *lecting royalties, and conducting audits. The Sec-*  
16       *retary may enter into cooperative arrangements with*  
17       *other Federal agencies for the performance of any*  
18       *Federal rights or obligations under the Agreement or*  
19       *this Act.*

20          (6) *REVERSIONS.*—*Before reversion to the United*  
21       *States of KGCMC properties located on Admiralty Is-*  
22       *land, KGCMC shall reclaim the surface disturbed in*  
23       *accordance with an approved plan of operations and*  
24       *applicable laws and regulations. Upon reversion to*  
25       *the United States of KGCMC properties located on*

1 *Admiralty, those properties located within the Monu-*  
2 *ment shall become part of the Monument and those*  
3 *properties lying outside the Monument shall be man-*  
4 *aged as part of the Tongass National Forest.*

5 (7) *SAVINGS PROVISIONS.—Implementation of*  
6 *the Agreement in accordance with this section shall*  
7 *not be deemed a major Federal action significantly*  
8 *affecting the quality of the human environment, nor*  
9 *shall implementation require further consideration*  
10 *pursuant to the National Historic Preservation Act,*  
11 *title VIII of ANILCA, or any other law.*

12 (f) *RECISSION RIGHTS.—Within 60 days of the enact-*  
13 *ment of this section, KGCMC and Kennecott Corporation*  
14 *shall have a right to rescind all rights under the Agreement*  
15 *and this section. Recision shall be effected by a duly author-*  
16 *ized resolution of the Board of Directors of either KGCMC*  
17 *or Kennecott Corporation and delivered to the Chief of the*  
18 *Forest Service at the Chief's principal office in Washington.*  
19 *District of Columbia. In the event of a recision, the status*  
20 *quo ante provisions of the Agreement shall apply.*

21 **SEC. 3016. SEAFOOD SAFETY.**

22 *Notwithstanding any other provision of law, any do-*  
23 *mestic fish or fish product produced in compliance with*  
24 *food safety standards or procedures accepted by the Food*  
25 *and Drug Administration as satisfying the requirements of*

1 *the “Procedures for the Safe and Sanitary Processing and*  
2 *Importing of Fish and Fish Products” (published by the*  
3 *Food and Drug Administration as a final regulation in the*  
4 *Federal Register of December 18, 1995), shall be deemed to*  
5 *have met any inspection requirements of the Department*  
6 *of Agriculture or other Federal agency for any Federal com-*  
7 *modity purchase program, including the program author-*  
8 *ized under section 32 of the Act of August 24, 1935 (7*  
9 *U.S.C. 612c) except that the Department of Agriculture or*  
10 *other Federal agency may utilize lot inspection to establish*  
11 *a reasonable degree of certainty that fish or fish products*  
12 *purchased under a Federal commodity purchase program,*  
13 *including the program authorized under section 32 of the*  
14 *Act of August 24, 1935 (7 U.S.C. 612c), meet Federal prod-*  
15 *uct specifications.*

16 **SEC. 3017. CONTINUED OPERATION OF AN EXISTING HY-**  
17 **DROELECTRIC FACILITY IN MONTANA.**

18 (a) *Notwithstanding section 10(e)(1) of the Federal*  
19 *Power Act (16 U.S.C. 803(e)(1)) or any other law requiring*  
20 *payment to the United States of an annual or other charge*  
21 *for the use, occupancy, and enjoyment of land by the holder*  
22 *of a license issued by the Federal Energy Regulatory Com-*  
23 *mission under part I of the Federal Power Act (16 U.S.C.*  
24 *792 et seq.) for project numbered 1473: Provided, That the*  
25 *current licensee receives no payment or consideration for*

1 *the transfer of the license a political subdivision of the State*  
2 *of Montana that accepts the license—*

3 *(1) shall not be required to pay such charges*  
4 *during the 5-year period following the date of accept-*  
5 *ance; and*

6 *(2) after that 5-year period, and for so long as*  
7 *the political subdivision holds the license, shall not be*  
8 *required to pay such charges that exceed 100*  
9 *percentum of the net revenues derived from the sale of*  
10 *electric power from the project.*

11 *(b) The provisions of subsection (a) shall not be effec-*  
12 *tive if—*

13 *(1) a competing license application is filed with-*  
14 *in 90 days of the date of enactment of this Act; or*

15 *(2) the Federal Energy Regulatory Commission*  
16 *issues an order within 90 days of the date of enact-*  
17 *ment of this Act which makes a determination that in*  
18 *the absence of the reduction in charges provided by*  
19 *subsection (a) the license transfer will occur.*

20 *SEC. 3018. SENSE OF THE SENATE REGARDING THE*  
21 *BUDGET TREATMENT OF FEDERAL DISASTER ASSIST-*  
22 *ANCE.—It is the sense of the Senate that the conference on*  
23 *S. 1594, making omnibus consolidated rescissions and ap-*  
24 *propriations for the fiscal year ending September 30, 1996,*  
25 *and for other purposes, shall find sufficient funding reduc-*



1 tions to offset the costs of providing any Federal disaster  
2 assistance.

3       *SEC. 3019. SENSE OF THE SENATE REGARDING THE*  
4 *BUDGET TREATMENT OF FEDERAL DISASTER ASSIST-*  
5 *ANCE.—It is the sense of the Senate that Congress and the*  
6 *relevant committees of the Senate shall examine the manner*  
7 *in which Federal disaster assistance is provided and de-*  
8 *velop a long-term funding plan for the budgetary treatment*  
9 *of any Federal assistance, providing for such funds out of*  
10 *existing budget allocation rather than taking the expendi-*  
11 *tures off budget and adding to the Federal deficit.*

12       *SEC. 3020. None of the funds made available by this*  
13 *Act or any previous Act shall be expended if such expendi-*  
14 *ture would cause total fiscal year 1996 non-defense discre-*  
15 *tionary expenditures for:*

16           (1) *Agriculture, rural development and related*  
17 *programs or activities contained in this or prior year*  
18 *Acts to exceed \$13,581,000,000;*

19           (2) *Commerce, Justice, State, the Judiciary and*  
20 *related programs or activities contained in this or*  
21 *prior year Acts to exceed \$23,762,000,000;*

22           (3) *Energy and water development programs or*  
23 *activities contained in this or prior year Acts to ex-*  
24 *ceed \$9,272,000,000;*

1           (4) *Foreign operations programs or activities*  
2           *contained in this or prior year Acts to exceed*  
3           *\$13,867,000,000;*

4           (5) *Interior and related programs or activities*  
5           *contained in this or prior year Acts to exceed*  
6           *\$13,215,000,000;*

7           (6) *Labor, Health and Human Services, Edu-*  
8           *cation and related programs or activities contained*  
9           *in this or prior year Acts to exceed \$68,565,000,000;*

10          (7) *Transportation and related programs or ac-*  
11          *tivities contained in this or prior year Acts to exceed*  
12          *\$36,756,000,000; and*

13          (8) *Veterans Affairs, Housing and independent*  
14          *agencies' programs or activities contained in this or*  
15          *prior year Acts to exceed \$74,270,000,000: Provided,*  
16          *That the President shall report to the Committees on*  
17          *Appropriations within 30 days of the enactment into*  
18          *law of this Act on the implementation of this section:*  
19          *Provided further, That no more than 50 percent of the*  
20          *funds appropriated or otherwise made available for*  
21          *obligation for non-defense programs and activities in*  
22          *TITLE II—EMERGENCY APPROPRIATIONS—of*  
23          *this Act and containing an emergency designation*  
24          *shall be expended until the report mentioned in the*

1        *preceding proviso is transmitted to the Committees on*  
2        *Appropriations.*

3        **SEC. 3021. WALLA WALLA MEDICAL CENTER.**

4        (a) *Designation.*—*The Walla Walla Veterans Medical*  
5        *Center located at 77 Wainwright Drive, Walla Walla,*  
6        *Washington, shall be known and designated as the “Jona-*  
7        *than M. Wainwright Memorial VA Medical Center”.*

8        (b) *References.*—*Any reference in a law, map, regula-*  
9        *tion, document, paper, or other record of the United States*  
10       *to the Walla Walla Veterans Medical Center referred to in*  
11       *subsection (a) shall be deemed to be a reference to the “Jona-*  
12       *than M. Wainwright Memorial VA Medical Center”.*

13       **SEC. 3022. PLAN FOR ALLOCATION OF HEALTH CARE RE-**  
14       **SOURCES BY DEPARTMENT OF VETERANS AF-**  
15       **FAIRS.**

16       (a) *PLAN.*—(1) *The Secretary of Veterans Affairs shall*  
17       *develop a plan for the allocation of health care resources*  
18       *(including personnel and funds) of the Department of Veter-*  
19       *ans Affairs among the health care facilities of the Depart-*  
20       *ment so as to ensure that veterans having similar economic*  
21       *status, eligibility priority and, or, similar medical condi-*  
22       *tions who are eligible for medical care in such facilities have*  
23       *similar access to such care in such facilities regardless of*  
24       *the region of the United States in which such veterans re-*  
25       *side.*

1           (2) *The Plan shall reflect, to the maximum extent pos-*  
2 *sible, the Veterans Integrated Service Network, as well as*  
3 *the Resource Planning and Management System developed*  
4 *by the Department of Veterans Affairs to account for fore-*  
5 *casts in expected workload and to ensure fairness to facili-*  
6 *ties that provide cost-efficient health care, and shall include*  
7 *procedures to identify reasons for variations in operating*  
8 *costs among similar facilities and ways to improve the allo-*  
9 *cation of resources so as to promote efficient use of resources*  
10 *and provision of quality health care.*

11           (3) *The Secretary shall prepare the plan in consulta-*  
12 *tion with the Under Secretary of Health of the Department*  
13 *of Veterans Affairs.*

14           (b) *PLAN ELEMENTS.—The plan under subsection (a)*  
15 *shall set forth—*

16                   (1) *milestones for achieving the goal referred to*  
17 *in that subsection; and*

18                   (2) *a means of evaluating the success of the Sec-*  
19 *retary in meeting the goals through the plan.*

20           (c) *SUBMITTAL TO CONGRESS.—The Secretary shall*  
21 *submit to Congress the plan developed under subsection (a)*  
22 *not later than 180 days after the date of the enactment of*  
23 *this Act.*

24           (d) *PLAN IMPLEMENTATION.—The Secretary shall im-*  
25 *plement the plan developed under subsection (a) within 60*

1 *days of submitting such plan to Congress under subsection*  
2 *(b), unless within such period the Secretary notifies the ap-*  
3 *propriate Committees of Congress that such plan will not*  
4 *be implemented along with an explanation of why such*  
5 *plan will not be implemented.*

6 **SEC. 3023. COMPOSITION OF NATIONAL COMMISSION ON**  
7 **RESTRUCTURING THE INTERNAL REVENUE**  
8 **SERVICE.**

9 *(a) IN GENERAL.—Section 637(b)(2) of the Treasury,*  
10 *Postal Service, and General Government Appropriations*  
11 *Act, 1996 (Public Law 104–52, 109 Stat. 509) is amend-*  
12 *ed—*

13 *(1) by striking “thirteen” and inserting “seven-*  
14 *teen”, and*

15 *(2) in subparagraphs (B) and (D)—*

16 *(A) by striking “Two” and inserting*  
17 *“Four”, and*

18 *(B) by striking “one from private life” and*  
19 *inserting “three from private life”.*

20 *(b) EFFECTIVE DATE.—The amendments made by this*  
21 *section shall take effect as if included in the provisions of*  
22 *the Treasury, Postal Service, and General Government Ap-*  
23 *propriations Act, 1996.*

1                   **TITLE IV—CONTINGENCY**  
2                   **APPROPRIATIONS**  
3                   CHAPTER 1  
4 *DEPARTMENTS OF COMMERCE, JUSTICE, AND*  
5           *STATE, THE JUDICIARY, AND RELATED*  
6           *AGENCIES*

7                   DEPARTMENT OF COMMERCE  
8           NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
9                   INDUSTRIAL TECHNOLOGY SERVICES

10           *In addition to funds provided elsewhere in this Act,*  
11 *for necessary expenses of the Advanced Technology Program*  
12 *of the National Institute of Standards and Technology,*  
13 *\$235,000,000, to remain available until expended: Pro-*  
14 *vided, That none of the funds made available under this*  
15 *heading in this or any other Act may be used for the pur-*  
16 *poses of carrying out additional program competitions*  
17 *under the Advanced Technology Program: Provided further,*  
18 *That any unobligated balances from carryover of current*  
19 *and prior year appropriations under the Advanced Tech-*  
20 *nology Program may be used only for the purposes of pro-*  
21 *viding continuation grants.*

1                    *TECHNOLOGY ADMINISTRATION*  
2                    *UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF*  
3                    *TECHNOLOGY POLICY*  
4                    *SALARIES AND EXPENSES*

5                    *In addition to funds provided elsewhere in this Act,*  
6                    *\$2,000,000, to remain available until October 30, 1997, for*  
7                    *grants to be awarded by the United States-Israel Science*  
8                    *and Technology Commission.*

9                    *DEPARTMENT OF STATE*  
10                    *ADMINISTRATION OF FOREIGN AFFAIRS*

11                    *SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS*

12                    *In addition to funds provided elsewhere in this Act for*  
13                    *Security and Maintenance of United States Missions and*  
14                    *under the same terms and conditions as are applicable to*  
15                    *those funds under this Act, \$8,500,000, to remain available*  
16                    *until expended.*

17                    *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*

18                    *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

19                    *In addition to funds provided elsewhere in this Act for*  
20                    *Contributions to International Organizations and under*  
21                    *the same terms and conditions as are applicable to those*  
22                    *funds under this Act, \$223,000,000.*

23                    *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

24                    *ACTIVITIES*

25                    *In addition to funds provided elsewhere in this Act for*  
26                    *Contributions for International Peacekeeping Activities and*

1 *under the same terms and conditions as are applicable to*  
2 *those funds under this Act, \$215,000,000.*

3 *RELATED AGENCY*

4 *LEGAL SERVICES CORPORATION*

5 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

6 *In addition to funds provided elsewhere in this Act,*  
7 *for payment to the Legal Services Corporation to carry out*  
8 *the purposes of the Legal Services Corporation Act of 1974,*  
9 *as amended, \$9,000,000 for basic field programs.*

10 *CHAPTER 2*

11 *DEPARTMENT OF THE INTERIOR*

12 *BUREAU OF LAND MANAGEMENT*

13 *PAYMENTS IN LIEU OF TAXES*

14 *In addition to funds provided elsewhere in this Act,*  
15 *\$12,500,000.*

16 *NATIONAL PARK SERVICE*

17 *OPERATIONS OF THE NATIONAL PARK SYSTEM*

18 *In addition to funds provided elsewhere in this Act,*  
19 *\$35,000,000.*

20 *BUREAU OF INDIAN AFFAIRS*

21 *OPERATION OF INDIAN PROGRAMS*

22 *In addition to funds provided elsewhere in this Act,*  
23 *\$35,000,000, to remain available until expended.*



1                    *DEPARTMENT OF ENERGY*2                    *ENERGY CONSERVATION*

3            *In addition to funds provided elsewhere in this Act,*  
4 *\$35,000,000, to remain available until expended.*

5                    *CHAPTER 3*

6 *DEPARTMENTS OF LABOR, HEALTH AND HUMAN*  
7 *SERVICES, AND EDUCATION, AND RELATED*  
8 *AGENCIES*

9                    *SUBCHAPTER A—AMOUNTS*

10           *In addition to the amounts provided in Title I of this*  
11 *Act for the Department of Labor:*

12           *Under the heading “Training and Employment Serv-*  
13 *ices”, \$1,213,300,000, of which \$487,300,000 is available*  
14 *for obligation for the period July 1, 1996 through June 30,*  
15 *1997, and of which \$91,000,000 is available from July 1,*  
16 *1996, through September 30, 1997, for carrying out activi-*  
17 *ties of the School-to-Work Opportunities Act, and of which*  
18 *\$635,000,000 is for carrying out title II, part B of the Job*  
19 *Training Partnership Act;*

20           *Under the heading “State Unemployment Insurance*  
21 *and Employment Service Operations”, \$18,000,000, which*  
22 *shall be available for obligation for the period July 1, 1996*  
23 *through June 30, 1997;*

24           *In addition to the amounts provided for in Title I of*  
25 *this Act for the Department of Health and Human Services:*

1        *Under the heading “Children and Families Services*  
2 *Programs”, \$136,700,000.*

3        *In addition to the amounts provided for in Title I of*  
4 *this Act for the Department of Education:*

5        *Under the heading “Education Reform”,*  
6 *\$151,000,000, which shall become available on October 1,*  
7 *1996 and shall remain available through September 30,*  
8 *1997: Provided, That \$60,000,000 shall be for the Goals*  
9 *2000: Educate Act and \$91,000,000 shall be for the School-*  
10 *to-Work Opportunities Act.*

11        *Under the heading “Education for the Disadvan-*  
12 *taged”, \$814,489,000, which shall become available for obli-*  
13 *gation on October 1, 1996 and shall remain available*  
14 *through September 30, 1997: Provided, That \$700,228,000*  
15 *shall be available for basic grants and \$114,261,000 shall*  
16 *be for concentration grants.*

17        *Under the heading “School Improvement Programs”,*  
18 *\$208,000,000, which shall become available for obligation*  
19 *on October 1, 1996 and shall remain available through Sep-*  
20 *tember 30, 1997.*

21        *Under the heading “Vocational and Adult Education”,*  
22 *\$82,750,000, which shall become available for obligation on*  
23 *October 1, 1996 and shall remain available through Sep-*  
24 *tember 30, 1997.*

1        *Under the heading “Student Financial Assistance”,*  
2 *the maximum Pell Grant for which a student shall be eligi-*  
3 *ble during award year 1996–1997 shall be increased by*  
4 *\$60.00: Provided, That funding for title IV, part E shall*  
5 *be increased by \$58,000,000 and funding for title IV, part*  
6 *A, subpart 4 shall be increased by \$32,000,000.*

7        *Under the heading “Education Research, Statistics,*  
8 *and Improvement”, \$10,000,000 which shall become avail-*  
9 *able for obligation on October 1, 1996 and shall remain*  
10 *available through September 30, 1997, shall be for sections*  
11 *3136 and 3141 of the Elementary and Secondary Edu-*  
12 *cation Act.*

13                    *SUBCHAPTER B—ADDITIONAL AMOUNTS*

14        *In addition to the amounts provided in Title I of this*  
15 *Act for the Department of Labor:*

16        *Under the heading “Departmental Management, Sala-*  
17 *ries and Expenses”, \$12,000,000, of which \$10,000,000*  
18 *shall be only for terminal leave, severance pay, and other*  
19 *costs directly related to the reduction of the number of em-*  
20 *ployees in the Department.*

21        *In addition to the amounts provided for in Title I of*  
22 *this Act for the Department of Health and Human Services:*

23        *Under the heading “Health Resources and Services”,*  
24 *\$55,256,000: Provided, That \$52,000,000 of such funds shall*  
25 *be used only for State AIDS Drug Assistance Programs au-*

1 *thorized by section 2616 of the Public Health Service Act*  
2 *and shall be distributed to States as authorized by section*  
3 *2618(b)(2) of such Act; and*

4 *Under the heading “Substance Abuse and Mental*  
5 *Health Services”, \$134,107,000.*

6 *SUBCHAPTER C—GENERAL PROVISIONS*

7 *Notwithstanding any other provision of this Act, sec-*  
8 *tion 4002 shall not apply to part 1 of chapter 3 of title*  
9 *IV.*

10 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

11 *JOB OPPORTUNITIES AND BASIC SKILLS*

12 *(RESCISSION)*

13 *Of the funds made available under this heading else-*  
14 *where in this Act, there is rescinded an amount equal to*  
15 *the total of the funds within each State’s limitation for fis-*  
16 *cal year 1996 that are not necessary to pay such State’s*  
17 *allowable claims for such fiscal year.*

18 *Section 403(k)(3)(F) of the Social Security Act (as*  
19 *amended by Public Law 100–485) is amended by adding:*  
20 *“reduced by an amount equal to the total of those funds*  
21 *that are within each State’s limitation for fiscal year 1996*  
22 *that are not necessary to pay such State’s allowable claims*  
23 *for such fiscal year (except that such amount for such year*  
24 *shall be deemed to be \$1,000,000,000 for the purpose of de-*  
25 *termining the amount of the payment under subsection (1)*  
26 *to which each State is entitled),”.*

1                    *FEDERAL AVIATION ADMINISTRATION*  
2                    *GRANTS-IN-AID FOR AIRPORTS*  
3                    *(AIRPORT AND AIRWAY TRUST FUND)*  
4                    *(RESCISSION OF CONTRACT AUTHORIZATION)*

5                    *Of the available contract authority balances under this*  
6 *account, \$616,000,000 are rescinded.*

7                    *SUBCHAPTER D—UNITED STATES ENRICHMENT*  
8                    *CORPORATION PRIVATIZATION*

9                    ***SEC. 401. SHORT TITLE.***

10                    *This subchapter may be cited as the “USEC Privatiza-*  
11 *tion Act”.*

12                    ***SEC. 402. DEFINITIONS.***

13                    *For purposes of this subchapter:*

14                    (1) *The term “AVLIS” means atomic vapor laser*  
15 *isotope separation technology.*

16                    (2) *The term “Corporation” means the United*  
17 *States Enrichment Corporation and, unless the con-*  
18 *text otherwise requires, includes the private corpora-*  
19 *tion and any successor thereto following privatiza-*  
20 *tion.*

21                    (3) *The term “gaseous diffusion plants” means*  
22 *the Paducah Gaseous Diffusion Plant at Paducah,*  
23 *Kentucky and the Portsmouth Gaseous Diffusion*  
24 *Plant at Piketon, Ohio.*

1           (4) *The term “highly enriched uranium” means*  
2 *uranium enriched to 20 percent or more of the ura-*  
3 *nium-235 isotope.*

4           (5) *The term “low-enriched uranium” means*  
5 *uranium enriched to less than 20 percent of the ura-*  
6 *nium-235 isotope, including that which is derived*  
7 *from highly enriched uranium.*

8           (6) *The term “low-level radioactive waste” has*  
9 *the meaning given such term in section 2(9) of the*  
10 *Low-Level Radioactive Waste Policy Act (42 U.S.C.*  
11 *2021b(9)).*

12           (7) *The term “private corporation” means the*  
13 *corporation established under section 405.*

14           (8) *The term “privatization” means the transfer*  
15 *of ownership of the Corporation to private investors.*

16           (9) *The term “privatization date” means the*  
17 *date on which 100 percent of the ownership of the*  
18 *Corporation has been transferred to private investors.*

19           (10) *The term “public offering” means an under-*  
20 *written offering to the public of the common stock of*  
21 *the private corporation pursuant to section 404.*

22           (11) *The “Russian HEU Agreement” means the*  
23 *Agreement Between the Government of the United*  
24 *States of America and the Government of the Russian*  
25 *Federation Concerning the Disposition of Highly En-*

1        *riched Uranium Extracted from Nuclear Weapons,*  
2        *dated February 18, 1993.*

3            (12) *The term “Secretary” means the Secretary*  
4        *of Energy.*

5            (13) *The “Suspension Agreement” means the*  
6        *Agreement to Suspend the Antidumping Investigation*  
7        *on Uranium from the Russian Federation, as amend-*  
8        *ed.*

9            (14) *The term “uranium enrichment” means the*  
10       *separation of uranium of a given isotopic content*  
11       *into 2 components, 1 having a higher percentage of a*  
12       *fissile isotope and 1 having a lower percentage.*

13        **SEC. 403. SALE OF THE CORPORATION.**

14            (a) *AUTHORIZATION.—The Board of Directors of the*  
15       *Corporation, with the approval of the Secretary of the*  
16       *Treasury, shall transfer the interest of the United States*  
17       *in the United States Enrichment Corporation to the private*  
18       *sector in a manner that provides for the long-term viability*  
19       *of the Corporation, provides for the continuation by the*  
20       *Corporation of the operation of the Department of Energy’s*  
21       *gaseous diffusion plants, provides for the protection of the*  
22       *public interest in maintaining a reliable and economical*  
23       *domestic source of uranium mining, enrichment and con-*  
24       *version services, and, to the extent not inconsistent with*

1 *such purposes, secures the maximum proceeds to the United*  
2 *States.*

3 (b) *PROCEEDS.*—*Proceeds from the sale of the United*  
4 *States' interest in the Corporation shall be deposited in the*  
5 *general fund of the Treasury.*

6 **SEC. 404. METHOD OF SALE.**

7 (a) *AUTHORIZATION.*—*The Board of Directors of the*  
8 *Corporation, with the approval of the Secretary of the*  
9 *Treasury, shall transfer ownership of the assets and obliga-*  
10 *tions of the Corporation to the private corporation estab-*  
11 *lished under section 405 (which may be consummated*  
12 *through a merger or consolidation effected in accordance*  
13 *with, and having the effects provided under, the law of the*  
14 *State of incorporation of the private corporation, as if the*  
15 *Corporation were incorporated thereunder).*

16 (b) *BOARD DETERMINATION.*—*The Board, with the*  
17 *approval of the Secretary of the Treasury, shall select the*  
18 *method of transfer and establish terms and conditions for*  
19 *the transfer that will provide the maximum proceeds to the*  
20 *Treasury of the United States and will provide for the long-*  
21 *term viability of the private corporation, the continued op-*  
22 *eration of the gaseous diffusion plants, and the public inter-*  
23 *est in maintaining reliable and economical domestic ura-*  
24 *nium mining and enrichment industries.*



1           (c) *ADEQUATE PROCEEDS.*—*The Secretary of the*  
2 *Treasury shall not allow the privatization of the Corpora-*  
3 *tion unless before the sale date the Secretary of the Treasury*  
4 *determines that the method of transfer will provide the max-*  
5 *imum proceeds to the Treasury consistent with the prin-*  
6 *ciples set forth in section 403(a).*

7           (d) *APPLICATION OF SECURITIES LAWS.*—*Any offering*  
8 *or sale of securities by the private corporation shall be sub-*  
9 *ject to the Securities Act of 1933 (15 U.S.C. 77a et seq.),*  
10 *the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),*  
11 *and the provisions of the Constitution and laws of any*  
12 *State, territory, or possession of the United States relating*  
13 *to transactions in securities.*

14           (e) *EXPENSES.*—*Expenses of privatization shall be*  
15 *paid from Corporation revenue accounts in the United*  
16 *States Treasury.*

17 **SEC. 405. ESTABLISHMENT OF PRIVATE CORPORATION.**

18           (a) *INCORPORATION.*—(1) *The directors of the Cor-*  
19 *poration shall establish a private for-profit corporation*  
20 *under the laws of a State for the purpose of receiving the*  
21 *assets and obligations of the Corporation at privatization*  
22 *and continuing the business operations of the Corporation*  
23 *following privatization.*

24           (2) *The directors of the Corporation may serve as*  
25 *incorporators of the private corporation and shall take all*

1 *steps necessary to establish the private corporation, includ-*  
2 *ing the filing of articles of incorporation consistent with*  
3 *the provisions of this subchapter.*

4       (3) *Employees and officers of the Corporation (includ-*  
5 *ing members of the Board of Directors) acting in accordance*  
6 *with this section on behalf of the private corporation shall*  
7 *be deemed to be acting in their official capacities as employ-*  
8 *ees or officers of the Corporation for purposes of section 205*  
9 *of title 18, United States Code.*

10       (b) *STATUS OF THE PRIVATE CORPORATION.—(1) The*  
11 *private corporation shall not be an agency, instrumentality,*  
12 *or establishment of the United States, a Government cor-*  
13 *poration, or a Government-controlled corporation.*

14       (2) *Except as otherwise provided by this subchapter,*  
15 *financial obligations of the private corporation shall not be*  
16 *obligations of, or guaranteed as to principal or interest by,*  
17 *the Corporation or the United States, and the obligations*  
18 *shall so plainly state.*

19       (3) *No action under section 1491 of title 28, United*  
20 *States Code, shall be allowable against the United States*  
21 *based on actions of the private corporation.*

22       (c) *APPLICATION OF POST-GOVERNMENT EMPLOYMENT*  
23 *RESTRICTIONS.—Beginning on the privatization date, the*  
24 *restrictions stated in section 207 (a), (b), (c), and (d) of*  
25 *title 18, United States Code, shall not apply to the acts*

1 *of an individual done in carrying out official duties as a*  
2 *director, officer, or employee of the private corporation, if*  
3 *the individual was an officer or employee of the Corpora-*  
4 *tion (including a director) continuously during the 45 days*  
5 *prior to the privatization date.*

6 *(d) DISSOLUTION.—In the event that the privatization*  
7 *does not occur, the Corporation will provide for the dissolu-*  
8 *tion of the private corporation within 1 year of the private*  
9 *corporation's incorporation unless the Secretary of the*  
10 *Treasury or his delegate, upon the Corporation's request,*  
11 *agrees to delay any such dissolution for an additional year.*

12 **SEC. 406. TRANSFERS TO THE PRIVATE CORPORATION.**

13 *Concurrent with privatization, the Corporation shall*  
14 *transfer to the private corporation—*

15 *(1) the lease of the gaseous diffusion plants in*  
16 *accordance with section 407,*

17 *(2) all personal property and inventories of the*  
18 *Corporation,*

19 *(3) all contracts, agreements, and leases under*  
20 *section 408(a),*

21 *(4) the Corporation's right to purchase power*  
22 *from the Secretary under section 408(b),*

23 *(5) such funds in accounts of the Corporation*  
24 *held by the Treasury or on deposit with any bank or*

1        *other financial institution as approved by the Sec-*  
2        *retary of the Treasury, and*

3                *(6) all of the Corporation's records, including all*  
4        *of the papers and other documentary materials, re-*  
5        *gardless of physical form or characteristics, made or*  
6        *received by the Corporation.*

7        **SEC. 407. LEASING OF GASEOUS DIFFUSION FACILITIES.**

8                *(a) TRANSFER OF LEASE.—Concurrent with privat-*  
9        *ization, the Corporation shall transfer to the private cor-*  
10       *poration the lease of the gaseous diffusion plants and relat-*  
11       *ed property for the remainder of the term of such lease in*  
12       *accordance with the terms of such lease.*

13               *(b) RENEWAL.—The private corporation shall have the*  
14       *exclusive option to lease the gaseous diffusion plants and*  
15       *related property for additional periods following the expira-*  
16       *tion of the initial term of the lease.*

17               *(c) EXCLUSION OF FACILITIES FOR PRODUCTION OF*  
18       *HIGHLY ENRICHED URANIUM.—The Secretary shall not*  
19       *lease to the private corporation any facilities necessary for*  
20       *the production of highly enriched uranium but may, subject*  
21       *to the requirements of the Atomic Energy Act of 1954 (42*  
22       *U.S.C. 2011 et seq.), grant the Corporation access to such*  
23       *facilities for purposes other than the production of highly*  
24       *enriched uranium.*

1           (d) *DOE RESPONSIBILITY FOR PREEXISTING CONDI-*  
2 *TIONS.—The payment of any costs of decontamination and*  
3 *decommissioning, response actions, or corrective actions*  
4 *with respect to conditions existing before July 1, 1993, at*  
5 *the gaseous diffusion plants shall remain the sole respon-*  
6 *sibility of the Secretary.*

7           (e) *ENVIRONMENTAL AUDIT.—For purposes of sub-*  
8 *section (d), the conditions existing before July 1, 1993, at*  
9 *the gaseous diffusion plants shall be determined from the*  
10 *environmental audit conducted pursuant to section 1403(e)*  
11 *of the Atomic Energy Act of 1954 (42 U.S.C. 2297c–2(e)).*

12           (f) *TREATMENT UNDER PRICE-ANDERSON PROVI-*  
13 *SIONS.—Any lease executed between the Secretary and the*  
14 *Corporation or the private corporation, and any extension*  
15 *or renewal thereof, under this section shall be deemed to*  
16 *be a contract for purposes of section 170d. of the Atomic*  
17 *Energy Act of 1954 (42 U.S.C. 2210(d)).*

18           (g) *WAIVER OF EIS REQUIREMENT.—The execution or*  
19 *transfer of the lease between the Secretary and the Corpora-*  
20 *tion or the private corporation, and any extension or re-*  
21 *newal thereof, shall not be considered to be a major Federal*  
22 *action significantly affecting the quality of the human envi-*  
23 *ronment for purposes of section 102 of the National Envi-*  
24 *ronmental Policy Act of 1969 (42 U.S.C. 4332).*

1 **SEC. 408. TRANSFER OF CONTRACTS.**

2 (a) *TRANSFER OF CONTRACTS.*—Concurrent with pri-  
3 vatization, the Corporation shall transfer to the private cor-  
4 poration all contracts, agreements, and leases, including all  
5 uranium enrichment contracts, that were—

6 (1) transferred by the Secretary to the Corpora-  
7 tion pursuant to section 1401(b) of the Atomic En-  
8 ergy Act of 1954 (42 U.S.C. 2297c(b)), or

9 (2) entered into by the Corporation before the  
10 privatization date.

11 (b) *NONTRANSFERABLE POWER CONTRACTS.*—The  
12 Corporation shall transfer to the private corporation the  
13 right to purchase power from the Secretary under the power  
14 purchase contracts for the gaseous diffusion plants executed  
15 by the Secretary before July 1, 1993. The Secretary shall  
16 continue to receive power for the gaseous diffusion plants  
17 under such contracts and shall continue to resell such power  
18 to the private corporation at cost during the term of such  
19 contracts.

20 (c) *EFFECT OF TRANSFER.*—(1) Notwithstanding sub-  
21 section (a), the United States shall remain obligated to the  
22 parties to the contracts, agreements, and leases transferred  
23 under subsection (a) for the performance of its obligations  
24 under such contracts, agreements, or leases during their  
25 terms. Performance of such obligations by the private cor-

1 *poration shall be considered performance by the United*  
2 *States.*

3 *(2) If a contract, agreement, or lease transferred under*  
4 *subsection (a) is terminated, extended, or materially*  
5 *amended after the privatization date—*

6 *(A) the private corporation shall be responsible*  
7 *for any obligation arising under such contract, agree-*  
8 *ment, or lease after any extension or material amend-*  
9 *ment, and*

10 *(B) the United States shall be responsible for*  
11 *any obligation arising under the contract, agreement,*  
12 *or lease before the termination, extension, or material*  
13 *amendment.*

14 *(3) The private corporation shall reimburse the United*  
15 *States for any amount paid by the United States under*  
16 *a settlement agreement entered into with the consent of the*  
17 *private corporation or under a judgment, if the settlement*  
18 *or judgment—*

19 *(A) arises out of an obligation under a contract,*  
20 *agreement, or lease transferred under subsection (a),*  
21 *and*

22 *(B) arises out of actions of the private corpora-*  
23 *tion between the privatization date and the date of a*  
24 *termination, extension, or material amendment of*  
25 *such contract, agreement, or lease.*

1       (d) *PRICING.*—*The Corporation may establish prices*  
2 *for its products, materials, and services provided to cus-*  
3 *tomers on a basis that will allow it to attain the normal*  
4 *business objectives of a profit making corporation.*

5       **SEC. 409. LIABILITIES.**

6       (a) *LIABILITY OF THE UNITED STATES.*—(1) *Except*  
7 *as otherwise provided in this subchapter, all liabilities aris-*  
8 *ing out of the operation of the uranium enrichment enter-*  
9 *prise before July 1, 1993, shall remain the direct liabilities*  
10 *of the Secretary.*

11       (2) *Except as provided in subsection (a)(3) or other-*  
12 *wise provided in a memorandum of agreement entered into*  
13 *by the Corporation and the Office of Management and*  
14 *Budget prior to the privatization date, all liabilities arising*  
15 *out of the operation of the Corporation between July 1,*  
16 *1993, and the privatization date shall remain the direct*  
17 *liabilities of the United States.*

18       (3) *All liabilities arising out of the disposal of depleted*  
19 *uranium generated by the Corporation between July 1,*  
20 *1993, and the privatization date shall become the direct li-*  
21 *abilities of the Secretary.*

22       (4) *Any stated or implied consent for the United*  
23 *States, or any agent or officer of the United States, to be*  
24 *sued by any person for any legal, equitable, or other relief*  
25 *with respect to any claim arising from any action taken*



1 *by any agent or officer of the United States in connection*  
2 *with the privatization of the Corporation is hereby with-*  
3 *drawn.*

4       (5) *To the extent that any claim against the United*  
5 *States under this section is of the type otherwise required*  
6 *by Federal statute or regulation to be presented to a Federal*  
7 *agency or official for adjudication or review, such claim*  
8 *shall be presented to the Department of Energy in accord-*  
9 *ance with procedures to be established by the Secretary.*  
10 *Nothing in this paragraph shall be construed to impose on*  
11 *the Department of Energy liability to pay any claim pre-*  
12 *sented pursuant to this paragraph.*

13       (6) *The Attorney General shall represent the United*  
14 *States in any action seeking to impose liability under this*  
15 *subsection.*

16       (b) *LIABILITY OF THE CORPORATION.—Notwithstand-*  
17 *ing any provision of any agreement to which the Corpora-*  
18 *tion is a party, the Corporation shall not be considered in*  
19 *breach, default, or violation of any agreement because of*  
20 *the transfer of such agreement to the private corporation*  
21 *under section 408 or any other action the Corporation is*  
22 *required to take under this subchapter.*

23       (c) *LIABILITY OF THE PRIVATE CORPORATION.—Ex-*  
24 *cept as provided in this subchapter, the private corporation*

1 *shall be liable for any liabilities arising out of its oper-*  
2 *ations after the privatization date.*

3 *(d) LIABILITY OF OFFICERS AND DIRECTORS.—(1) No*  
4 *officer, director, employee, or agent of the Corporation shall*  
5 *be liable in any civil proceeding to any party in connection*  
6 *with any action taken in connection with the privatization*  
7 *if, with respect to the subject matter of the action, suit, or*  
8 *proceeding, such person was acting within the scope of his*  
9 *employment.*

10 *(2) This subsection shall not apply to claims arising*  
11 *under the Securities Act of 1933 (15 U.S.C. 77a. et seq.),*  
12 *the Securities Exchange Act of 1934 (15 U.S.C. 78a. et seq.),*  
13 *or under the Constitution or laws of any State, territory,*  
14 *or possession of the United States relating to transactions*  
15 *in securities.*

16 **SEC. 410. EMPLOYEE PROTECTIONS.**

17 *(a) CONTRACTOR EMPLOYEES.—(1) Privatization*  
18 *shall not diminish the accrued, vested pension benefits of*  
19 *employees of the Corporation's operating contractor at the*  
20 *two gaseous diffusion plants.*

21 *(2) In the event that the private corporation termi-*  
22 *nates or changes the contractor at either or both of the gase-*  
23 *ous diffusion plants, the plan sponsor or other appropriate*  
24 *fiduciary of the pension plan covering employees of the*  
25 *prior operating contractor shall arrange for the transfer of*

1 *all plan assets and liabilities relating to accrued pension*  
2 *benefits of such plan's participants and beneficiaries from*  
3 *such plant to a pension plan sponsored by the new contrac-*  
4 *tor or the private corporation or a joint labor-management*  
5 *plan, as the case may be.*

6 (3) *In addition to any obligations arising under the*  
7 *National Labor Relations Act (29 U.S.C. 151 et seq.), any*  
8 *employer (including the private corporation if it operates*  
9 *a gaseous diffusion plant without a contractor or any con-*  
10 *tractor of the private corporation) at a gaseous diffusion*  
11 *plant shall—*

12 (A) *abide by the terms of any unexpired collec-*  
13 *tive bargaining agreement covering employees in bar-*  
14 *gaining units at the plant and in effect on the privat-*  
15 *ization date until the stated expiration or termi-*  
16 *nation date of the agreement; or*

17 (B) *in the event a collective bargaining agree-*  
18 *ment is not in effect upon the privatization date, have*  
19 *the same bargaining obligations under section 8(d) of*  
20 *the National Labor Relations Act (29 U.S.C. 158(d))*  
21 *as it had immediately before the privatization date.*

22 (4) *If the private corporation replaces its operating*  
23 *contractor at a gaseous diffusion plant, the new employer*  
24 *(including the new contractor or the private corporation if*

1 *it operates a gaseous diffusion plant without a contractor)*  
2 *shall—*

3           (A) *offer employment to non-management em-*  
4 *ployees of the predecessor contractor to the extent that*  
5 *their jobs still exist or they are qualified for new jobs,*  
6 *and*

7           (B) *abide by the terms of the predecessor contrac-*  
8 *tor's collective bargaining agreement until the agree-*  
9 *ment expires or a new agreement is signed.*

10       (5) *In the event of a plant closing or mass layoff (as*  
11 *such terms are defined in section 2101(a) (2) and (3) of*  
12 *title 29, United States Code) at either of the gaseous diffu-*  
13 *sion plants, the Secretary of Energy shall treat any ad-*  
14 *versely affected employee of an operating contractor at ei-*  
15 *ther plant who was an employee at such plant on July 1,*  
16 *1993, as a Department of Energy employee for purposes*  
17 *of sections 3161 and 3162 of the National Defense Author-*  
18 *ization Act for Fiscal Year 1993 (42 U.S.C. 7274h–7274i).*

19       (6)(A) *The Secretary and the private corporation shall*  
20 *cause the post-retirement health benefits plan provider (or*  
21 *its successor) to continue to provide benefits for eligible per-*  
22 *sons, as described under subparagraph (B), employed by an*  
23 *operating contractor at either of the gaseous diffusion*  
24 *plants in an economically efficient manner and at substan-*

1 tially the same level of coverage as eligible retirees are enti-  
2 tled to receive on the privatization date.

3 (B) Persons eligible for coverage under subparagraph

4 (A) shall be limited to:

5 (i) persons who retired from active employment  
6 at one of the gaseous diffusion plants on or before the  
7 privatization date as vested participants in a pension  
8 plan maintained either by the Corporation's operat-  
9 ing contractor or by a contractor employed prior to  
10 July 1, 1993, by the Department of Energy to operate  
11 a gaseous diffusion plant; and

12 (ii) persons who are employed by the Corpora-  
13 tion's operating contractor on or before the privatiza-  
14 tion date and are vested participants in a pension  
15 plan maintained either by the Corporation's operat-  
16 ing contractor or by a contractor employed prior to  
17 July 1, 1993, by the Department of Energy to operate  
18 a gaseous diffusion plant.

19 (C) The Secretary shall fund the entire cost of post-  
20 retirement health benefits for persons who retired from em-  
21 ployment with an operating contractor prior to July 1,  
22 1993.

23 (D) The Secretary and the Corporation shall fund the  
24 cost of post-retirement health benefits for persons who retire  
25 from employment with an operating contractor on or after

1 *July 1, 1993, in proportion to the retired person's years*  
2 *and months of service at a gaseous diffusion plant under*  
3 *their respective management.*

4 (7)(A) *Any suit under this subsection alleging a viola-*  
5 *tion of an agreement between an employer and a labor orga-*  
6 *nization shall be brought in accordance with section 301*  
7 *of the Labor Management Relations Act (29 U.S.C. 185).*

8 (B) *Any charge under this subsection alleging an un-*  
9 *fair labor practice violative of section 8 of the National*  
10 *Labor Relations Act (29 U.S.C. 158) shall be pursued in*  
11 *accordance with section 10 of the National Labor Relations*  
12 *Act (29 U.S.C. 160).*

13 (C) *Any suit alleging a violation of any provision of*  
14 *this subsection, to the extent it does not allege a violation*  
15 *of the National Labor Relations Act, may be brought in*  
16 *any district court of the United States having jurisdiction*  
17 *over the parties, without regard to the amount in con-*  
18 *troversy or the citizenship of the parties.*

19 (b) *FORMER FEDERAL EMPLOYEES.—(1)(A) An em-*  
20 *ployee of the Corporation that was subject to either the Civil*  
21 *Service Retirement System (referred to in this section as*  
22 *“CSRS”) or the Federal Employees’ Retirement System (re-*  
23 *ferred to in this section as “FERS”) on the day imme-*  
24 *diately preceding the privatization date shall elect—*

1           (i) to retain the employee's coverage under either  
2           *CSRS or FERS, as applicable, in lieu of coverage by*  
3           *the Corporation's retirement system, or*

4           (ii) to receive a deferred annuity or lump-sum  
5           benefit payable to a terminated employee under  
6           *CSRS or FERS, as applicable.*

7           (B) An employee that makes the election under sub-  
8           paragraph (A)(ii) shall have the option to transfer the bal-  
9           ance in the employee's Thrift Savings Plan account to a  
10          defined contribution plan under the Corporation's retire-  
11          ment system, consistent with applicable law and the terms  
12          of the Corporation's defined contribution plan.

13          (2) The Corporation shall pay to the Civil Service Re-  
14          tirement and Disability Fund—

15               (A) such employee deductions and agency con-  
16               tributions as are required by sections 8334, 8422, and  
17               8423 of title 5, United States Code, for those employ-  
18               ees who elect to retain their coverage under either  
19               *CSRS or FERS pursuant to paragraph (1);*

20               (B) such additional agency contributions as are  
21               determined necessary by the Office of Personnel Man-  
22               agement to pay, in combination with the sums under  
23               subparagraph (A), the "normal cost" (determined  
24               using dynamic assumptions) of retirement benefits for  
25               those employees who elect to retain their coverage

1        *under CSRS pursuant to paragraph (1), with the*  
2        *concept of “normal cost” being used consistent with*  
3        *generally accepted actuarial standards and prin-*  
4        *ciples; and*

5            *(C) such additional amounts, not to exceed two*  
6        *percent of the amounts under subparagraphs (A) and*  
7        *(B), as are determined necessary by the Office of Per-*  
8        *sonnel Management to pay the cost of administering*  
9        *retirement benefits for employees who retire from the*  
10       *Corporation after the privatization date under either*  
11       *CSRS or FERS, for their survivors, and for survivors*  
12       *of employees of the Corporation who die after the pri-*  
13       *vatization date (which amounts shall be available to*  
14       *the Office of Personnel Management as provided in*  
15       *section 8348(a)(1)(B) of title 5, United States Code).*

16       *(3) The Corporation shall pay to the Thrift Savings*  
17       *Fund such employee and agency contributions as are re-*  
18       *quired by section 8432 of title 5, United States Code, for*  
19       *those employees who elect to retain their coverage under*  
20       *FERS pursuant to paragraph (1).*

21       *(4) Any employee of the Corporation who was subject*  
22       *to the Federal Employee Health Benefits Program (referred*  
23       *to in this section as “FEHBP”) on the day immediately*  
24       *preceding the privatization date and who elects to retain*  
25       *coverage under either CSRS or FERS pursuant to para-*



1 *graph (1) shall have the option to receive health benefits*  
2 *from a health benefit plan established by the Corporation*  
3 *or to continue without interruption coverage under the*  
4 *FEHBP, in lieu of coverage by the Corporation's health*  
5 *benefit system.*

6 *(5) The Corporation shall pay to the Employees Health*  
7 *Benefits Fund—*

8 *(A) such employee deductions and agency con-*  
9 *tributions as are required by section 8906 (a)–(f) of*  
10 *title 5, United States Code, for those employees who*  
11 *elect to retain their coverage under FEHBP pursuant*  
12 *to paragraph (4); and*

13 *(B) such amounts as are determined necessary*  
14 *by the Office of Personnel Management under para-*  
15 *graph (6) to reimburse the Office of Personnel Man-*  
16 *agement for contributions under section 8906(g)(1) of*  
17 *title 5, United States Code, for those employees who*  
18 *elect to retain their coverage under FEHBP pursuant*  
19 *to paragraph (4).*

20 *(6) The amounts required under paragraph (5)(B)*  
21 *shall pay the Government contributions for retired employ-*  
22 *ees who retire from the Corporation after the privatization*  
23 *date under either CSRS or FERS, for survivors of such re-*  
24 *tired employees, and for survivors of employees of the Cor-*  
25 *poration who die after the privatization date, with said*

1 *amounts prorated to reflect only that portion of the total*  
2 *service of such employees and retired persons that was per-*  
3 *formed for the Corporation after the privatization date.*

4 **SEC. 411. OWNERSHIP LIMITATIONS.**

5 *(a) SECURITIES LIMITATIONS.—No director, officer, or*  
6 *employee of the Corporation may acquire any securities, or*  
7 *any rights to acquire any securities of the private corpora-*  
8 *tion on terms more favorable than those offered to the gen-*  
9 *eral public—*

10 *(1) in a public offering designed to transfer own-*  
11 *ership of the Corporation to private investors,*

12 *(2) pursuant to any agreement, arrangement, or*  
13 *understanding entered into before the privatization*  
14 *date, or*

15 *(3) before the election of the directors of the pri-*  
16 *vate corporation.*

17 *(b) OWNERSHIP LIMITATION.—Immediately following*  
18 *the consummation of the transaction or series of trans-*  
19 *actions pursuant to which 100 percent of the ownership of*  
20 *the Corporation is transferred to private investors, and for*  
21 *a period of three years thereafter, no person may acquire,*  
22 *directly or indirectly, beneficial ownership of securities rep-*  
23 *resenting more than 10 percent of the total votes of all out-*  
24 *standing voting securities of the Corporation. The foregoing*  
25 *limitation shall not apply to—*

1           (1) *any employee stock ownership plan of the*  
2           *Corporation,*

3           (2) *members of the underwriting syndicate pur-*  
4           *chasing shares in stabilization transactions in con-*  
5           *nection with the privatization, or*

6           (3) *in the case of shares beneficially held in the*  
7           *ordinary course of business for others, any commer-*  
8           *cial bank, broker-dealer, or clearing agency.*

9   **SEC. 412. URANIUM TRANSFERS AND SALES.**

10       (a) *TRANSFERS AND SALES BY THE SECRETARY.—The*  
11       *Secretary shall not provide enrichment services or transfer*  
12       *or sell any uranium (including natural uranium con-*  
13       *centrates, natural uranium hexafluoride, or enriched ura-*  
14       *nium in any form) to any person except as consistent with*  
15       *this section.*

16       (b) *RUSSIAN HEU.—(1) On or before December 31,*  
17       *1996, the United States Executive Agent under the Russian*  
18       *HEU Agreement shall transfer to the Secretary without*  
19       *charge title to an amount of uranium hexafluoride equiva-*  
20       *lent to the natural uranium component of low-enriched ura-*  
21       *nium derived from at least 18 metric tons of highly enriched*  
22       *uranium purchased from the Russian Executive Agent*  
23       *under the Russian HEU Agreement. The quantity of such*  
24       *uranium hexafluoride delivered to the Secretary shall be*  
25       *based on a tails assay of 0.30 U<sup>235</sup>. Uranium hexafluoride*

1 transferred to the Secretary pursuant to this paragraph  
2 shall be deemed under United States law for all purposes  
3 to be of Russian origin.

4 (2) Within 7 years of the date of enactment of this  
5 Act, the Secretary shall sell, and receive payment for, the  
6 uranium hexafluoride transferred to the Secretary pursuant  
7 to paragraph (1). Such uranium hexafluoride shall be  
8 sold—

9 (A) at any time for use in the United States for  
10 the purpose of overfeeding;

11 (B) at any time for end use outside the United  
12 States;

13 (C) in 1995 and 1996 to the Russian Executive  
14 Agent at the purchase price for use in matched sales  
15 pursuant to the Suspension Agreement; or,

16 (D) in calendar year 2001 for consumption by  
17 end users in the United States not prior to January  
18 1, 2002, in volumes not to exceed 3,000,000 pounds  
19  $U_3O_8$  equivalent per year.

20 (3) With respect to all enriched uranium delivered to  
21 the United States Executive Agent under the Russian HEU  
22 Agreement on or after January 1, 1997, the United States  
23 Executive Agent shall, upon request of the Russian Execu-  
24 tive Agent, enter into an agreement to deliver concurrently  
25 to the Russian Executive Agent an amount of uranium

1 *hexafluoride equivalent to the natural uranium component*  
2 *of such uranium. An agreement executed pursuant to a re-*  
3 *quest of the Russian Executive Agent, as contemplated in*  
4 *this paragraph, may pertain to any deliveries due during*  
5 *any period remaining under the Russian HEU Agreement.*  
6 *The quantity of such uranium hexafluoride delivered to the*  
7 *Russian Executive Agent shall be based on a tails assay*  
8 *of 0.30 U<sup>235</sup>. Title to uranium hexafluoride delivered to the*  
9 *Russian Executive Agent pursuant to this paragraph shall*  
10 *transfer to the Russian Executive Agent upon delivery of*  
11 *such material to the Russian Executive Agent, with such*  
12 *delivery to take place at a North American facility des-*  
13 *ignated by the Russian Executive Agent. Uranium*  
14 *hexafluoride delivered to the Russian Executive Agent pur-*  
15 *suant to this paragraph shall be deemed under U.S. law*  
16 *for all purposes to be of Russian origin. Such uranium*  
17 *hexafluoride may be sold to any person or entity for deliv-*  
18 *ery and use in the United States only as permitted in sub-*  
19 *sections (b)(5), (b)(6) and (b)(7) of this section.*

20       (4) *In the event that the Russian Executive Agent does*  
21 *not exercise its right to enter into an agreement to take de-*  
22 *livery of the natural uranium component of any low-en-*  
23 *riched uranium, as contemplated in paragraph (3), within*  
24 *90 days of the date such low-enriched uranium is delivered*  
25 *to the United States Executive Agent, or upon request of*

1 *the Russian Executive Agent, then the United States Execu-*  
2 *tive Agent shall engage an independent entity through a*  
3 *competitive selection process to auction an amount of ura-*  
4 *nium hexafluoride or U<sub>3</sub>O<sub>8</sub> (in the event that the conversion*  
5 *component of such hexafluoride has previously been sold)*  
6 *equivalent to the natural uranium component of such low-*  
7 *enriched uranium. An agreement executed pursuant to a*  
8 *request of the Russian Executive Agent, as contemplated in*  
9 *this paragraph, may pertain to any deliveries due during*  
10 *any period remaining under the Russian HEU Agreement.*  
11 *Such independent entity shall sell such uranium*  
12 *hexafluoride in one or more lots to any person or entity*  
13 *to maximize the proceeds from such sales, for disposition*  
14 *consistent with the limitations set forth in this subsection.*  
15 *The independent entity shall pay to the Russian Executive*  
16 *Agent the proceeds of any such auction less all reasonable*  
17 *transaction and other administrative costs. The quantity*  
18 *of such uranium hexafluoride auctioned shall be based on*  
19 *a tails assay of 0.30 U<sup>235</sup>. Title to uranium hexafluoride*  
20 *auctioned pursuant to this paragraph shall transfer to the*  
21 *buyer of such material upon delivery of such material to*  
22 *the buyer. Uranium hexafluoride auctioned pursuant to this*  
23 *paragraph shall be deemed under United States law for all*  
24 *purposes to be of Russian origin.*

1           (5) *Except as provided in paragraphs (6) and (7), ura-*  
 2 *nium hexafluoride delivered to the Russian Executive Agent*  
 3 *under paragraph (3) or auctioned pursuant to paragraph*  
 4 *(4), may not be delivered for consumption by end users in*  
 5 *the United States either directly or indirectly prior to Jan-*  
 6 *uary 1, 1998, and thereafter only in accordance with the*  
 7 *following schedule:*

**Annual Maximum Deliveries to End Users**

<b>Year:</b>	<b>(millions lbs. U<sub>3</sub>O<sub>8</sub> equivalent)</b>
1998 .....	2
1999 .....	4
2000 .....	6
2001 .....	8
2002 .....	10
2003 .....	12
2004 .....	14
2005 .....	16
2006 .....	17
2007 .....	18
2008 .....	19
2009 and each year thereafter .....	20.

8           (6) *Uranium hexafluoride delivered to the Russian Ex-*  
 9 *ecutive Agent under paragraph (3) or auctioned pursuant*  
 10 *to paragraph (4) may be sold at any time as Russian-ori-*  
 11 *gin natural uranium in a matched sale pursuant to the*  
 12 *Suspension Agreement, and in such case shall not be count-*  
 13 *ed against the annual maximum deliveries set forth in*  
 14 *paragraph (5).*

15           (7) *Uranium hexafluoride delivered to the Russian Ex-*  
 16 *ecutive Agent under paragraph (3) or auctioned pursuant*  
 17 *to paragraph (4) may be sold at any time for use in the*

1 *United States for the purpose of overfeeding in the oper-*  
2 *ations of enrichment facilities.*

3 (8) *Nothing in this subsection (b) shall restrict the sale*  
4 *of the conversion component of such uranium hexafluoride.*

5 (9) *The Secretary of Commerce shall have responsibil-*  
6 *ity for the administration and enforcement of the limita-*  
7 *tions set forth in this subsection. The Secretary of Com-*  
8 *merce may require any person to provide any certifications,*  
9 *information, or take any action that may be necessary to*  
10 *enforce these limitations. The United States Customs Serv-*  
11 *ice shall maintain and provide any information required*  
12 *by the Secretary of Commerce and shall take any action*  
13 *requested by the Secretary of Commerce which is necessary*  
14 *for the administration and enforcement of the uranium de-*  
15 *livery limitations set forth in this section.*

16 (10) *The President shall monitor the actions of the*  
17 *United States Executive Agent under the Russian HEU*  
18 *Agreement and shall report to the Congress not later than*  
19 *December 31 of each year on the effect the low-enriched ura-*  
20 *nium delivered under the Russian HEU Agreement is hav-*  
21 *ing on the domestic uranium mining, conversion, and en-*  
22 *richment industries, and the operation of the gaseous diffu-*  
23 *sion plants. Such report shall include a description of ac-*  
24 *tions taken or proposed to be taken by the President to pre-*  
25 *vent or mitigate any material adverse impact on such in-*



1 *dustries or any loss of employment at the gaseous diffusion*  
2 *plants as a result of the Russian HEU Agreement.*

3 (c) *TRANSFERS TO THE CORPORATION.—(1) The Sec-*  
4 *retary shall transfer to the Corporation without charge up*  
5 *to 50 metric tons of enriched uranium and up to 7,000 met-*  
6 *ric tons of natural uranium from the Department of Ener-*  
7 *gy's stockpile, subject to the restrictions in subsection (c)(2).*

8 (2) *The Corporation shall not deliver for commercial*  
9 *end use in the United States—*

10 (A) *any of the uranium transferred under this*  
11 *subsection before January 1, 1998;*

12 (B) *more than 10 percent of the uranium (by*  
13 *uranium hexafluoride equivalent content) transferred*  
14 *under this subsection or more than 4,000,000 pounds,*  
15 *whichever is less, in any calendar year after 1997; or*

16 (C) *more than 800,000 separative work units*  
17 *contained in low-enriched uranium transferred under*  
18 *this subsection in any calendar year.*

19 (d) *INVENTORY SALES.—(1) In addition to the trans-*  
20 *fers authorized under subsections (c) and (e), the Secretary*  
21 *may, from time to time, sell natural and low-enriched ura-*  
22 *nium (including low-enriched uranium derived from highly*  
23 *enriched uranium) from the Department of Energy's stock-*  
24 *pile.*

1       (2) *Except as provided in subsections (b), (c), and (e),*  
2 *no sale or transfer of natural or low-enriched uranium shall*  
3 *be made unless—*

4           (A) *the President determines that the material is*  
5 *not necessary for national security needs,*

6           (B) *the Secretary determines that the sale of the*  
7 *material will not have an adverse material impact on*  
8 *the domestic uranium mining, conversion, or enrich-*  
9 *ment industry, taking into account the sales of ura-*  
10 *anium under the Russian HEU Agreement and the*  
11 *Suspension Agreement, and*

12           (C) *the price paid to the Secretary will not be*  
13 *less than the fair market value of the material.*

14       (e) *GOVERNMENT TRANSFERS.—Notwithstanding sub-*  
15 *section (d)(2), the Secretary may transfer or sell enriched*  
16 *uranium—*

17           (1) *to a Federal agency if the material is trans-*  
18 *ferred for the use of the receiving agency without any*  
19 *resale or transfer to another entity and the material*  
20 *does not meet commercial specifications;*

21           (2) *to any person for national security purposes,*  
22 *as determined by the Secretary; or*

23           (3) *to any State or local agency or nonprofit,*  
24 *charitable, or educational institution for use other*  
25 *than the generation of electricity for commercial use.*

1           (f) *SAVINGS PROVISION.*—*Nothing in this subchapter*  
2 *shall be read to modify the terms of the Russian HEU*  
3 *Agreement.*

4 **SEC. 413. LOW-LEVEL WASTE.**

5           (a) *RESPONSIBILITY OF DOE.*—(1) *The Secretary, at*  
6 *the request of the generator, shall accept for disposal low-*  
7 *level radioactive waste, including depleted uranium if it*  
8 *were ultimately determined to be low-level radioactive*  
9 *waste, generated by—*

10                   (A) *the Corporation as a result of the operations*  
11 *of the gaseous diffusion plants or as a result of the*  
12 *treatment of such wastes at a location other than the*  
13 *gaseous diffusion plants, or*

14                   (B) *any person licensed by the Nuclear Regu-*  
15 *latory Commission to operate a uranium enrichment*  
16 *facility under sections 53, 63, and 193 of the Atomic*  
17 *Energy Act of 1954 (42 U.S.C. 2073, 2093, and*  
18 *2243).*

19           (2) *Except as provided in paragraph (3), the generator*  
20 *shall reimburse the Secretary for the disposal of low-level*  
21 *radioactive waste pursuant to paragraph (1) in an amount*  
22 *equal to the Secretary's costs, including a pro rata share*  
23 *of any capital costs, but in no event more than an amount*  
24 *equal to that which would be charged by commercial, State,*

1 regional, or interstate compact entities for disposal of such  
2 waste.

3 (3) *In the event depleted uranium were ultimately de-*  
4 *termined to be low-level radioactive waste, the generator*  
5 *shall reimburse the Secretary for the disposal of depleted*  
6 *uranium pursuant to paragraph (1) in an amount equal*  
7 *to the Secretary's costs, including a pro rata share of any*  
8 *capital costs.*

9 (b) *AGREEMENTS WITH OTHER PERSONS.—The gen-*  
10 *erator may also enter into agreements for the disposal of*  
11 *low-level radioactive waste subject to subsection (a) with*  
12 *any person other than the Secretary that is authorized by*  
13 *applicable laws and regulations to dispose of such wastes.*

14 (c) *STATE OR INTERSTATE COMPACTS.—Notwith-*  
15 *standing any other provision of law, no State or interstate*  
16 *compact shall be liable for the treatment, storage, or dis-*  
17 *posal of any low-level radioactive waste (including mixed*  
18 *waste) attributable to the operation, decontamination, and*  
19 *decommissioning of any uranium enrichment facility.*

20 **SEC. 414. AVLIS.**

21 (a) *EXCLUSIVE RIGHT TO COMMERCIALIZE.—The Cor-*  
22 *poration shall have the exclusive commercial right to deploy*  
23 *and use any AVLIS patents, processes, and technical infor-*  
24 *mation owned or controlled by the Government, upon com-*  
25 *pletion of a royalty agreement with the Secretary.*

1       (b) *TRANSFER OF RELATED PROPERTY TO CORPORA-*  
2 *TION.—*

3           (1) *IN GENERAL.—To the extent requested by the*  
4 *Corporation and subject to the requirements of the*  
5 *Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.),*  
6 *the President shall transfer without charge to the Cor-*  
7 *poration all of the right, title, or interest in and to*  
8 *property owned by the United States under control or*  
9 *custody of the Secretary that is directly related to and*  
10 *materially useful in the performance of the Corpora-*  
11 *tion’s purposes regarding AVLIS and alternative*  
12 *technologies for uranium enrichment, including—*

13           (A) *facilities, equipment, and materials for*  
14 *research, development, and demonstration activi-*  
15 *ties; and*

16           (B) *all other facilities, equipment, mate-*  
17 *rials, processes, patents, technical information of*  
18 *any kind, contracts, agreements, and leases.*

19           (2) *EXCEPTION.—Facilities, real estate, improve-*  
20 *ments, and equipment related to the gaseous diffusion,*  
21 *and gas centrifuge, uranium enrichment programs of*  
22 *the Secretary shall not transfer under paragraph*  
23 *(1)(B).*

1           (3) *EXPIRATION OF TRANSFER AUTHORITY.*—*The*  
2           *President’s authority to transfer property under this*  
3           *subsection shall expire upon the privatization date.*

4           (c) *LIABILITY FOR PATENT AND RELATED CLAIMS.*—  
5           *With respect to any right, title, or interest provided to the*  
6           *Corporation under subsection (a) or (b), the Corporation*  
7           *shall have sole liability for any payments made or awards*  
8           *under section 157 b. (3) of the Atomic Energy Act of 1954*  
9           *(42 U.S.C. 2187(b)(3)), or any settlements or judgments in-*  
10          *volving claims for alleged patent infringement. Any royalty*  
11          *agreement under subsection (a) of this section shall provide*  
12          *for a reduction of royalty payments to the Secretary to off-*  
13          *set any payments, awards, settlements, or judgments under*  
14          *this subsection.*

15          **SEC. 415. APPLICATION OF CERTAIN LAWS.**

16          (a) *OSHA.*—(1) *As of the privatization date, the pri-*  
17          *vate corporation shall be subject to and comply with the*  
18          *Occupational Safety and Health Act of 1970 (29 U.S.C.*  
19          *651 et seq.).*

20          (2) *The Nuclear Regulatory Commission and the Occu-*  
21          *pational Safety and Health Administration shall, within*  
22          *90 days after the date of enactment of this Act, enter into*  
23          *a memorandum of agreement to govern the exercise of their*  
24          *authority over occupational safety and health hazards at*  
25          *the gaseous diffusion plants, including inspection, inves-*

1 *tigation, enforcement, and rulemaking relating to such haz-*  
2 *ards.*

3       **(b) ANTITRUST LAWS.**—*For purposes of the antitrust*  
4 *laws, the performance by the private corporation of a*  
5 *“matched import” contract under the Suspension Agree-*  
6 *ment shall be considered to have occurred prior to the pri-*  
7 *vatization date, if at the time of privatization, such con-*  
8 *tract had been agreed to by the parties in all material terms*  
9 *and confirmed by the Secretary of Commerce under the Sus-*  
10 *pension Agreement.*

11       **(c) ENERGY REORGANIZATION ACT REQUIREMENTS.**—  
12 *(1) The private corporation and its contractors and sub-*  
13 *contractors shall be subject to the provisions of section 211*  
14 *of the Energy Reorganization Act of 1974 (42 U.S.C. 5851)*  
15 *to the same extent as an employer subject to such section.*

16       *(2) With respect to the operation of the facilities leased*  
17 *by the private corporation, section 206 of the Energy Reor-*  
18 *ganization Act of 1974 (42 U.S.C. 5846) shall apply to the*  
19 *directors and officers of the private corporation.*

20 **SEC. 416. AMENDMENTS TO THE ATOMIC ENERGY ACT.**

21       **(a) REPEAL.**—*(1) Chapters 22 through 26 of the Atom-*  
22 *ic Energy Act of 1954 (42 U.S.C. 2297–2297e–7) are re-*  
23 *pealed as of the privatization date.*

1       (2) *The table of contents of such Act is amended as*  
2 *of the privatization date by striking the items referring to*  
3 *sections repealed by paragraph (1).*

4       (b) *NRC LICENSING.—(1) Section 11v. of the Atomic*  
5 *Energy Act of 1954 (42 U.S.C. 2014v.) is amended by strik-*  
6 *ing “or the construction and operation of a uranium en-*  
7 *richment facility using Atomic Vapor Laser Isotope Sepa-*  
8 *ration technology”.*

9       (2) *Section 193 of the Atomic Energy Act of 1954 (42*  
10 *U.S.C. 2243) is amended by adding at the end the following:*

11       “(f) *LIMITATION.—No license or certificate of compli-*  
12 *ance may be issued to the United States Enrichment Cor-*  
13 *poration or its successor under this section or sections 53,*  
14 *63, or 1701, if the Commission determines that—*

15               “(1) *the Corporation is owned, controlled, or*  
16 *dominated by an alien, a foreign corporation, or a*  
17 *foreign government; or*

18               “(2) *the issuance of such a license or certificate*  
19 *of compliance would be inimical to—*

20                       “(A) *the common defense and security of the*  
21 *United States; or*

22                       “(B) *the maintenance of a reliable and eco-*  
23 *nomical domestic source of enrichment services.”.*

24       (3) *Section 1701(c)(2) of the Atomic Energy Act of*  
25 *1954 (42 U.S.C. 2297f(c)(2)) is amended to read as follows:*



1           “(2) *PERIODIC APPLICATION FOR CERTIFICATE*  
2           *OF COMPLIANCE.—The Corporation shall apply to the*  
3           *Nuclear Regulatory Commission for a certificate of*  
4           *compliance under paragraph (1) periodically, as de-*  
5           *termined by the Commission, but not less than every*  
6           *5 years. The Commission shall review any such appli-*  
7           *cation and any determination made under subsection*  
8           *(b)(2) shall be based on the results of any such re-*  
9           *view.”.*

10          (4) *Section 1702(a) of the Atomic Energy Act of 1954*  
11          *(42 U.S.C. 2297f-1(a)) is amended—*

12                 (1) *by striking “other than” and inserting “in-*  
13                 *cluding”, and*

14                 (2) *by striking “sections 53 and 63” and insert-*  
15                 *ing “sections 53, 63, and 193”.*

16          (c) *JUDICIAL REVIEW OF NRC ACTIONS.—Section*  
17          *189b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b))*  
18          *is amended to read as follows:*

19                 “b. *The following Commission actions shall be subject*  
20                 *to judicial review in the manner prescribed in chapter 158*  
21                 *of title 28, United States Code, and chapter 7 of title 5,*  
22                 *United States Code:*

23                         “(1) *Any final order entered in any proceeding*  
24                         *of the kind specified in subsection (a).*

1           “(2) Any final order allowing or prohibiting a  
2           facility to begin operating under a combined con-  
3           struction and operating license.

4           “(3) Any final order establishing by regulation  
5           standards to govern the Department of Energy’s gase-  
6           ous diffusion uranium enrichment plants, including  
7           any such facilities leased to a corporation established  
8           under the USEC Privatization Act.

9           “(4) Any final determination under section  
10          1701(c) relating to whether the gaseous diffusion  
11          plants, including any such facilities leased to a cor-  
12          poration established under the USEC Privatization  
13          Act, are in compliance with the Commission’s stand-  
14          ards governing the gaseous diffusion plants and all  
15          applicable laws.”.

16          (d) *CIVIL PENALTIES*.—Section 234 a. of the Atomic  
17          Energy Act of 1954 (42 U.S.C. 2282(a) is amended by—

18                 (1) striking “any licensing provision of section  
19                 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109”  
20                 and inserting: “any licensing or certification provi-  
21                 sion of section 53, 57, 62, 63, 81, 82, 101, 103, 104,  
22                 107, 109, or 1701”; and

23                 (2) by striking “any license issued thereunder”  
24                 and inserting: “any license or certification issued  
25                 thereunder”.

1       (e) *REFERENCES TO THE CORPORATION.*—Following  
2 *the privatization date, all references in the Atomic Energy*  
3 *Act of 1954 to the United States Enrichment Corporation*  
4 *shall be deemed to be references to the private corporation.*

5       **SEC. 417. AMENDMENTS TO OTHER LAWS.**

6       (a) *DEFINITION OF GOVERNMENT CORPORATION.*—As  
7 *of the privatization date, section 9101(3) of title 31, United*  
8 *States Code, is amended by striking subparagraph (N) as*  
9 *added by section 902(b) of Public Law 102–486.*

10       (b) *DEFINITION OF THE CORPORATION.*—Section  
11 *1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–*  
12 *7(1) is amended by inserting “or its successor” before the*  
13 *period.*

14       **SUBCHAPTER E—STRATEGIC PETROLEUM RESERVE**

15       **SEC. 431. SALE OF WEEKS ISLAND OIL.**

16       *Notwithstanding section 161 of the Energy Policy and*  
17 *Conservation Act (42 U.S.C. 6241), the Secretary of Energy*  
18 *shall draw down and sell in fiscal year 1996, \$292,000,000*  
19 *worth of oil formerly contained in the Weeks Island Strate-*  
20 *gic Petroleum Reserve.*

1                                    *CHAPTER 4*  
2    *DEPARTMENTS OF VETERANS AFFAIRS AND*  
3            *HOUSING AND URBAN DEVELOPMENT, AND*  
4            *INDEPENDENT AGENCIES*

5                    *DEPARTMENT OF VETERANS AFFAIRS*

6                            *DEPARTMENTAL ADMINISTRATION*

7                            *CONSTRUCTION, MAJOR PROJECTS*

8            *In addition to funds provided elsewhere in this Act,*  
9    *\$16,000,000, to remain available until expended: Provided,*  
10 *That notwithstanding any other provision of law, the Sec-*  
11 *retary of Veterans Affairs is authorized to carry out the*  
12 *design and construction of a medical research addition at*  
13 *the Department of Veterans Affairs Medical Center in Port-*  
14 *land, Oregon in the amount of \$32,100,000.*

15                    *DEPARTMENT OF HOUSING AND URBAN*

16                            *DEVELOPMENT*

17                            *HOUSING PROGRAMS*

18                            *ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING*

19            *In addition to funds provided elsewhere in this Act,*  
20 *\$200,000,000, to remain available until expended: Pro-*  
21 *vided, That \$150,000,000 of such sum shall be available for*  
22 *purposes authorized by section 202 of the Housing Act of*  
23 *1959, and \$50,000,000 shall be available for purposes au-*  
24 *thorized by section 811 of the Cranston-Gonzalez National*  
25 *Affordable Housing Act: Provided further, That all such*

1 *sums shall be available only to provide for rental subsidy*  
2 *terms of a longer duration than would otherwise be per-*  
3 *mitted by this Act.*

4 *PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND*  
5 *REPLACEMENT HOUSING GRANTS*

6 *In addition to funds provided elsewhere in this Act,*  
7 *\$120,000,000, to remain available until expended.*

8 *PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING*  
9 *PROJECTS*

10 *In addition to funds provided elsewhere in this Act,*  
11 *\$50,000,000.*

12 *MANAGEMENT AND ADMINISTRATION DEPARTMENTAL*  
13 *RESTRUCTURING FUND*

14 *In addition to funds provided elsewhere in this Act,*  
15 *\$20,000,000, to remain available until September 30, 1997,*  
16 *to facilitate the down-sizing, streamlining, and restructur-*  
17 *ing of the Department of Housing and Urban Development,*  
18 *and to reduce overall departmental staffing to 7,500 full-*  
19 *time equivalents in fiscal year 2000: Provided, That such*  
20 *sum shall be available only for personnel training (includ-*  
21 *ing travel associated with such training), costs associated*  
22 *with the transfer of personnel from headquarters and re-*  
23 *gional offices to the field, and for necessary costs to acquire*  
24 *and upgrade information system infrastructure in support*  
25 *of Departmental field staff: Provided further, That not less*  
26 *than 60 days following enactment of this Act, the Secretary*

1 *shall transmit to the Appropriations Committees of the*  
2 *Congress a report which specifies a plan and schedule for*  
3 *the utilization of these funds for personnel reductions and*  
4 *transfers in order to reduce headquarters on-board staffing*  
5 *levels to 3,100 by December 31, 1996, and 2,900 by October*  
6 *1, 1997: Provided further, That by February 1, 1997 the*  
7 *Secretary shall certify to the Congress that headquarters on-*  
8 *board staffing levels did not exceed 3,100 on December 31,*  
9 *1996 and submit a report which details obligations and ex-*  
10 *penditures of funds made available hereunder: Provided fur-*  
11 *ther, That if the certification of headquarters personnel re-*  
12 *ductions required by this Act is not made by February 1,*  
13 *1997, all remaining unobligated funds available under this*  
14 *paragraph shall be rescinded.*

15 *CLARIFICATION OF BLOCK GRANTS IN NEW YORK*

16 *(a) All funds allocated for the State of New York for*  
17 *fiscal years 1995, 1996, and all subsequent fiscal years,*  
18 *under the HOME investment partnerships program, as au-*  
19 *thorized under title II of the Cranston-Gonzalez National*  
20 *Affordable Housing Act (Public law 101-625) shall be made*  
21 *available to the Chief Executive Officer of the State, or an*  
22 *entity designated by the Chief Executive Officer, to be used*  
23 *for activities in accordance with the requirements of the*  
24 *HOME investment partnerships program, notwithstanding*  
25 *the Memorandum from the General Counsel of the Depart-*

1 *ment of Housing and Urban Development dated March 5,*  
2 *1996.*

3       **(b)** *The Secretary of Housing and Urban Development*  
4 *shall award funds made available for fiscal year 1996 for*  
5 *grants allocated for the State of New York for a community*  
6 *development grants program as authorized by title I of the*  
7 *Housing and Community Development Act of 1974, as*  
8 *amended (42 U.S.C. 5301), in accordance with the require-*  
9 *ments established under the Notice of Funding Availability*  
10 *for fiscal year 1995 for the New York State Small Cities*  
11 *Community Development Block Grant Program.*

12                                    **INDEPENDENT AGENCIES**

13                                    **ENVIRONMENTAL PROTECTION AGENCY**

14                                    **ENVIRONMENTAL PROGRAMS AND MANAGEMENT**

15       *In addition to funds provided elsewhere in this Act,*  
16 *\$12,000,000, to remain available until September 30, 1997.*

17                                    **BUILDINGS AND FACILITIES**

18       *In addition to funds provided elsewhere in this Act,*  
19 *\$50,000,000, to remain available until expended: Provided,*  
20 *That notwithstanding any other provision of law, EPA is*  
21 *authorized to establish and construct a consolidated re-*  
22 *search facility at Research Triangle Park, North Carolina,*  
23 *at a maximum total construction cost of \$232,000,000, and*  
24 *to obligate such monies as are made available by this Act,*  
25 *and hereafter, for this purpose.*

1            *STATE AND TRIBAL ASSISTANCE GRANTS*

2            *In addition to funds provided elsewhere in this Act,*  
3 *\$100,000,000, to remain available until expended, for cap-*  
4 *italization grants for State revolving funds to support*  
5 *water infrastructure financing: Provided, That of the funds*  
6 *made available by this paragraph, \$50,000,000 shall be for*  
7 *drinking water State revolving funds, but if no drinking*  
8 *water State revolving fund legislation is enacted by June*  
9 *1, 1996, these funds shall immediately be available for mak-*  
10 *ing capitalization grants under title VI of the Federal*  
11 *Water Pollution Control Act, as amended.*

12            *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*13            *SPACE, AERONAUTICS AND TECHNOLOGY*

14            *In addition to funds provided elsewhere in this Act,*  
15 *\$83,000,000, to remain available until September 30, 1997.*

16            *NATIONAL SCIENCE FOUNDATION*17            *RESEARCH AND RELATED ACTIVITIES*

18            *In addition to funds provided elsewhere in this Act,*  
19 *\$40,000,000, to remain available until September 30, 1997.*

20            *GENERAL PROVISIONS*

21            *SEC. 4001. No part of any appropriation contained*  
22 *in this title shall remain available for obligation beyond*  
23 *the current fiscal year unless expressly so provided herein.*

24            *SEC. 4002. No part of any appropriation contained*  
25 *in this title shall be made available for obligation or ex-*



1 *penditure, nor any authority granted herein be effective,*  
2 *until the enactment into law of a subsequent Act entitled*  
3 *“An Act Incorporating an Agreement Between the President*  
4 *and Congress Relative to Federal Expenditures in Fiscal*  
5 *Year 1996 and Future Fiscal Years”.*

6 *SEC. 4003. (a) This section may be cited as the “Fed-*  
7 *eral Prohibition of Female Genital Mutilation Act of 1996”.*

8 *(b) Congress finds that—*

9 *(1) the practice of female genital mutilation is*  
10 *carried out by members of certain cultural and reli-*  
11 *gious groups within the United States;*

12 *(2) the practice of female genital mutilation*  
13 *often results in the occurrence of physical and psycho-*  
14 *logical health effects that harm the women involved;*

15 *(3) such mutilation infringes upon the guaran-*  
16 *tees of rights secured by Federal and State law, both*  
17 *statutory and constitutional;*

18 *(4) the unique circumstances surrounding the*  
19 *practice of female genital mutilation place it beyond*  
20 *the ability of any single State or local jurisdiction to*  
21 *control;*

22 *(5) the practice of female genital mutilation can*  
23 *be prohibited without abridging the exercise of any*  
24 *rights guaranteed under the First Amendment to the*  
25 *Constitution or under any other law; and*

1           (6) Congress has the affirmative power under  
2           section 8 of article I of the Constitution, as well as  
3           under section 5 of the Fourteenth Amendment to the  
4           Constitution, to enact such legislation.

5           (c) It is the purpose of this section to protect and pro-  
6           mote the public safety and health and activities affecting  
7           interstate commerce by establishing Federal criminal pen-  
8           alties for the performance of female genital mutilation.

9           (d)(1) Chapter 7 of title 18, United States Code, is  
10          amended by adding at the end the following new section:

11        **“§ 116. Female genital mutilation**

12          “(a) Except as provided in subsection (b), whoever  
13          knowingly circumcises, excises, or infibulates the whole or  
14          any part of the labia majora or labia minora or clitoris  
15          of another person who has not attained the age of 18 years  
16          shall be fined under this title or imprisoned not more than  
17          5 years, or both.

18          “(b) A surgical operation is not a violation of this sec-  
19          tion if the operation is—

20                “(1) necessary to the health of the person on  
21                whom it is performed, and is performed by a person  
22                licensed in the place of its performance as a medical  
23                practitioner; or

24                “(2) performed on a person in labor or who has  
25                just given birth and is performed for medical pur-

1        *poses connected with that labor or birth by a person*  
2        *licensed in the place it is performed as a medical*  
3        *practitioner, midwife, or person in training to become*  
4        *such a practitioner or midwife.*

5        *“(c) In applying subsection (b)(1), no account shall*  
6        *be taken of the effect on the person on whom the operation*  
7        *is to be performed of any belief on the part of that or any*  
8        *other person that the operation is required as a matter of*  
9        *custom or ritual.*

10       *“(d) Whoever knowingly denies to any person medical*  
11       *care or services or otherwise discriminates against any per-*  
12       *son in the provision of medical care or services, because—*

13                *“(1) that person has undergone female circumci-*  
14                *sion, excision, or infibulation; or*

15                *“(2) that person has requested that female cir-*  
16                *cumcision, excision, or infibulation be performed on*  
17                *any person;*

18        *shall be fined under this title or imprisoned not more than*  
19        *one year, or both.”.*

20        *(2) The table of sections at the beginning of chapter*  
21        *7 of title 18, United States Code, is amended by adding*  
22        *at the end the following new item:*

*“116. Female genital mutilation.”.*

23        *(e)(1) The Secretary of Health and Human Services*  
24        *shall do the following:*

1           (A) *Compile data on the number of females liv-*  
2           *ing in the United States who have been subjected to*  
3           *female genital mutilation (whether in the United*  
4           *States or in their countries of origin), including a*  
5           *specification of the number of girls under the age of*  
6           *18 who have been subjected to such mutilation.*

7           (B) *Identify communities in the United States*  
8           *that practice female genital mutilation, and design*  
9           *and carry out outreach activities to educate individ-*  
10           *uals in the communities on the physical and psycho-*  
11           *logical health effects of such practice. Such outreach*  
12           *activities shall be designed and implemented in col-*  
13           *laboration with representatives of the ethnic groups*  
14           *practicing such mutilation and with representatives*  
15           *of organizations with expertise in preventing such*  
16           *practice.*

17           (C) *Develop recommendations for the education*  
18           *of students of schools of medicine and osteopathic*  
19           *medicine regarding female genital mutilation and*  
20           *complications arising from such mutilation. Such rec-*  
21           *ommendations shall be disseminated to such schools.*

22           (2) *For purposes of this subsection, the term “female*  
23           *genital mutilation” means the removal or infibulation (or*  
24           *both) of the whole or part of the clitoris, the labia minor,*  
25           *or the labia major.*

1       (f) Subsection (e) shall take effect on the date of enact-  
 2       ment of this Act, and the Secretary of Health and Human  
 3       Services shall commence carrying out such section not later  
 4       than 90 days after the date of the enactment of this Act.  
 5       Subsection (d) shall take effect on the date that is 180 days  
 6       after the date of the enactment of this Act.

7       This title may be cited as the “Contingency Appro-  
 8       priations Act, 1996”.

9       **TITLE V—ENVIRONMENTAL INITIATIVES**

10      **CHAPTER 1—DEPARTMENTS OF VETERANS AF-**  
 11      **FAIRS AND HOUSING AND URBAN DEVELOP-**  
 12      **MENT, AND INDEPENDENT AGENCIES**

13                              **INDEPENDENT AGENCY**

14                              **ENVIRONMENTAL PROTECTION AGENCY**

15                              **ENVIRONMENTAL PROGRAMS AND MANAGEMENT**

16      *In addition to funds provided elsewhere in this Act,*  
 17      *\$75,000,000, to remain available until September 30, 1997.*

18                              **BUILDINGS AND FACILITIES**

19      *In addition to funds provided elsewhere in this Act,*  
 20      *\$50,000,000, to remain available until expended, for the*  
 21      *construction of a consolidated research facility at Research*  
 22      *Triangle Park, North Carolina: Provided, That pursuant*  
 23      *to the provisions of section 7(a) of the Public Buildings Act*  
 24      *of 1959 (40 U.S.C. 606(a)), that no funds shall be made*  
 25      *available for construction of such project prior to April 19,*  
 26      *1996, unless such project is approved by resolutions of the*

1 *Senate Committee on Environment and Public Works and*  
2 *the House Committee on Transportation and Infrastruc-*  
3 *ture, respectively: Provided further, That in no case shall*  
4 *funds be made available for construction of such project if*  
5 *prior to April 19, 1996, the project has been disapproved*  
6 *by either the Senate Committee on Environment and Public*  
7 *Works or the House Committee on Transportation and In-*  
8 *frastructure: Provided further, That notwithstanding any*  
9 *other provision of this Act, the paragraph under this head-*  
10 *ing in chapter 4 of title IV of this Act shall not become*  
11 *effective.*

12 *STATE AND TRIBAL ASSISTANCE GRANTS*

13 *In addition to funds provided elsewhere in this Act,*  
14 *\$200,000,000, to remain available until expended, for cap-*  
15 *italization grants for State revolving funds to support*  
16 *water infrastructure financing: Provided, That of the funds*  
17 *made available by this paragraph, \$125,000,000 shall be*  
18 *for drinking water State revolving funds, but if no drinking*  
19 *water State revolving fund legislation is enacted by June*  
20 *1, 1996, these funds shall immediately be available for mak-*  
21 *ing capitalization grants under title VI of the Federal*  
22 *Water Pollution Control Act, as amended.*

23 *HAZARDOUS SUBSTANCE SUPERFUND*

24 *In addition to funds provided elsewhere in this Act,*  
25 *\$50,000,000, to remain available until expended.*

1    *GENERAL PROVISIONS*

2            *SEC. 5001. Notwithstanding any other provision of*  
3 *this Act, amounts provided in title IV of this Act for the*  
4 *Environmental Protection Agency, with the exception of*  
5 *amounts appropriated under the heading “BUILDINGS AND*  
6 *FACILITIES”, shall become available immediately upon en-*  
7 *actment of this Act.*

8            *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*9    *NATIONAL AND COMMUNITY SERVICE PROGRAMS*10    *OPERATING EXPENSES*11    *(INCLUDING TRANSFER OF FUNDS)*

12            *For necessary expenses for the Corporation for Na-*  
13 *tional and Community Service (referred to in the matter*  
14 *under this heading as the “Corporation”) in carrying out*  
15 *programs, activities, and initiatives under the National*  
16 *and Community Service Act of 1990 (referred to in the mat-*  
17 *ter under this heading as the “Act”) (42 U.S.C. 12501 et*  
18 *seq.), \$400,500,000, of which \$265,000,000 shall be avail-*  
19 *able for obligation from September 1, 1996, through Sep-*  
20 *tember 30, 1997: Provided, That not more than \$25,000,000*  
21 *shall be available for administrative expenses authorized*  
22 *under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)):*  
23 *Provided further, That not more than \$2,500 shall be for*  
24 *official reception and representation expenses: Provided fur-*  
25 *ther, That not more than \$59,000,000, to remain available*  
26 *without fiscal year limitation, shall be transferred to the*

1 *National Service Trust account for educational awards au-*  
2 *thorized under subtitle D of title I of the Act (42 U.S.C.*  
3 *12601 et seq.): Provided further, That not more than*  
4 *\$215,000,000 of the amount provided under this heading*  
5 *shall be available for grants under the National Service*  
6 *Trust program authorized under subtitle C of title I of the*  
7 *Act (42 U.S.C. 12571 et seq.) (relating to activities includ-*  
8 *ing the Americorps program), of which not more than*  
9 *\$40,000,000 may be used to administer, reimburse or sup-*  
10 *port any national service program authorized under section*  
11 *121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided*  
12 *further, That not more than \$5,500,000 of the funds made*  
13 *available under this heading shall be made available for the*  
14 *Points of Light Foundation for activities authorized under*  
15 *title III of the Act (42 U.S.C. 12661 et seq.): Provided fur-*  
16 *ther, That no funds shall be available for national service*  
17 *programs run by Federal agencies authorized under section*  
18 *121(b) of such Act (42 U.S.C. 12581(b)): Provided further,*  
19 *That, to the maximum extent feasible, funds appropriated*  
20 *in the preceding proviso shall be provided in a manner that*  
21 *is consistent with the recommendations of peer review pan-*  
22 *els in order to ensure that priority is given to programs*  
23 *that demonstrate quality, innovation, replicability, and*  
24 *sustainability: Provided further, That not more than*  
25 *\$18,000,000 of the funds made available under this heading*



1 *shall be available for the Civilian Community Corps au-*  
2 *thorized under subtitle E of title I of the Act (42 U.S.C.*  
3 *12611 et seq.): Provided further, That not more than*  
4 *\$43,000,000 shall be available for school-based and commu-*  
5 *nity-based service-learning programs authorized under sub-*  
6 *title B of title I of the Act (41 U.S.C. 12521 et seq.): Pro-*  
7 *vided further, That not more than \$30,000,000 shall be*  
8 *available for quality and innovation activities authorized*  
9 *under subtitle H of title I of the Act (42 U.S.C. 12853 et*  
10 *seq.): Provided further, That not more than \$5,000,000 shall*  
11 *be available for audits and other evaluations authorized*  
12 *under section 179 of the Act (42 U.S.C. 12639), of which*  
13 *up to \$500,000 shall be available for a study by the Na-*  
14 *tional Academy of Public Administration on the structure,*  
15 *organization, and management of the Corporation and ac-*  
16 *tivities supported by the Corporation, including an assess-*  
17 *ment of the quality, innovation, replicability, and sustain-*  
18 *ability without Federal funds of such activities, and the*  
19 *Federal and non-Federal cost of supporting participants in*  
20 *community service activities: Provided further, That no*  
21 *funds from any other appropriation, or from funds other-*  
22 *wise made available to the Corporation, shall be used to*  
23 *pay for personnel compensation and benefits, travel, or any*  
24 *other administrative expense for the Board of Directors, the*  
25 *Office of the Chief Executive Officer, the Office of the Man-*

1 *aging Director, the Office of the Chief Financial Officer,*  
2 *the Office of National and Community Service Programs,*  
3 *the Civilian Community Corps, or any field office or staff*  
4 *of the Corporation working on the National and Commu-*  
5 *nity Service or Civilian Community Corps programs: Pro-*  
6 *vided further, That to the maximum extent practicable, the*  
7 *Corporation shall increase significantly the level of match-*  
8 *ing funds and in-kind contributions provided by the private*  
9 *sector, shall expand significantly the number of educational*  
10 *awards provided under subtitle D of title I, and shall reduce*  
11 *the total Federal cost per participant in all programs: Pro-*  
12 *vided further, That prior to September 30, 1996, the Gen-*  
13 *eral Accounting Office shall report to the Congress the re-*  
14 *sults of a study of State commission programs which evalu-*  
15 *ates the cost per participant, the commissions' ability to*  
16 *oversee the programs, and other relevant considerations:*  
17 *Provided further, That the matter under this heading in*  
18 *title I of this Act shall not be effective.*

19 *SENSE OF CONGRESS*

20 *It is the sense of the Congress that accounting for tax-*  
21 *payers' funds must be a top priority for all Federal agencies*  
22 *and Government corporations. The Congress is deeply con-*  
23 *cerned about the findings of the recent audit of the Corpora-*  
24 *tion for National and Community Service required under*  
25 *the Government Corporation Control Act of 1945. The Con-*  
26 *gress urges the President to expeditiously nominate a quali-*

1 *fied Chief Financial Officer for the Corporation. Further,*  
 2 *to the maximum extent practicable and as quickly as pos-*  
 3 *sible, the Corporation should implement the recommenda-*  
 4 *tions of the independent auditors contracted for by the Cor-*  
 5 *poration’s Inspector General, as well as the Chief Financial*  
 6 *Officer, to improve the financial management of taxpayers’*  
 7 *funds. Should the Chief Financial Officer determine that*  
 8 *additional resources are needed to implement these rec-*  
 9 *ommendations, the Corporation should submit a*  
 10 *reprogramming proposal for up to \$3,000,000 to carry out*  
 11 *reforms of the financial management system.*

12 *FUNDING ADJUSTMENT*

13 *The total amount appropriated under the heading*  
 14 *“Department of Housing and Urban Development, Housing*  
 15 *Programs, Annual contribution for assisted housing”, in*  
 16 *title I of this Act is reduced by \$17,000,000, and the amount*  
 17 *otherwise made available under said heading for section 8*  
 18 *assistance and rehabilitation grants for property disposi-*  
 19 *tion is reduced to \$192,000,000.*

20 *CHAPTER 2—SPENDING OFFSETS*

21 *SUBCHAPTER A—DEBT COLLECTION*

22 ***SEC. 5101. SHORT TITLE.***

23 *This subchapter may be cited as the “Debt Collection*  
 24 *Improvement Act of 1996”.*

1 **SEC. 5102. EFFECTIVE DATE.**

2 *Except as otherwise provided in this subchapter, the*  
3 *provisions of this subchapter and the amendments made by*  
4 *this subchapter shall be effective on the date of enactment*  
5 *of this Act.*

6 **PART I—GENERAL DEBT COLLECTION**

7 **INITIATIVES**

8 **Subpart A—General Offset Authority**

9 **SEC. 5201. ENHANCEMENT OF ADMINISTRATIVE OFFSET AU-**  
10 **THORITY.**

11 *(a) Section 3701(c) of title 31, United States Code, is*  
12 *amended to read as follows:*

13 *“(c) In sections 3716 and 3717 of this title, the term*  
14 *‘person’ does not include an agency of the United States*  
15 *Government, or of a unit of general local government.”.*

16 *(b) Section 3716 of title 31, United States Code, is*  
17 *amended—*

18 *(1) by amending subsection (b) to read as fol-*  
19 *lows:*

20 *“(b) Before collecting a claim by administrative offset,*  
21 *the head of an executive, legislative, or judicial agency must*  
22 *either—*

23 *“(1) adopt regulations on collecting by adminis-*  
24 *trative offset promulgated by the Department of Jus-*  
25 *stice, the General Accounting Office and/or the Depart-*  
26 *ment of the Treasury without change; or*

1           “(2) prescribe independent regulations on collect-  
2           ing by administrative offset consistent with the regu-  
3           lations promulgated under paragraph (1).”;

4           (2) by amending subsection (c)(2) to read as fol-  
5           lows:

6           “(2) when a statute explicitly prohibits using  
7           administrative ‘offset’ or ‘setoff’ to collect the claim or  
8           type of claim involved.”;

9           (3) by redesignating subsection (c) as subsection  
10          (d); and

11          (4) by inserting after subsection (b) the following  
12          new subsection:

13          “(c)(1)(A) Except as provided in subparagraph (B) or  
14          (C), a disbursing official of the Department of the Treasury,  
15          the Department of Defense, the United States Postal Serv-  
16          ice, or any disbursing official of the United States des-  
17          ignated by the Secretary of the Treasury, is authorized to  
18          offset the amount of a payment which a payment certifying  
19          agency has certified to the disbursing official for disburse-  
20          ment by an amount equal to the amount of a claim which  
21          a creditor agency has certified to the Secretary of the Treas-  
22          ury pursuant to this subsection.

23          “(B) An agency that designates disbursing officials  
24          pursuant to section 3321(c) of this title is not required to  
25          certify claims arising out of its operations to the Secretary

1 *of the Treasury before such agency's disbursing officials off-*  
2 *set such claims.*

3       “(C) *Payments certified by the Department of Edu-*  
4 *cation under a program administered by the Secretary of*  
5 *Education under title IV of the Higher Education Act of*  
6 *1965, as amended, shall not be subject to offset under this*  
7 *subsection.*

8       “(2) *Neither the disbursing official nor the payment*  
9 *certifying agency shall be liable—*

10               “(A) *for the amount of the offset on the basis*  
11 *that the underlying obligation, represented by the*  
12 *payment before the offset was taken, was not satisfied;*  
13 *or*

14               “(B) *for failure to provide timely notice under*  
15 *paragraph (8).*

16       “(3)(A) *Notwithstanding any other provision of law*  
17 *(including sections 207 and 1631(d)(1) of the Act of August*  
18 *14, 1935 (42 U.S.C. 407 and 1383(d)(1)), section 413(b)*  
19 *of Public Law 91-173 (30 U.S.C. 923(b)), and section 14*  
20 *of the Act of August 29, 1935 (45 U.S.C. 231m)), all pay-*  
21 *ments due under the Social Security Act, Part B of the*  
22 *Black Lung Benefits Act, or under any law administered*  
23 *by the Railroad Retirement Board shall be subject to offset*  
24 *under this section.*

1       “(B) An amount of \$10,000 which a debtor may re-  
2 ceive under Federal benefit programs cited under subpara-  
3 graph (A) within a 12-month period shall be exempt from  
4 offset under this subsection. In applying the \$10,000 exemp-  
5 tion, the disbursing official shall—

6           “(i) apply a prorated amount of the exemption  
7 to each periodic benefit payment to be made to the  
8 debtor during the applicable 12-month period; and

9           “(ii) consider all benefit payments made during  
10 the applicable 12-month period which are exempt  
11 from offset under this subsection as part of the  
12 \$10,000 exemption.

13 For purposes of the preceding sentence, the amount of a  
14 periodic benefit payment shall be the amount after any re-  
15 duction or deduction required under the laws authorizing  
16 the program under which such payment is authorized to  
17 be made (including any reduction or deduction to recover  
18 any overpayment under such program).

19       “(C) The Secretary of the Treasury shall exempt  
20 means-tested programs when notified by the head of the re-  
21 spective agency. The Secretary may exempt other payments  
22 from offset under this subsection upon the written request  
23 of the head of a payment certifying agency. A written re-  
24 quest for exemption of other payments must provide jus-  
25 tification for the exemption under the standards prescribed

1 *by the Secretary. Such standards shall give due consider-*  
2 *ation to whether offset would tend to interfere substantially*  
3 *with or defeat the purposes of the payment certifying agen-*  
4 *cy's program.*

5       “(D) *The provisions of sections 205(b)(1) and*  
6 *1631(c)(1) of the Social Security Act shall not apply to any*  
7 *offset executed pursuant to this section against benefits au-*  
8 *thorized by either title II or title XVI of the Social Security*  
9 *Act.*

10       “(4) *The Secretary of the Treasury is authorized to*  
11 *charge a fee sufficient to cover the full cost of implementing*  
12 *this subsection. The fee may be collected either by the reten-*  
13 *tion of a portion of amounts collected pursuant to this sub-*  
14 *section, or by billing the agency referring or transferring*  
15 *the claim. Fees charged to the agencies shall be based only*  
16 *on actual offsets completed. Fees charged under this sub-*  
17 *section concerning delinquent claims may be considered as*  
18 *costs pursuant to section 3717(e) of this title. Fees charged*  
19 *under this subsection shall be deposited into the ‘Account’*  
20 *determined by the Secretary of the Treasury in accordance*  
21 *with section 3711(g) of this title, and shall be collected and*  
22 *accounted for in accordance with the provisions of that sec-*  
23 *tion.*

24       “(5) *The Secretary of the Treasury may disclose to a*  
25 *creditor agency the current address of any payee and any*



1 *data related to certifying and authorizing such payment*  
2 *in accordance with section 552a of title 5, United States*  
3 *Code, even when the payment has been exempt from offset.*  
4 *Where payments are made electronically, the Secretary is*  
5 *authorized to obtain the current address of the debtor/payee*  
6 *from the institution receiving the payment. Upon request*  
7 *by the Secretary, the institution receiving the payment shall*  
8 *report the current address of the debtor/payee to the Sec-*  
9 *retary.*

10       “(6) *The Secretary of the Treasury is authorized to*  
11 *prescribe such rules, regulations, and procedures as the Sec-*  
12 *retary of the Treasury deems necessary to carry out the pur-*  
13 *poses of this subsection. The Secretary shall consult with*  
14 *the heads of affected agencies in the development of such*  
15 *rules, regulations, and procedures.*

16       “(7)(A) *Any Federal agency that is owed by a named*  
17 *person a past-due legally enforceable non-tax debt that is*  
18 *over 180 days delinquent (other than any past-due sup-*  
19 *port), including non-tax debt administered by a third party*  
20 *acting as an agent for the Federal Government, shall notify*  
21 *the Secretary of the Treasury of all such non-tax debts for*  
22 *purposes of offset under this subsection.*

23       “(B) *An agency may delay notification under sub-*  
24 *paragraph (A) with respect to a debt that is secured by bond*  
25 *or other instruments in lieu of bond, or for which there is*

1 *another specific repayment source, in order to allow suffi-*  
2 *cient time to either collect the debt through normal collec-*  
3 *tion processes (including collection by internal administra-*  
4 *tive offset) or render a final decision on any protest filed*  
5 *against the claim.*

6       “(8) *The disbursing official conducting the offset shall*  
7 *notify the payee in writing of—*

8               “(A) *the occurrence of an offset to satisfy a past-*  
9 *due legally enforceable debt, including a description of*  
10 *the type and amount of the payment otherwise pay-*  
11 *able to the debtor against which the offset was exe-*  
12 *cuted;*

13               “(B) *the identity of the creditor agency request-*  
14 *ing the offset; and*

15               “(C) *a contact point within the creditor agency*  
16 *that will handle concerns regarding the offset.”.*

17 *Where the payment to be offset is a periodic benefit pay-*  
18 *ment, the disbursing official shall take reasonable steps, as*  
19 *determined by the Secretary of the Treasury, to provide the*  
20 *notice to the payee not later than the date on which the*  
21 *payee is otherwise scheduled to receive the payment, or as*  
22 *soon as practical thereafter, but no later than the date of*  
23 *the offset. Notwithstanding the preceding sentence, the fail-*  
24 *ure of the debtor to receive such notice shall not impair*  
25 *the legality of such offset.*

1       “(9) A levy pursuant to the Internal Revenue Code of  
2 1986 shall take precedence over requests for offset received  
3 from other agencies.”.

4       (c) Section 3701(a) of title 31, United States Code, is  
5 amended by adding at the end the following new paragraph:

6               “(8) ‘non-tax claim’ means any claim from any  
7 agency of the Federal Government other than a claim  
8 by the Internal Revenue Service under the Internal  
9 Revenue Code of 1986.”.

10 **SEC. 5202. HOUSE OF REPRESENTATIVES AS LEGISLATIVE**  
11 **AGENCY.**

12       (a) Section 3701 of title 31, United States Code, is  
13 amended by adding at the end the following new sub-  
14 sections:

15       “(e) For purposes of subchapters I and II of chapter  
16 37 of title 31, United States Code (relating to claims of  
17 or against United States Government), the United States  
18 House of Representatives shall be considered to be a legisla-  
19 tive agency (as defined in section 3701(a)(4) of such title),  
20 and the Clerk of the House of Representatives shall be  
21 deemed to be the head of such legislative agency.

22       “(f) Regulations prescribed by the Clerk of the House  
23 of Representatives pursuant to section 3716 of title 31,  
24 United States Code, shall not become effective until they are

1 *approved by the Committee on Rules of the House of Rep-*  
2 *resentatives.”.*

3 **SEC. 5203. EXEMPTION FROM COMPUTER MATCHING RE-**  
4 **QUIREMENTS UNDER THE PRIVACY ACT OF**  
5 **1974.**

6 *Section 552a(a) of title 5, United States Code, is*  
7 *amended in paragraph (8)(B)—*

8 *(1) by striking “or” at the end of clause (vi);*

9 *(2) by inserting “or” at the end of clause (vii);*

10 *and*

11 *(3) by adding after clause (vii) the following new*  
12 *clause:*

13 *“(viii) matches for administrative off-*  
14 *set or claims collection pursuant to sub-*  
15 *section 3716(c) of title 31, section 5514 of*  
16 *this title, or any other payment intercept or*  
17 *offset program authorized by statute;”.*

18 **SEC. 5204. TECHNICAL AND CONFORMING AMENDMENTS.**

19 *(a) Title 31, United States Code, is amended—*

20 *(1) in section 3322(a), by inserting “section*  
21 *3716 and section 3720A of this title, section 6331 of*  
22 *title 26, and” after “Except as provided in”;*

23 *(2) in section 3325(a)(3), by inserting “or pur-*  
24 *suant to payment intercepts or offsets pursuant to*  
25 *section 3716 or 3720A, or pursuant to levies executed*

1        *under section 6331 of the Internal Revenue Code of*  
2        *1986 (26 U.S.C. 6331),” after “voucher”; and*

3                *(3) in sections 3711, 3716, 3717, and 3718, by*  
4        *striking “the head of an executive or legislative agen-*  
5        *cy” each place it appears and inserting instead “the*  
6        *head of an executive, judicial, or legislative agency”.*

7        *(b) Subsection 6103(l)(10) of title 26, United States*  
8        *Code, is amended—*

9                *(1) in subparagraph (A), by inserting “and to*  
10        *officers and employees of the Department of the Treas-*  
11        *ury in connection with such reduction” adding after*  
12        *“6402”; and*

13                *(2) in subparagraph (B), by adding “and to offi-*  
14        *cers and employees of the Department of the Treasury*  
15        *in connection with such reduction” after “agency”.*

16                ***Subpart B—Salary Offset Authority***

17        ***SEC. 5221. ENHANCEMENT OF SALARY OFFSET AUTHORITY.***

18        *Section 5514 of title 5, United States Code, is amend-*  
19        *ed—*

20                *(1) in subsection (a)—*

21                        *(A) by adding at the end of paragraph (1)*  
22        *the following: “All Federal agencies to which*  
23        *debts are owed and are delinquent in repayment,*  
24        *shall participate in a computer match at least*  
25        *annually of their delinquent debt records with*

1 records of Federal employees to identify those  
2 employees who are delinquent in repayment of  
3 those debts. Matched Federal employee records  
4 shall include, but shall not be limited to, active  
5 Civil Service employees government-wide, mili-  
6 tary active duty personnel, military reservists,  
7 United States Postal Service employees, and  
8 records of seasonal and temporary employees.  
9 The Secretary of the Treasury shall establish and  
10 maintain an interagency consortium to imple-  
11 ment centralized salary offset computer match-  
12 ing, and promulgate regulations for this pro-  
13 gram. Agencies that perform centralized salary  
14 offset computer matching services under this sub-  
15 section are authorized to charge a fee sufficient  
16 to cover the full cost for such services.”;

17 (B) by redesignating paragraphs (3) and  
18 (4) as paragraphs (4) and (5), respectively;

19 (C) by inserting after paragraph (2) the fol-  
20 lowing new paragraph:

21 “(3) The provisions of paragraph (2) shall not  
22 apply to routine intra-agency adjustments of pay that  
23 are attributable to clerical or administrative errors or  
24 delays in processing pay documents that have oc-  
25 curred within the four pay periods preceding the ad-

1 *justment and to any adjustment that amounts to \$50*  
2 *or less, provided that at the time of such adjustment,*  
3 *or as soon thereafter as practical, the individual is*  
4 *provided written notice of the nature and the amount*  
5 *of the adjustment and a point of contact for contest-*  
6 *ing such adjustment.”; and*

7 *(D) by amending paragraph (5)(B) (as re-*  
8 *designated) to read as follows:*

9 *“(B) For purposes of this section ‘agency’*  
10 *includes executive departments and agencies, the*  
11 *United States Postal Service, the Postal Rate*  
12 *Commission, the United States Senate, the Unit-*  
13 *ed States House of Representatives, and any*  
14 *court, court administrative office, or instrumen-*  
15 *tality in the judicial or legislative branches of*  
16 *government, and government corporations.”;*

17 *(2) by adding at the end of subsection (b) the fol-*  
18 *lowing new paragraphs:*

19 *“(3) For purposes of this section, the Clerk of the*  
20 *House of Representatives shall be deemed to be the*  
21 *head of the agency. Regulations prescribed by the*  
22 *Clerk of the House of Representatives pursuant to*  
23 *subsection (b)(1) shall be subject to the approval of the*  
24 *Committee on Rules of the House of Representatives.*

1           “(4) For purposes of this section, the Secretary  
2 of the Senate shall be deemed to be the head of the  
3 agency. Regulations prescribed by the Secretary of the  
4 Senate pursuant to subsection (b)(1) shall be subject  
5 to the approval of the Committee on Rules and Ad-  
6 ministration of the Senate.”; and

7           (3) by adding after subsection (c) the following  
8 new subsection:

9           “(d) A levy pursuant to the Internal Revenue Code of  
10 1986 shall take precedence over requests for offset received  
11 from other agencies.”.

12           **Subpart C—Taxpayer Identifying Numbers**

13           **SEC. 5231. ACCESS TO TAXPAYER IDENTIFYING NUMBERS;**

14                           **BARRING DELINQUENT DEBTORS FROM**  
15                           **CREDIT ASSISTANCE.**

16           Section 4 of the Debt Collection Act of 1982 (Public  
17 Law 97–365, 96 Stat. 1749, 26 U.S.C. 6103 note) is amend-  
18 ed—

19           (1) in subsection (b), by striking “For purposes  
20 of this section” and inserting instead “For purposes  
21 of subsection (a)”; and

22           (2) by adding at the end thereof the following  
23 new subsections:

24           “(c) **FEDERAL AGENCIES.**—Each Federal agency shall  
25 require each person doing business with that agency to fur-



1 *nish to that agency such person’s taxpayer identifying*  
2 *number.*

3           “(1) *For purposes of this subsection, a person is*  
4 *considered to be ‘doing business’ with a Federal agen-*  
5 *cy if the person is—*

6                   “(A) *a lender or servicer in a Federal guar-*  
7 *anteed or insured loan program;*

8                   “(B) *an applicant for, or recipient of—*

9                           “(i) *a Federal guaranteed, insured, or*  
10 *direct loan; or*

11                           “(ii) *a Federal license, permit, right-*  
12 *of-way, grant, benefit payment or insur-*  
13 *ance;*

14                   “(C) *a contractor of the agency;*

15                   “(D) *assessed a fine, fee, royalty or penalty*  
16 *by that agency;*

17                   “(E) *in a relationship with a Federal agen-*  
18 *cy that may give rise to a receivable due to that*  
19 *agency, such as a partner of a borrower in or a*  
20 *guarantor of a Federal direct or insured loan;*  
21 *and*

22                   “(F) *is a joint holder of any account to*  
23 *which Federal benefit payments are transferred*  
24 *electronically.*

1           “(2) *Each agency shall disclose to the person re-*  
2           *quired to furnish a taxpayer identifying number*  
3           *under this subsection its intent to use such number*  
4           *for purposes of collecting and reporting on any delin-*  
5           *quent amounts arising out of such persons’s relation-*  
6           *ship with the government.*

7           “(3) *For purposes of this subsection:*

8                   “(A) *The term ‘taxpayer identifying num-*  
9                   *ber’ has the meaning given such term in section*  
10                   *6109 of title 26, United States Code.*

11                   “(B) *The term ‘person’ means an individ-*  
12                   *ual, sole proprietorship, partnership, corpora-*  
13                   *tion, nonprofit organization, or any other form*  
14                   *of business association, but with the exception of*  
15                   *debtors owing claims resulting from petroleum*  
16                   *pricing violations does not include debtors under*  
17                   *third party claims of the United States.*

18           “(d) *ACCESS TO SOCIAL SECURITY NUMBERS.—Not-*  
19           *withstanding section 552a of title 5, United States Code,*  
20           *creditor agencies to which a delinquent claim is owed, and*  
21           *their agents, may match their debtor records with the Social*  
22           *Security Administration records to verify name, name con-*  
23           *trol, Social Security number, address, and date of birth.”.*

1 **SEC. 5232. BARRING DELINQUENT FEDERAL DEBTORS**  
2 **FROM OBTAINING FEDERAL LOANS OR LOAN**  
3 **GUARANTEES.**

4 (a) *Title 31, United States Code, is amended by add-*  
5 *ing after section 3720A the following new section:*

6 **“§ 3720B. Barring delinquent Federal debtors from ob-**  
7 **taining Federal loans or loan guarantees**

8 “(a) *Unless waived by the head of the agency, no per-*  
9 *son may obtain any Federal financial assistance in the*  
10 *form of a loan or a loan guarantee if such person has an*  
11 *outstanding Federal non-tax debt which is in a delinquent*  
12 *status, as determined under the standards prescribed by the*  
13 *Secretary of the Treasury, with a Federal agency. Any such*  
14 *person may obtain additional Federal financial assistance*  
15 *only after such delinquency is resolved, pursuant to these*  
16 *standards. This section shall not apply to loans or loan*  
17 *guarantees where a statute specifically permits extension of*  
18 *Federal financial assistance to borrowers in delinquent sta-*  
19 *tus.*

20 “(b) *The head of the agency may delegate the waiver*  
21 *authority described in subsection (a) to the Chief Financial*  
22 *Officer of the agency. The waiver authority may be redele-*  
23 *gated only to the Deputy Chief Financial Officer of the*  
24 *agency.*

25 “(c) *For purposes of this section, ‘person’ means an*  
26 *individual; or sole proprietorship, partnership, corporation,*

1 *non-profit organization, or any other form of business asso-*  
 2 *ciation.”.*

3 *(b) The table of sections for subchapter II of chapter*  
 4 *37 of title 31, United States Code, is amended by inserting*  
 5 *after the item relating to section 3720A the following new*  
 6 *item:*

*“3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan  
 guarantees.”.*

7 ***Subpart D—Expanding Collection Authorities and***  
 8 ***Governmentwide Cross-Servicing***

9 ***SEC. 5241. EXPANDING COLLECTION AUTHORITIES UNDER***  
 10 ***THE DEBT COLLECTION ACT OF 1982.***

11 *(a) Subsection 8(e) of the Debt Collection Act of 1982*  
 12 *(Public Law 97–365, 31 U.S.C. 3701(d) and 5 U.S.C. 5514*  
 13 *note) is repealed.*

14 *(b) Section 5 of the Social Security Domestic Employ-*  
 15 *ment Reform Act of 1994 (Public Law 103–387) is repealed.*

16 *(c) Section 631 of the Tariff Act of 1930 (19 U.S.C.*  
 17 *1631), is repealed.*

18 *(d) Title 31, United States Code, is amended—*

19 *(1) in section 3701—*

20 *(A) by amending subsection (a)(4) to read*  
 21 *as follows:*

22 *“(4) ‘executive, judicial or legislative agency’*  
 23 *means a department, military department, agency,*  
 24 *court, court administrative office, or instrumentality*

1       *in the executive, judicial or legislative branches of*  
2       *government, including government corporations.”;*  
3       *and*

4               *(B) by inserting after subsection (c) the fol-*  
5       *lowing new subsection:*

6       “*(d) Sections 3711(f) and 3716–3719 of this title do*  
7       *not apply to a claim or debt under, or to an amount pay-*  
8       *able under, the Internal Revenue Code of 1986.”;*

9               *(2) by amending section 3711(f) to read as fol-*  
10       *lows:*

11       “*(f)(1) When trying to collect a claim of the Govern-*  
12       *ment, the head of an executive or legislative agency may*  
13       *disclose to a consumer reporting agency information from*  
14       *a system of records that an individual is responsible for*  
15       *a claim if notice required by section 552a(e)(4) of title 5,*  
16       *United States Code, indicates that information in the sys-*  
17       *tem may be disclosed to a consumer reporting agency.*

18       “*(2) The information disclosed to a consumer report-*  
19       *ing agency shall be limited to—*

20               “*(A) information necessary to establish the iden-*  
21       *tity of the individual, including name, address and*  
22       *taxpayer identifying number;*

23               “*(B) the amount, status, and history of the*  
24       *claim; and*

1           “(C) the agency or program under which the  
2           claim arose.”; and

3           (3) in section 3718—

4           (A) in subsection (a), by striking the first  
5           sentence and inserting instead the following:

6           “Under conditions the head of an executive, leg-  
7           islative or judicial agency considers appropriate,  
8           the head of an agency may make a contract with  
9           a person for collection service to recover indebt-  
10          edness owed, or to locate or recover assets of, the  
11          United States Government. No head of an agency  
12          may enter into a contract to locate or recover as-  
13          sets of the United States held by a State govern-  
14          ment or financial institution unless that agency  
15          has established procedures approved by the Sec-  
16          retary of the Treasury to identify and recover  
17          such assets.”; and

18          (B) in subsection (d), by inserting “, or to  
19          locate or recover assets of,” after “owed”.

20   **SEC. 5242. GOVERNMENTWIDE CROSS-SERVICING.**

21          Section 3711 of title 31, United States Code, is amend-  
22          ed by adding at the end the following new subsection:

23          “(g)(1) At the discretion of the head of an executive,  
24          judicial or legislative agency, referral of a non-tax claim  
25          may be made to any executive department or agency operat-

1 *ing a debt collection center for servicing and collection in*  
2 *accordance with an agreement entered into under para-*  
3 *graph (2). Referral or transfer of a claim may also be made*  
4 *to the Secretary of the Treasury for servicing, collection,*  
5 *compromise, and/or suspension or termination of collection*  
6 *action. Non-tax claims referred or transferred under this*  
7 *section shall be serviced, collected, compromised, and/or col-*  
8 *lection action suspended or terminated in accordance with*  
9 *existing statutory requirements and authorities.*

10       “(2) *Executive departments and agencies operating*  
11 *debt collection centers are authorized to enter into agree-*  
12 *ments with the heads of executive, judicial, or legislative*  
13 *agencies to service and/or collect non-tax claims referred or*  
14 *transferred under this subsection. The heads of other execu-*  
15 *tive departments and agencies are authorized to enter into*  
16 *agreements with the Secretary of the Treasury for servicing*  
17 *or collection of referred or transferred non-tax claims or*  
18 *other Federal agencies operating debt collection centers to*  
19 *obtain debt collection services from those agencies.*

20       “(3) *Any agency to which non-tax claims are referred*  
21 *or transferred under this subsection is authorized to charge*  
22 *a fee sufficient to cover the full cost of implementing this*  
23 *subsection. The agency transferring or referring the non-*  
24 *tax claim shall be charged the fee, and the agency charging*  
25 *the fee shall collect such fee by retaining the amount of the*

1 *fee from amounts collected pursuant to this subsection.*  
2 *Agencies may agree to pay through a different method, or*  
3 *to fund the activity from another account or from revenue*  
4 *received from Section 701. Amounts charged under this sub-*  
5 *section concerning delinquent claims may be considered as*  
6 *costs pursuant to section 3717(e) of this title.*

7       “(4) Notwithstanding any other law concerning the de-  
8 *positing and collection of Federal payments, including sec-*  
9 *tion 3302(b) of this title, agencies collecting fees may retain*  
10 *the fees from amounts collected. Any fee charged pursuant*  
11 *to this subsection shall be deposited into an account to be*  
12 *determined by the executive department or agency operating*  
13 *the debt collection center charging the fee (hereafter referred*  
14 *to in this section as the ‘Account’). Amounts deposited in*  
15 *the Account shall be available until expended to cover costs*  
16 *associated with the implementation and operation of gov-*  
17 *ernment-wide debt collection activities. Costs properly*  
18 *chargeable to the Account include, but are not limited to—*

19               “(A) *the costs of computer hardware and soft-*  
20 *ware, word processing and telecommunications equip-*  
21 *ment, other equipment, supplies, and furniture;*

22               “(B) *personnel training and travel costs;*

23               “(C) *other personnel and administrative costs;*

24               “(D) *the costs of any contract for identification,*  
25 *billing, or collection services; and*



1           “(E) reasonable costs incurred by the Secretary  
2           of the Treasury, including but not limited to, services  
3           and utilities provided by the Secretary, and adminis-  
4           tration of the Account.

5           “(5) Not later than January 1 of each year, there shall  
6           be deposited into the Treasury as miscellaneous receipts, an  
7           amount equal to the amount of unobligated balances re-  
8           maining in the Account at the close of business on Septem-  
9           ber 30 of the preceding year minus any part of such balance  
10          that the executive department or agency operating the debt  
11          collection center determines is necessary to cover or defray  
12          the costs under this subsection for the fiscal year in which  
13          the deposit is made.

14          “(6)(A) The head of an executive, legislative, or judi-  
15          cial agency shall transfer to the Secretary of the Treasury  
16          all non-tax claims over 180 days delinquent for additional  
17          collection action and/or closeout. A taxpayer identification  
18          number shall be included with each claim provided if it  
19          is in the agency’s possession.

20          “(B) Subparagraph (A) shall not apply—

21                  “(i) to claims that—

22                          “(I) are in litigation or foreclosure;

23                          “(II) will be disposed of under the loan  
24                          sales program of a Federal department or agen-  
25                          cy;

1           “(III) have been referred to a private collec-  
2           tion contractor for collection;

3           “(IV) are being collected under internal off-  
4           set procedures;

5           “(V) have been referred to the Department  
6           of the Treasury, the Department of Defense, the  
7           United States Postal Service, or a disbursing of-  
8           ficial of the United States designated by the Sec-  
9           retary of the Treasury for administrative offset;

10          “(VI) have been retained by an executive  
11          agency in a debt collection center; or

12          “(VII) have been referred to another agency  
13          for collection;

14          “(ii) to claims which may be collected after the  
15          180-day period in accordance with specific statutory  
16          authority or procedural guidelines, provided that the  
17          head of an executive, legislative, or judicial agency  
18          provides notice of such claims to the Secretary of the  
19          Treasury; and

20          “(iii) to other specific class of claims as deter-  
21          mined by the Secretary of the Treasury at the request  
22          of the head of an agency or otherwise.

23          “(C) The head of an executive, legislative, or judicial  
24          agency shall transfer to the Secretary of the Treasury all  
25          non-tax claims on which the agency has ceased collection

1 activity. The Secretary may exempt specific classes of  
2 claims from this requirement, at the request of the head of  
3 an agency, or otherwise. The Secretary shall review trans-  
4 ferred claims to determine if additional collection action is  
5 warranted. The Secretary may, in accordance with section  
6 6050P of title 26, United States Code, report to the Internal  
7 Revenue Service on behalf of the creditor agency any claims  
8 that have been discharged within the meaning of such sec-  
9 tion.

10       “(7) At the end of each calendar year, the head of an  
11 executive, legislative, or judicial agency which, regarding  
12 a claim owed to the agency, is required to report a discharge  
13 of indebtedness as income under the 6050P of title 26, Unit-  
14 ed States Code, shall either complete the appropriate form  
15 1099 or submit to the Secretary of the Treasury such infor-  
16 mation as is necessary for the Secretary of the Treasury  
17 to complete the appropriate form 1099. The Secretary of  
18 the Treasury shall incorporate this information into the ap-  
19 propriate form and submit the information to the taxpayer  
20 and Internal Revenue Service.

21       “(8) To carry out the purposes of this subsection, the  
22 Secretary of the Treasury is authorized—

23               “(A) to prescribe such rules, regulations, and  
24       procedures as the Secretary deems necessary; and

1           “(B) to designate debt collection centers operated  
2           by other Federal agencies.”.

3   **SEC. 5243. COMPROMISE OF CLAIMS.**

4           (a) Section 3711(a)(2) of title 31, United States Code,  
5           is amended by striking out “\$20,000 (excluding interest)”  
6           and inserting in lieu thereof “\$100,000 (excluding interest)  
7           or such higher amount as the Attorney General may from  
8           time to time prescribe.

9           (b) This section shall be effective as of October 1, 1995.

10       **Subpart E—Federal Civil Monetary Penalties**

11   **SEC. 5251. ADJUSTING FEDERAL CIVIL MONETARY PEN-**  
12                           **ALTIES FOR INFLATION.**

13           (a) The Federal Civil Penalties Inflation Adjustment  
14           Act of 1990 (Public Law 101–410, 104 Stat. 890; 28 U.S.C.  
15           2461 note) is amended—

16                   (1) by amending section 4 to read as follows:

17           “SEC. 4. The head of each agency shall, not later than  
18           180 days after the date of enactment of the Debt Collection  
19           Improvement Act of 1996, and at least once every 4 years  
20           thereafter, by regulation adjust each civil monetary penalty  
21           provided by law within the jurisdiction of the Federal agen-  
22           cy, except for any penalty under title 26, United States  
23           Code, by the inflation adjustment described under section  
24           5 of this Act and publish each such regulation in the Fed-  
25           eral Register.”;

1           (2) in section 5(a), by striking “The adjustment  
2           described under paragraphs (4) and (5)(A) of section  
3           4” and inserting “The inflation adjustment”; and

4           (3) by adding at the end the following new sec-  
5           tion:

6           “SEC. 7. Any increase to a civil monetary penalty re-  
7           sulting from this Act shall apply only to violations which  
8           occur after the date any such increase takes effect.”.

9           (b) The initial adjustment of a civil monetary penalty  
10          made pursuant to section 4 of Federal Civil Penalties Infla-  
11          tion Adjustment Act of 1990 (as amended by subsection (a))  
12          may not exceed 10 percent of such penalty.

### 13                           **Subpart F—Gain Sharing**

#### 14          **SEC. 5261. DEBT COLLECTION IMPROVEMENT ACCOUNT.**

15          (a) Title 31, United States Code, is amended by insert-  
16          ing after section 3720B the following new section:

#### 17          **“§ 3720C. Debt Collection Improvement Account**

18          “(a)(1) There is hereby established in the Treasury a  
19          special fund to be known as the ‘Debt Collection Improve-  
20          ment Account’ (hereinafter referred to as the ‘Account’).

21          “(2) The Account shall be maintained and managed  
22          by the Secretary of the Treasury, who shall ensure that pro-  
23          grams are credited with the amounts described in subsection  
24          (b) and with allocations described in subsection (c).

1           “(b)(1) Not later than 30 days after the end of a fiscal  
2 year, an agency other than the Department of Justice is  
3 authorized to transfer to the Account a dividend not to ex-  
4 ceed five percent of the debt collection improvement amount  
5 as described in paragraph (3).

6           “(2) Agency transfers to the Account may include col-  
7 lections from—

8                   “(A) salary, administrative and tax referral off-  
9 sets;

10                   “(B) automated levy authority;

11                   “(C) the Department of Justice; and

12                   “(D) private collection agencies.

13           “(3) For purposes of this section, the term ‘debt collec-  
14 tion improvement amount’ means the amount by which the  
15 collection of delinquent debt with respect to a particular  
16 program during a fiscal year exceeds the delinquent debt  
17 baseline for such program for such fiscal year. The Office  
18 of Management and Budget shall determine the baseline  
19 from which increased collections are measured over the  
20 prior fiscal year, taking into account the recommendations  
21 made by the Secretary of the Treasury in consultation with  
22 creditor agencies.

23           “(c)(1) The Secretary of the Treasury is authorized to  
24 make payments from the Account solely to reimburse agen-  
25 cies for qualified expenses. For agencies with franchise

1 *funds, payments may be credited to subaccounts designated*  
2 *for debt collection.*

3       “(2) *For purposes of this paragraph, the term ‘quali-*  
4 *fied expenses’ means expenditures for the improvement of*  
5 *tax administration and agency debt collection and debt re-*  
6 *covery activities including, but not limited to, account serv-*  
7 *icing (including cross-servicing under section 502 of the*  
8 *Debt Collection Improvement Act of 1996), automatic data*  
9 *processing equipment acquisitions, delinquent debt collec-*  
10 *tion, measures to minimize delinquent debt, asset disposi-*  
11 *tion, and training of personnel involved in credit and debt*  
12 *management.*

13       “(3) *Payments made to agencies pursuant to para-*  
14 *graph (1) shall be in proportion to their contributions to*  
15 *the Account.*

16       “(4)(A) *Amounts in the Account shall be available to*  
17 *the Secretary of the Treasury to the extent and in the*  
18 *amounts provided in advance in appropriation Acts, for*  
19 *purposes of this section. Such amounts are authorized to*  
20 *be appropriated without fiscal year limitation.*

21       “(B) *As soon as practicable after the end of third fiscal*  
22 *year after which appropriations are made pursuant to this*  
23 *section, and every 3 years thereafter, any unappropriated*  
24 *balance in the account as determined by the Secretary of*  
25 *the Treasury in consultation with agencies, shall be trans-*

1 *ferred to the Treasury general fund as miscellaneous re-*  
2 *ceipts.*

3       “(d) *For direct loan and loan guarantee programs sub-*  
4 *ject to title V of the Congressional Budget Act of 1974,*  
5 *amounts credited in accordance with subsection (c) shall be*  
6 *considered administrative costs and shall not be included*  
7 *in the estimated payments to the Government for the pur-*  
8 *pose of calculating the cost of such programs.*

9       “(e) *The Secretary of the Treasury shall prescribe such*  
10 *rules, regulations, and procedures as the Secretary deems*  
11 *necessary or appropriate to carry out the purposes of this*  
12 *section.*”.

13       (b) *The table of sections for subchapter II of chapter*  
14 *37 of title 31, United States Code, is amended by inserting*  
15 *after the item relating to section 3720B the following new*  
16 *item:*

      “3720C. *Debt Collection Improvement Account.*”.

17               **Subpart G—Tax Refund Offset Authority**

18       **SEC. 5271. OFFSET OF TAX REFUND PAYMENT BY DISBURS-**  
19               **ING OFFICIALS.**

20       Section 3720A(h) of title 31, United States Code, is  
21 amended to read as follows:

22       “(h)(1) *The term ‘Secretary of the Treasury’ may in-*  
23 *clude the disbursing official of the Department of the Treas-*  
24 *ury.*



1       “(2) *The disbursing official of the Department of the*  
2 *Treasury—*

3               “(A) *shall notify a taxpayer in writing of—*

4                       “(i) *the occurrence of an offset to satisfy a*  
5 *past-due legally enforceable non-tax debt;*

6                       “(ii) *the identity of the creditor agency re-*  
7 *questing the offset; and*

8                       “(iii) *a contact point within the creditor*  
9 *agency that will handle concerns regarding the*  
10 *offset;*

11               “(B) *shall notify the Internal Revenue Service*  
12 *on a weekly basis of—*

13                       “(i) *the occurrence of an offset to satisfy a*  
14 *past-due legally enforceable non-tax debt;*

15                       “(ii) *the amount of such offset; and*

16                       “(iii) *any other information required by*  
17 *regulations; and*

18               “(C) *shall match payment records with requests*  
19 *for offset by using a name control, taxpayer identify-*  
20 *ing number (as defined in 26 U.S.C. 6109), and any*  
21 *other necessary identifiers.”.*

22 **SEC. 5272. EXPANDING TAX REFUND OFFSET AUTHORITY.**

23       (a) *Section 3720A of title 31, United States Code, is*  
24 *amended by adding after subsection (h) the following new*  
25 *subsection:*

1       “(i) An agency subject to section 9 of the Act of May  
2 18, 1933 (16 U.S.C. 831h) may implement this section at  
3 its discretion.”.

4       (b) Section 6402(f) of title 26, United States Code, is  
5 amended to read as follows:

6       “(f) *FEDERAL AGENCY*.—For purposes of this section,  
7 the term ‘Federal agency’ means a department, agency, or  
8 instrumentality of the United States, and includes a gov-  
9 ernment corporation (as such term is defined in section 103  
10 of title 5, United States Code).”.

11 **SEC. 5273. EXPANDING AUTHORITY TO COLLECT PAST-DUE**

12 **SUPPORT.**

13       (a) Section 3720A(a) of title 31, United States Code,  
14 is amended to read as follows:

15       “(a) Any Federal agency that is owed by a named per-  
16 son a past-due, legally enforceable debt (including past-due  
17 support and debt administered by a third party acting as  
18 an agent for the Federal Government) shall, in accordance  
19 with regulations issued pursuant to subsections (b) and (d),  
20 notify the Secretary of the Treasury at least once a year  
21 of the amount of such debt.”.

22       (b) Section 464(a) of the Social Security Act (42  
23 U.S.C. 664(a)) is amended—

24               (1) in paragraph (1), by adding at the end  
25 thereof the following: “This subsection may be imple-

1 *mented by the Secretary of the Treasury in accord-*  
2 *ance with section 3720A of title 31, United States*  
3 *Code.”; and*

4 *(2) in paragraph (2)(A), by adding at the end*  
5 *thereof the following: “This subsection may be imple-*  
6 *mented by the Secretary of the Treasury in accord-*  
7 *ance with section 3720A of title 31, United States*  
8 *Code.”.*

9 ***Subpart H—Definitions, Due Process Rights, and***  
10 ***Severability***

11 ***SEC. 5281. TECHNICAL AMENDMENTS TO DEFINITIONS.***

12 *Section 3701 of title 31, United States Code, is amend-*  
13 *ed—*

14 *(1) by amending subsection (a)(1) to read as fol-*  
15 *lows:*

16 *“(1) ‘administrative offset’ means withholding*  
17 *money payable by the United States (including*  
18 *money payable by the United States on behalf of a*  
19 *State government) to, or held by the United States*  
20 *for, a person to satisfy a claim.”;*

21 *(2) by amending subsection (b) to read as fol-*  
22 *lows:*

23 *“(b)(1) The term ‘claim’ or ‘debt’ means any amount*  
24 *of money or property that has been determined by an ap-*  
25 *propriate official of the Federal Government to be owed to*

1 *the United States by a person, organization, or entity other*  
2 *than another Federal agency. A claim includes, without*  
3 *limitation, money owed on account of loans insured or*  
4 *guaranteed by the Government, non-appropriated funds,*  
5 *over-payments, any amount the United States is authorized*  
6 *by statute to collect for the benefit of any person, and other*  
7 *amounts of money or property due the Government.*

8       “(2) *For purposes of section 3716 of this title, the term*  
9 *‘claim’ also includes an amount of money or property owed*  
10 *by a person to a State, the District of Columbia, American*  
11 *Samoa, the United States Virgin Islands, the Common-*  
12 *wealth of the Northern Mariana Islands, or the Common-*  
13 *wealth of Puerto Rico where there is also a Federal mone-*  
14 *tary interest or in cases of court ordered child support.”;*  
15 *and*

16           (3) *by adding after subsection (f) (as added in*  
17 *section 5202(a)) the following new subsection:*

18       “(g) *In section 3716 of this title—*

19           “(1) *‘creditor agency’ means any entity owed a*  
20 *claim that seeks to collect that claim through admin-*  
21 *istrative offset; and*

22           “(2) *‘payment certifying agency’ means any*  
23 *Federal department, agency, or instrumentality and*  
24 *government corporation, that has transmitted a*  
25 *voucher to a disbursing official for disbursement.”.*

1 **SEC. 5282. SEVERABILITY.**

2 *If any provision of this title, or the amendments made*  
3 *by this title, or the application of any provision to any*  
4 *entity, person, or circumstance is for any reason adjudged*  
5 *by a court of competent jurisdiction to be invalid, the re-*  
6 *mainder of this title, and the amendments made by this*  
7 *title, or its application shall not be affected.*

8 **Subpart I—Reporting**

9 **SEC. 5291. MONITORING AND REPORTING.**

10 *(a) The Secretary of the Treasury, in consultation with*  
11 *concerned Federal agencies, is authorized to establish guide-*  
12 *lines, including information on outstanding debt, to assist*  
13 *agencies in the performance and monitoring of debt collec-*  
14 *tion activities.*

15 *(b) Not later than three years after the date of enact-*  
16 *ment of this Act, the Secretary of the Treasury shall report*  
17 *to the Congress on collection services provided by Federal*  
18 *agencies or entities collecting debt on behalf of other Federal*  
19 *agencies under the authorities contained in section 3711(g)*  
20 *of title 31, United States Code.*

21 *(c) Section 3719 of title 31, United States Code, is*  
22 *amended—*

23 *(1) in subsection (a)—*

24 *(A) by amending the first sentence to read*  
25 *as follows: “In consultation with the Comptroller*  
26 *General, the Secretary of the Treasury shall pre-*

1           *scribe regulations requiring the head of each*  
2           *agency with outstanding non-tax claims to pre-*  
3           *pare and submit to the Secretary at least once*  
4           *a year a report summarizing the status of loans*  
5           *and accounts receivable managed by the head of*  
6           *the agency.”; and*

7                     *(B) in paragraph (3), by striking “Direc-*  
8                     *tor” and inserting “Secretary”; and*

9                     *(2) in subsection (b), by striking “Director” and*  
10            *inserting “Secretary”.*

11            *(d) Notwithstanding any other provision of law, the*  
12            *Secretary of the Treasury is authorized to consolidate all*  
13            *reports concerning debt collection into one annual report.*

## 14                     **PART II—JUSTICE DEBT MANAGEMENT**

### 15                             **Subpart A—Private Attorneys**

#### 16            **SEC. 5301. EXPANDED USE OF PRIVATE ATTORNEYS.**

17            *(a) Section 3718(b)(1)(A) of title 31, United States*  
18            *Code, is amended by striking the fourth sentence.*

19            *(b) Sections 3 and 5 of the Federal Debt Recovery Act*  
20            *(Public Law 99–578, 100 Stat. 3305) are hereby repealed.*

### 21                             **Subpart B—Nonjudicial Foreclosure**

#### 22            **SEC. 5311. NONJUDICIAL FORECLOSURE OF MORTGAGES.**

23            *Chapter 176 of title 28 of the United States Code is*  
24            *amended by adding at the end thereof the following:*

## “SUBCHAPTER E—NONJUDICIAL FORECLOSURE

“Sec.

“3401. Definitions.

“3402. Rules of construction.

“3403. Election of procedure.

“3404. Designation of foreclosure trustee.

“3405. Notice of foreclosure sale; statute of limitations.

“3406. Service of notice of foreclosure sale.

“3407. Cancellation of foreclosure sale.

“3408. Stay.

“3409. Conduct of sale; postponement.

“3410. Transfer of title and possession.

“3411. Record of foreclosure and sale.

“3412. Effect of sale.

“3413. Disposition of sale proceeds.

“3414. Deficiency judgment.

1    **“§ 3401. Definitions**2            *“As used in this subchapter—*3                    *“(1) ‘agency’ means—*4                            *“(A) an executive department as defined in*  
5                            *section 101 of title 5, United States Code;*6                            *“(B) an independent establishment as de-*  
7                            *defined in section 104 of title 5, United States*  
8                            *Code (except that it shall not include the General*  
9                            *Accounting Office);*10                            *“(C) a military department as defined in*  
11                            *section 102 of title 5, United States Code; and*12                            *“(D) a wholly owned government corpora-*  
13                            *tion as defined in section 9101(3) of title 31,*  
14                            *United States Code;*15                            *“(2) ‘agency head’ means the head and any as-*  
16                            *stant head of an agency, and may upon the designa-*  
17                            *tion by the head of an agency include the chief official*

1       of any principal division of an agency or any other  
2       employee of an agency;

3               “(3) ‘bona fide purchaser’ means a purchaser for  
4       value in good faith and without notice of any adverse  
5       claim who acquires the seller’s interest free of any ad-  
6       verse claim;

7               “(4) ‘debt instrument’ means a note, mortgage  
8       bond, guaranty or other instrument creating a debt or  
9       other obligation, including any instrument incor-  
10      porated by reference therein and any instrument or  
11      agreement amending or modifying a debt instrument;

12              “(5) ‘file’ or ‘filing’ means docketing, indexing,  
13      recording, or registering, or any other requirement for  
14      perfecting a mortgage or a judgment;

15              “(6) ‘foreclosure trustee’ means an individual,  
16      partnership, association, or corporation, or any em-  
17      ployee thereof, including a successor, appointed by the  
18      agency head to conduct a foreclosure sale pursuant to  
19      this subchapter;

20              “(7) ‘mortgage’ means a deed of trust, deed to se-  
21      cure debt, security agreement, or any other form of  
22      instrument under which any interest in real prop-  
23      erty, including leaseholds, life estates, reversionary in-  
24      terests, and any other estates under applicable law is  
25      conveyed in trust, mortgaged, encumbered, pledged or



1 otherwise rendered subject to a lien, for the purpose  
2 of securing the payment of money or the performance  
3 of any other obligation;

4 “(8) ‘of record’ means an interest recorded pur-  
5 suant to Federal or State statutes that provide for of-  
6 ficial recording of deeds, mortgages and judgments,  
7 and that establish the effect of such records as notice  
8 to creditors, purchasers, and other interested persons;

9 “(9) ‘owner’ means any person who has an own-  
10 ership interest in property and includes heirs, devi-  
11 sees, executors, administrators, and other personal  
12 representatives, and trustees of testamentary trusts if  
13 the owner of record is deceased;

14 “(10) ‘sale’ means a sale conducted pursuant to  
15 this subchapter, unless the context requires otherwise;  
16 and

17 “(11) ‘security property’ means real property, or  
18 any interest in real property including leaseholds, life  
19 estates, reversionary interests, and any other estates  
20 under applicable State law that secure a mortgage.

21 **“§ 3402. Rules of construction**

22 “(a) *IN GENERAL.*—If an agency head elects to proceed  
23 under this subchapter, this subchapter shall apply and the  
24 provisions of this subchapter shall govern in the event of

1 *a conflict with any other provision of Federal law or State*  
2 *law.*

3 “(b) *LIMITATION.*—*This subchapter shall not be con-*  
4 *strued to supersede or modify the operation of—*

5 “(1) *the lease-back/buy-back provisions under*  
6 *section 1985 of title 7, United States Code, or regula-*  
7 *tions promulgated thereunder; or*

8 “(2) *The Multifamily Mortgage Foreclosure Act*  
9 *of 1981 (chapter 38 of title 12, United States Code).*

10 “(c) *EFFECT ON OTHER LAWS.*—*This subchapter shall*  
11 *not be construed to curtail or limit the rights of the United*  
12 *States or any of its agencies—*

13 “(1) *to foreclose a mortgage under any other pro-*  
14 *vision of Federal law or State law; or*

15 “(2) *to enforce any right under Federal law or*  
16 *State law in lieu of or in addition to foreclosure, in-*  
17 *cluding any right to obtain a monetary judgment.*

18 “(d) *APPLICATION TO MORTGAGES.*—*The provisions of*  
19 *this subchapter may be used to foreclose any mortgage,*  
20 *whether executed prior or subsequent to the effective date*  
21 *of this subchapter.*

22 **“§ 3403. Election of procedure**

23 “(a) *SECURITY PROPERTY SUBJECT TO FORE-*  
24 *CLOSURE.*—*An agency head may foreclose a mortgage upon*  
25 *the breach of a covenant or condition in a debt instrument*

1 *or mortgage for which acceleration or foreclosure is author-*  
 2 *ized. An agency head may not institute foreclosure proceed-*  
 3 *ings on the mortgage under any other provision of law, or*  
 4 *refer such mortgage for litigation, during the pendency of*  
 5 *foreclosure proceedings pursuant to this subchapter.*

6       “(b) *EFFECT OF CANCELLATION OF SALE.—If a fore-*  
 7 *closure sale is canceled pursuant to section 3407, the agency*  
 8 *head may thereafter foreclose on the security property in*  
 9 *any manner authorized by law.*

10       **“§ 3404. Designation of foreclosure trustee**

11       “(a) *IN GENERAL.—An agency head shall designate a*  
 12 *foreclosure trustee who shall supersede any trustee des-*  
 13 *ignated in the mortgage. A foreclosure trustee designated*  
 14 *under this section shall have a nonjudicial power of sale*  
 15 *pursuant to this subchapter.*

16       “(b) *DESIGNATION OF FORECLOSURE TRUSTEE.—*

17               “(1) *An agency head may designate as fore-*  
 18 *closure trustee—*

19                       “(A) *an officer or employee of the agency;*

20                       “(B) *an individual who is a resident of the*  
 21 *State in which the security property is located;*

22                       *or*

23                       “(C) *a partnership, association, or corpora-*  
 24 *tion, provided such entity is authorized to trans-*

1           *act business under the laws of the State in which*  
2           *the security property is located.*

3           “(2) *The agency head is authorized to enter into*  
4           *personal services and other contracts not inconsistent*  
5           *with this subchapter.*

6           “(c) *METHOD OF DESIGNATION.—An agency head*  
7           *shall designate the foreclosure trustee in writing. The fore-*  
8           *closure trustee may be designated by name, title, or posi-*  
9           *tion. An agency head may designate one or more foreclosure*  
10           *trustees for the purpose of proceeding with multiple fore-*  
11           *closures or a class of foreclosures.*

12           “(d) *AVAILABILITY OF DESIGNATION.—An agency*  
13           *head may designate such foreclosure trustees as the agency*  
14           *head deems necessary to carry out the purposes of this sub-*  
15           *chapter.*

16           “(e) *MULTIPLE FORECLOSURE TRUSTEES AUTHOR-*  
17           *IZED.—An agency head may designate multiple foreclosure*  
18           *trustees for different tracts of a secured property.*

19           “(f) *REMOVAL OF FORECLOSURE TRUSTEES; SUCCES-*  
20           *SOR FORECLOSURE TRUSTEES.—An agency head may,*  
21           *with or without cause or notice, remove a foreclosure trustee*  
22           *and designate a successor trustee as provided in this section.*  
23           *The foreclosure sale shall continue without prejudice not-*  
24           *withstanding the removal of the foreclosure trustee and des-*  
25           *ignation of a successor foreclosure trustee. Nothing in this*

1 *section shall be construed to prohibit a successor foreclosure*  
2 *trustee from postponing the foreclosure sale in accordance*  
3 *with this subchapter.*

4 **“§ 3405. Notice of foreclosure sale; statute of limita-**  
5 **tions**

6 “(a) *IN GENERAL.*—

7 “(1) *Not earlier than 21 days nor later than ten*  
8 *years after acceleration of a debt instrument or de-*  
9 *mand on a guaranty, the foreclosure trustee shall*  
10 *serve a notice of foreclosure sale in accordance with*  
11 *this subchapter.*

12 “(2) *For purposes of computing the time period*  
13 *under paragraph (1), there shall be excluded all peri-*  
14 *ods during which there is in effect—*

15 “(A) *a judicially imposed stay of fore-*  
16 *closure; or*

17 “(B) *a stay imposed by section 362 of title*  
18 *11, United States Code.*

19 “(3) *In the event of partial payment or written*  
20 *acknowledgement of the debt after acceleration of the*  
21 *debt instrument, the right to foreclosure shall be*  
22 *deemed to accrue again at the time of each such pay-*  
23 *ment or acknowledgement.*

24 “(b) *NOTICE OF FORECLOSURE SALE.*—*The notice of*  
25 *foreclosure sale shall include—*

1           “(1) the name, title, and business address of the  
2           foreclosure trustee as of the date of the notice;

3           “(2) the names of the original parties to the debt  
4           instrument and the mortgage, and any assignees of  
5           the mortgagor of record;

6           “(3) the street address or location of the security  
7           property, and a generally accepted designation used  
8           to describe the security property, or so much thereof  
9           as is to be offered for sale, sufficient to identify the  
10          property to be sold;

11          “(4) the date of the mortgage, the office in which  
12          the mortgage is filed, and the location of the filing of  
13          the mortgage;

14          “(5) the default or defaults upon which fore-  
15          closure is based, and the date of the acceleration of the  
16          debt instrument;

17          “(6) the date, time, and place of the foreclosure  
18          sale;

19          “(7) a statement that the foreclosure is being  
20          conducted in accordance with this subchapter;

21          “(8) the types of costs, if any, to be paid by the  
22          purchaser upon transfer of title; and

23          “(9) the terms and conditions of sale, including  
24          the method and time of payment of the foreclosure  
25          purchase price.

1 **“§ 3406. Service of notice of foreclosure sale**

2       “(a) *RECORD NOTICE.*—At least 21 days prior to the  
3 date of the foreclosure sale, the notice of foreclosure sale re-  
4 quired by section 3405 shall be filed in the manner author-  
5 ized for filing a notice of an action concerning real property  
6 according to the law of the State where the security property  
7 is located or, if none, in the manner authorized by section  
8 3201 of this chapter.

9       “(b) *NOTICE BY MAIL.*—

10           “(1) At least 21 days prior to the date of the  
11 foreclosure sale, the notice set forth in section 3405  
12 shall be sent by registered or certified mail, return re-  
13 ceipt requested—

14           “(A) to the current owner of record of the  
15 security property as the record appears on the  
16 date that the notice of foreclosure sale is recorded  
17 pursuant to subsection (a);

18           “(B) to all debtors, including the mortgagor,  
19 assignees of the mortgagor and guarantors of the  
20 debt instrument;

21           “(C) to all persons having liens, interests or  
22 encumbrances of record upon the security prop-  
23 erty, as the record appears on the date that the  
24 notice of foreclosure sale is recorded pursuant to  
25 subsection (a); and

1           “(D) to any occupants of the security prop-  
2           erty. If the names of the occupants of the security  
3           property are not known to the agency, or the se-  
4           curity property has more than one dwelling unit,  
5           the notice shall be posted at the security prop-  
6           erty.

7           “(2) The notice shall be sent to the debtor at the  
8           address, if any, set forth in the debt instrument or  
9           mortgage as the place to which notice is to be sent,  
10          and if different, to the debtor’s last known address as  
11          shown in the mortgage record of the agency. The no-  
12          tice shall be sent to any person other than the debtor  
13          to that person’s address of record or, if there is no ad-  
14          dress of record, to any address at which the agency  
15          in good faith believes the notice is likely to come to  
16          that person’s attention.

17          “(3) Notice by mail pursuant to this subsection  
18          shall be effective upon mailing.

19          “(c) NOTICE BY PUBLICATION.—The notice of the fore-  
20          closure sale shall be published at least once a week for each  
21          of three successive weeks prior to the sale in at least one  
22          newspaper of general circulation in any county or counties  
23          in which the security property is located. If there is no  
24          newspaper published at least weekly that has a general cir-  
25          culation in at least one county in which the security prop-



1 erty is located, copies of the notice of foreclosure sale shall  
2 instead be posted at least 21 days prior to the sale at the  
3 courthouse of any county or counties in which the property  
4 is located and the place where the sale is to be held.

5 **“§ 3407. Cancellation of foreclosure sale**

6 “(a) *IN GENERAL.*—At any time prior to the fore-  
7 closure sale, the foreclosure trustee shall cancel the sale—

8 “(1) if the debtor or the holder of any subordi-  
9 nate interest in the security property tenders the per-  
10 formance due under the debt instrument and mort-  
11 gage, including any amounts due because of the exer-  
12 cise of the right to accelerate, and the expenses of pro-  
13 ceeding to foreclosure incurred to the time of tender;

14 “(2) if the security property is a dwelling of four  
15 units or fewer, and the debtor—

16 “(A) pays or tenders all sums which would  
17 have been due at the time of tender in the ab-  
18 sence of any acceleration;

19 “(B) performs any other obligation which  
20 would have been required in the absence of any  
21 acceleration; and

22 “(C) pays or tenders all costs of foreclosure  
23 incurred for which payment from the proceeds of  
24 the sale would be allowed; or

1           “(3) for any reason approved by the agency  
2           head.

3           “(b) *LIMITATION.*—The debtor may not, without the  
4 approval of the agency head, cure the default under sub-  
5 section (a)(2) if, within the preceding 12 months, the debtor  
6 has cured a default after being served with a notice of fore-  
7 closure sale pursuant to this subchapter.

8           “(c) *NOTICE OF CANCELLATION.*—The foreclosure  
9 trustee shall file a notice of the cancellation in the same  
10 place and manner provided for the filing of the notice of  
11 foreclosure sale under section 3406(a).

12           **“§ 3408. Stay**

13           “If, prior to the time of sale, foreclosure proceedings  
14 under this subchapter are stayed in any manner, including  
15 the filing of bankruptcy, no person may thereafter cure the  
16 default under the provisions of section 3407(a)(2). If the  
17 default is not cured at the time a stay is terminated, the  
18 foreclosure trustee shall proceed to sell the security property  
19 as provided in this subchapter.

20           **“§ 3409. Conduct of sale; postponement**

21           “(a) *SALE PROCEDURES.*—Foreclosure sale pursuant  
22 to this subchapter shall be at public auction and shall be  
23 scheduled to begin at a time between the hours of 9:00 a.m.  
24 and 4:00 p.m. local time. The foreclosure sale shall be held  
25 at the location specified in the notice of foreclosure sale,

1 *which shall be a location where real estate foreclosure auc-*  
2 *tions are customarily held in the county or one of the coun-*  
3 *ties in which the property to be sold is located or at a court-*  
4 *house therein, or upon the property to be sold. Sale of secu-*  
5 *rity property situated in two or more counties may be held*  
6 *in any one of the counties in which any part of the security*  
7 *property is situated. The foreclosure trustee may designate*  
8 *the order in which multiple tracts of security property are*  
9 *sold.*

10       “(b) *BIDDING REQUIREMENTS.*—Written one-price  
11 *sealed bids shall be accepted by the foreclosure trustee, if*  
12 *submitted by the agency head or other persons for entry by*  
13 *announcement by the foreclosure trustee at the sale. The*  
14 *sealed bids shall be submitted in accordance with the terms*  
15 *set forth in the notice of foreclosure sale. The agency head*  
16 *or any other person may bid at the foreclosure sale, even*  
17 *if the agency head or other person previously submitted a*  
18 *written one-price bid. The agency head may bid a credit*  
19 *against the debt due without the tender or payment of cash.*  
20 *The foreclosure trustee may serve as auctioneer, or may em-*  
21 *ploy an auctioneer who may be paid from the sale proceeds.*  
22 *If an auctioneer is employed, the foreclosure trustee is not*  
23 *required to attend the sale. The foreclosure trustee or an*  
24 *auctioneer may bid as directed by the agency head.*

1           “(c) *POSTPONEMENT OF SALE.*—*The foreclosure trust-*  
2 *ee shall have discretion, prior to or at the time of sale, to*  
3 *postpone the foreclosure sale. The foreclosure trustee may*  
4 *postpone a sale to a later hour the same day by announcing*  
5 *or posting the new time and place of the foreclosure sale*  
6 *at the time and place originally scheduled for the foreclosure*  
7 *sale. The foreclosure trustee may instead postpone the fore-*  
8 *closure sale for not fewer than 9 nor more than 31 days,*  
9 *by serving notice that the foreclosure sale has been post-*  
10 *poned to a specified date, and the notice may include any*  
11 *revisions the foreclosure trustee deems appropriate. The no-*  
12 *tice shall be served by publication, mailing, and posting*  
13 *in accordance with section 3406 (b) and (c), except that*  
14 *publication may be made on any of three separate days*  
15 *prior to the new date of the foreclosure sale, and mailing*  
16 *may be made at any time at least 7 days prior to the new*  
17 *date of the foreclosure sale.*

18           “(d) *LIABILITY OF SUCCESSFUL BIDDER WHO FAILS*  
19 *TO COMPLY.*—*The foreclosure trustee may require a bidder*  
20 *to make a cash deposit before the bid is accepted. The*  
21 *amount or percentage of the cash deposit shall be stated by*  
22 *the foreclosure trustee in the notice of foreclosure sale. A*  
23 *successful bidder at the foreclosure sale who fails to comply*  
24 *with the terms of the sale shall forfeit the cash deposit or,*  
25 *at the election of the foreclosure trustee, shall be liable to*

1 *the agency on a subsequent sale of the property for all net*  
2 *losses incurred by the agency as a result of such failure.*

3       “(e) *EFFECT OF SALE.*—*Any foreclosure sale held in*  
4 *accordance with this subchapter shall be conclusively pre-*  
5 *sumed to have been conducted in a legal, fair, and commer-*  
6 *cially reasonable manner. The sale price shall be conclu-*  
7 *sively presumed to constitute the reasonably equivalent*  
8 *value of the security property.*

9       “**§ 3410. Transfer of title and possession**

10       “(a) *DEED.*—*After receipt of the purchase price in ac-*  
11 *cordance with the terms of the sale as provided in the notice*  
12 *of foreclosure sale, the foreclosure trustee shall execute and*  
13 *deliver to the purchaser a deed conveying the security prop-*  
14 *erty to the purchaser that grants and conveys title to the*  
15 *security property without warranty or covenants to the*  
16 *purchaser. The execution of the foreclosure trustee’s deed*  
17 *shall have the effect of conveying all of the right, title, and*  
18 *interest in the security property covered by the mortgage.*  
19 *Notwithstanding any other law to the contrary, the fore-*  
20 *closure trustee’s deed shall be a conveyance of the security*  
21 *property and not a quitclaim. No judicial proceeding shall*  
22 *be required ancillary or supplementary to the procedures*  
23 *provided in this subchapter to establish the validity of the*  
24 *conveyance.*

1           “(b) *DEATH OF PURCHASER PRIOR TO CONSUMMA-*  
2 *TION OF SALE.*—*If a purchaser dies before execution and*  
3 *delivery of the deed conveying the security property to the*  
4 *purchaser, the foreclosure trustee shall execute and deliver*  
5 *the deed to the representative of the purchaser’s estate upon*  
6 *payment of the purchase price in accordance with the terms*  
7 *of sale. Such delivery to the representative of the purchaser’s*  
8 *estate shall have the same effect as if accomplished during*  
9 *the lifetime of the purchaser.*

10           “(c) *PURCHASER CONSIDERED BONA FIDE PUR-*  
11 *CHASER WITHOUT NOTICE.*—*The purchaser of property*  
12 *under this subchapter shall be presumed to be a bona fide*  
13 *purchaser without notice of defects, if any, in the title con-*  
14 *veyed to the purchaser.*

15           “(d) *POSSESSION BY PURCHASER; CONTINUING IN-*  
16 *TERESTS.*—*A purchaser at a foreclosure sale conducted pur-*  
17 *suant to this subchapter shall be entitled to possession upon*  
18 *passage of title to the security property, subject to any in-*  
19 *terest or interests senior to that of the mortgage. The right*  
20 *to possession of any person without an interest senior to*  
21 *the mortgage who is in possession of the property shall ter-*  
22 *minate immediately upon the passage of title to the security*  
23 *property, and the person shall vacate the security property*  
24 *immediately. The purchaser shall be entitled to take any*

1 *steps available under Federal law or State law to obtain*  
 2 *possession.*

3       “(e) *RIGHT OF REDEMPTION; RIGHT OF POSSES-*  
 4 *SION.—This subchapter shall preempt all Federal and State*  
 5 *rights of redemption, statutory, or common law. Upon con-*  
 6 *clusion of the public auction of the security property, no*  
 7 *person shall have a right of redemption.*

8       “(f) *PROHIBITION OF IMPOSITION OF TAX ON CONVEY-*  
 9 *ANCE BY THE UNITED STATES OR AGENCY THEREOF.—No*  
 10 *tax, or fee in the nature of a tax, for the transfer of title*  
 11 *to the security property by the foreclosure trustee’s deed*  
 12 *shall be imposed upon or collected from the foreclosure trust-*  
 13 *ee or the purchaser by any State or political subdivision*  
 14 *thereof.*

15       **“§ 3411. Record of foreclosure and sale**

16       “(a) *RECITAL REQUIREMENTS.—The foreclosure trust-*  
 17 *ee shall recite in the deed to the purchaser, or in an adden-*  
 18 *dum to the foreclosure trustee’s deed, or shall prepare an*  
 19 *affidavit stating—*

20               “(1) *the date, time, and place of sale;*

21               “(2) *the date of the mortgage, the office in which*  
 22 *the mortgage is filed, and the location of the filing of*  
 23 *the mortgage;*

24               “(3) *the persons served with the notice of fore-*  
 25 *closure sale;*

1           “(4) the date and place of filing of the notice of  
2           foreclosure sale under section 3406(a);

3           “(5) that the foreclosure was conducted in ac-  
4           cordance with the provisions of this subchapter; and

5           “(6) the sale amount.

6           “(b) *EFFECT OF RECITALS.*—The recitals set forth in  
7           subsection (a) shall be prima facie evidence of the truth of  
8           such recitals. Compliance with the requirements of sub-  
9           section (a) shall create a conclusive presumption of the va-  
10          lidity of the sale in favor of bona fide purchasers and en-  
11          cumbrancers for value without notice.

12          “(c) *DEED TO BE ACCEPTED FOR FILING.*—The reg-  
13          ister of deeds or other appropriate official of the county or  
14          counties where real estate deeds are regularly filed shall ac-  
15          cept for filing and shall file the foreclosure trustee’s deed  
16          and affidavit, if any, and any other instruments submitted  
17          for filing in relation to the foreclosure of the security prop-  
18          erty under this subchapter.

19          “**§ 3412. Effect of sale**

20          “A sale conducted under this subchapter to a bona fide  
21          purchaser shall bar all claims upon the security property  
22          by—

23                  “(1) any person to whom the notice of foreclosure  
24                  sale was mailed as provided in this subchapter who  
25                  claims an interest in the property subordinate to that



1       of the mortgage, and the heir, devisee, executor, ad-  
2       ministrators, successor, or assignee claiming under  
3       any such person;

4               “(2) any person claiming any interest in the  
5       property subordinate to that of the mortgage, if such  
6       person had actual knowledge of the sale;

7               “(3) any person so claiming, whose assignment,  
8       mortgage, or other conveyance was not filed in the  
9       proper place for filing, or whose judgment or decree  
10      was not filed in the proper place for filing, prior to  
11      the date of filing of the notice of foreclosure sale as  
12      required by section 3406(a), and the heir, devisee, ex-  
13      ecutor, administrator, successor, or assignee of such a  
14      person; or

15              “(4) any other person claiming under a statu-  
16      tory lien or encumbrance not required to be filed and  
17      attaching to the title or interest of any person des-  
18      ignated in any of the foregoing subsections of this sec-  
19      tion.

20    **“§ 3413. Disposition of sale proceeds**

21              “(a) *DISTRIBUTION OF SALE PROCEEDS.*—The fore-  
22      closure trustee shall distribute the proceeds of the foreclosure  
23      sale in the following order—

1           “(1)(A) to pay the commission of the foreclosure  
2 trustee, other than an agency employee, the greater  
3 of—

4                   “(i) the sum of—

5                           “(I) 3 percent of the first \$1,000 col-  
6 lected, plus

7                           “(II) 1.5 percent on the excess of any  
8 sum collected over \$1,000; or

9                           “(ii) \$250; and

10                   “(B) the amounts described in subparagraph  
11 (A)(i) shall be computed on the gross proceeds of all  
12 security property sold at a single sale;

13           “(2) to pay the expense of any auctioneer em-  
14 ployed by the foreclosure trustee, if any, except that  
15 the commission payable to the foreclosure trustee pur-  
16 suant to paragraph (1) shall be reduced by the  
17 amount paid to an auctioneer, unless the agency head  
18 determines that such reduction would adversely affect  
19 the ability of the agency head to retain qualified fore-  
20 closure trustees or auctioneers;

21           “(3) to pay for the costs of foreclosure, includ-  
22 ing—

23                   “(A) reasonable and necessary advertising  
24 costs and postage incurred in giving notice pur-  
25 suant to section 3406;

1           “(B) mileage for posting notices and for the  
2           foreclosure trustee’s or auctioneer’s attendance at  
3           the sale at the rate provided in section 1921 of  
4           title 28, United States Code, for mileage by the  
5           most reasonable road distance;

6           “(C) reasonable and necessary costs actually  
7           incurred in connection with any search of title  
8           and lien records; and

9           “(D) necessary costs incurred by the fore-  
10          closure trustee to file documents;

11          “(4) to pay valid real property tax liens or as-  
12          sessments, if required by the notice of foreclosure sale;

13          “(5) to pay any liens senior to the mortgage, if  
14          required by the notice of foreclosure sale;

15          “(6) to pay service charges and advancements for  
16          taxes, assessments, and property insurance premiums;  
17          and

18          “(7) to pay late charges and other administra-  
19          tive costs and the principal and interest balances se-  
20          cured by the mortgage, including expenditures for the  
21          necessary protection, preservation, and repair of the  
22          security property as authorized under the debt instru-  
23          ment or mortgage and interest thereon if provided for  
24          in the debt instrument or mortgage, pursuant to the  
25          agency’s procedure.

1       “(b) *INSUFFICIENT PROCEEDS.*—*In the event there are*  
2 *no proceeds of sale or the proceeds are insufficient to pay*  
3 *the costs and expenses set forth in subsection (a), the agency*  
4 *head shall pay such costs and expenses as authorized by*  
5 *applicable law.*

6       “(c) *SURPLUS MONIES.*—

7               “(1) *After making the payments required by sub-*  
8 *section (a), the foreclosure trustee shall—*

9                       “(A) *distribute any surplus to pay liens in*  
10 *the order of priority under Federal law or the*  
11 *law of the State where the security property is*  
12 *located; and*

13                       “(B) *pay to the person who was the owner*  
14 *of record on the date the notice of foreclosure sale*  
15 *was filed the balance, if any, after any payments*  
16 *made pursuant to paragraph (1).*

17               “(2) *If the person to whom such surplus is to be*  
18 *paid cannot be located, or if the surplus available is*  
19 *insufficient to pay all claimants and the claimants*  
20 *cannot agree on the distribution of the surplus, that*  
21 *portion of the sale proceeds may be deposited by the*  
22 *foreclosure trustee with an appropriate official au-*  
23 *thorized under law to receive funds under such cir-*  
24 *cumstances. If such a procedure for the deposit of dis-*  
25 *puted funds is not available, and the foreclosure trust-*

1        *ee files a bill of interpleader or is sued as a stake-*  
2        *holder to determine entitlement to such funds, the*  
3        *foreclosure trustee's necessary costs in taking or de-*  
4        *fending such action shall be deducted first from the*  
5        *disputed funds.*

6        **“§ 3414. Deficiency judgment**

7        *“(a) IN GENERAL.—If after deducting the disburse-*  
8        *ments described in section 3413, the price at which the secu-*  
9        *rity property is sold at a foreclosure sale is insufficient to*  
10       *pay the unpaid balance of the debt secured by the security*  
11       *property, counsel for the United States may commence an*  
12       *action or actions against any or all debtors to recover the*  
13       *deficiency, unless specifically prohibited by the mortgage.*  
14       *The United States is also entitled to recover any amount*  
15       *authorized by section 3011 and costs of the action.*

16       *“(b) LIMITATION.—Any action commenced to recover*  
17       *the deficiency shall be brought within 6 years of the last*  
18       *sale of security property.*

19       *“(c) CREDITS.—The amount payable by a private*  
20       *mortgage guaranty insurer shall be credited to the account*  
21       *of the debtor prior to the commencement of an action for*  
22       *any deficiency owed by the debtor. Nothing in this sub-*  
23       *section shall curtail or limit the subrogation rights of a pri-*  
24       *vate mortgage guaranty insurer.”.*

1     *SUBCHAPTER B—FAA GRANTS-IN-AID FOR AIRPORTS*  
 2     *FEDERAL AVIATION ADMINISTRATION GRANTS-IN-AID FOR*  
 3                     *AIRPORTS*  
 4                     *(AIRPORT AND AIRWAY TRUST FUND)*  
 5                     *(RESCISSION OF CONTRACT AUTHORITY)*

6             *Of the available contract authority balances under this*  
 7     *account, \$48,000,000 are hereby rescinded, in addition to*  
 8     *any such sums otherwise rescinded by this Act.*

9             ***TITLE VI—FOOD AND DRUG EXPORT***  
 10                    ***REFORM***

11     ***SEC. 6001. SHORT TITLE, REFERENCE.***

12             *(a) SHORT TITLE.—This title may be cited as the*  
 13     *“FDA Export Reform and Enhancement Act of 1996”.*

14             *(b) REFERENCE.—Wherever in this title (other than*  
 15     *in section 6004) an amendment or repeal is expressed in*  
 16     *terms of an amendment to, or repeal of, a section or other*  
 17     *provision, the reference shall be considered to be made to*  
 18     *a section or other provision of the Federal Food, Drug, and*  
 19     *Cosmetic Act. (21 U.S.C. 321 et seq.)*

20     ***SEC. 6002. EXPORT OF DRUGS AND DEVICES.***

21             *(a) EXPORT AND IMPORTS.—Section 801 (21 U.S.C.*  
 22     *381) is amended—*

23                    *(1) in subsection (d), by adding at the end there-*  
 24     *of the following new paragraphs:*

25                    *“(3) No component, part, or accessory of a drug, bio-*  
 26     *logical product, or device, including a drug in bulk inform,*

1 *shall be excluded from importation into the United States*  
2 *under subsection (a) if—*

3           “(A) *the importer affirms at the time of initial*  
4 *importation that such component, part, or accessory*  
5 *is intended to be incorporated by the initial owner or*  
6 *consignee into a drug, biological product, or device*  
7 *that will be exported by such owner or consignee from*  
8 *the United States in accordance with subsection*  
9 *801(e) or section 802 of this Act or section 351(h) of*  
10 *the Public Health Service Act;*

11           “(B) *the initial owner or consignee responsible*  
12 *for such imported articles maintains records that*  
13 *identify the use of such imported articles and upon*  
14 *request of the Secretary submits a report that pro-*  
15 *vides an accounting of the exportation or the disposi-*  
16 *tion of the imported articles, including portions that*  
17 *have been destroyed, and the manner in which such*  
18 *person complied with the requirements of this para-*  
19 *graph; and*

20           “(C) *any imported component, part or ac-*  
21 *cessory not so incorporated is destroyed or ex-*  
22 *ported by the owner or consignee.”*

23           “(4) *The importation into the United States of blood,*  
24 *blood components, source plasma, and source leukocytes, is*  
25 *not permitted pursuant to paragraph (3) unless the impor-*

1 *tation complies with section 351(a) of the Public Health*  
 2 *Service Act. The importation of tissue is not permitted pur-*  
 3 *suant to paragraph (3) unless the importation complies*  
 4 *with section 361 of the Public Health Service Act.”;*

5           *(2) in subsection (e)(1), by striking the second*  
 6 *sentence;*

7           *(3) in subsection (e)(2)—*

8                   *(A) by striking “the Secretary” and insert-*  
 9 *ing “either (i) the Secretary”; and*

10                   *(B) by inserting before the period at the end*  
 11 *thereof the following: “or (ii) the device is eligible*  
 12 *for export under section 802”; and*

13           *(4) in subsection (e), by adding at the end thereof the*  
 14 *following new paragraph;*

15           *“(3) A new animal drug that requires approval under*  
 16 *section 512 shall not be exported pursuant to paragraph*  
 17 *(1) if such drug has been banned in the United States.”.*

18           *(b) EXPORT OF CERTAIN UNAPPROVED DRUGS AND*  
 19 *DEVICES.—Section 802 (21 U.S.C. 382) is amended to read*  
 20 *as follows:*

21                   *“EXPORTS OF CERTAIN UNAPPROVED PRODUCTS*

22                   *“SEC. 802. (a) A drug (including a biological product)*  
 23 *intended for human use or a device for human use—*

24                           *“(1) which, in the case of a drug—*

25                                   *“(A)(i) requires approval by the Secretary*  
 26 *under section 505 before such drug may be intro-*



1           *duced or delivered for introduction into inter-*  
2           *state commerce; or*

3           *“(i) requires licensing by the Secretary*  
4           *under section 351 of the Public Health Service*  
5           *Act or by the Secretary of Agriculture under the*  
6           *Act of March 4, 1913 (known as the Virus-Serum*  
7           *Toxin Act) before it may be introduced or deliv-*  
8           *ered for introduction into interstate commerce;*  
9           *and*

10           *“(B) does not have such approval or license,*  
11           *is not exempt from such sections or Act, and is*  
12           *introduced or delivered for introduction into*  
13           *interstate commerce; or*

14           *“(2) which, in the case of a device—*

15           *“(A) does not comply with an applicable re-*  
16           *quirement under section 514 or 515;*

17           *“(B) under section 520(g) is exempt from*  
18           *either such section; or*

19           *“(C) is a banned device under section 516,*  
20           *is adulterated, misbranded, and in violation of such sections*  
21           *or Act unless the export of the drug or device is authorized*  
22           *under subsection (b), (c), (d), or (e), or under section*  
23           *801(e)(2). If a drug (including a biological product) or de-*  
24           *vice described in paragraphs (1) and (2) may be exported*  
25           *under subsection (b) and if an application for such drug*

1 *or device under section 505 or 514 or section 351 of the*  
2 *Public Health Service Act was disapproved, the Secretary*  
3 *shall notify the appropriate public health official of the*  
4 *country to which such drug will be exported of such dis-*  
5 *approval.*

6       “(b)(1) *Except as otherwise provided in this section,*  
7 *a drug (including a biological product) or device may be*  
8 *exported to any country, if the drug or device complies with*  
9 *the laws of that country and has valid marketing authoriza-*  
10 *tion by the appropriate approval authority—*

11               “(A) *in Australia, Canada, Israel, Japan, New*  
12 *Zealand, Switzerland, or South Africa; or*

13               “(B) *in the European Union or a country in the*  
14 *European Economic Area (the countries in the Euro-*  
15 *pean Union and the European Free Trade Associa-*  
16 *tion) if the drug or device is marketed in that country*  
17 *or the drug or device is authorized for general market-*  
18 *ing in the European Economic Area.*

19       “(2) *The Secretary may designate an additional coun-*  
20 *try or countries to be included in the list of countries de-*  
21 *scribed in subparagraphs (A) and (B) of paragraph (1).*  
22 *The Secretary shall not delegate the authority granted*  
23 *under this paragraph.*

24       “(3) *An appropriate country official, manufacturer, or*  
25 *exporter may request the Secretary to designate an addi-*

1 *tional country or countries to be included in the list of*  
2 *countries described in subparagraphs (A) and (B) of para-*  
3 *graph (1) by submitting documentation to the Secretary in*  
4 *support of such designation. Any person other than a coun-*  
5 *try requesting such designation shall include along with the*  
6 *request a letter from the country indicating the desire of*  
7 *such country to be designated.*

8       “(4) *The Secretary shall designate a country or coun-*  
9 *tries to be included in the list of countries described in sub-*  
10 *paragraphs (A) and (B) of paragraph (1) if the Secretary*  
11 *finds that the valid marketing authorization system in such*  
12 *country or countries is equivalent to the systems in the*  
13 *countries described in subparagraphs (A) and (B) of para-*  
14 *graph (1).*

15       “(c) *A drug or device intended for investigational use*  
16 *in any country described in subsection (b) may be exported*  
17 *in accordance with the laws of that country and shall be*  
18 *exempt from regulation under section 505(i) or 520(g).*

19       “(d) *A drug or device intended for formulation, filling,*  
20 *packaging, labeling, or further processing in anticipation*  
21 *of market authorization in any country described in para-*  
22 *graph (1)(A) or (B) of subsection (b) may be exported to*  
23 *those countries for use in accordance with the laws of that*  
24 *country.*

1       “(e)(1) *A drug (including a biological product) or de-*  
2 *vice which is to be used in the prevention or treatment of*  
3 *a tropical disease or other disease not prevalent in the Unit-*  
4 *ed States and which does not otherwise qualify for export*  
5 *under this section may, upon approval of an application*  
6 *submitted under paragraph (2), be exported if—*

7           “(A) *the Secretary finds, based on credible sci-*  
8 *entific evidence, including clinical investigations, that*  
9 *the drug or device is safe and effective in the country*  
10 *to which the drug or device is to be exported in the*  
11 *prevention or treatment of a tropical disease or other*  
12 *disease not prevalent in the United States in such*  
13 *country;*

14           “(B) *the drug or device is manufactured, proc-*  
15 *essed, packaged, and held in conformity with current*  
16 *good manufacturing practice and is not adulterated*  
17 *under subsection (a)(1), (a)(2)(A), (a)(3), (c), or (d)*  
18 *of section 501;*

19           “(C) *the outside of the shipping package is la-*  
20 *beled with the following statement: ‘This drug or de-*  
21 *vice may be sold or offered for sale only in the follow-*  
22 *ing countries:                                       ’, the blank space being*  
23 *filled with a list of the countries to which export of*  
24 *the drug or device is authorized under this subsection;*

1           “(D) the drug or device is not the subject of a  
2 notice by the Secretary or the Secretary of Agriculture  
3 of a determination that the manufacture of the drug  
4 or device in the United States for export to a country  
5 is contrary to the public health and safety of the  
6 United States; and

7           “(E) the requirements of subparagraphs (A)  
8 through (D) of section 801(e)(1) have been met.

9           “(2) Any person may apply to have a drug or device  
10 exported under paragraph (1). The application shall—

11           “(A) describe the drug or device to be exported;

12           “(B) list each country to which the drug or de-  
13 vice is to be exported;

14           “(C) contain a certification by the applicant  
15 that the drug or device will not be exported to a coun-  
16 try for which the Secretary cannot make a finding de-  
17 scribed in paragraph (1)(A);

18           “(D) identify the establishments in which the  
19 drug or device is manufactured; and

20           “(E) demonstrate to the Secretary that the drug  
21 or device meets the requirements of paragraph (1).

22           “(3) The holder of an approved application for the ex-  
23 port of a drug or device under this subsection shall report  
24 to the Secretary—

1           “(A) the receipt of any information indicating  
2           that the drug or device is being or may have been ex-  
3           ported from a country for which the Secretary made  
4           a finding under paragraph (1)(A) to a country for  
5           which the Secretary cannot make such a finding; and

6           “(B) the receipt of any information indicating  
7           any adverse reactions to such drug.

8           “(4)(A) If the Secretary determines that—

9           “(i) a drug or device for which an application  
10          is approved under paragraph (2) does not continue to  
11          meet the requirements of paragraph (1);

12          “(ii) the holder of such application has not made  
13          the report required by paragraph (3); or

14          “(iii) the manufacture of such drug or device in  
15          the United States for export is contrary to the public  
16          health and safety of the United States and an appli-  
17          cation for the export of such drug or device has been  
18          approved under paragraph (2),

19          then before taking action against the holder of an applica-  
20          tion for which a determination was made under clause (i),  
21          (ii), or (iii), the Secretary shall notify the holder in writing  
22          of the determination and provide the holder 30 days to take  
23          such action as may be required to prevent the Secretary  
24          from taking action against the holder under this subpara-  
25          graph. If the Secretary takes action against such holder be-

1 *cause of such a determination, the Secretary shall provide*  
2 *the holder a written statement specifying the reasons for*  
3 *such determination and provide the holder, on request, an*  
4 *opportunity for an informal hearing with respect to such*  
5 *determination.*

6       “(B) *If at any time the Secretary, or in the absence*  
7 *of the Secretary, the official designated to act on behalf of*  
8 *the Secretary, determines that—*

9               “(i) *the holder of an approved application under*  
10 *paragraph (2) is exporting a drug or device from the*  
11 *United States to an importer;*

12               “(ii) *such importer is exporting the drug or de-*  
13 *vice to a country for which the Secretary cannot make*  
14 *a finding under paragraph (1)(A); and*

15               “(iii) *such export presents an imminent hazard*  
16 *to the public health in such country,*

17 *the Secretary shall immediately prohibit the export of the*  
18 *drug or device to such importer, provide the person export-*  
19 *ing the drug or device from the United States prompt notice*  
20 *of the determination, and afford such person an oppor-*  
21 *tunity for an expedited hearing. A determination by the*  
22 *Secretary under this subparagraph may not be stayed pend-*  
23 *ing final action by a reviewing court. The authority con-*  
24 *ferred by this subparagraph shall not be delegated by the*  
25 *Secretary.*

1           “(C) If the Secretary, or in the absence of the Sec-  
2 retary, the official designated to act on behalf of the Sec-  
3 retary, determines that the holder of an approved applica-  
4 tion under paragraph (2) is exporting a drug or device to  
5 a country for which the Secretary cannot make a finding  
6 under paragraph (1)(A), and that the export of the drug  
7 or device presents an imminent hazard, the Secretary shall  
8 immediately prohibit the export of the drug or device to  
9 such country, give the holder prompt notice of the deter-  
10 mination, and afford the holder an opportunity for an expe-  
11 dited hearing. A determination by the Secretary under this  
12 subparagraph may not be stayed pending final action by  
13 a reviewing court. The authority conferred by this subpara-  
14 graph shall not be delegated by the Secretary.

15           “(D) If the Secretary receives credible evidence that the  
16 holder of an application approved under paragraph (2) is  
17 exporting a drug or device to a country for which the Sec-  
18 retary cannot make a finding under paragraph (1)(A), the  
19 Secretary shall give the holder 60 days to provide informa-  
20 tion to the Secretary respecting such evidence and shall pro-  
21 vide the holder an opportunity for an informal hearing on  
22 such evidence. Upon the expiration of such 60 days, the Sec-  
23 retary shall prohibit the export of such drug or device to  
24 such country if the Secretary determines the holder is ex-



1 *porting the drug or device to a country for which the Sec-*  
2 *retary cannot make a finding under paragraph (1)(A).*

3       “(E) *If the Secretary receives credible evidence that an*  
4 *importer is exporting a drug or device to a country for*  
5 *which the Secretary cannot make a finding under para-*  
6 *graph (1)(A), the Secretary shall notify the holder of the*  
7 *application authorizing the export of such drug or device*  
8 *of such evidence and shall require the holder to investigate*  
9 *the export by such importer and to report to the Secretary*  
10 *within 14 days of the receipt of such notice the findings*  
11 *of the holder. If the Secretary determines that the importer*  
12 *has exported a drug or device to such a country, the Sec-*  
13 *retary shall prohibit such holder from exporting such drug*  
14 *or device to the importer unless the Secretary determines*  
15 *that the export by the importer was unintentional.*

16       “(f) *A drug or device may not be exported under this*  
17 *section if—*

18               “(1) *the drug or device is not manufactured,*  
19 *processed, packaged, and held in conformity with cur-*  
20 *rent good manufacturing practice or is adulterated*  
21 *under paragraph (1), (2)(A), or (3) of section 501(a)*  
22 *or subsection (c) or (d) of section 501;*

23               “(2) *the requirements of subparagraphs (A)*  
24 *through (D) of section 801(e)(1) have not been met;*

1           “(3)(A) *the drug or device is the subject of a no-*  
2           *tice by the Secretary or the Secretary of Agriculture*  
3           *of a determination that the possibility of*  
4           *reimportation of the exported drug or device would*  
5           *present an imminent hazard to the public health and*  
6           *safety of the United States and the only means of lim-*  
7           *iting the hazard is to prohibit the export of the drug*  
8           *or device;*

9           “(B) *the drug or device presents an imminent*  
10          *hazard to the public health of the country to which*  
11          *the drug or device would be exported; or*

12          “(4) *the drug or device is not labeled or pro-*  
13          *moted—*

14                 “(A) *in accordance with the requirements*  
15                 *and conditions for use in—*

16                         “(i) *the country in which the drug or*  
17                         *device received a valid marketing authoriza-*  
18                         *tion under subsection (b)(2); and*

19                         “(ii) *the country to which the drug or*  
20                         *device would be exported; and*

21                         “(B) *in the language of the country or des-*  
22                         *ignated by the country to which the drug or de-*  
23                         *vice would be exported.*

24          *“In making a finding under paragraph (3)(B), the Sec-*  
25          *retary shall, to the maximum extent possible, consult with*

1 *the appropriate public health official in the affected coun-*  
2 *try.*

3       “(g) *The exporter of a drug or device exported under*  
4 *this section shall provide a simple notification to the Sec-*  
5 *retary when the exporter first begins to export such drug*  
6 *or device to a country and shall maintain records of all*  
7 *products exported pursuant to this section.*

8       “(h) *For purposes of this section—*

9               (1) *a reference to the Secretary shall in the case*  
10 *of a biological product which is required to be licensed*  
11 *under the Act of March 4, 1913 (37 Stat. 832-833)*  
12 *(commonly known as the Virus-Serum Toxin Act) be*  
13 *considered to be a reference to the Secretary of Agri-*  
14 *culture, and*

15               (2) *the term “drug” includes drugs for human*  
16 *use as well as biologicals under section 351 of the*  
17 *Public Health Service Act or the Act of March 4, 1913*  
18 *(37 Stat. 832-833) (commonly known as the Virus-*  
19 *Serum Toxin Act).”*

20 **SEC. 6003. PROHIBITED ACT.**

21 *Section 301 (21 U.S.C. 331) is amended—*

22               (1) *by redesignating the second subsection (u) as*  
23 *subsection (v); and*

24               (2) *by adding at the end thereof the following*  
25 *new subsection:*

1       “(w)(1) *The failure to maintain records as required*  
2 *by section 801(d)(3), the making of a knowing false state-*  
3 *ment in any record or report required or requested under*  
4 *section 801(d)(3), the release into interstate commerce of*  
5 *any article imported into the United States under section*  
6 *801(d)(3) or any finished product made from such article*  
7 *(except for export in accordance with subsection 801(e) or*  
8 *section 802 of the Act or section 351(h) of the Public Health*  
9 *Service Act), or the failure to export or destroy any compo-*  
10 *nent, part or accessory not incorporated into a drug, bio-*  
11 *logical product or device that will be exported in accordance*  
12 *with subsection 801(e) or section 802 of this Act or section*  
13 *351(h) of the Public Health Service Act.”*

14 **SEC. 6004. PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.**

15       *Subsection (h) of section 351 of the Public Health*  
16 *Service Act (42 U.S.C. 262) is amended to read as follows:*

17       “(h) *A partially processed biological product which—*

18               “(1) *is not in a form applicable to the preven-*  
19 *tion, treatment, or cure of diseases or injuries of man;*

20               “(2) *is not intended for sale in the United*  
21 *States; and*

22               “(3) *is intended for further manufacture into*  
23 *final dosage form outside the United States,*

24 *shall be subject to no restriction on the export of the product*  
25 *under this Act or the Federal Food, Drug, and Cosmetic*

1 *Act (21 U.S.C. 321 et seq.) if the product is manufactured,*  
2 *processed, packaged, and held in conformity with current*  
3 *good manufacturing practice and meets the requirements in*  
4 *section 801(e)(1) of the Federal Food, Drug, and Cosmetic*  
5 *Act (21 U.S.C. 381(e)).”*

6 *This Act may be cited as the “Omnibus Consolidated*  
7 *Rescissions and Appropriations Act of 1996”.*

Attest:

*Secretary.*

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3019**

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**AMENDMENT**